

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 15, 2013 TIME: 7:00PM

AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” – CONSULTATION WITH LEGAL COUNSEL – RSA 91-A:2 I (b)

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

PROCLAMATIONS

1. Earth Day
2. Poet Laureate (*Proclamation will be handed out to City Council on Monday evening*)

PRESENTATIONS

1. Presentation Re: Clipper Foundation – Stuart Levenson and Phil Pettis
2. Presentation Re: Proposal to Portsmouth City Council for Study Circle Dialogue on Transportation – Jim Noucas

V. ACCEPTANCE OF MINUTES – APRIL 1, 2013 & APRIL 8, 2013

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING THE BORROWING OF UP TO THREE MILLION THREE HUNDRED THOUSAND DOLLARS (\$3,300,000.00) THROUGH THE ISSUE OF BONDS AND NOTES FOR ADDITIONAL COSTS FOR THE CONSTRUCTION, EXPANSION AND RENOVATION OF THE PORTSMOUTH MIDDLE SCHOOL

VIII. APPROVAL OF GRANTS/DONATIONS

There are no items on under this section of the agenda

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000.00) through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School (***Sample Motion – move to adopt the \$3.3 Million Dollar Bond Authorization, as presented***) (***A two-thirds vote is required by the City Council for adoption***)

- B. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 – Signs, Section 10.1230 – Sign Districts, Section 10.1240 – Permitted Sign Types; Section 10.1250 – Sign Dimensional Standards, Section 10.1290 – Sign Definitions, and Section 10.1270 – Additional Sign Regulation (**Sample Motion – move to pass third and final reading on the proposed Ordinance, as presented**)
- C. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards, Section 10.515 – Measurement Rules, Section 10.516 – Exceptions to Yard Requirements and Article 15 – Definitions, Section 10.1530 – Term of General Applicability (**Sample Motion – move to pass third and final reading on the proposed Ordinance, as presented**)
- D. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions (**Sample Motion – move to pass third and final reading on the proposed Ordinance, as presented**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Josh Pierce, Seacoast Area Bike Routes, requesting permission to hold the Bike/Walk to Work Day in the Seacoast on Friday, May 17, 2013 (**Anticipated action – move to refer to the City Manager with power**)
- B. *Acceptance of Donations for Art-Speak
 - Catherine V. Sununu - \$150.00
 - Robin Lurie-Meyerkopf - \$150.00(**Anticipated action – move to accept and approve the donations to Art-Speak for the General Administration line item, as presented**)
- C. *Acceptance of Donations to Fire Department
 - Kearsarge Historical SFE - \$2,661.19
 - Anonymous - \$15.00(**Anticipated action – move to approve and accept the donations to the Portsmouth Fire Department, as listed**)
- D. *Acceptance of Donation to Recreation Department
 - Jodi L. and Mark C. Stone - \$250.00(**Anticipated action – move to approve and accept the donation to the Portsmouth Recreation Department, as listed**)
- E. Second 2013 Omnibus Sidewalk Obstruction Renewals – See Attached Listings (**Anticipated action – move to refer to the City Manager with power**)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Ben Hayman, Oceana, requesting permission to hold a public demonstration event on Saturday, April 20, 2013 from 12:00 p.m. – 2:00 p.m. in the stage area of the Vaughan Mall (***Sample motion – move to refer to the City Manager with power***)
- B. Letter from Ryan Glen Hirsch, NH Green Party, Idle No More, Occupy New England, requesting permission to hold an Environmental March in downtown on Sunday, April 28, 2013 at Noon

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. Public Hearing and Adoption of Bonding Resolution:
 - 1.1 Public Hearing and Adoption of Proposed Bonding Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000.00) through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School (***Action on this matter should take place under Section IX of the Agenda***)
- 2. Third and Final Reading of Proposed Resolution and Ordinance Amendments:
 - 2.1 Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 – Signs (***Action on this matter should take place under Section IX of the Agenda***)
 - 2.2. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions (***Action on this matter should take place under Section IX of the Agenda***)
 - 2.3 Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions (***Action on this matter should take place under Section IX of the Agenda***)

City Manager's Items Which Require Action

- 1. Proposed Amendment to the Memorial Bridge Illumination Trust
- 2. Application for Sidewalk Café Providing Alcohol Service
 - a) The District Restaurant

3. Request for Restoration of Involuntary Merged Lots Re: 79 Lois Street
4. Request for License Re: 70 State Street

Informational Items

1. Events Listing
2. Spring 2013 Household Hazardous Waste Day
3. Project Update Re: Form-Based Zoning

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Jay Leduc – Appointment as an Alternate to the Planning Board
 - Todd Henley – Reappointment to the Recreation Board
 - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund
2. Appointment to be Voted:
Michael Barker – Appointment to the Taxi Commission
3. Resignation of Ed DelValle from the Recreation Board
4. *Public Input Session Re: Parking – Monday, June 17, 2013

C. COUNCILOR SMITH

1. Proposed Work Session to Review Transportation Policy Committee Report (***Sample motion – move to establish a Work Session for June 10, 2013 at 6:30 p.m. to Review the Transportation Policy Committee Report***) (*The Transportation Policy Committee Report may be found on the inside cover of your Council Binder*)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Board of Adjustment Minutes of the January 15, 2013 meeting 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.

The Council Chambers
City Hall
Portsmouth, New Hampshire

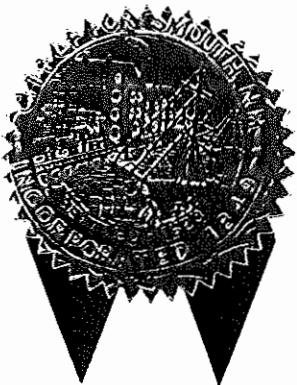
A Proclamation

- Whereas:** As we prepare to observe Earth Day 2013 on April 22nd, the global community continues to face extraordinary challenges, such as health issues, food and water shortages, and economic struggles; and
- Whereas:** All people, regardless of race, gender, income or geography, have a right to a healthy, sustainable environment with economic growth; and
- Whereas:** It is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and
- Whereas:** A green economy can be achieved on the individual level through educational efforts, public policy and consumer activism campaigns; and
- Whereas:** Portsmouth, as the first eco-municipality on the East Coast, is mindful of these connections and continues to support such initiatives, including annual events to promote sustainability in our community.

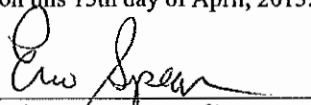
Now, therefore, I, Eric Spear, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby encourage residents, businesses and institutions to use the occasion of

Earth Day 2013

to celebrate the Earth and commit to building a sustainable and green economy, to urge others to undertake similar actions, and to participate in various Service Projects in our City.



Given with my hand and the
Seal of the City of Portsmouth,
on this 15th day of April, 2013.


Eric Spear, Mayor of Portsmouth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

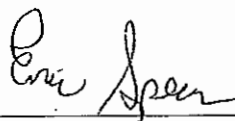
- Whereas:** Portsmouth is a community known for the vitality of its arts and culture; and
- Whereas:** Poetry is an art form that provides pleasure and expression for many citizens of Portsmouth and our entire Seacoast area; and
- Whereas:** The Portsmouth Poet Laureate Program has been in existence since 1997 and has sponsored eight previous Poet Laureates of Portsmouth; and
- Whereas:** A Poet Laureate is a symbol of the important role that the arts play in the lives of our community members; and
- Whereas:** The position of Poet Laureate honors an outstanding poet whose work has enriched the Portsmouth community.

Now, therefore, I, Eric Spear, Mayor of the City of Portsmouth, do hereby join with the members of the City Council in proclaiming

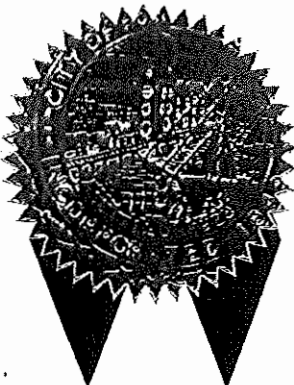
Poet Laureate to be announced at the
City Council meeting on Monday, April 15, 2013

for a two-year term. And I urge all citizens to join in the enjoyment of her poetry, and in the celebration of the artistic heritage of our community, especially during National Poetry Month celebrated in April each year.

Given with my hand and the
Seal of the City of Portsmouth,
on this 15th day of April, 2013.



Eric Spear, Mayor of Portsmouth





The Clipper Foundation

A Community Partnership for Excellence in Education

The Clipper Foundation was founded to foster excellence in public education within the Seacoast area schools: Portsmouth, Greenland, New Castle, Rye and Newington. As an independent 501(c) 3 non-profit organization, the Foundation is governed by a Board of Directors, who - through this permanent endowment – seeks to fund innovative and unique learning opportunities for students in our community.

Recognizing that public funds alone cannot adequately support the ambitious efforts needed to help our children attain academic excellence, The Clipper Foundation is a community-wide partnership whose mission is to enhance the quality of public education within our schools by:

- Funding innovative initiatives *that fall outside of the school budget*
- Working collaboratively with school districts to achieve their vision
- Building community-wide support for the benefit of our schools

A Grants committee will be selected by the Board of Directors will review and award grants based on established criteria and time cycles. Grants will be designed to:

- Encourage creative and innovative thinking that enriches the curriculum
- Explore new teaching practices
- Foster partnerships among teachers, students and community members
- Create programs and curriculums that can be replicated in other classrooms

Campaign Goal \$1.0 million

Our immediate goal is the establishment of an independent and permanent endowment dedicated to enhancing the Community's commitment to excellence in public education within the Portsmouth, Newington, Greenland, Rye and New Castle School systems.

With Board oversight all our funds will be **prudently invested for the long term** with only income earned used in support of our mission.

Going Beyond this Campaign it is our intent that:

- Parents and Community members continue to grow the endowment
- Alumni be encouraged to actively support the Foundation
- The Board will remain responsible stewards of the funds
- The Grants made will forever inspire our teachers and children
- Our community will be recognized for its "tradition of excellence in education"



The Clipper Foundation

A Community Partnership for Excellence in Education

Questions and Answers

What is the Foundation's Mission?

The Clipper Foundation is a community-wide partnership whose mission is to enhance the quality of public education within our schools by:

- Funding innovative initiatives that *fall outside of the school budget*
- Working collaboratively with school districts to achieve their vision
- Building community-wide support for the benefit of our schools

Who is served by the Foundation?

All K-12 public schools in Portsmouth, Greenland, New Castle, Rye and Newington. It is important to note that this is a *community wide effort*.

What is the relationship between the school systems and the Foundation?

The Clipper Foundation is an *independent* entity that will work collaboratively with school administrators and teachers to promote excellence in education. No municipality will have direct access or control of the Clipper Foundation.

How will the funds be utilized?

Money will be spent to support curriculum enrichment activities, experimental programming, partnerships with local businesses and professional development that are beyond the scope of the municipal school budget. In many ways this can be viewed as seed money for public education "research and development".

How is the Foundation Governed?

The Clipper Foundation is a recognized 501-C3 non-profit organization that is governed by a Board of Directors elected for three 3-year terms on a rotating basis. Representatives from the offices of the Superintendent of SAU 50 and SAU 52, the Portsmouth City Manager and the Association of Portsmouth Teachers will serve as ex-officio non-voting Directors.

Questions and Answers Con't

How will the Grants be made and by whom?

A Grants committee will be selected by the Board of Directors to review and award grants based on established criteria and time cycles. The Grants Committee may be comprised of local business leaders, parents, school administrators, teachers, students and others deemed appropriate by the Board of Directors.

Who is eligible to apply for grants?

Teachers and administrators from SAU 50 and SAU 52.

Does the Clipper Foundation conflict with the Rye Educational Foundation?

The Rye Educational Foundation serves only the Rye Elementary and Middle Schools. Clipper Foundation resources will benefit Rye students when they attend PHS. The REF supports the Clipper Foundation and both organizations look forward to sharing ideas and collaborating on community wide initiatives.

What is the connection between the Clipper Foundation and the endowment started by the High School students?

None. We have spoken to the students and they prefer to have their own self directed and controlled entity. It is our hope that High School students will be able to participate on our grant committee.

What is your immediate campaign goal?

The immediate goal is to raise \$1.0 million to establish a permanent endowment from which only the income can be used to support the Foundation's mission. Pledges will be accepted for up to 5 years. Online gifts and pledge payments will be accepted in February 2013.

How will the endowment funds be managed and by whom?

Once campaign pledge payments begin to be made The Board will create an Investment Committee that will research and interview professional money managers to monitor and invest the endowment funds.

What are your plans for after this initial campaign?

It is our intent that there will be ongoing fundraising efforts to continue to build the endowment base. Hopefully future parents and community members will see the benefits and continue to grow this endowment.

What are the other goals beyond the funding of grants?

To build community awareness, support and responsibility to further a tradition of excellence in public education within our schools...to champion those within our schools and community who are committed to this pursuit.

ENDOWMENT CAMPAIGN:

\$1 MILLION

OUR IMMEDIATE GOAL

is the establishment of an independent and permanent endowment dedicated to enhancing the Community's commitment to excellence in public education within the Portsmouth, Newington, Greenland, Rye and New Castle school systems in perpetuity.

With Board oversight, the Endowment will be invested for the long term with only the income used in support of the Mission.



"This is one more reason that Portsmouth is a special place. The Clipper Foundation will help insure we are able to strive for greater academic excellence for all our children." —EVERETT T. EATON



CAMPAIGN

ADVISORY COMMITTEE

Blair Demers

Tim Driscoll

Jamey French

Peter Hamblett

Sam Jarvis

Peter Loughlin

Jim Nocas

Jay McSharry

John Tabor

Rick Wallis

CAMPAIGN CO-CHAIRS

Stu Levenson, PHS '77

Phil Pettis, PHS '91

P.O. Box 1577

Portsmouth, NH 03802-1577

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The Clipper Foundation

A Community
Partnership for Excellence
in Education

GREENLAND
NEW CASTLE
NEWINGTON
PORTSMOUTH
RYE

CREATE • ENCOURAGE • EXPLORE • STRIVE

SUPPORT • ENRICH • INNOVATE • INSPIRE

CREATE • ENCOURAGE • EXPLORE

THE CLIPPER FOUNDATION

was founded to foster excellence in public education within the Seacoast area schools: Portsmouth, Greenland, New Castle, Rye and Newington. As an independent 501(c) 3 non-profit organization, the Foundation is governed by a Board of Directors, who—through this permanent endowment—seeks to fund innovative and unique learning opportunities for students in our community.

Recognizing that public funds alone cannot adequately support the ambitious efforts needed to help our children attain academic excellence, The Clipper Foundation is a community-wide partnership whose mission is to enhance the quality of public education within our schools by:

- Funding initiatives that *fall outside of the school budget*
- Working collaboratively with school districts to achieve their vision
- Building community-wide support for the benefit of our schools



A GRANTS COMMITTEE selected by the Board of Directors will review and award grants based on established criteria and time cycles. Grants will be designed to:

- Encourage creative and innovative thinking that enriches the curriculum
- Explore new teaching practices
- Foster partnerships among teachers, students and community members
- Create programs and curriculums that can be replicated in other classrooms

"Giving educators the opportunity to develop innovative curriculum instills in our kids the notion that education is dynamic and fun."

—KIRSTEN BARTON

BEYOND THIS CAMPAIGN IT IS OUR INTENT THAT:

- Parents and Community members continue to grow the endowment
- Alumni be encouraged to actively support the Foundation
- The Board will remain responsible stewards of the funds
- The Grants made will forever inspire our teachers and children
- Our community will be recognized for its "tradition of excellence in education"

"Our community will be recognized as one that inspires our teachers to help children develop character, leadership skills and creative thinking." —SAM JARVIS



ENRICH • INNOVATE • INSPIRE

A10 SEACOAST SUNDAY FEBRUARY 24, 2013

Seacoast Sunday

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Please help support the Clipper Foundation

The Clipper Foundation has quietly raised \$600,000 and is well on its way to reaching its goal of a \$1 million endowment to support creative public school teachers in Greenland, New Castle, Newington, Portsmouth and Rye.

The Clipper Foundation was established by a group of Portsmouth High School alumni who had been exposed to both public and private schools, and who realized that one of the great strengths of private schools is their endowments. They wondered aloud why a public school system couldn't also have an endowment and then set out to make it happen.

The Clipper Foundation's appeal is that it sees itself as a friend and booster of local educators. There is no shortage of critics who want to tell you what's not working in public education; the Clipper Foundation wants to celebrate the teachers and ideas that are working and put a little money in their hands to fund educational opportunities beyond what the taxpayer-funded school budget can provide.

Stu Levenson, Phil Pettis and Diane Devine Mizusawa visited the Seacoast Media Group editorial board to talk about the foundation this week and we are sold on the idea.

"Progressive communities across the nation have been establishing public educational endowments for years," Levenson said. "It is no wonder that our remarkable community of committed and philanthropic givers is actively embracing this initiative, which will benefit the community as a whole."

In other communities with these sorts of endowments such as Newburyport and Amesbury, Mass., and Berwick, Maine, teachers have applied for grant money to fund, for example, a small weather station that can be used in science lessons. On the Seacoast, teachers will be able to apply once the Clipper Foundation has reached its \$1 million goal.

"This is an opportunity to champion those within our public education system who are doing a great job," Levenson said.

Once the foundation has reached its \$1 million goal teachers will be able to apply for small grants.

Levenson, Pettis and Mizusawa made clear that the Clipper Foundation's role is to fund initiatives that fall outside of the established school budget.

The teachers and administrators are excited, a new generation of philanthropists is stepping forward to support this effort and, once in place, the foundation grants can also be used as a recruiting tool for teachers because it will show our communities put a high value on public education.

Most of our readers will know some of the people working to create the Clipper Foundation.

Founders are Tim Driscoll, PHS '75, Stu Levenson, PHS '77, Kevin McCann, PHS '76, Jim Nocas and Dave Splaine, PHS '77. Campaign co-chairs are Levenson and Phil Pettis, PHS '91.

Campaign advisory committee members include: Blair Demers, Jamey French, Peter Hamblett, Sam Jarvis, Peter Laughlin, Jay McSharry, John Tabor and Rick Wallis.

Lead Gift Committee members are McCann, Splaine, Katherine Suttie Clark, John Bosen, PHS '82, Ed DelValle, PHS '76, Lisa DeStefano, PHS '81, Jennifer Gray, Justin Gray, PHS '89, Dan Hoefle, PHS '74, John Iafolla, PHS '85, Jeanie Eastman Ryan, PHS '80, Charlie Seefried, John Shea, Erika Taylor, Ben Wheeler, PHS '98.

Alumni Committee chairperson is Dott Matott Ferrari, PHS '75.

Marketing and Communications Committee: Alicencq. Brown, Diane Devine Mizusawa and Levenson.

If you want to learn more about the Clipper Foundation you can speak to one of the community members above or visit www.clipperfoundation.org.

Proposal to Portsmouth City Council for a Study Circle Dialogue on Transportation

We are writing to ask for your support for a series of citizen Study Circles on transportation this May.

Citywide transportation, access in and out of downtown and parking have been dominant public issues for a year or so. Concurrently, our local economy is recovering and another wave of growth and development is upon us.

Portsmouth in general, and the downtown in particular, are the “living room” for 21,000 residents, the destination for another 20,000 visitors and employees every day, and the commercial hub for businesses in the region, with commensurate benefits to our tax base.

A transportation system must meet the needs of all these constituencies. With the Mayor’s Blue Ribbon Committee on Transportation wrapping up its work, now is an opportune time for all the constituencies of the community to come together through dialogue. The Committee report provides a framework: it puts forward recommendations to improve city transportation and parking for everyone – pedestrians, bicyclists, and visitors – in a sustainable way.

Our proposed dialogue will ask, “what are the characteristics of a sustainable transportation system that makes Portsmouth the best place to live, work and visit for everyone?” This approach focuses participants on values and priorities for the community at large to begin their small-group deliberations. This way, the deliberation will be as open as possible to multiple points of view. By working from the Committee report, citizens would work on a system approach, not a single issue approach. This will provide a strong foundation for deliberation on parking in one of the five sessions.

By empowering citizens to look at Portsmouth’s transportation system of the next 10 years through this lens, community consensus can form around what’s best for everyone. In Study Circles, citizens bring their own points of view from practical daily experience. They can test transportation ideas and recommendations against their own real life situations. You, the council, would get recommendations based on daily life of scores of people. The reports and conclusions can also be citizen input into the next Master Plan’s transportation element.

As always, the council is the ultimate policy making body. But recommendations from a panel of informed and engaged citizens could help forge consensus. It certainly will educate large numbers of residents on the issues.

We are aware that it’s always difficult to get all segments of the community present and engaged in Study Circle dialogues. Sensitive to this issue, we have expanded our outreach efforts to multiple local groups. We can discuss with you our practical methods to recruit a balanced panel.

Our proposed dialogue could begin in May and take six weeks. It would result in citizen reports to you, the council in June. Attachment A is an outline of the process.

We look forward to discussing this with you at your meeting of April 15.

Cordially,

The Portsmouth Listens Steering Committee

2013 Portsmouth Sustainable Transportation Dialogue

Framing Question:

What are the characteristics of a sustainable transportation system that makes Portsmouth the best place to live, work and play for all of our residents, workers and visitors?

Database: Portsmouth Master Plan, Blue Ribbon Committee Report, Parking Engineering Study,

Tentative Schedule:

- April 15 -26: Recruiting
- May 2(Thursday): Transportation 101 and Kickoff
- May 6-10: Study Circle Week #1 – introductions, review question and format and commence deliberations;
- May 13-17: Study Circle Week #2 – identify characteristics of a sustainable transportation system for Portsmouth;
- May 20-24: Study Circle Week #3 – apply characteristics to parking;
- May 27-31: Study Circle Week #4 – groups meets with small groups of City Councilors to review issues and findings;
- June 9-13: Study Circle Week #5 – Groups complete outlines for final reports;
- June 17-21: Draft and finalize reports;
- June 24-28: Reports published and presented to City Council.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 1, 2013

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

At 6:00 p.m., an Anticipated “Non-Meeting” with Counsel regarding Litigation – RSA 91-A:2 I (c).

At 6:30 p.m., a Work Session was held on a Zoning Ordinance Amendment regarding Neighborhood Commercial Uses.

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Spear called the meeting to order at 7:40 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Thorsen led the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Ben Anderson, Executive Director of Prescott Park Arts Festival Re: Update on New Pavilion Building in Prescott Park

Ben spoke to the Capital Campaign for site & performance improvements to Prescott Park, with a goal of \$1,300,000.00. He stated all events are provided free of charge and spoke to the positive impact on local communities. Mr. Anderson reported in the last 5 years there have been 22 new partnerships created and new annual events.

Councilor Novelline Clayburgh thanked Ben for his years of service to Prescott Park Arts Festival and expressed her appreciation for all of the work he has invested into the park.

2. Memorial Bridge Site Improvements in and around Scott Avenue and Daniel Street including Memorial Park

Deputy City Manager Allen reviewed the design for the New Memorial Park Concept Plan. He introduced Mr. Teetzel of Wilcox Industries Corp., who donated funds for the creation of the Park.

Mr. Teetzel discussed reclaimed granite from the bridge that will be used in the Memorial Park and Ms. Woodburn of Woodburn & Co., discussed the design features for the park. Mr. Teetzel also spoke regarding a fundraising effort for the bridge lighting project, to sell commemorative bricks to be placed in the Veteran's Memorial Circle. He requested a consensus from the Council to move forward with this fundraising proposal. The City Council thanked Mr. Teetzel and his family for his generosity.

City Manager Bohenko informed the Council that a trust has been set up and the proceeds from the brick fundraiser would be put into the trust.

V. ACCEPTANCE OF MINUTES – MARCH 18, 2013

Councilor Novelline Clayburgh moved to approve and accept the minutes of the March 18, 2013 City Council meeting. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Neil Depaoli addressed a parking garage being constructed at the Worth Lot and his opposition. He stated that he is disappointed this matter is back before the City Council and said he has never found there to be a parking problem downtown. Mr. Depaoli expressed his support of Councilor Smith's idea of distributed parking.

Ralph DiBernardo urged the City Council to respect neighborhoods and his opposition to the proposed amendment to the zoning ordinance regarding neighborhood commercial uses. He also stated that 2,000 square feet for a neighborhood store is not small and would impact neighborhoods.

Michael Frandzel spoke opposed to another parking garage and that the Worth Lot is not a good location.

Natalie Roman-Nelson thanked Councilor Smith and the Parking Traffic & Safety Committee for their work on the parking issues. She expressed support for the distributed parking plan. She stated she feels that some councilors are catering to developers.

Harold Whitehouse stated that the Parking Traffic & Safety Committee has spent a great deal of time in the last few weeks on the parking garage issue. He expressed his frustration with road blocks being placed in front of the PTS Committee.

ZelitA Morgan stated the historic character of the City is being lost. She suggested that a parking garage be constructed at the Pease Tradeport. She expressed her opposition to the amount of development taking place downtown and its affect on the skyline.

Jim Noucas and Representatives of Portsmouth Listens, stated parking is a major issue in the City and a dialogue is needed. He suggested the study circle method be used to assist in the decision making process regarding transportation. He indicated that a proposal will be made at the April 15th City Council meeting by Portsmouth Listens on the process of study circles regarding transportation.

Nancy Pearson, Board of Directors of Art-Speak urged the City Council to move forward with the proposed \$3.3 million Bond Resolution for the Middle School. She discussed the percent for arts ordinance and its benefits. Ms. Pearson reported on the quantitative benefits of arts and its impact on economic development in the community.

Susan Denenberg stated that the City Council voted to put aside the Worth Lot as a site for a new parking garage in December and now the matter is back before the Council. She said there is no good reason to go back and expressed support for the PTS Committee and their work on parking.

Bob Shouse said the City Council is going in circles on the Worth Lot matter and the need for parking which affects growth.

Catherine Reddington spoke opposed to the Worth Lot for a parking garage site and said it is beginning to feel like some businesses are not wanted to remain in the downtown.

Councilor Smith moved to suspend the rules in order to allow an additional speaker. Seconded by Councilor Novelline Clayburgh and voted.

David Nord spoke regarding the definition of conflict of interest for a City Council member. City Attorney Sullivan explained that the line is drawn if a Councilor stands to make money from a vote, which results in a direct pecuniary interest.

VII. PUBLIC HEARINGS

- A. PROPOSED AMENDMENTS TO CHAPTER 10 – ZONING ORDINANCE – ARTICLE 12 – SIGNS, SECTION 10.1230 – SIGN DISTRICTS, SECTION 10.1240 – PERMITTED SIGN TYPES, SECTION 10.1250 – SIGN DIMENSIONAL STANDARDS, SECTION 10.1290 – SIGN DEFINITIONS, AND SECTION 10.1270 – ADDITIONAL SIGN REGULATION

Mayor Spear read the legal notice, declared the public hearing and asked for speakers.

Planning Director Taintor reviewed the 7 proposed changes to the zoning ordinance, outlined the sign districts and stated District 4 would now include business. He also spoke to the allowable sign area being expanded and that projecting signs shall project no closer than 1 foot to the edge of the vehicular travel way. In addition, Planning Director Taintor addressed the amendment for one parapet sign, or one wall sign above the first floor, may be allowed for each street façade, provided that the use is primarily above the first floor.

The parapet sign or wall sign shall not be placed on a floor higher than the highest floor occupied by the applicable use.

With no speakers coming forward, Mayor Spear declared the public hearing closed.

B. PROPOSED AMENDMENTS TO CHAPTER 10 – ZONING ORDINANCE – ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS, SECTION 10.515 – MEASUREMENT RULES, SECTION 10.516 – EXCEPTIONS TO YARD REQUIREMENTS AND ARTICLE 15 – DEFINITIONS, AND SECTION 10.1530 – TERM OF GENERAL APPLICABILITY

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

Planning Director Taintor reviewed the ordinance amendments and addressed the addition in Building Coverage and Yards to include mechanical systems that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; are set back at least 10 feet from a property line; and are not located closer to the street than the front of the principal structure. He also spoke to the addition of a Portico which is a small porch composed of a roof supported by columns, often found in front of a doorway.

With no speakers coming forward, Mayor Spear declared the public hearing closed.

C. PROPOSED AMENDMENTS TO CHAPTER 10 – ZONING ORDINANCE – ARTICLE 6 – OVERLAY DISTRICTS, SECTION 10.630 – HISTORIC DISTRICT AND SECTION 10.635.20 – WORK SESSIONS

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

Planning Director Taintor explained there are no current requirements during a Historic District Commission Work Session to have an applicant provide any conceptual site plan or conceptual level information which makes it difficult for the HDC. This proposed amendment addresses this matter by stating upon receipt of a written request (containing a conceptual site plan and conceptual level information listed under section 10.634.20) by a potential applicant for a work session, either prior to or after the submission of an application for a Certification, the Commission shall at a regularly scheduled public hearing or other authorized time, convene into a work session.

With no speakers coming forward, Mayor Spear declared the public hearing closed.

Councilor Smith moved to suspend the rules in order to bring forward Item XII. A. 2. – Request from Memorial Bridge Illumination Committee Re: Ratification of Loan Request. Seconded by Councilor Coviello and voted.

XII. A.2. Request from Memorial Bridge Illumination Committee Re: Ratification of Loan Request

Assistant Mayor Lister moved to authorize the City Manager to enter into a Loan Agreement with the Memorial Bridge Illumination Committee, as presented. Seconded by Councilor Coviello and voted.

At 9:10 p.m., Mayor Spear declared a brief recessed. At 9:25 p.m., Mayor Spear called the meeting back to order.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000.00) Through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School

Assistant Mayor Lister moved to approve first reading on a \$3.3 Million Dollar Bond Authorization and schedule a public hearing and adoption at the April 15, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy expressed concern passing this motion with outstanding unanswered questions. She asked if the Resolution is not approved, what would happen, and where does the State stand on reimbursement.

City Manager Bohenko referred to the letter in the Council packet from School Business Administrator Bartlett with a response from the NH Department of Education regarding reimbursement of funds. The response states the Middle School Project would be reimbursed using the same methodology as the two previous bonds totaling \$37.5 million. It has been confirmed that the reimbursement will apply to an additional bond, as long as the total of all three bonds does not exceed the original approved amount of \$40,855,000.00.

Councilor Dwyer said the JBC has asked Jim LaPosta, JCJ Architects what the building would look like if the plan was not completed. She advised the City Council that a third of the building would not be completed and it is the part of the project that connects the building. She reported that the architect would provide some renderings for the JBC to review.

Assistant Mayor Lister stated that if the project is not completed it would be taking quality education from the students.

Councilor Novelline Clayburgh thanked Councilor Dwyer and Dexter Legg, Co-Chairs of the JBC for all the extra time and effort they have put into this project.

Councilor Kennedy stated that it is important that the Council look at all of the options available and what that would look like.

Councilor Dwyer said that a public presentation would be held at the public hearing on the Bond Resolution. She stated that Jim LaPosta, JCJ Architects would answer some of these questions.

Discussion followed regarding the percent for arts ordinance and how that impacts the project. Councilor Thorsen stated that the dollars for the percent for arts should remain local because this is local money from the Portsmouth taxpayers.

Motion passed.

- B. Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 – Signs, Section 10.1230 – Sign Districts, Section 10.1240 – Permitted Sign Types; Section 10.1250 – Sign Dimensional Standards, Section 10.1290 – Sign Definitions, and Section 10.1270 – Additional Sign Regulation

Councilor Coviello moved to pass second reading and schedule a third and final reading on the proposed Ordinance, at the April 15, 2013 City Council meeting. Seconded by Councilor Lown.

Councilor Kennedy asked if the signs could be internally or externally lighted. Planning Director Taintor stated signs could be internally or externally lit.

Councilor Smith stated that he would abstain from voting, as he has a business downtown and he may be putting in a new sign.

Councilor Kennedy stated that she would need to abstain from voting as well as she has a business in the City.

Motion passed with Councilors Kennedy and Smith abstaining from voting on this matter.

- C. Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards, Section 10.515 – Measurement Rules, Section 10.516 – Exceptions to Yard Requirements and Article 15 – Definitions, Section 10.1530 – Term of General Applicability

Councilor Novelline Clayburgh moved to pass second reading and schedule a third and final reading on the proposed Ordinance, at the April 15, 2013 City Council meeting. Seconded by Councilor Coviello.

Councilor Kennedy stated she would not support the ordinance because she is concerned with the noise impact when a device could be placed 10 feet from the home.

Councilor Coviello asked Planning Director Taintor if this would apply to projects not going to the Planning Board. Planning Director Taintor said largely projects going before the Board of Adjustment.

Councilor Dwyer said her outside air conditioning unit was not within 10 feet but in a residential setting you need to consider if the noise would be too much for the neighbors.

Motion passed with Councilor Kennedy opposed.

- D. Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions

Councilor Novelline Clayburgh moved to pass second reading and schedule a third and final reading on the proposed Ordinance, at the April 15, 2013 City Council meeting. Seconded by Councilor Coviello.

Councilor Smith asked Planning Director Taintor what a conceptual plan would be. Planning Director Taintor stated for the location of the lot and scale of design.

Discussion followed on the need for consistency with the materials submitted for the work session.

Motion passed.

X. CONSENT AGENDA

- A. Request for Approval of Pole License to install 2 poles, 1 located on Sagamore Avenue and 1 located on Austin Street that are in need of replacement ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- B. Request for Approval of Pole License to install 1 pole and 110 feet of Underground Conduit and 1 pad mounted transformer located on Daniel Street. The transformer and conduit system are associated with the Memorial Bridge construction ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- C. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to hang Harbour Trail Flags at 24 key sites for the 2013 season ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to hold the 4th Annual Stiletto Race on Saturday, June 15, 2013 from 3:30 p.m. – 5:30 p.m. and to close Pleasant Street (rain date Sunday, June 16, 2013) ***(Combined with Summer in the Streets Program through Pro Portsmouth) (Anticipated action – move to refer to the City Manager with power)***

- E. *Acceptance of Donation to Recreation Department in memory of Thomas Leary
 - Kenneth C. and Priscilla A. Bowlen - \$25.00***(Anticipated action – move to approve and accept the donation to the Portsmouth Recreation Department, as listed)***

- F. Letter from Wendy McCoole, Executive Director, BreastCancerStories.org, requesting change of date of CelebratePink 5K Road Race and Walk to Saturday, September 14, 2013 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Assistant Mayor Lister and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Paul McEachern on behalf of Beth Gross-Santos regarding the merger of lots at 79 Lois Street. Also attached is a memorandum from Rick Taintor, Planning Director regarding the request

Councilor Lown moved to approve the merger of lots as requested by Attorney Paul McEachern in letter dated March 15, 2013 in accordance with RSA 674:39-aa. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy questioned whether there was any historical record on this property. Councilor Dwyer said that Attorney McEachern indicates in his letter that the original lots were 40 x 80. City Manager Bohenko said a great deal of discussion was done with the last requests. Planning Director Taintor stated lots were divided and were small. He said they were looking at this as a single lot and originally they were 7 separate lots. Councilor Kennedy asked if this was indicated in the deed. Planning Director Taintor said in the 1930's the property owners created these larger lots. Councilor Lown said the end goal is to create 2 lots. Councilor Kennedy stated she was uncomfortable with this request and that she does not see where the City merged lots here.

City Manager Bohenko suggested tabling the matter to ascertain additional information. City Attorney Sullivan concurred with City Manager Bohenko and stated that Attorney McEachern could not be present this evening. If this matter is postponed to a future meeting, Attorney McEachern could be available to answer questions of the Council regarding his clients and the property.

Assistant Mayor Lister moved to postpone this matter to a future Council meeting. Seconded by Councilor Coviello and voted.

- B. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce requesting permission to conduct a Veterans Council 5K Road Race on Saturday, May 18, 2013 at 9:00 a.m.

Councilor Novelline Clayburgh moved to refer to the City Manager with power. Seconded by Assistant Mayor Lister and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for a Parking Lot Agreement Re: Middle Street Baptist Church

Councilor Lown moved to approve a one-year License Agreement between the Middle Street Baptist Church and the City of Portsmouth, as presented, and further, authorize the City Manager to execute this Agreement. Seconded by Councilor Coviello and voted.

3. Applications for Sidewalk Cafes Providing Alcohol Service
- a) Popovers on the Square
 - b) Ri Ra
 - c) State Street Saloon
 - d) Surf

City Manager Bohenko informed the City Council that these agreements are extensions of the licenses issued last year for the above establishments to allow alcohol service outside at the sidewalk cafes. He advised the City Council that The District Restaurant has not requested, at this time, a renewal for their license but would be making a request in the future.

Popovers on the Square

Councilor Smith moved to authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor Alcohol Service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Lown.

Councilor Kennedy indicated she would oppose the motion and that the cost of the license should be increased.

Motion passed with Councilor Kennedy voting opposed.

Ri Ra

Councilor Kennedy stated that the tables are too close to the bench and they intrude into the walking path of pedestrians on the sidewalk.

Councilor Coviello said he would not support the location.

Councilor Kennedy moved to refer to the City Manager with power to look at a 3 foot radius around the bench and tables. Seconded by Councilor Lown.

Councilor Coviello stated if this motion has an impact on the number of tables and chairs the City Manager could come back to the City Council.

Motion passed.

State Street Saloon

Councilor Smith moved to authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor Alcohol Service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Lown and voted with Councilor Kennedy opposed.

Surf

Councilor Smith moved to authorize the City Manager to enter into an Area Service Agreement with Surf for outdoor Alcohol Service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Coviello and voted with Councilor Kennedy opposed.

4. Report Back Re: Request by Christopher McInnis to Rezone Parcels at 678 and 680 Maplewood Avenue from Single Residence B (SRB) to Business (B)

Councilor Coviello moved to accept the Planning Board's recommendation that the City Council not vote to rezone the land as requested. Seconded by Assistant Mayor Lister and voted. Councilor Smith abstained from voting on the matter.

5. License Request for 103 Congress Street, The District Restaurant

City Manager Bohenko reported that the awning request was approved by the Historic District Commission and this would be an annual license.

Assistant Mayor Lister moved to authorize the City Manager to negotiate and enter into a license with The District Restaurant located at 103 Congress Street to allow an approximate 3 square foot overhang of its awning on City property. Seconded by Councilor Novelline Clayburgh and voted.

City Manager's Informational Items

- Schedule for Budget Presentations – April 6, 2013

City Manager Bohenko announced that the City Council will be conducting a Work Session this Saturday, April 6th with the various departments making Budget Presentations. The Work Session will begin at 9:00 a.m. and is anticipated to end at 3:00 p.m. He also indicated that the Work Session would be televised and invited the public to attend.

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Michael Barker – Appointment to the Taxi Commission

The City Council considered the appointment of Michael Barker to the Taxi Commission which will be voted on at the April 15, 2013 City Council meeting.

2. Appointments to be Voted:
 - Ruth Griffin – Reappointment to the Portsmouth Housing Authority
 - Shelley Saunders – Reappointment as an Alternate to the Conservation Commission

Councilor Smith moved to reappoint Ruth Griffin to the Portsmouth Housing Authority until April 1, 2018. Seconded by Councilor Kennedy and voted.

Councilor Kennedy moved to reappoint Shelley Saunders as an Alternate to the Conservation Commission until April 1, 2016. Seconded by Councilor Coviello and voted.

3. *Establish Public Input Session Re: Restart Process for Building Parking Garage at Worth Lot – Proposed Date, Monday, May 13, 2013 at 6:30 p.m.

Mayor Spear stated he has heard from a number of people requesting a public input session regarding the building of a parking garage at the Worth Lot.

Councilor Novelline Clayburgh moved to hold a Public Input Session on any parking issues individuals want to discuss on Monday, May 13, 2013 at 6:30 p.m. Seconded by Councilor Lown.

Assistant Mayor Lister stated he intended to not support this item, but the comments made during the public comment session and the change to the motion to allow individuals to discuss any parking issues they may have, has changed his mind to vote in favor. He said that the City Council needs to make a sound decision on this matter at some point and he is taking Mayor Spear's word on hearing from all people.

Councilor Novelline Clayburgh stated that people are very passionate on where we put a parking garage and the more opportunities to speak on this matter, the better. She said that this is for parking downtown only.

Councilor Dwyer said Portsmouth Listens offer was interesting as it follows the conclusion of the Transportation Policy Committee. She stated we need to hear the report of the Transportation Policy Committee and PTS Committee and perhaps the May 13, 2013 date is too early.

Councilor Smith said that there are 2 different issues, transportation and parking in the downtown. He indicated that people feel the input sessions are not give and take and this has created a great deal of confusion. He supports Councilor Dwyer's recommendation to bring both the Transportation Policy Committee and PTS Committee Reports forward to the City Council for review.

Councilor Thorsen stated he agrees with Councilors Dwyer and Smith, and the City Council will need time to digest the reports. He suggested voting the motion down or to table it.

Councilor Lown said he respects listening to what people have to say in order to gauge public opinion.

Councilor Kennedy moved to amend the motion to hold this public input session after June 15, 2013. Seconded by Councilor Thorsen.

Mayor Spear said that he would check dates with City Manager Bohenko and come back with a recommendation.

Councilor Novelline Clayburgh said there are new ideas and new input is needed.

Councilor Kennedy said she would like to hear Portsmouth Listens proposal.

On a roll call 5-4, voted to amend the motion to hold this public input session after June 15th. Assistant Mayor Lister, Councilors Kennedy, Dwyer, Smith and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown and Mayor Spear voted opposed.

Councilor Kennedy moved to amend the main motion to broaden the discussion to all parking and transportation issues. Seconded by Councilor Thorsen.

Councilor Thorsen said he understands why we might vote to keep it to parking but we should hear a broader subject, and what people want to discuss.

Councilor Novelline Clayburgh said we should keep it to parking. She said we need to resolve this before the end of this Council term.

Councilor Coviello said the motion that moved this matter to the PTS Committee was to find a different location for the garage and now we are talking about transportation, and creating decks for parking throughout the City.

Councilor Kennedy said we are talking about parking but how can we do it without looking at everything, including transportation.

Motion to amend failed to pass on a voice vote.

Main motion passed as amended. Councilors Kennedy and Thorsen voted opposed. *Motion is as follows: Voted to hold a Public Input Session on any parking issues individuals want to discuss after June 15, 2013.*

- April 22, 2013 Work Session Re: Doble Center (Not on Agenda)

The City Council agreed to change the date of the Work Session regarding the Doble Center to Monday, May 13, 2013 at 6:30 p.m. The April 22, 2013 Work Session is cancelled.

C. COUNCILOR SMITH

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the March 14, 2013 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the March 14, 2013 Parking & Traffic Safety Committee meeting. Seconded by Assistant Mayor Lister.

Mayor Spear asked Councilor Smith if he was aware of what Mr. Whitehouse was referring to regarding other boards/commissions putting road blocks in front of the PTS Committee. Councilor Smith said Mayor Spear would need to ask Mr. Whitehouse that question.

Motion passed with Councilor Kennedy opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Novelline Clayburgh congratulated City Manager Bohenko for receiving the 2013 Portsmouth Rotary Paul Harris Fellow award.

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

At 11:00 p.m., Assistant Mayor Lister moved to adjourn. Seconded by Councilor Coviello and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 8, 2013

PORTSMOUTH, NH
TIME: FOLLOWING WORK SESSION

I. CALL TO ORDER

Mayor Spear called the special meeting to order at 8:30 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors, Kennedy, Novelline Clayburgh, Lown, Dwyer, and Thorsen

Absent: Councilors Coviello and Smith

III. PEIRCE ISLAND WASTEWATER TREATMENT PLANT

Mayor Spear stated that following the presentation at the work session held prior to this special meeting, he is looking for a motion.

Councilor Kennedy moved to comply with the EPA mandate to meet secondary treatment at the Peirce Island Wastewater Treatment Plan with the ability to treat to a total nitrogen limit 8 milligrams per liter on a seasonal rolling average basis and to stay within the current footprint, seconded by Assistant Mayor Lister.

City Manager Bohenko asked that the language be “within the existing fence line” instead of footprint. Motioner and seconder agreed.

Mayor Spear asked if the motion could also include support of the Biological Aerated Filter (BAF) technology. Motioner and seconder agreed.

Councilor Thorsen stated he is concerned with the motion regarding complying with the EPA mandate as we do not yet know what the mandate will be.

Assistant City Attorney Woodland explained that the statement is regarding meeting secondary treatment at the Peirce Island Wastewater Treatment Plant which we are required to do.

City Manager Bohenko stated this is also consistent with the Master Plan.

Assistant Mayor Lister stated that this is intended in the spirit of cooperation and the ability to proceed.

Councilor Dwyer asked that the full motion be read for clarification.

Deputy City Clerk French read the motion as follows:

“Move to comply with EPA mandate to meet secondary treatment at the Peirce Island Wastewater Treatment Plan with the ability to treat a total nitrogen limit 8 milligrams per liter on a seasonal rolling average basis, stay within the current fence line, and to support of the Biological Aerated Filter (BAF) technology.”

Councilor Novelline Clayburgh thanked the staff and the representatives from AECOM for their presentation and clarifying the process.

Councilor Kennedy stated this isn't just about the EPA compliance but is also for our environment and ensuring we have the ability to go to 3 milligrams if required, is making a statement that we are willing to do what is right.

Councilor Lown agreed stating that there is always the possibility that the EPA will require us to go to 3 milligrams and the BAF technology will allow us to do that and also allows us to stay within the current fence line.

Councilor Novelline Clayburgh asked if this is the largest project the City has ever undertaken. City Manager Bohenko stated yes.

Motion passed on a 7-0 vote.

IV. ADJOURNMENT

Assistant Mayor Lister moved to adjourn at 8:40 p.m. Seconded and voted unanimously.

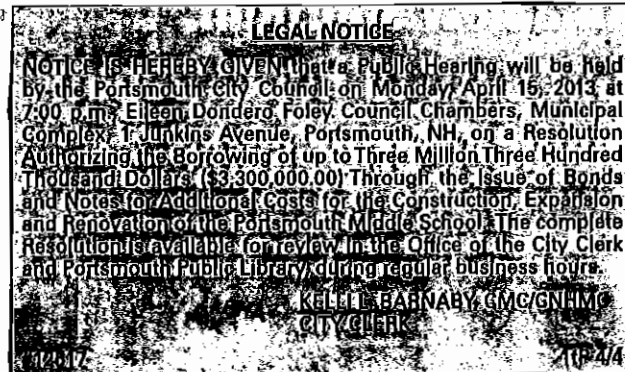


Valerie A. French
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 15, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000.00) Through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



**IN THE YEAR OF OUR LORD
TWO THOUSAND THIRTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # – 2013

A RESOLUTION AUTHORIZING THE BORROWING OF UP TO THREE MILLION THREE HUNDRED THOUSAND DOLLARS (\$3,300,000) THROUGH THE ISSUE OF BONDS AND NOTES FOR ADDITIONAL COSTS FOR THE CONSTRUCTION, EXPANSION AND RENOVATION OF THE PORTSMOUTH MIDDLE SCHOOL.

RESOLVED: That the sum of Three Million Three Hundred Thousand Dollars (\$3,300,000) is appropriated for additional costs associated with the construction, expansion and renovation of the Portsmouth Middle School necessary to accommodate the educational specifications and space needs required for delivery of a middle school curriculum as adopted by the Portsmouth School Board and administered by the Joint Building Committee;

This authorization is an addition to the \$15,000,000 issued on May 15, 2010 and \$22,500,000 issued on December 14, 2011 for the design, construction, expansion and renovation of the Portsmouth Middle School;

That to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to Three Million Three Hundred Thousand Dollars (\$3,300,000) through the issue of bonds and notes of the City under the Municipal Finance Act;

That the expected useful life of the project is determined to be at least 30 years, and;

That this Resolution shall take effect upon its passage.

APPROVED:

ERIC SPEAR, MAYOR

ADOPTED BY THE CITY COUNCIL

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

AMORTIZATION AND PAYMENT SCHEDULE-20 YEAR

BOND 3,300,000
 YEARS 20
 RATE 3.50%

	Year Beginning Balance	Principal	Interest	Total Payment	Ending Balance	40% Reimbursement	Net Payment
					3,300,000		
FY 15	3,300,000	165,000	115,500	280,500	3,135,000	66,000	214,500
FY 16	3,135,000	165,000	109,725	274,725	2,970,000	66,000	208,725
FY 17	2,970,000	165,000	103,950	268,950	2,805,000	66,000	202,950
FY 18	2,805,000	165,000	98,175	263,175	2,640,000	66,000	197,175
FY 19	2,640,000	165,000	92,400	257,400	2,475,000	66,000	191,400
FY 20	2,475,000	165,000	86,625	251,625	2,310,000	66,000	185,625
FY 21	2,310,000	165,000	80,850	245,850	2,145,000	66,000	179,850
FY 22	2,145,000	165,000	75,075	240,075	1,980,000	66,000	174,075
FY 23	1,980,000	165,000	69,300	234,300	1,815,000	66,000	168,300
FY 24	1,815,000	165,000	63,525	228,525	1,650,000	66,000	162,525
FY 25	1,650,000	165,000	57,750	222,750	1,485,000	66,000	156,750
FY 26	1,485,000	165,000	51,975	216,975	1,320,000	66,000	150,975
FY 27	1,320,000	165,000	46,200	211,200	1,155,000	66,000	145,200
FY 28	1,155,000	165,000	40,425	205,425	990,000	66,000	139,425
FY 29	990,000	165,000	34,650	199,650	825,000	66,000	133,650
FY 30	825,000	165,000	28,875	193,875	660,000	66,000	127,875
FY 31	660,000	165,000	23,100	188,100	495,000	66,000	122,100
FY 32	495,000	165,000	17,325	182,325	330,000	66,000	116,325
FY 33	330,000	165,000	11,550	176,550	165,000	66,000	110,550
FY 34	165,000	165,000	5,775	170,775	-	66,000	104,775
Totals 20 year		3,300,000	1,212,750	4,512,750		1,320,000	3,192,750
			Average Payment	225,638		Average Net Payment	159,638

**MIDDLE SCHOOL
ISSUED and PROJECTED DEBT SCHEDULES
and SCHOOL BUILDING AID**

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
LONG-TERM DEBT SERVICE FORECAST MODEL**


	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29	FY 30	FY 31	FY 32	
Schools																					
05/16/10 Middle School Renovation																					
Principal-Last Pmt FY 30	20 YR	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	
Interest		478,125	463,125	446,250	427,500	397,500	367,500	333,750	300,000	266,250	243,750	219,375	195,000	168,750	142,500	116,250	88,125	60,000	30,000		
12/14/11 Middle School Renovation																					
Principal-Last Pmt FY 32	20 YR	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	1,125,000	
Interest		805,781	777,656	738,281	687,656	631,406	586,406	558,281	524,531	473,906	417,656	372,656	338,906	305,156	265,781	225,000	187,734	149,063	109,688	67,500	
Total Middle School Issued Debt Principal Due		1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,125,000	
Total Middle School Issued Debt Interest Due		1,283,906	1,240,781	1,184,531	1,115,156	1,028,906	953,906	892,031	824,531	740,156	661,406	592,031	533,906	473,906	408,281	341,250	275,859	209,063	139,688	67,500	
Total Middle School Issued Debt		3,158,906	3,115,781	3,059,531	2,990,156	2,903,906	2,828,906	2,767,031	2,699,531	2,615,156	2,536,406	2,467,031	2,408,906	2,348,906	2,283,281	2,216,250	2,150,859	2,084,063	2,014,688	1,192,500	
Issued Debt Related Revenues																					
GF School Building Aid on \$15m (Middle School 40%)		(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	(302,873)	
GF School Building Aid On \$22.5m (Middle School 40%)			(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	(451,210)	
Total Issued Debt Related Revenues-Middle School		(302,873)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(754,083)	(451,210)	
Total Net Issued Debt-Middle School		2,856,033	2,361,698	2,305,448	2,236,073	2,149,823	2,074,823	2,012,948	1,945,448	1,861,073	1,782,323	1,712,948	1,654,823	1,594,823	1,529,198	1,462,167	1,396,776	1,329,980	1,260,805	741,290	
Projected Future Debt																					
Jan-14 Middle School Renovation																					
Principal-Last Pmt FY 34	20 YR		165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	165,000	
Interest			115,500	109,725	103,950	98,175	92,400	86,625	80,850	75,075	69,300	63,525	57,750	51,975	46,200	40,425	34,650	28,875	23,100	17,325	
Total Middle School Projected Future Debt		-	280,500	274,725	268,950	263,175	257,400	251,625	245,850	240,075	234,300	228,525	222,750	216,975	211,200	205,425	199,650	193,875	188,100	182,325	
Projected Future Debt Related Revenues																					
GF School Building Aid on \$3.3m (Middle School 40%)			(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	
Total Net Projected Future Debt-Middle School		-	214,500	208,725	202,950	197,175	191,400	185,625	179,850	174,075	168,300	162,525	156,750	150,975	145,200	139,425	133,650	127,875	122,100	116,325	
Total Net Debt-Issued and Projected Debt-Middle School		2,856,033	2,361,698	2,519,948	2,444,798	2,352,773	2,271,998	2,204,348	2,131,073	2,040,923	1,956,398	1,881,248	1,817,348	1,751,573	1,680,173	1,607,367	1,536,201	1,463,630	1,388,480	663,390	
																				812,616	

PORTSMOUTH SCHOOL DEPARTMENT

MEMO

March 27, 2013

To: John P. Bohenko, City Manager

From: Stephen Bartlett, Business Administrator 

Re: Letter from N.H. Department of Education

Attached you will find a letter from Dr. Judith Fillion, Director for the Division Of Program Support for the NH Department of Education in response to my request for assurance that an additional bond issue for the Middle School Project would be reimbursed using the same methodology as the two previous bonds totaling \$ 37.5 million. She has confirmed that the reimbursement will apply to an additional bond, as long as the total of all three bonds does not exceed the original approved amount of \$40,855,00.00.

I would like to clarify two terms which appear in Dr. Fillion's letter for City Councilors that may not be familiar with the building aid program details. First, when she refers to the A24P, she is talking about the form I provided at the work session, which is the basis for project reimbursement approval. Our form was submitted in December of 2008 and approved in January of 2009 with a reimbursable bond total of \$ 40,855.00. Past practice has been and based on the attached letter will continue to be to reimburse an amount up to the approved bonding limit in the A24P.

She also uses the term "tail". It is important to note that there is a difference between the moratorium on the funding of future projects recently discussed in the media and funding the reimbursement of the state's share of existing obligations for projects that have already been approved and are underway. The pre-moratorium reimbursement methodology is to reimburse a predetermined percentage of the principal on a yearly basis over the life of the bond until the approved total for a project has been reimbursed. Because bonds are paid back over a long periods of time, typically twenty years, there were a large number of projects that were only partially reimbursed when the new project moratorium was instituted. The balance of state support still owed to various school districts and municipalities in total is referred to as the "tail". At this time, the building aid appropriation included in biennial budgets is to cover the state's existing commitment as opposed to new projects.

Steve Bartlett

From: Fillion, Dr. Judith D. <Judy.Fillion@doe.nh.gov>
Sent: Wednesday, March 27, 2013 10:59 AM
To: Steve Bartlett
Subject: School Building Aid

The calculated amount for the middle school project will be adjusted based on the A24P submitted on Dec. 30, 2008. This is consistent with past practice in the assignment of School Building Aid based on information contained in that form. That adjustment will be reflected in the FY 16 "tail" which falls in the next biennium. That budget will not be funded by the legislature until the end of June 2015.

Please note that the legislature appropriates funds on a biennial basis. The current proposal for FY 14 and FY 15 continues the moratorium for two more years with a proposed budget that covers the current "tail". Should less funding be available all projects would be prorated. Therefore increasing the calculated amount does not guarantee funding in any one year.

Dr. Judith D. Fillion, Director
Division of Program Support
NH Department of Education
(603) 271-3855
Judith.Fillion@doe.nh.gov

ORDINANCE #
 THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) Amend Article 12 – Signs, Section 10.1230 – Sign Districts, as follows:

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 3	Central Business A Central Business B Business
Sign District 4	Business Office Research

(2) Amend Article 12 – Signs, Section 10.1240 – Permitted Sign Types, as follows:

~~40.1242 Wall signs and parapet signs are permitted only for ground-floor uses and single-use buildings.~~

10.1242 One parapet sign, or one wall sign above the first floor, may be allowed for each street façade, provided that the use is primarily above the first floor. The parapet sign or wall sign shall not be placed on a floor higher than the highest floor occupied by the applicable use.

(3) Amend Article 12 – Signs, Section 10.1250 – Sign Dimensional Standards, as follows:

10.1251.10 The maximum aggregate sign area shall be as follows:

	Sign District					
	1	2	3	4	5	6
Per linear foot of lot frontage	0.5	n.f	n.f	1.5	1.5	1.5
Per linear foot of building frontage per establishment	0.5	1.0	2.0	1.5	1.5	2.0

(4) Amend Article 12 – Signs, Section 10.1290 – Sign Definitions, by amending the definition of “aggregate sign area” as follows:

Aggregate Sign Area

The total sign area of all signs on a lot or building, as indicated by the context, **excluding the area of freestanding signs allowed by Article 12.**

(5) Amend Article 12 – Signs, Section 10.1250 – Sign Dimensional Standards, as follows:

10.1251.20 The maximum sign area for individual signs shall be as follows:

	Sign District					
	1	2	3	4	5	6
Projecting sign						
Ground floor use	2	16	46 12	16	16	16

[All dimensions in square feet]

~~10.1253.50 A projecting sign shall be no closer than 6 inches to the building to which it is attached, and shall project no more than 4 feet from the building or one-third of the width of the sidewalk, whichever is less.~~

10.1253.50 A projecting sign shall project no closer than 1 foot to the edge of the vehicular travel way, if any.

(6) Amend Article 12 – Signs, Section 1270 – Additional Sign Regulations, as follows:

10.1271.10 A use in a building with more than one exterior wall facing a street may have signs on each such wall, up to the maximum sign area per **business linear foot of building frontage per establishment.**

The City Clerk shall properly alphabetize and/or re-number the ordinance 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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ZO amend 10-1200 signs.doc

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions, be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) Amend Section 10.515 – Measurement Rules, as follows:

10.515.10 Building Coverage and Yards

Calculations of building coverage and determinations of yards shall not include:

- (a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall; or
- (b) structures (such as decks and patios) less than 18 inches above ground level; or
- (c) **mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; are set back at least 10 feet from a property line; and are not located closer to the street than the front of the principal structure.**

(2) Amend Section 10.516 – Exceptions to Yard Requirements, by inserting the following new Section 10.516.40:

10.516.40 Projections Into Required Yards

The following building elements may project into required yards as indicated:

Projecting Element	Maximum Projection Into Yard
Balconies or bay windows, not exceeding 50% of the building face in total	2 feet
Open and uncovered terraces, decks, steps or stoops less than 4 feet in height	Up to one-half the required yard
Unenclosed porches, steps or stoops more than 4 feet in height	6 feet

- DRAFT -

Porticos (either enclosed or unenclosed) less than 20 square feet in area	5 feet
Roof eaves or overhangs	2 feet
Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features	4 feet

(3) Amend Section 10.1530 – Terms of General Applicability, by inserting the following new definition:

Portico

A small porch composed of a roof supported by columns, often found in front of a doorway.

The City Clerk shall properly alphabetize and/or re-number the ordinance 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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) Amend Article 6 – Overlay Districts, Section 10.630 – Historic District, as follows:

10.635.20 Work Sessions

[...]

10.635.22 Upon **receipt of a written** request (**containing a conceptual site plan and conceptual level information listed under 10.634.20**) by a potential applicant for a work session, either prior to or after the submission of an application for a Certificate, the Commission shall, at a regularly scheduled public hearing or other authorized time, convene into a work session. The purpose of this session shall be to consider and comment on various design alternatives, issues and options for any project coming under this Section with the aim of providing guidance in preparing an application for public hearing.

The City Clerk shall properly alphabetize and/or re-number the ordinance 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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Seacoast Area Bicycle Routes

PO Box 765, Portsmouth, NH 03802

www.seacoastbikes.org

MEMORANDUM

TO: City of Portsmouth Councilors
FROM: Josh Pierce, Seacoast Area Bicycle Routes
DATE: March 22, 2013
RE: Seacoast Bike/Walk to Work Day

MAR 28 2013

Friday May 17, 2013 will be Bike/Walk to Work Day in the Seacoast. To mark the event, Seacoast Area Bicycle Routes (SABR), the Rockingham Planning Commission, and a range of other businesses and organizations are jointly planning a series of Commuter Breakfasts in the towns of Dover, Durham, Exeter, North Hampton, Portsmouth, Pease Tradeport, Newmarket, Lee and the Stratham Industrial Park.

For the last 10 years SABR has held an alternative commuter breakfast in Market Square on the third Friday of May. For the past five years we have done so at Popovers on Market Square, using their sidewalk permit and relying on Popovers for all of our food and beverages.

The goals of Bike/Walk to Work Day 2013 are to promote bicycling and walking as healthy and safe ways to get to work, decrease traffic congestion, improve air quality, and raise public awareness of opportunities to improve bicycle and pedestrian facilities in the Seacoast.

In 2012 we had a record turnout of bicycle and pedestrian commuters, and we hope to see similar gains this year. We also see the commuter breakfasts as an opportunity for town parks and recreation programs to pass out information on upcoming summer programs, and gather input from cyclists and walkers on bicycle and pedestrian needs.

Requested Action:

On behalf of the coalition of project organizers, SABR respectfully requests that the Portsmouth City Council allow SABR to host a commuter breakfast from 7 – 10 a.m. on Friday, May 17 at Popovers on Market Square. SABR also respectfully requests that the Portsmouth city Council officially recognize May 17 as Bike/Walk to Work Day in Portsmouth.

Sincerely,

Josh Pierce
President

Seacoast Area Bicycle Routes Board of Directors

Josh Pierce
President

Scott Bogle
Secretary

Nicole Vinet
Treasurer

Debra Chase

Andrew Richmond


Rich Matthes

**OFFICE OF THE CITY CLERK
CITY OF PORTSMOUTH, N.H.**

Kelli L. Barnaby, CMC/CNHMC
City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7207
Fax: 603-427-1579
Klbarnaby@cityofportsmouth.com

Memo

To: Mayor Eric Spear and City Council

From: Kelli L. Barnaby, City Clerk 

Date: April 12, 2013

Re: Second 2013 Omnibus Sidewalk Obstruction Renewals

Please find attached a second listing of 2013 Omnibus sidewalk obstruction renewal applications without changes, submitted thus far and that have met the appropriate insurance and fee requirements.

If you should have any questions, please do not hesitate to contact me directly or via e-mail at klbarnaby@cityofportsmouth.com.

cc: John P. Bohenko, City Manager

2013 Sidewalk Obstruction Renewal Applications - 04/15/2013 Omnibus

Business	LOCATION	FEE	Tables	Chairs	Bench	Planters	Mannequir	Sign	INSURANCE	App Date
Bagel Works	9 Congress St.	\$240.00	4	12					12/26/13	3/27/2013
Corks & Curds	13 Commercial Alle	\$50.00						1	11/13/13	2/28/2013
Geno's Chowder and	177 Mechanic St.	\$50.00						1	04/01/14	3/19/2013
Kitchen on Islington	171 Islington St.	\$50.00						1	05/02/13	3/19/2013
Pretty Little Things	21 Vaughan Mall	\$50.00						1	10/25/13	4/4/2013
Scallops	65 Daniel St.	\$50.00						1	09/11/13	3/14/2013
Second Time Around	19 Congress St.	\$50.00						1	09/22/13	4/1/2013
Sheva Jewelry	16 Market Sq. #2	\$50.00						1	06/10/13	3/20/2013
Siren 49 Hair Studio	49 Market St. 3rd F	\$50.00						1	04/12/14	4/9/2013
Tugboat Alley	47 Bow St.	\$50.00						1	04/17/14	3/26/2013

4/09/13

Dear Mayor Spear,

My name is Ben Hayman and I work for the non-profit, ocean advocacy group, Oceana.

I am writing this letter at the direction of Robert Sullivan, in regards to securing permission to hold a public demonstration event in Portsmouth on April 20th from 12-2pm in the stage area of the Vaughan Mall.

April 20th marks the three-year anniversary of the Deepwater Horizon disaster. To mark the anniversary, we are holding a number of events around the country to draw attention to the risks of expanded offshore oil drilling coming to the east coast.

The event we would like to hold in Portsmouth is something we call a "Mock Oil Spill". It is a street theater style event that we do in collaboration with local community members.

We use a blue tarp and black plastic to simulate an oil spill and have people pretend to clean it up. While the mock spill is going on we also have volunteers hold signs, distribute information materials and collect petition signatures with clipboards. See attached for a picture of a similar event we held in Portland, ME last year.

We have run this event dozens of times around the country and it has always been well received by the community.

Due to Portsmouth's restrictions on blocking pedestrian traffic, I thought it would be best if we held the event on the stage area in the Vaughan mall. We would make sure to keep everything confined to the stage area and not interfere with pedestrian traffic in any way.

Please let me know if you need any additional information or have any questions regarding the event.

Sincerely,



Ben Hayman

Senior Organizer
Climate and Energy Campaign
North East Region

OCEANA | Protecting the World's Oceans
p: 207-482-9468 | e: bhayman@oceana.org



Date: April 10, 2013

Company: NH Green Party, Idle No More, Occupy New England

Address: 699 Mammoth Rd

City: Pelham

State: New Hampshire

Zip: 03076

Comments:

I have been advised to contact you about having an environmental march in downtown Portsmouth at 12PM, Sunday, April 28th. The march will be on the sidewalk, and we will be using crosswalks and sidewalks and following all applicable laws.

We are expecting about 100 people to march, and it will be a coalition of environmental groups such as Idle No More, The Green Party, and Occupy New England. We would like to also perform a litter clean up service while marching to help foster a spirit of environmental stewardship.

We hope to begin the march either in Strawberry Banke or Prescott Park, led by Song, Drum, and Dance by Idle No more. From there, we would then begin a sidewalk march up State Street to Middle Street, then up Congress street and back down to the Strawberry Banke/ Prescott Park area. The whole thing would take about an hour.


I am writing to you to make sure there are no other events going on in the city at that time on that day, and requesting permission that we be able to peaceful and orderly demonstration for environmentalism, and community activism. I thank you for your time, and hope to hear back from you soon.

Ryan Glen Hirsch

ryan.hirsch@occupynewhampshire.org

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: April 11, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on April 15, 2013 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

.....

Presentation:

1. **Presentation Re: Clipper Foundation.** On Monday evening, Stuart Levenson and Phil Pettis will be giving an update regarding the Clipper Foundation and their fundraising activities to date. Attached are a Clipper Foundation overview and brochure, as well as a Portsmouth Herald editorial.
2. **Presentation Re: Proposal to Portsmouth City Council for Study Circle Dialogue on Transportation.** Attached is a proposal to the Portsmouth City Council regarding a Study Circle Dialogue on Transportation. Jim Noucas will be at Monday evening's meeting to make a presentation regarding this matter.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing and Adoption of Bonding Resolution:**
 - 1.1 **Public Hearing and Adoption of Proposed Bonding Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000) through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School.** As a result of the April 1st City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the attached

[Bonding Resolution](#) authorizing an additional \$3.3 million dollars for the construction, expansion and renovation of the Portsmouth Middle School. I have also attached a copy of the [amortization schedule](#) that I provided to you at the last meeting. Further, I have attached a [correspondence from Steve Bartlett, School Business Administrator](#), indicating that the State has confirmed the City's reimbursement if additional funds are bonded up to a maximum of \$40,855,000. Therefore, this means the City will receive the same reimbursement for principle as it has with the previous appropriation of \$37.5 million dollars.

Prior to the public hearing, Jim LaPosta from JCJ Architecture, will be making a presentation regarding this request. In addition, Edward McDonough, Superintendent of Schools, as well as the Co-Chairs of the Joint Building Committee, will be available to answer questions regarding this request.

I would recommend the City Council move to adopt the \$3.3 Million Dollar Bond Authorization, as presented. Action on this matter should take place under Section IX of the Agenda. Please note that this requires a two-thirds vote of the City Council.

2. **Third and Final Reading of Proposed Resolution and Ordinance Amendments:**

2.1 **Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance - Signs.** As a result of the April 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed amendments to Chapter 10 - Zoning Ordinance relating to sign regulations.

The existing Zoning Ordinance divides the City into six sign districts. Each of the City's zoning districts fall into one of these six sign districts. Presently, Sign District 3 includes the Business, Central Business A and Central Business B Zoning Districts. The scale of development in the Business District is significantly different from the Central Business Districts. For this reason, the recommended amendment would move the Business Zoning District to Sign District 4, grouping it with the Office Research Zoning District.

The next proposed amendment modifies the standards for wall signs and parapet signs to allow expansion of their use in more situations than at present. The existing Ordinance restricts wall or parapet signs to ground-floor uses and single-use buildings. The amendment would allow one such sign above the first floor as long as it is related to the use.

The existing Ordinance sets standards for maximum aggregate sign area based on both lot frontage and building frontage. The proposed amendment deletes the standard for maximum aggregate sign area based on lot frontage and also

excludes permitted freestanding signs from the computation of aggregate sign area.

The existing Ordinance controls the size of projecting signs through a combination of a maximum allowed sign area and allowed projection from the building over the sidewalk. The proposed 12 sq. ft. maximum sign area for projecting signs is larger than all but a few signs in the Central Business Districts, while the maximum allowed projection can be overly restrictive on certain streets with narrow sidewalks. By reducing the maximum sign area to a level consistent with the character of the downtown and relaxing the maximum allowed projection, the Ordinance can provide more flexibility for businesses to design signs that meet the City's objective of maintaining appropriately scaled signs while being appropriate to their specific location.

Finally, the proposed amendment adds language to clarify how to determine the maximum area allowed for wall signs located on buildings with more than one facade.

At its meeting on January 24, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as presented.

I would recommend the City Council move to pass third and final reading, as presented. Action on this matter should take place under Section IX of the Agenda.

2.2 **Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions.** As a result of the April 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed amendments Chapter 10 - Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 - Definitions.

The first change is related to building coverage and yards. The amendment would exempt small ground-mounted mechanical equipment from calculations of building coverage and yards. Many dwellings throughout the City are already out of compliance with current building coverage limits. The proposed amendment would exempt owners of such properties from having to obtain variances for the installation of a ground-mounted HVAC unit or generator in a side or rear yard and would relieve all property owners of the burden of computing existing building coverage whenever such equipment is proposed.

The second change is related to projections into required yards. The amendment would add a new section allowing specified building elements (balconies, bay windows, decks, steps, roof eaves, fire escapes, etc.) to project into required yards. This change is proposed to promote architectural variety by accommodating limited projections of some building elements into yards where

the main walls of a building comply with the yard requirements of the zoning district.

At its meeting on January 24, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as presented.

I would recommend the City Council move to pass third and final reading, as presented. Action on this matter should take place under Section IX of the Agenda.

- 2.3 **Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 - Work Sessions.** As a result of the April 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions.

Currently, there is no requirement for an applicant to provide the Planning Department and Historic District Commission with any conceptual planning or design prior to a requested work session. The proposed zoning amendment would specify that a conceptual site plan and design information must be submitted with a request for a work session with the HDC. This proposed change is intended to give Commissioners and staff an opportunity to review concept plans in preparation for work sessions.

At its meeting on January 24, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth.

I would recommend the City Council move to pass third and final reading, as presented. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations for Art-Speak.** Art-Speak requests that the following donations to support Art-Speak’s General Administration line item be accepted by the City Council on behalf of Art-Speak:

- Catherine V. Sununu \$150.00
- Robin Lurie-Meyerkopf \$150.00

I would recommend the City Council move to accept and approve the donations to Art-Speak for the General Administration line item, as presented. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donations to Fire Department.** The Fire Department has received the following donations to the Fire Donation Account:

- Kearsarge Historical SFE \$2,661.19
- Anonymous \$ 15.00

I would recommend that the City Council move to approve and accept the donations to the Portsmouth Fire Department, as listed. Action on this matter should take place under Section X of the Agenda.

3. **Acceptance of Donation to Recreation Department.** The City of Portsmouth Recreation Department has received the following donation in memory of Thomas Leary:

- Jodi L. and Mark C. Stone \$250.00

I would recommend the City Council move to approve and accept the donation to the Portsmouth Recreation Department, as listed. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Amendment to the Memorial Bridge Illumination Trust.** As you recall, in November of 2012, the City Council approved a Memorial Bridge Illumination Trust which would include the Town of Kittery's participation in this Trust. Subsequent to the City Council's approval, I sent the trust document to then Town Manager, Robert Markel. In an e-mail back to me, he indicated that the Kittery Council approved the agreement on November 26, 2012, with minor changes. We made the changes he asked for and sent it back to Kittery.

As you are aware, there was a change in administration in Kittery and apparently the trust document was never signed. The City Attorney's Office contacted the Acting Town Manager, Maryann Place, to see if a signature could be secured for the trust document which we believed was approved by the Kittery Town Council in November 2012. It appears that in reviewing this, the Acting Town Manager, Maryann Place, indicated to us that the Kittery Town Council never finalized action on this document. We asked her to bring this before the Kittery Council, which she did on April 1st, and as you may know, from the news article in *The Portsmouth Herald* on April 2nd, the Kittery Town Council did not adopt this trust document.

The Memorial Bridge Illumination Committee is well along on their fundraising for this project. In order to proceed with this project, I would recommend the City Council amend the Trust ([see attached Trust document](#)) to require only the signature from the City of Portsmouth so that the funds that have been raised can be placed in the Trust in order to proceed with the installation of the lighting.

It would be my intent to work with the Town of Kittery to try to establish a separate memorandum of understanding for the shared expenses on the operation and maintenance of the lights.

As you know, the plan is to have the Trust fund the first five years of the operation and maintenance and then after that time I would recommend a Memorandum of Understanding between the Town of Kittery and City of Portsmouth to equally share those expenses. See attached proposed Memorandum of Understanding.

I am requesting that the City Council amend the Trust document for the Memorial Bridge Illumination, as presented.

2. **Application for Sidewalk Cafe Providing Alcohol Service.** In 2012, the City Council adopted City Council Policy 2012-02 titled “Policy Regarding Use of City Property for Sidewalk Café’s providing Alcohol Service”, a copy of which is attached. That policy allows Restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. The policy outlines the criteria for both the application and the operations of the sidewalk café’s and calls for a 6 month term, typically running from mid April through mid October. The policy limits the number of sidewalk café’s in the City to six (6).

At the City Council meeting of April 1, 2013, Agreements were approved at four locations; State Street Saloon, Popovers, Surf and Ri Ra. Please note that I had City Staff work with Ri Ra and they will be reconfiguring their area to maintain a minimum 3 foot buffer between their fence and the bench as required by the City Council vote.

This past week the City received the application from The District for a Sidewalk Café Area Service Agreement. City staff representatives from Police, Fire, Public Works, Building Inspection, Health, and Code Enforcement have reviewed the application and recommend issuance of the Area Service Agreement in accordance with City Council Policy 2012-02.

- a) I am bringing forward for City Council action the attached Area Service Agreement for The District Restaurant located at 103 Daniel Street for the 2013 season. Please note that the “Area” to be used by The District Restaurant, along with a table-chair layout, is included as an attachment to the Agreement. The particulars of this application are as follows:

17 top tables
34 chairs
Area: 467 square feet
Area Service Fee: \$4,670

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with The District Restaurant for outdoor alcohol service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.

3. **Request for Restoration of Involuntarily Merged Lots Re: 79 Lois Street.** On April 1st the City Council postponed this matter. On Monday evening, Attorney Paul McEachern will be in attendance at the City Council meeting to answer any questions you may have regarding this request in accordance with RSA 674:39-aa. I have attached a copy of Attorney McEachern's original request as well as Rick Taintor's memorandum.

Action on this item should take place subsequent to the presentation of Attorney McEachern.

Motion on this matter will be subject to the outcome of this discussion.

4. **Request for License Re: 70 State Street.** McNabb Properties and B&M Wharf, LLC request a license to encumber the sidewalks and certain parking spaces abutting 70 State Street to complete renovations of the Rosa Restaurant. See attached letter from Barbara Allen and attached picture of the area to be encumbered. The encumbrance of the sidewalk would be intermittent when lifts are required to complete certain exterior work. The applicant also seeks to encumber three parking spaces on State Street to facilitate the activities and seeks a license through June 28, 2013.

Renovation work at the Rosa Restaurant is currently being completed under an encumbrance permit which is due to expire April 17, 2013. Staff has no objection to the granting of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit to protect pedestrians when lifts are in operation, require clean up of debris, payment for parking spaces and related conditions.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a license with McNabb Properties/B&M Wharf LLC to facilitate construction activities at 70 State Street.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on April 1, 2013. In addition, this now can be found on the City's website.
2. **Spring 2013 Household Hazardous Waste Day.** For your information, attached is a news release regarding Spring 2013 Household Hazardous Waste Collection Day, scheduled for Saturday, May 4, 2013 from 8:00 a.m. to noon.

3. **Project Update Re: Form-Based Zoning.** In response to increasing concern about the scale and character of development in Portsmouth's historic downtown area, the City's Planning Department is managing a planning process to consider the concept of a "form-based" zoning code regulatory framework as an alternative to the existing zoning regulations that apply in this area.

Compared to conventional zoning, form-based zoning codes place more emphasis on building placement, scale and design, and are less prescriptive about individual land uses. Integral to the form-based zoning code, the core issues of downtown building height, volume, scale, massing and design will be addressed in the project. Work on this project began in February and is expected to be completed by the end of the year.

The City received a NH Community Planning Grant for \$43,845 for this project and has contracted with Town Planning and Urban Design Collaborative (TPUDC) to assist planning staff. The TPUDC staff has extensive experience with form based zoning code and recent project experience working with communities in New Hampshire on projects of similar scale. With the consultant team's assistance, the project scope of work will include:

- (1) a comprehensive inventory of the existing buildings and streetscapes within the project area;
- (2) a public engagement process including a multi-day public charrette (workshop) in June;
- (3) a proposed form-based zoning code that includes a regulating plan, building form standards, architectural design standards, and public street and park standards.

In order to reach a successful solution, this project will incorporate an extensive public engagement process that is transparent and accessible and is designed to generate interest about the project, raise awareness and educate the public and city leaders about form based zoning codes, and engage a broad segment of the community.

TPUDC will be attending a joint work session / public meeting of the Planning Board and Historic District Commission on May 2nd to introduce form-based code concepts and discuss the project scope of services. Following that introductory presentation, the consultant will facilitate a discussion with Board and Commission members as well as members of the public in attendance. This will be an opportunity for participants to ask questions about the process and to discuss issues related to the scale and character of development in the downtown area. Beginning on May 2nd, TPUDC will also be scheduling individual interviews with key community policy makers, including all members of the City Council.

As part of the public engagement process, TPUDC will be conducting an intensive five-day charrette (workshop) and visioning process to produce a community vision plan and a draft form-based code for the downtown. The charrette process is designed to encourage an open and public forum so that all stakeholders can have a voice in the

future of Portsmouth. The multi-day charrette will begin on Thursday, June 6th and conclude on Monday, June 10th.

During that time, the consultant team will set up a studio space on Daniel Street which will function as an office, public meeting room, and gallery. It will be open to the public from morning through night. Because stakeholders differ in their times of availability, the open studio will ensure that everyone can find a time to engage in the process and contribute their ideas between the formal public presentation and workshop events.

DAY 1 (June 6th) - PUBLIC PRESENTATION and HANDS-ON WORKSHOP (City Hall)

On the first evening, TPUDC will deliver an introductory presentation describing the innovative planning tool of form-based code and outlining the five-day charrette process moving forward. This portion of the meeting will also provide an opportunity for the public to ask questions and help frame the key issues, concerns, and opportunities. Following the presentation, TPUDC will facilitate a hands-on workshop where the public will be invited to contribute their ideas, working over base maps to identify how they might like to see downtown Portsmouth evolve in the future, what areas they like and don't like, and any other concerns or ideas they may have relating to the study area.

DAY 2 (June 7th) - ROUND TABLE MEETINGS & CONCEPTUAL DESIGN (143 Daniel St – old Connie Bean Center)

During the second day of the charrette, round-table meetings will be held with representatives from business, preservation, land use and other stakeholder groups. The input gathered from these meetings will help inform TPUDC in developing the alternative vision plans for discussion.

DAY 3 (June 8th) - PIN-UP & REVIEW STUDIO (143 Daniel St)

Mid-way through the charrette, TPUDC will conduct a pin-up and review workshop to present preliminary plan alternatives and gather feedback from the public. Based on feedback, a final plan will be prepared during the remaining days of the charrette.

DAY 4 (June 9th) - FORM-BASED CODE PRODUCTION (143 Daniel St)

The consultant team will incorporate the comments from the Pin-Up & Review session and develop a draft form-based code.

DAY 5 (June 10th) - DRAFT PRESENTATION OF FORM-BASED CODE (Public Library – Levenson Room)

On the final evening of the charrette, TPUDC will give a work-in-progress presentation that describes the process to date, explains the main elements of the vision plan and a first draft of the form-based zoning code. This is another opportunity for the public to provide

feedback and shape the direction of the final vision plan for downtown and the form-based code.

DRAFT STUDY AREA

The project area is an approximately 60 acre area of the downtown generally bounded by the Piscataqua River and the streets of Hanover, Maplewood, Middle, and Court. The area's current zoning is a mix of Central Business A / B and Mixed Residential Office and includes portions of the Historic District and the Downtown Overlay District.



MEMORIAL BRIDGE ILLUMINATION TRUST

The City of Portsmouth a New Hampshire municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire 03801(hereinafter "City") and its Trustees of Trust Funds, Charter Officers of the City with a principal place of business of Prescott Park, Shaw Building, Marcy Street, Portsmouth, County of Rockingham and State of New Hampshire 03801 (hereinafter "Trustees") enter this Trust agreement for the purposes and under the terms and conditions contained herein.

WHEREAS the City desire to provide for the acquisition, installation, operation and maintenance of illumination equipment to light the Memorial Bridge; and

WHEREAS, a source of funding is necessary on an ongoing basis for those purposes; and

WHEREAS, the Trustees of Trust Funds are established by the Charter of the City of Portsmouth for the purpose of administering Trust Funds of the City.

NOW THEN, the City and Trustees agree as follows:

1. There is hereby established a Trust to be held by the Trustees and entitled the "Memorial Bridge Illumination Trust" (hereinafter "Trust").
2. The Trustees shall accept any funds from any source allocated and paid to the Trust for the purpose described above and shall hold, invest, reinvest and expend such funds in accordance with the terms and conditions established herein.
3. The funds in the Trust shall be held by the Trustees of Trust Funds of the City of Portsmouth to be invested and reinvested by the Trustees without restriction against pooling the assets of this Trust with any other trust funds held by the Trustees or the City, so long as the funds are subject of separate accounting.
4. The Trustees shall expend any funds held in the Trust, regardless of whether designated as principle, income or otherwise, on receipt of written

certification provided by the City Manager of the City of Portsmouth requesting payment of such funds and certifying that the funds to be paid from the Trust for the purpose of acquisition, installation, operation or maintenance of illumination equipment to light the Memorial Bridge.

5. This Trust may be dissolved at any time upon a written finding by the City Council of the City of Portsmouth that it is no longer necessary to accomplish the purposes for which it has been established. Upon such dissolution by the City Council any funds remaining in the Trust shall be distributed in accordance with the direction of the City Council for purposes which benefit the Memorial Bridge or the area in the general vicinity of the Memorial Bridge for public viewing or access.

THE CITY OF PORTSMOUTH

Dated: _____

John P. Bohenko, City Manager

Pursuant to vote of the City Council on
_____.

TRUSTEES OF TRUST FUNDS

Dated: _____

Phyllis Eldridge, Chair

MEMORANDUM OF UNDERSTANDING BETWEEN
TOWN OF KITTERY MAINE AND CITY OF PORTSMOUTH NEW HAMPSHIRE
REGARDING THE ILLUMINATION OF THE MEMORIAL BRIDGE

The City of Portsmouth a New Hampshire municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire 03801 (hereinafter "City") and Town of Kittery, a Maine municipal corporation with a principal place of business at 200 Rogers Road, Kittery, County of York and State of Maine 03904 (hereinafter "Town") hereby enter this Memorandum of Understanding under the terms and conditions contained herein:

WHEREAS, the City and the Town desire to provide for the ongoing operation and capital expenses necessary to maintain the illumination of the Memorial Bridge over the Piscataqua River connecting the municipalities; and

WHEREAS, the City has provided for the creation and funding of a Memorial Bridge Illumination Trust (hereinafter "the Trust") as repository of funds for that purpose; and

WHEREAS, the City has entered into an agreement with the New Hampshire Department of Transportation (hereinafter "NHDOT") under which the City is responsible for the ongoing operational and capital expenses related to the illumination of the Memorial Bridge (hereinafter "the Agreement"); and

WHEREAS, the Trust is intended by the City to be source of funds for payment of its obligation to the New Hampshire Department of Transportation under the Agreement to be financially responsible for the operational maintenance and capital improvements required for the Memorial Bridge Illumination, and

WHEREAS, the Town although not a party to the Trust or the Agreement desires to contribute to the operational maintenance and capital improvements necessary to illuminate the Memorial Bridge.

NOW THEREFORE, the City and the Town agree as follows:

1. The Town agrees to pay into the Trust on an annual basis after billing by the City, a sum equal to one-half (1/2) of the bona fide operational costs necessary to illuminate the Memorial Bridge for the preceding year.
2. All funds paid by the Town under this Agreement shall be paid directly to the Memorial Bridge Illumination Trust administered by the Trustees of Trust Funds of the City of Portsmouth.
3. This Memorandum of Understanding may be terminated at any time by either the Town or the City by providing written notice to the other party.

TOWN OF KITTERY

Dated: _____

Maryann Place, Acting Town Manager
Pursuant to vote of the Town Council on
_____.

THE CITY OF PORTSMOUTH

Dated: _____

John P. Bohenko, City Manager
Pursuant to vote of the City Council on
_____.

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2012-02

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S
PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

WHEREAS, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS, the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis. The City Council shall allow no more than six (6) sidewalk cafe's with alcohol service in any season.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.

6. Use of the Area subject to the Area Service Agreement (the "Area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafe's shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe's may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe's shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
 - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
 - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

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

Adopted by the Portsmouth City Council on March 19, 2012.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

AREA SERVICE AGREEMENT

The City of Portsmouth, a municipal corporation having a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801 (hereinafter "City") and The District Restaurant Group, Inc. (hereinafter "Licensee" or "The District"), having a principal place of business of 103 Congress Street, Portsmouth, County of Rockingham and State of New Hampshire 03801, hereby enter this Area Service Agreement ("Agreement") for the purposes set forth herein:

PRELIMINARY: Pursuant to the successful completion of the summer 2011 pilot sidewalk café program, and in accordance with the principles set forth more fully in the preamble to City Council Policy No. 2012-02 (the "Policy"), the City is desirous of permitting Licensee to utilize City property as part of its restaurant operation. This arrangement shall be strictly articulated according to the terms and provisions of this Agreement. No obligation or expectation shall inhere upon either party beyond the 2013 season.

It is the intent of this agreement to implement City Council Policy No. 2012-02, which is hereby incorporated by reference and in all respects made part of this agreement.

SCOPE OF AUTHORITY GRANTED: This Agreement shall convey from the City to Licensee a bare license to expand its restaurant activities onto City property, and no interest in the underlying real estate is conveyed through the terms of this Agreement.

TERMS AND CONDITIONS

1. **Term of Agreement:** This Agreement shall commence on the date of its completed execution, and, unless suspension or termination should occur

sooner, all provisions of the Agreement, except those governing indemnification pursuant to the terms set forth within this Agreement, shall expire at midnight on Sunday, October 20, 2013.

2. **Area Use:** The City authorizes Licensee to utilize a certain Area as shown on attached Exhibit A (hereinafter "Area") solely for the purpose of conducting outdoor restaurant operations, which may include the sale of alcoholic beverages in accordance with all applicable provisions of law and other provisions of this Agreement.
3. **Special Municipal Events:** Licensee's use of the Area subject to this Agreement may be precluded, modified or otherwise subject to any terms and conditions deemed necessary by the City to accommodate special municipal events. Such events may include but shall not be limited to: the Portsmouth Criterium, Children's Day, and Market Square Day. Any such adjustments to the use of the Area which may be mandated by the City shall be undertaken without cost to the City, and Licensee shall receive no refund or reimbursement for such adjustments.
4. **Area Service Fee:** Prior to commencing use of the Area, Licensee shall pay the City a single lump sum in the amount of \$4,670.00.
5. **Hours of Operation:** Licensee may utilize the Area for authorized purposes during its normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday. Further, no alcohol may be served within the Area less than thirty (30) minutes prior to the foregoing closure times.
6. **Conditions Governing Service of Alcoholic Beverages:** In addition to complying with all local, state, and federal laws, as well as rules and regulations of the NH State Liquor Commission, Licensee shall abide by the following conditions in conducting its service of alcoholic beverages in the Area:
 - a. Alcoholic beverages shall only be served to patrons who are seated at a table serviced by waitstaff within the Area, and such beverages must be consumed while seated within the Area;
 - b. Alcoholic beverages shall only be served to patrons ordering a substantial meal;
 - c. The service of alcoholic beverages at tables in the Area shall be conducted by waitstaff only, and no person in the Area shall be permitted to bring his or her own alcoholic beverage to a table;
 - d. Licensee shall bear full responsibility for ensuring that no alcoholic beverages are passed, taken, or otherwise transmitted to individuals on surrounding City property from within the Area.

7. **Smoking Prohibited:** Smoking shall not be permitted within the Area, and Licensee shall bear full responsibility for maintaining conformity with this provision.
8. **Certain Devices Prohibited:** No devices which produce an open flame or otherwise rely upon combustion in any form shall be permitted within the Area. Such prohibited devices shall include, but not be limited to: tabletop candles, outdoor torches, grills, and propane heaters.
9. **New Hampshire State Liquor Commission:**
 - a. Licensee's occupancy of the Area is conditioned upon receipt of prior approval of this Agreement by the State Liquor Commission.
 - b. Licensee further agrees to comply at all times with all laws, rules and regulations enforced by the New Hampshire State Liquor Commission.
 - c. Licensee shall also self-report any violations of such laws in writing within forty-eight (48) hours of the violation, rules and regulations to both the City and to the State Liquor Commission.
10. **Health Department:**
 - a. Licensee's occupancy of the Area is conditioned upon prior approval by the City Health Department of all outdoor food service and cleaning operations.
 - b. Licensee's occupancy of the Area is conditioned upon review and approval by the City Health Department that kitchen facilities are sufficient to support the demands of the additional seating to be placed in the Area.
 - c. The Area shall be maintained in a clean and sanitary condition at all times, and all garbage shall be contained at all times in covered receptacles.
 - d. At the close of business, the Area shall be left in a clean condition, and all ground debris shall be swept up and disposed of. In conducting such cleaning, Licensee acknowledges that washing debris materials into City storm drains or sewer lines is expressly forbidden.
 - e. Within the Area, no food preparation, grilling, service windows, service counters, wait stations, or bus buckets shall be permitted, and condiments, paper products and the like shall be removed from the Area and stored in a secure, indoor location at all times except when actually being used by seated customers.
 - f. By and through this Agreement, Licensee expressly agrees to comply with all additional laws, rules, regulations and orders which may issue from the City Health Department.

11. **Inspections Department:**
 - a. Licensee's occupancy of the Area is conditioned upon review by the City Inspections Department and approval that all bathroom facilities in the main restaurant facility of Licensee are sufficient to support the additional seating in the Area.
 - b. Licensee shall also receive permits from the City Inspections Department prior to installing any Area lighting.
 - c. By and through this Agreement, Licensee expressly agrees to comply with all additional laws, rules, regulations and orders of the Inspections Department.

12. **Fire Department:**
 - a. Licensee's occupancy of the Area is conditioned upon receipt from the City Fire Department of all necessary Place of Assembly inspections, permits, and modifications thereto.
 - b. Licensee's occupancy of the Area is further conditioned upon review and approval by the City Fire Department of the means of egress from the Area.
 - c. Licensee expressly agrees to strictly comply with all reasonable laws, rules, regulations and orders of the City Fire Department, including the foregoing.

13. **Audio/Visual Interference Prohibited:**
 - a. No live entertainment performances, film, television, music, speakers or other sound or entertainment amplification devices shall be placed within the Area for any purpose.
 - b. No such entertainment shall be situated or conducted inside the building in such a manner that it is transmitted, whether intentionally or incidentally, to patrons in the Area or to adjoining City property.

14. **Design of Area Improvements:**
 - a. Within the Area, every detail of the Licensee's improvements shall comply with the representations and depictions set forth in Exhibit A.
 - b. Moreover, every detail of the Licensee's improvements, including but not limited to lighting, access and egress, placement of structures and items of personal property, and every other detail of every kind is expressly subject to the prior approval and continuing review of the City. To this end, the Licensee expressly agrees to make every modification to structural items or items of personal property as may be required by the City.
 - c. Notwithstanding the foregoing, the following specific criteria shall apply to Area improvements:

- i. There shall be no canopy to protect the Area, unless it is completely supported by hardware on the building structure and uses no vertical supports in or around the sidewalk café;
- ii. Umbrellas may be placed over individual tables, though no such umbrellas may bear any advertising or logo;
- iii. No improvements or personal property located within the Area shall extend on or over any municipal property located outside of the Area; and
- iv. There shall be no advertising of any kind within the Area.

15. Non-interference with City Infrastructure and Amenities:

- a. Through this Agreement, the Licensee expressly agrees that its use of the Area shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, and that its use shall not make the same inaccessible for public use or maintenance purposes.
- b. Licensee shall further bear full responsibility for providing sufficient staffing and supervision within the Area to maintain an orderly dining environment that does not impede or negatively impact passers-by or other users of City infrastructure or amenities.

16. Compliance with Americans with Disabilities Act (“ADA”): The Area as used by the Licensee shall comply fully with all provisions of the ADA. The Licensee shall be fully and solely liable for assuring that the Area, and the services and programs which the Licensee offers within the Area, are accessible to the handicapped, as defined by the ADA. Where structural modifications to the Area are necessary to achieve accessibility of services and programs offered by the Licensee, Licensee shall be solely liable for making such structural modifications, but before doing so shall obtain the consent of the City.

17. Enclosure System and Area Use Specifications:

- a. The Licensee’s use of the Area and installation of an enclosure system shall be subject to the conditions and layout depicted in Exhibit A and the application materials submitted to the City, and any alterations therefrom shall require the express written approval of the City.
- b. In all instances, Licensee shall be fully and solely liable for assuring that installation of the enclosure is conducted in conformity with the requirements set forth in City Council Policy No. 2012-02.

18. Indemnification: The Licensee agrees to indemnify and hold harmless the City and its officials, employees and agents from any demand, claim, cost or liability of any type arising from the existence or use of this Agreement. This indemnification provision shall survive the termination of the Agreement, whether termination is for cause or otherwise.

19. **Insurance:** At all times during the term of this Agreement, the Licensee shall maintain and provide the City general liability and alcohol service liability insurance coverage of not less than \$3,000,000.00 covering all activities conducted under this Agreement. The City shall be named as an additional insured on all policies. All such insurance shall be approved by the City Legal Department in advance of Licensee's occupancy of the Area, and shall meet all terms, conditions and specifications as the Legal Department may elect to set forth.
20. **Additional Costs:** The Licensee shall bear all costs of every kind associated in any way with the existence of the Area and its use by Licensee. There shall be no obligation on the City to expend any sums of money to accommodate the existence of this Agreement or Licensee's use of the Area.
21. **Suspension for Cause:** For cause, the City may suspend use of the Area by Licensee on an administrative basis without reimbursement of any portion of the Area Service fee for up to fourteen (14) consecutive days, at the sole discretion of the City. No public hearing shall be required prior to such administrative suspension.
22. **Revocation for Cause:** This Agreement may be revoked, in its entirety, by the City for cause by vote of the City Council. No public hearing shall be required prior to such revocation, and in the event of revocation, the Area Service fee shall not be returned to Licensee. Cause for revocation shall include, but not be limited to, the breach of any condition set forth within this Agreement, or the breach of any other City Council policy, ordinance, or pertinent local, state or federal statutory provision.
23. **Revocation without Cause:** This agreement may be revoked in its entirety by the City, without cause, by vote of the City Council. No public hearing shall be required prior to such revocation. In the event of revocation without cause, the Area Service Fee shall be returned on a pro rata basis.
24. **Restoration of Area:** Licensee shall immediately remove from the Area each and every structure and item of personal property, leaving the Area in an unobstructed, clean and sanitary condition, upon termination of this Agreement for any reason or the close of the outdoor restaurant season. In no case shall any items remain in the Area later than October 23, 2013. Licensee shall restore the Area to exactly match the depiction shown in the attached Exhibit A.

25. **Non-assignability:** This Agreement is not assignable, nor may the obligations of Licensee in any way be transferred, alienated, or delegated to any other party.

Dated this _____ day of _____, 2013.

City of Portsmouth

Witness

By: _____
John P. Bohenko
City Manager

Duly authorized by vote of City Council
on _____, 2013.

Dated this _____ day of _____, 2013.

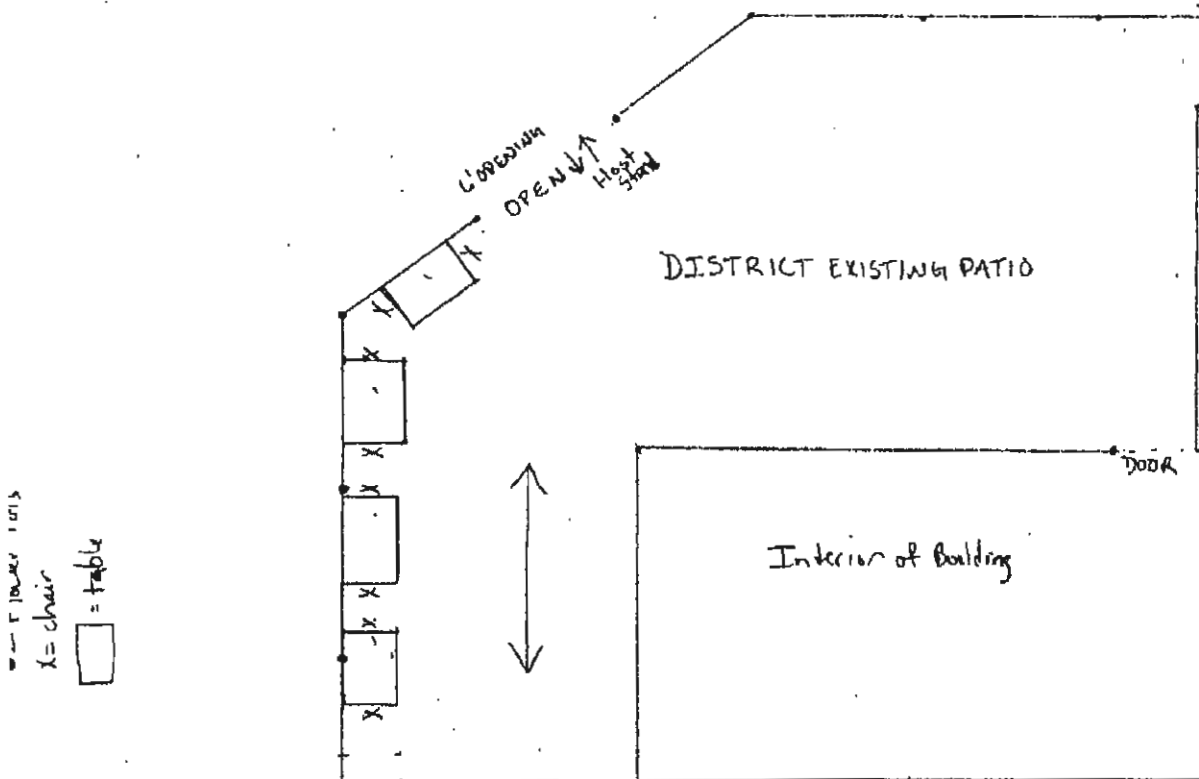
The District Restaurant Group, Inc.

Witness

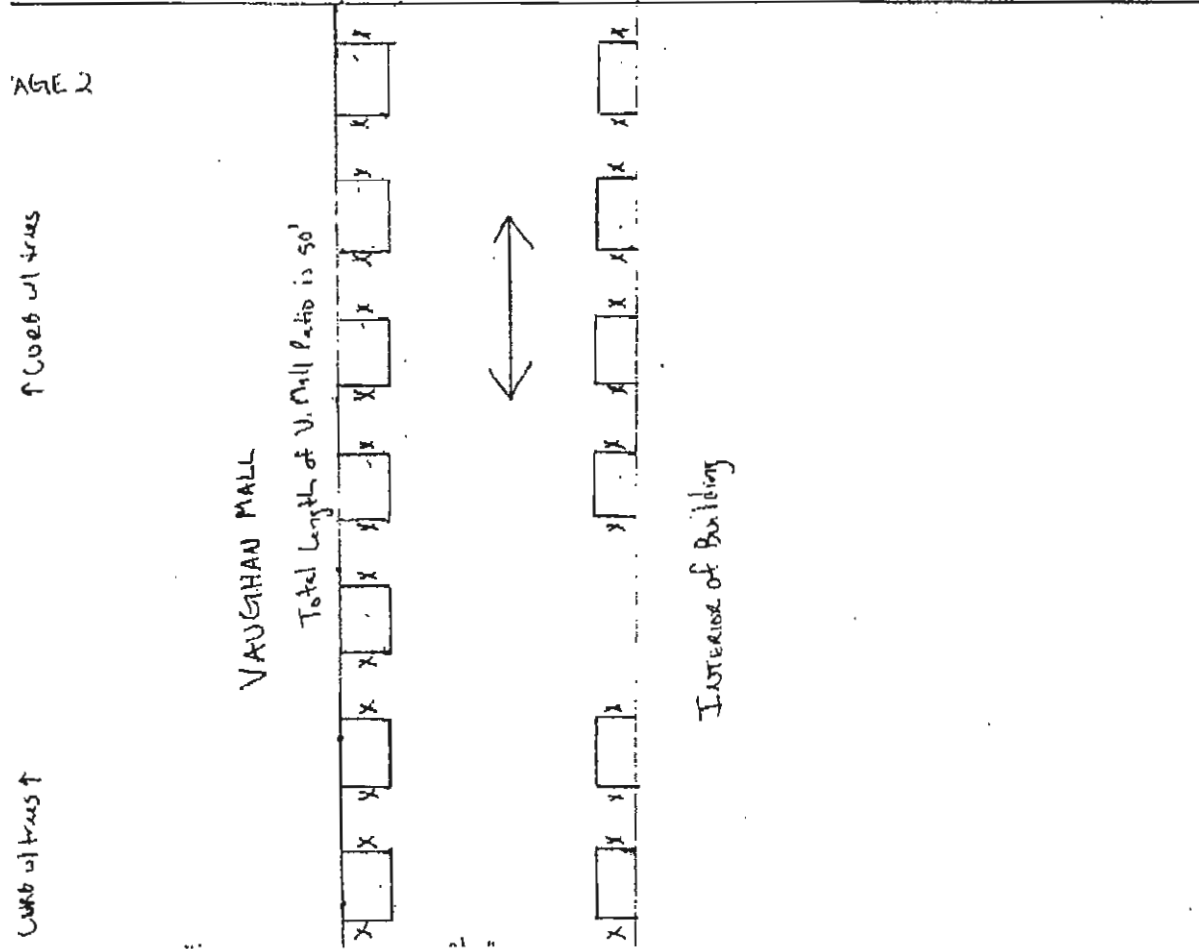
By: _____
David Takis II
Vice President

4" = 11"

AGE 1



AGE 2



Curb w/ trees ↑

↑ Curb w/ trees

↑ TOWER 1013



SHAINES & McEACHERN, PA
Attorneys at Law

received
3-18-13

March 15, 2013

Hon. Eric Spear and Members of the City Council
c/o Rick Taintor, Planning Director
1 Junkins Ave.
Portsmouth, NH, 03801

Re: 79 Lois Street, Portsmouth Tax Map 232, Lot 14

Dear Mayor Spear and Members of the City Council;

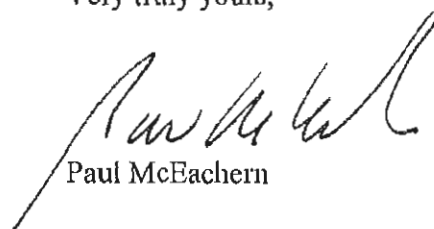
On behalf of Beth Gross-Santos, 79 Lois Street, Portsmouth, pursuant to RSA 674:39-aa, II, I ask that the seven lots which were merged into one lot by the City be restored to their prior status. Upon this event, Ms. Gross-Santos will merge the three lots facing Marjorie Street having a combined frontage of 120 feet into one lot and the four lots with frontage on Lois Street into one lot.

I believe the request of Ms. Gross-Santos must be complied with as a matter of right. The legal description of the seven lots remains upon the deeds. The small shed now straddling the rear lot line will be removed to a location upon the Lois Street lot so as to comply with existing set backs

I enclosed a copy of the current tax map. The original lots in this area were all 40' by 80'. It is Mr. Gross-Santos' intent to reduce the existing seven lots into two lots, one fronting on Lois Street and the other on Marjorie Street.

Thank you for your consideration.

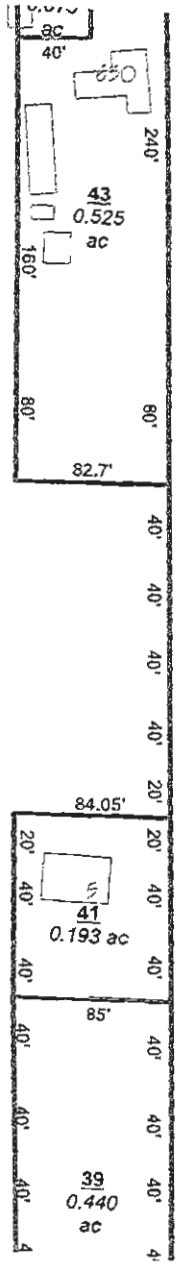
Very truly yours,



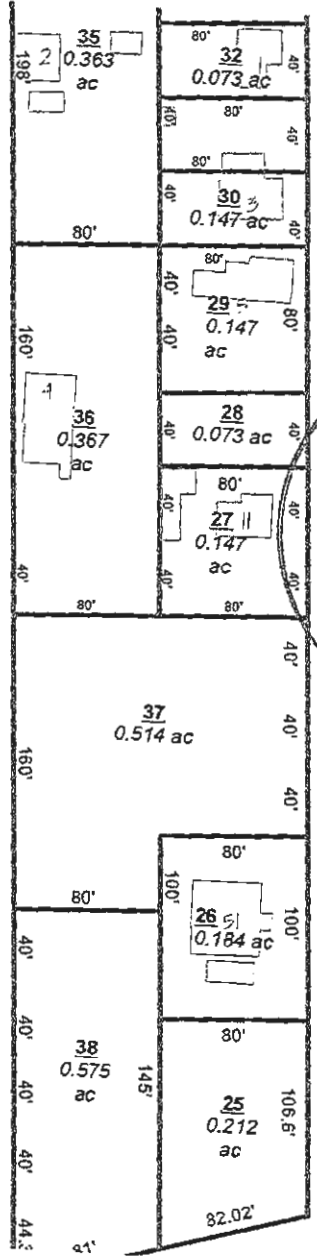
Paul McEachern

PM/rfm
Encl.

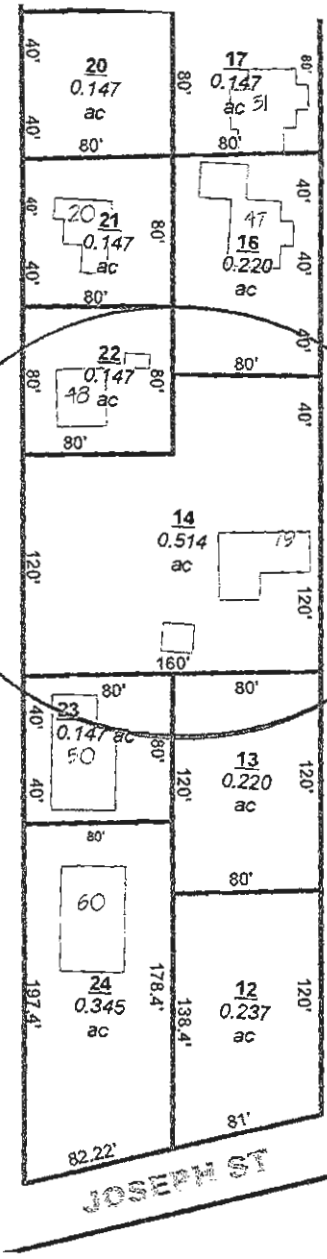
cc: Robert P. Sullivan, Esq.
Rick Taintor



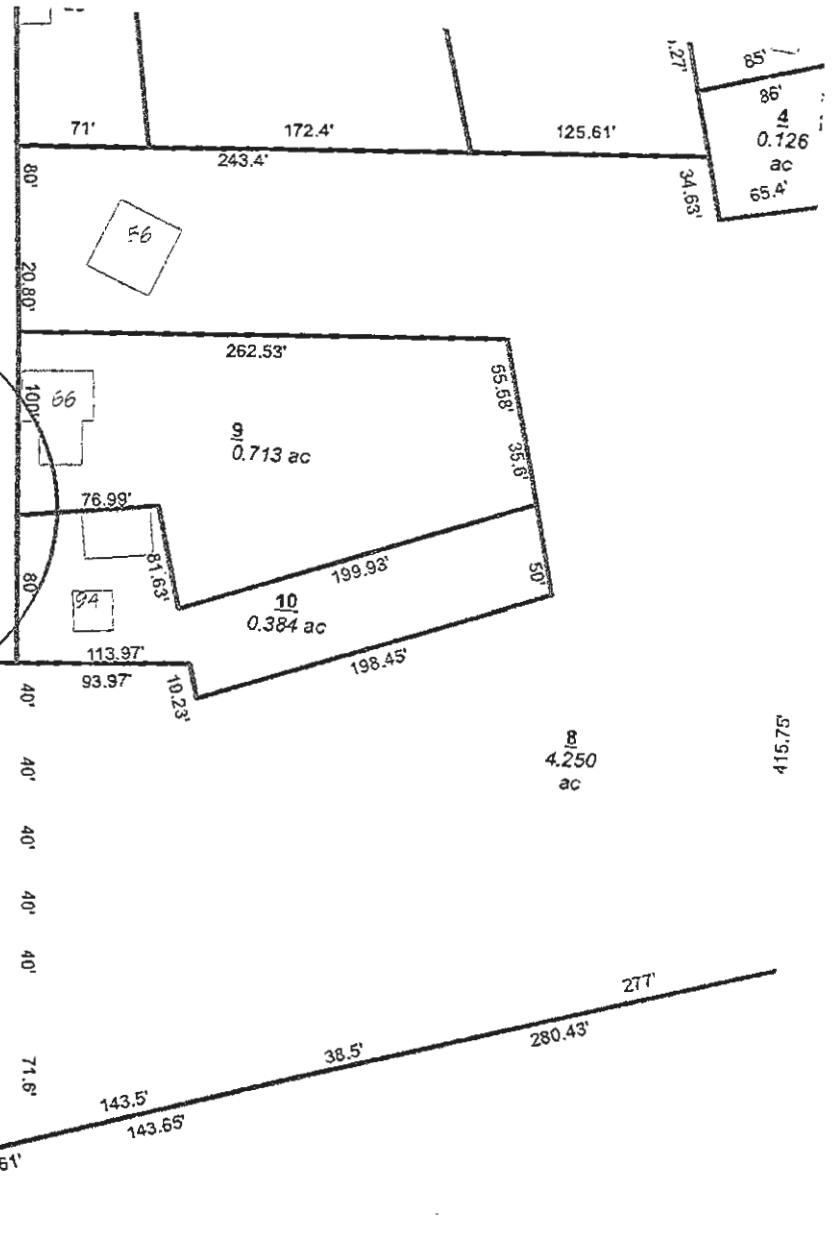
ALLEGANY



WARRIOR ST

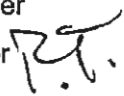


WARRIOR ST



15.75

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: March 25, 2013
RE: Request from Beth Gross-Santos for Restoration of Involuntarily Merged Lots at 79 Lois Street Under RSA 674:39-aa

MAR 25 2013

In a letter dated March 15, 2013, Paul McEachern on behalf of Beth Gross-Santos has requested that the City Council restore seven lots, merged by City action, to their premerger status. The letter states that if the request is granted, the owner will apply to voluntarily merge the seven lots into two new lots, one (with the existing dwelling) fronting on Lois Street and the other fronting on Marjorie Street.

Property Description

The property that is the subject of this request is located at 79 Lois Street and is shown on Assessors Map 232 as Lot 14. The Assessors Map indicates that the existing lot contains 0.514 acre (22,390 sq. ft.) and has 160 feet of frontage on Lois Street and 120 feet of frontage on Marjorie Street. The lot is located in the Single Residence B zoning district, which requires a minimum lot area of 15,000 sq. ft., 100 feet of continuous street frontage, and 100 feet of lot depth.

Each of the original seven lots was 40 feet wide by 80 feet deep. The request states that the seven lots "were merged into one lot by the City" but does not include any documentation about the history of the parcels.

The existing lot contains a single-family dwelling and a shed, each of which cross one of the lot lines that are proposed to be restored. The applicant has indicated that if this request is granted, the shed will be removed and the lot line that runs through the dwelling will be eliminated through a voluntary lot merger.

Zoning Issues

Prior to submitting the current request, the owner applied to the Zoning Board of Adjustment for nine variances to allow the existing lot to be subdivided into two lots, as follows:

79 Lois Street (land to be retained with existing house)

1. Lot area: allow 12,768 s.f. where 15,000 s.f. is required.
2. Lot area per dwelling unit: allow 12,768 s.f. where 15,000 s.f. is required.
3. Lot depth: allow 80 ft. where 100 ft. is required.
4. Rear yard setback: allow 25 ft. where 30 ft. is required

Marjorie Street lot (proposed house lot)

5. Lot area: allow 9,600 s.f. where 15,000 s.f. is required.
6. Lot area per dwelling unit: allow 9,600 s.f. where 15,000 s.f. is required.
7. Lot depth: allow 80 ft. where 100 ft. is required.
8. Rear yard setback: allow 14 ft. where 30 ft. is required.
9. Front yard setback: allow 15 ft. where 30 ft. is required.

The owner subsequently requested that the BOA postpone consideration of these variances pending action by the City Council on the request to restore the involuntarily merged lots to their premerger status. If the Council grants this request, and the owner subsequently submits a request to voluntarily merge the seven lots into two lots, variances will still be required to construct a dwelling on the new Marjorie Street lot.

Statutory Requirements

The statute, RSA 674:39-aa, assigns the responsibility for "restoration of involuntarily merged lots" to the City Council. The statute distinguishes between "involuntary" and "voluntary" mergers as follows:

- "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

The statute states that "The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots."

Unlike other situations where lots are proposed to be merged or separated, there is no role for the Planning Board in this process. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. The decision of the Council may be appealed to the Zoning Board of Appeals, but no standards for such appeals are set forth in the statute.

Attachments

- Orthophoto with parcel lines
- Birds-eye views with approximate parcel lines

cc: Zoning Board of Adjustment

Request for Restoration of Involuntarily Merged Lots



79 Lois Street



0 50 100 150 200 Feet

Request for Restoration of Involuntarily Merged Lots
79 Lois Street

(Lot lines are approximate)



April 8, 2013



APR - 8 2013

Mr. John Bohenko
City Manager
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko,

I am writing on behalf of McNabb Properties and B&M Wharf, LLC to request a license through June 28, 2013, to intermittently encumber the sidewalk along State Street and Atkinson Street to complete renovations of The Rosa Restaurant. Work has been progressing at the site and the current encumbrance permit expires April 17, 2013.

Upcoming work will include replacement windows, which will require the use of a lift along the sidewalk. In addition to window installation, work will include roof replacement; rehangng the awning; painting and trim work; and, on Atkinson Street, replacing siding and painting. We are aware that pedestrian traffic will soon be increasing. Any work which impedes foot traffic will be intermittent and performed as quickly as possible. We are prepared to work with City staff to incorporate into the license provisions to provide notice of activities that would require the use of the sidewalk, to arrange for safe passage of pedestrians and such other conditions as may be warranted.

We would also like to continue to use the three parking spaces on State Street in front of The Rosa Restaurant as we have been doing under the encumbrance permit.

Please call me or our Project Manager, John McDaniel (534-2921) if you have questions about the project.

Sincerely yours,

A handwritten signature in black ink that reads "Barbara Allen".

Barbara Allen
Property Manager
McNabb Properties
PO Box 930
Portsmouth, NH03802
(603) 812-8760
barbara@mcnabbgroup.com

cc: Suzanne Woodland

70 State Street



Run: 4/11/13
8:49AM

Event Listing by Date

Page: 1

Starting Date: 4/ 1/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
4/13/2013 4/13/2013	ROAD RACE Contact: Robert Sutherland at (603) 436-1095. The course will take the race from the Miller Street Baptist Church across from the Masonic Temple, Start on Miller, Right onto Middle, Right on Court Street, to the end and then a right onto Marcy, right onto School, left onto South, right onto Middle and back to Masonic Temple.	Start on Miller (see route below)	St. John's Lodge	3/18/2013
4/13/2013 4/13/2013	WALK Contact: Kim Blanchard, Development Coordinator (603) 836-4758 Walk 10:00 a.m. to 2:00 p.m. - Start and Finish at Little Harbour School	Start and Finish at Little Harbour School	National Multiple Sclerosis So	1/ 7/2013
4/28/2013 4/28/2013	ROAD RACE Dawn Sawyer is the contact for this event. Tel. 502-4611. This event begins at the Portsmouth Police Department, Junkins Avenue at 10:00 a.m. and finishes at Greenland Police Department, Portsmouth Avenue. There will be shuttle to starting line and then from finish line to parking at Portsmouth High School.	Portsmouth Police Department to Greenland Police D	Chief Michael Maloney Memorial	12/ 3/2012
5/ 5/2013 5/ 5/2013	BIKE TOUR Gale Auclair, Senior Development Manager is the contact for this event. This event begins at Little Harbour School, at 7:00 a.m.	Little Harbour School - begins and ends	American Lung Association	2/ 4/2013
5/ 5/2013 5/ 5/2013	FESTIVAL Barbara Massar is the contact for this event. This event takes place in various locations downtown.	Downtown - Various locations	Children's Day	9/ 4/2012
5/ 5/2013 5/ 5/2013	WALK Calvin Sanborn is the contact for this event. This event begins and ends at City Hall lower parking lot, from 10:00 a.m. to 5:00 p.m.	City Hall	AIDS Response Seacoast	1/22/2013
5/11/2013 5/11/2013	ROAD RACE Kimberly McGlinchey and Deirdre Barrett are the contacts for this event. They can be reached at Portsmouth High School 436-7100. This event begins at 1:00 p.m. and ends at 3:00 p.m.	Pease Tradeport	ECO Club - Portsmouth High Sch	1/22/2013
5/11/2013 5/11/2013	ROAD RACE Jacqui Bryan (498-2988) and Marci Francis ((802)683-9187) are the contacts for this event. This event begins and ends at Strawberry Banke.	Strawbery Banke	Susan G. Komen for the Cure	10/22/2012
5/18/2013 5/19/2013	BIKE TOUR Kelly Sicard is the contact for this event.	Pease Tradeport	Breathe New Hampshire	2/ 4/2013
5/18/2013 5/18/2013	MARCH Contact: Jill Teeters, Community Director at (603) 573-9552. Event will be held at Little Harbour School.	Little Harbour School	March of Dimes	3/18/2013
5/18/2013 5/18/2013	ROAD RACE Doug Bates is the contact for this event. He can be reached at 610-5513. This race is down and back on Lang Road, at 9:00 a.m.	Lang Road	Veterans Count Race - GPCC	4/ 1/2013
5/26/2013 5/26/2013	ROAD RACE Jeanine Sylvester is the contact for this event - 430-1212. The event begins and ends at the Redhook Ale Brewery, at 11:00 a.m.	Redhook Ale Brewery - Pease Tradeport	Runner's Alley	1/22/2013

Event Listing by Date

Starting Date: 4/ 1/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
6/ 2/2013 6/ 2/2013	ROAD RACE Kristen Lyons is the contact for this event. It begins at 11:00 a.m. at Pease Tradeport. This event was originally scheduled for May 19th.	Pease Tradeport	Sexual Assault Support Service	2/ 4/2013
6/ 8/2013 6/ 8/2013	ROAD RACE Barbara Massar is the contact for this event. This event begins and ends at Market Square. This is the Market Square Race and Market Square Day Festival.	Market Square - Road Race and Festival	Pro Portsmouth	9/ 4/2012
6/ 9/2013 6/ 9/2013	ROAD RACE John Martin is the contact for this event. This event begins and ends at Little Harbour School, with a starting time of 8:30 a.m. Registration is 7:30 to 8:00 a.m. From the school following route 1B to 1A and turning back on the same route at North Beach, N. Hampton. Event should finish by 12:30 p.m.	Little Harbour School - start and finish	Seacoast Bike Ride	12/ 3/2012
6/15/2013 6/15/2013	FUND Aylssa Salmon is the contact for this event. Telephone number 430-1140 ex. 14.	Pleasant Street	Big Brothers Big Sisters of th	4/ 1/2013
6/22/2013 6/22/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
6/22/2013 6/23/2013	ROAD RACE Contact: Garfield Jones of Fattman Productions at (617) 916-2002 or Garfield@fattmanproductions.com. This is the Cambridge, MA based Community Running Association in conjunction with the New England Chapter of the American Liver Foundation 24 hour relay.	Along Seacoast Route 1A, South Street, Municipal P	Fattman Productions	1/ 7/2013
6/29/2013 6/29/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series that starts at 5:00 p.m. to 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/ 4/2013 7/ 4/2013	ROAD RACE Contact: Dave Abbett. This 5K event is at the Pease Tradeport.	Pease Tradeport	Sub 5 Race Management	1/ 7/2013
7/ 6/2013 7/ 6/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/13/2013 7/13/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/20/2013 7/20/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/27/2013 7/27/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012

Run: 4/11/13
8:49AM

Event Listing by Date

Page: 3

Starting Date: 4/ 1/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
8/ 1/2013 8/ 1/2013	ROAD RACE Justin Finn is the contact for this race. This race begins at Peirce Island at 6:00 p.m. This is part of the Greater Portsmouth Chamber of Commerce Community Road Races.	Peirce Island - Prescott Park Course	Portsmouth Rotary Club Thunder	12/17/2012
8/ 3/2013 8/ 3/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
9/ 8/2013 9/ 8/2013	ROAD RACE Thomas Martin is the contact for this event. This event begins and ends in downtown.	Downtown	Portsmouth Criterium	2/ 4/2013
9/14/2013 9/14/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	BreastCancerStories.org	12/17/2012
9/21/2013 9/22/2013	TOUR Caroline Amport Piper (603-686-4338) and Dave Anderson are the contacts for this event. This is a two-day event from 11:00 a.m. to 3:00 p.m. both days.	South End	Friends of the South End	10/22/2012
9/28/2013 9/29/2013	FESTIVAL David Hallowell is the contact for this event. This event is from Noon to 6:00 p.m. in front of the RiRa Pub and Breaking New Grounds.	Pleasant Street	Portsmouth Maritime Folk Festi	2/ 4/2013
9/28/2013 9/28/2013	ROAD RACE Karen Butz Webb, Executive Director is the contact for this event. This event begins and ends at Portsmouth High School. E-mail address for information is: projectsafetyassociation@gmail.com	Portsmouth High School	Project Safety Association	10/22/2012
9/29/2013 9/29/2013	WALK Contact: Caitlyn Mosher Ellis (617) 393-2092. Strawbery Banke - Walk site opens at 8:30 a.m. for registration, the Walk kicks off at 10:00 a.m. and clean up by 1:00 p.m. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street).	Walk begins and ends at Strawbery Banke	Alzheimer's Association	1/ 7/2013
10/12/2013 10/12/2013	ROAD RACE This is a collaborative race with the Community Child Care. Contacts for this event are Ben Anderson of Prescott Park (436 -2848) and Catherine Edison of Community Child Care Center (422-8223). This is part of the GPCC road race series.	Little Harbour School - Start and Finish	Prescott Park Arts Festival/Co	3/ 4/2013
11/28/2013 11/28/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Peirce Island	Seacoast Rotary Club Turkey Tr	12/17/2012
1/ 1/2014 1/ 1/2014	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	Great Bay Services	12/17/2012

CITY OF PORTSMOUTH



SPRING 2013 Household Hazardous Waste Day

April 1, 2013

FOR MORE INFORMATION:
Jared Sheehan, Engineering Technician, 610-7497

PORTSMOUTH – The City will hold its annual Fall Household Hazardous Waste Collection Day on Saturday, May 4, 2013 for residents of Portsmouth, Greenland and Newington.

Household chemicals may be brought to the Department of Public Works facility at 680 Peverly Hill Road for safe disposal between 8 a.m. and noon. Residents must show proof of residency.

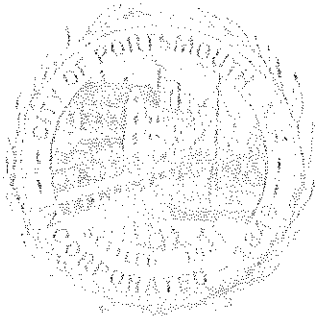
For more information regarding HHW Collection Day, see www.cityofportsmouth.com/publicworks and click on the “Solid Waste and Recycling Info” page for the link to “Household Hazardous Waste” on the left. Here are some of the household chemicals that will be accepted on May 4, 2013:

- From the yard: fertilizer with pesticides or fungicides, insect spray, lighter fluid, pest strips/traps, pesticides, poisons and pool chemicals.
- From the garage: acids, car waxes/polish, creosote, driveway sealer/tar, flea powder, gasoline, radiator fluid, and roofing tar.
- From the house: bathroom cleaner, disinfectants, furniture polish, metal polish, mothballs, oven cleaner, photo chemicals, rug cleaner and wood strippers.
- From the workbench: brush cleaner, corrosives, lead and oil-based paint/stain/finish, rust preventative, solvents, thinner/turpentine and wood preservatives.

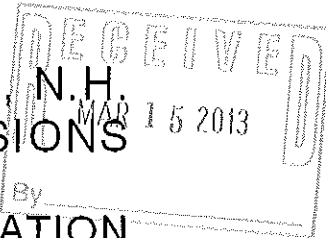
Empty containers for these items are not considered hazardous and may be disposed of in the regular trash collection. Residents should **NOT** bring explosives, asbestos or latex paints. Portsmouth residents may bring solidified latex paint cans to the Recycling Center during normal business hours. Latex paint may be solidified with kitty litter, sawdust, speedy dry or by opening the can and allowing the paint to completely dry before bring it in for disposal.

Anyone with items they suspect are hazardous but are not on the HHW list should call 427-1530 to discuss alternatives.

Non-hazardous materials including solidified latex paint may be brought to the Recycling Center during normal business hours between 8 a.m. to 3:30 p.m. on Tuesdays, Wednesdays and Thursdays, and from 8 a.m. until noon on Saturdays. For information on the City’s other sustainability initiatives, see www.CityofPortsmouth.com/sustainability.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS



APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Committee: Planning Board Initial applicant

Name: Jay Leduc Telephone: 603-373-8475

Could you be contacted at work? YES NO If so, telephone # 603-559-8839

Street address: 873 Maplewood Ave.

Mailing address (if different): _____

Email address (for clerk's office communication): jay-leduc@hotmail.com

How long have you been a resident of Portsmouth? 14 years

Occupational background:

Environmental Engineer currently leading the EHS Management for Irving Oil at their U.S. Corporate Office in Portsmouth, NH.

Please list experience you have in respect to this Board/Commission:

I have presented development plans at numerous planning, zoning, conservation, and traffic boards/commissions in various U.S. States including but not limited to NH, ME, VT, MA, PA, FLA, NY, NJ, RI, and DE.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO - reviewed schedule on-line.

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: As someone who has chosen Portsmouth to live and raise a family in, I now wish to contribute to the growth and great living standard this city has to offer.

Please list any organizations, groups, or other committees you are involved in:

Currently none.

Please list two character references not related to you or city staff members: (Portsmouth references preferred)

1) Dave King, State St., 603-502-2834
Name, address, telephone number

2) Ben Byboth, Leslie St., 603-501-9839
~~438-6788~~
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Jay Taylor Date: March 12, 2013

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No Also interested in Citywide Neighborhood Committee
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

Resume Enclosed

Jay Leduc

873 Maplewood Avenue, Portsmouth, NH 03801
Phone: 603-373-8475 email: jay_leduc@hotmail.com

SENIOR ENVIRONMENT HEALTH & SAFETY (EHS) PROFESSIONAL

PROFESSIONAL PROFILE

- Performance driven engineer with more than 14 years experience managing environmental, health and safety related issues within the energy industry and private consulting services.
 - Strong leader who effectively motivates others and directs top level strategic corporate initiatives.
 - Superlative communicator, presenter and team member who is comfortable working with all levels of management and government to achieve beneficial results.
 - Skilled negotiator with extensive experience developing consensus among diverse groups and viewpoints.
 - Reliable and effective company representative in public forums regarding sensitive issues.
-

PROFESSIONAL EXPERIENCE

October 2001 – Current **Irving Oil Company Limited** **Portsmouth, NH**
Director of EHS, CSR and Government Relations

Reporting directly to the Irving Oil Executive Team my responsibilities include but are not limited to the following:

- Climate Change – leading the development and implementation of a corporate strategy to identify and respond to opportunities and risks associated with climate change legislation, stakeholder concerns, and protection of assets.
- EHS Committee – Chairman of the Irving Oil EHS Committee comprising of EHS Managers from all related business units. The objective of the committee is to ensure EHS related goals are achieved, address concerns raised by the Irving Oil Executive Team and/or stakeholders, and to encourage knowledge sharing among the various business units.
- EHS Goals – researching and benchmarking our company's EHS performance in comparison with selected businesses to develop corporate EHS goals and policies that are strategically aligned with business objectives and company values.
- Corporate Social Responsibility (CSR) – developing an industry leading CSR program that effectively captures stakeholder expectations to develop value driven CSR goals that are supported by business unit initiatives and publicly reported in an annual CSR Report.
- Company Spokesperson – providing public representation for the company on EHS related matters, in particular with government representatives seeking consultation on proposed legislation, existing regulations, industry trends, and/or general knowledge sharing.
- Legislation tracking – monitoring all significant federal, state, provincial and municipal proposed legislation within the regions the company operates and developing strategies, in coordination with business unit leaders, to mitigate any potential adverse impacts.
- Industrial Ecology – leading the research and design of industrial ecology projects to redirect excess heat, CO₂ and water from our refinery into infrastructure supporting surrounding communities to help reduce operational costs, enhance community relations, and exceed stakeholder expectations.

August 1999 – October 2001

Jacques Whitford Company

Portsmouth, NH

Senior Environmental Engineer

Senior member of a design team primarily focused on representing commercial and industrial clients requiring environmental consulting, public representation, and analytical services for existing and proposed real-estate developments. Responsibilities included:

- Conducting presentations on environmental safety features for proposed retail fueling facilities at municipal and state hearing boards.
- Reviewing federal, state, and municipal regulations to ensure all design aspects were in compliance with existing and proposed regulations.
- Corresponding with government representatives to resolve any potential conflicts with facility designs and/or operations.
- Completing all necessary permit applications and government reporting before, during, and after completion of development projects.
- Conducting on-site construction management, environmental auditing, and meetings with government officials as necessary.
- Conducting groundwater monitoring and submitted tri-annual reports for privately owned landfills and related industrial facilities.
- Preparing and submitting quarterly and annual US Environmental Protection Agency (EPA) reports on behalf of several industrial clients.
- Conducting Phase I and II Site Investigations on properties involved in potential acquisitions or divestitures.

EDUCATIONAL EXPERIENCE

October 2010 – October 2012 University of New Brunswick
Masters of Business Administration (MBA)

Saint John, NB

September 1993 – April 1998 University of Waterloo
Honors Bachelor of Applied Sciences, Engineering, Systems Design

Waterloo, ON

Additional Educational Merits:

- Risk Management Certificate, Dalhousie University 2003
- Environmental Engineering Option, University of Waterloo 1998
- Environmental Assessment Certificate, University of Waterloo 1998

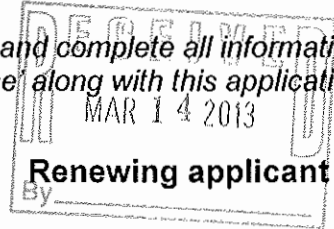
* References available upon request.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume along with this application



Committee: RECREATION BOARD

Name: TODD HENLEY Telephone: 603.498.4358

Could you be contacted at work? YES NO - If so, telephone # 207.439.3800

Street address: 76 SUZANNE DRIVE

Mailing address (if different): _____

Email address (for clerk's office communication): thenley@kitteryrecreation.com

How long have you been a resident of Portsmouth? 12 years

Occupational background:

Recreation Supervisor for Kittery Recreation Department - 6 yrs. 2008 - present
Recreation Assistant for Portsmouth Rec. Dept. - 1998 - 2008
Seacoast Division Manager for NH Sports & Social Club - 2007 - present

Would you be able to commit to attending all meetings? YES NO

Reasons for wishing to continue serving: I have a passion for recreation
for all ages and a passion for the city I live in. After
serving my first term on the board, I feel comfortable with
the process, the people and the expectations now and want
to become more involved in the future. Have only missed 1 meeting
in my time also.



Please list any organizations, groups, or other committees you are involved in:

NH Sports & Social Club - Seacoast

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Janice Grady, 120 Rogers Rd. Kittery, ME 207.439-3800
Name, address, telephone number

2) Kelleigh Murphy, 494 Elm St. Manchester, NH 603.644.3570
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 3/5/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2016

Annual Number of Meetings: 5 Number of Meetings Absent: 1

Date of Original Appointment: 11-22-2010

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

TODD A. HENLEY

OBJECTIVE

To serve on the Recreation Board for the City of Portsmouth by combining my skills and experience in the recreation and education fields.

EDUCATION

1998 – 2000 McIntosh College Dover, NH
Associates Degree – Business Science - Tourism/Hospitality Management

2005 – 2007 Southern New Hampshire University Portsmouth, NH
Associates Degree Candidate – Business Administration – Technical Management
3.8 GPA

WORK EXPERIENCE

2008 - Present Kittery Recreation Department Kittery, ME
Program Coordinator/Recreation Supervisor

- Supervise and manage staff
- Programmer of sports, classes, senior events and activities, etc.
- General office duties, customer service, computer tech, etc.
- Instructor, referee, support after-school program
- Plan, organize and supervise Adventure Camp
- Safety Coordinator, CPR/First Aid Instructor

2007 - Present New Hampshire Sports & Social Club Portsmouth, NH
Seacoast Division Manager

- Organize, promote and operate adult sports leagues in the Seacoast area.
- Supervise, train and manage multiple staff.
- Find sponsorships and host charity events.

2001 - 2008 Dover School District Dover, NH
ASPIRE Coordinator - Special Education Tutor

- Coordinator of Department of Education granted program helping students learn job skills and get credit for working in community.
- Tutor students in multiple subjects.
- Behavior Management

1997 – 2008 Portsmouth Recreation Department Portsmouth, NH
Recreation Supervisor – Summer Youth Program Director

- Supervisor to many youth sports and activities programs.
- Director of summer youth program.
- Hire, schedule, train and manage summer staff.
- Budget and plan trips and activities for summer program.

SPECIAL SKILLS

- Certified American Heart Association CPR/First Aid Instructor.
- CPI certified.
- Bloodborne Pathogen/Hazardous Materials Instructor.
- Van Driver Safety Instructor.
- Excellent Microsoft Office skills.

REFERENCES

References available upon request.



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Portsmouth Housing Endowment fund **Renewing applicant**

Name: Christina Lukacz Telephone: 603-431-5142

Could you be contacted at work? YES/NO - If so, telephone # 603-817-3260

Street address: 45 Taft Road

Mailing address (if different): same

Email address (for clerk's office communication): clukacz@mortgagenetwork.com

How long have you been a resident of Portsmouth? 2000

Occupational background:

Mortgage Network - Portsmouth - March 2007

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: to bring local lending expertise to the board & assist my fellow neighbors achieve the dream of home ownership

Please list any organizations, groups, or other committees you are involved in:

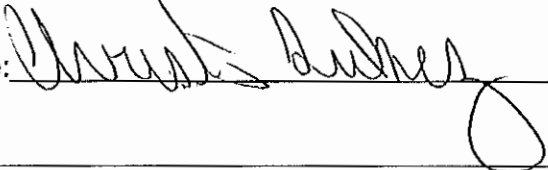
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Kelly Peracchi 3 Shannon Dr. Stratham 817-6315
Name, address, telephone number

2) Brenda Jennings 54 Taft Rd Portsmouth 603-334-6513
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: 

Date: 1-30-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06/01/2015

Annual Number of Meetings: 0

Number of Meetings Absent: N/A

Date of Original Appointment: 1/8/07

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Committee: Taxi Initial applicant

Name: Michael Barker Telephone: 603-436-7828

Could you be contacted at work? YES NO If so, telephone# 603-766-3158

Street address: 5 Hancock Street

Mailing address (if different): _____

Email address (for clerk's office communication): mbarker@momenta.com

How long have you been a resident of Portsmouth? since November 2001

Occupational background:
Owner of Momenta, a distributor of crafting products to retailers such as Michaels,
Joanns, Hobby Lobby and Wal-mart. Day to day responceibilities include staff mgmt,
sales, operations and marketing. Prior to joining Momenta I was employed at
EasyAsk (software company in MA) in a Marketing role.

Please list experience you have in respect to this Board/Commission:
I understand the challenges associated with providing transportation to residents and
visitors of Portsmouth. The Taxis licensed in the city provide a valuable service that
helps ensure resident safety and supports economic growth.

OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO YES NO

Would you be able to commit to attending all meetings? YES/NO YES NO

Reasons for wishing to serve: I feel it is time to start giving back to a community that has become home to me and my family.

Please list any organizations, groups, or other committees you are involved in:

Craft & Hobby Assoc. (www.hobby.org)

Please list two character references not related to you or city staff members:
(*Portsmouth references preferred*)

1) Valerie Fagin, 75 Gates Street, Portsmouth, NH (603)436-6655
Name, address, telephone number

2) Richard Greenslade, 20 T J Gamester Ave, Portsmouth, NH (603) 431-5758
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Handwritten Signature] Date: 3/27/2013

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012

Dear Mayor Spear,

Due to my travel schedule causing me to miss several of the recreation board meetings I find it necessary to resign from the board. While I have truly enjoyed being part of this committee I feel it is in the best interest for all that I allow someone who can dedicate more time to this than I can.

I wish you all the best!

Best Regards,

Ed DelValle

BLUE RIBBON COMMITTEE ON TRANSPORTATION POLICY

REPORT TO THE CITY COUNCIL



Blue Ribbon Committee on Transportation Policy

Kenneth E. Smith, City Council, Chair

Brad Lown, City Council

Paige Roberts, Planning Board

Eric Gregg, Economic Development Commission

Cliff Sinnott, Rockingham Planning Commission

Bill Lyons, Transportation Professional

Rick Chellman, Transportation Professional

April 10, 2013

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BACKGROUND AND COMMITTEE CHARGE

The Blue Ribbon Committee on Transportation Policy was re-established by Mayor Spear in August 2012 with a sunset date of April 15, 2013. At that time, the Committee was charged to develop policies, principles and positions for the City's approach to transportation, including but not limited to:

- Public transportation options
- Access for bicycle and pedestrian travel
- Parking availability and access
- Control/management of traffic
- Travel routes through the City
- "Complete Streets" / Sustainable Design

The committee was comprised of the following members: Councilor Ken Smith (Chair), Councilor Brad Lown, Bill Lyons, Rick Chellman, Paige Roberts, Cliff Sinnott and Eric Gregg.

The Committee held its first meeting in September 2012 and met monthly through April 2013.

KEY TOPICS DISCUSSED

Over the course of six meetings, the Committee heard presentations from staff and others on the following topics, and discussed how these topics might be included in transportation policies for the City of Portsmouth:

- Transportation policies and strategies contained in the 2005 Master Plan, and considerations for the 2015 Master Plan (in progress)
- "Complete Streets" policies
- Planning for bicyclists and pedestrians
- Sustainable transportation
- Street classifications and design standards
- "Green Streets" and Low Impact Development (LID)
- Traffic calming
- The interaction between land use policies and transportation
- Public transportation
- Regional coordination in transportation planning and funding

The following sections summarize the information presented and discussed, and identify the related policy recommendations presented later in this report.

MASTER PLAN TRANSPORTATION POLICIES AND STRATEGIES¹

Under NH state law, the Planning Board is required to prepare and periodically amend and update a Master Plan – a set of goals, objectives and strategies that together guide development in the City. The City updates its Master Plan every 10 years, and the Planning Board and City Council adopted the last Master Plan update in 2005. In February 2013 the Planning Department began the process of developing the next update, which will be under way for the next two years. The City’s Master Planning process begins with the completion of an Existing Conditions and Trends report that compiles current available data on the topics covered in the Master Plan; presents growth projections; and identifies key issues that the City should address in the coming decade. The Master Plan then presents a Vision statement, Goals and Objectives, and an Implementation Program. The Plan is organized around topical areas that include: Land Use, Housing, Economic Development, Transportation, Community Facilities and Services, Natural Resources and Open Space, Natural Hazards and Emergency Management, Recreation, and Cultural and Historic Resources. As with the rest of the Master Plan, the Transportation goals, objectives, and strategies overlap with other topical areas. The Master Plan demonstrates how transportation systems both shape and are shaped by the City’s historical and future growth and development.

Transportation priorities identified in the 2005 Plan focused on increasing walkability, providing a range of transportation options, and resolving parking issues. Transportation-related policies and strategies addressed four key areas: infrastructure, regulations and standards, public transit, bicycle and pedestrian systems, and parking.

The Committee reviewed the 2005 Master Plan Implementation Program, which included 56 transportation-related strategies, and discussed the status or progress made on each strategy. The Committee discussed how the Committee’s recommendations can support and inform the Master Plan update. The Committee also considered whether priorities have shifted since 2005 and discussed the benefits of providing performance measures or other indicators to gauge whether a strategy has been successfully implemented.

Many of the topics covered in subsequent meetings of the Committee were included in the 2005 Master Plan recommendations.

Related Recommendations (see Committee Recommendations section)

1. Integrate transportation goals into land use planning and management by updating the Master Plan, which will include an update of transportation data and baseline information and a revision of transportation goals, objectives, and strategies.
8. Track progress and measure effectiveness of strategies to support transportation goals.

¹ Appendix C: Item 1

COMPLETE STREETS²

Complete Streets are streets that are safe, comfortable, and convenient for travel for everyone – motorists, pedestrians, bicyclists, and public transportation riders. They incorporate safe and accessible pathways. They are designed to be context appropriate.

The transportation-related objectives in the 2005 Master Plan included a Complete Streets statement, and the Planning Board’s site plan review regulations were revised in January 2012 to incorporate a Complete Streets policy statement.

The Committee discussed Complete Streets concepts and principles and considered the relationship to other transportation policies, such as improving bicycle and pedestrian accommodations, calming traffic, implementing street design standards, and supporting sustainability.

The Committee reviewed a Complete Streets Policy drafted by the Planning Department for the City. In adopting this policy, the City would commit to following nationally recognized street design standards and reference best practices in street management.

Related Recommendation (see Committee Recommendations section)

2. Support creation of Complete Streets through adoption of a Complete Streets Policy.

BICYCLE/PEDESTRIAN PLANNING³

In addition to the Master Plan, bicycle and pedestrian recommendations are included in the City’s Safe Routes to School Action Plan (2010), which focuses on strategies to encourage students in grades K through 8 to walk or bicycle to school. Bicycle and pedestrian planning is also supported in the Transportation Vision report produced by Sustainable Portsmouth in 2011.

The Committee considered the benefits of completing a Bicycle/Pedestrian Master Plan which would:

- Take a comprehensive inventory of all of the City’s bicycle and pedestrian accommodations;
- Evaluate how well the City is serving bicyclist and pedestrian needs;
- Prioritize and schedule improvements on a system-wide basis.

A Bicycle/Pedestrian Master Plan can help to guide capital investments and identify additional funding options. The Plan would be a tool for coordinating city-wide projects, policies, and programs related to active transportation. This Plan would also provide a way for the City to evaluate and measure progress towards improving bicycle/pedestrian amenities.

Related Recommendation (see Committee Recommendations section)

3. Improve the City’s walkability and bikability and expand bicycling and pedestrian infrastructure connections throughout the City and the region by creating a bicycle/pedestrian master plan, ongoing participation in Safe Routes to School programs, Bicycle Friendly and Walk Friendly Community Designations.

² Appendix C: Item 2

³ Appendix C: Item 3

SUSTAINABLE TRANSPORTATION⁴

The grassroots Sustainable Portsmouth group has produced a five-year plan that outlines strategies to help the City achieve sustainability goals (balancing economy, environment, and equity) by supporting sustainable transportation policies and positions. The plan acknowledges that achieving sustainable transportation requires partnerships with the public sector that plans and invests in transportation as well as private sector businesses either operating transportation or directly involved in transportation. The plan envisions a future where public transit, walking, and biking play significant roles in the Portsmouth's transportation system.

Sustainable transportation was also the focus of the report, *Bridging Our Communities*, which was produced as an outcome of the Regional Transportation Dialogue in 2012 organized by Portsmouth Listens and Sustainable Portsmouth.

Adopting a system-based approach to transportation is a way to incorporate sustainable principles into transportation planning and management. A systems-approach envisions individual transportation components as part of a regional, inter-connected, and balanced system that includes facilities for driving, public transit, walking, biking, and parking.

The Committee discussed the use of indicators and baseline measurements presented in the plans as a means of gauging whether or not specific actions are effective and have the desired impact. The Committee also discussed the importance of regional collaboration to achieve shared transportation goals.

Related Recommendations (see Committee Recommendations section)

2. Support creation of Complete Streets that are designed to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street.
3. Improve the City's walkability and bikability and expand bicycling and pedestrian infrastructure connections throughout the City and the region.
5. Improve the efficiency, convenience, and affordability of regional public transportation facilities and services.
7. Provide sufficient parking to support a balanced multi-modal transportation system.
8. Track progress and measure effectiveness of strategies to support transportation goals.

STREET CLASSIFICATIONS AND DESIGN STANDARDS⁵

Functional street classification systems use a hierarchy based on vehicle movement and property access. These systems are used to design roads that support different speeds, volumes, and types of traffic. Roads are classified as urban or rural first and then by whether they are a collector, arterial, or local. In addition, arterials are classified as minor or principal arterials. Arterial roads are those with highest speeds, longer trips and accommodate the greatest number of trips and all types of motorized vehicles. Collector roads provide a balance between access and mobility – speeds are a little slower, trips are a little shorter, and there are a moderate number of access points (side roads or driveways). Local streets provide easy access to individual properties (high number of access points) and generally have slow speeds and shorter travel distances.

⁴ Appendix C: Items 4-6

⁵ Appendix C: Item 7

In conventional classification systems, the functional street classes are used to recommend values for lane width, posted speeds, geometric design, and intersection design.

Currently, the City does not have a city-specific functional classification for its streets, other than what is defined by the New Hampshire Department of Transportation using the conventional (federal) system of classifying roads as arterials, collectors and local streets. As an example, Woodbury Avenue is classified as a minor arterial. Woodbury Avenue is interconnected with and provides access to principal arterials.

Within the local street network there is great variety of design due to historical development patterns. The Portsmouth Subdivision Regulations provide minimum standards for new streets based on land uses (residential, commercial, industrial).

The Committee discussed some of the shortcomings of the current street standards:

- Apply only to new streets;
- Provide no guidance for retrofits of existing streets and related improvements (e.g. street trees, street furniture, traffic controls, bike and pedestrian facilities);
- May not reflect current related City practices such as the Public Works Department's roadway and sidewalk construction design standards and the City Council's policy related to sidewalk materials.

“Complete Streets” standards add additional criteria beyond the traditional classifications, considering the character of the street and street frontage, accommodations for all types of users (both vehicular and non-vehicular), in addition to adjacent land uses and traffic volumes (see section on Traffic Calming below).

Various cities including Charlotte, San Francisco, Seattle and New York City, have adopted their own local street design standards. Some of the standards give guidelines on movement, context and land use. Others stress right-of-way improvements and travel-way guidance.

The Committee discussed the benefits of providing street design standards that are appropriate to the local context and that incorporate traffic calming (see section on Traffic Calming below).

Related Recommendations (see Committee Recommendations section)

2. Support creation of Complete Streets that are designed to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street.
4. Provide context-sensitive guidance on street design and management including development of a local street classification system and updating of street design standards.

GREEN STREETS⁶

“Green Streets” is an approach to street design that serves environmental sustainability goals. It often refers to Low Impact Design (LID) techniques which address drainage and stormwater runoff issues.

Optimal stormwater management looks beyond simply removing rainfall as quickly as possible (which risks negative environmental impacts associated with both stormwater quality and quantity). Instead it focuses on efforts to retain and treat – or even eliminate – runoff at the source through cost-effective green infrastructure.

Sustainable features of Green Street design include reducing the amount of pavement by narrowing the road width or incorporating pervious surfaces, maximizing pavement reflectivity, incorporating landscaping that helps treat stormwater at the source, accommodating low-emission travel modes.

The Committee discussed recent and existing development projects and recent street improvement projects in the City that have incorporated low impact design techniques and that this can also have the added benefit of reducing infrastructure costs in some cases.

Related Recommendation (see Committee Recommendations section)

4. Provide context-sensitive guidance on design of streets that consider environmental impacts and include standards for landscaping and managing stormwater quality and quantity.

TRAFFIC CALMING⁷

As defined by the Institute of Transportation Engineers, “traffic calming” involves implementing physical measures to control traffic speeds or volumes. It does not include non-structural measures such as speed limits, enforcement, and driver education.

Different types of traffic calming address volume control and speed control. Volume control is primarily related to restricting access such as with full street or partial (or one-way) closures, by constructing median barriers or forced-turn islands that prevent traffic from certain movements when approaching an intersection. Speed control may involve vertical deflection (e.g. speed humps), textured pavements, and horizontal deflection (e.g. roundabouts), and road or lane narrowing.

The Committee discussed the advantages and disadvantages of these different types of controls for pedestrians and bicyclists and the added challenges for street maintenance that some of these measures present. The Committee also considered the benefits of using these types of controls as opposed to relying on stricter traffic enforcement. The Committee also discussed the possibility of converting existing one-way streets in certain areas of the downtown and whether that had potential to improve circulation and calm traffic.

⁶ Appendix C: Item 8

⁷ Appendix C: Item 9

Related Recommendations (see Committee Recommendations section)

2. Support creation of Complete Streets that are designed to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street.
4. Provide context-sensitive guidance on street design and management including development of a local street classification system and updating of street design standards.

LAND USE POLICIES⁸

Areas where land use and transportation interact include the road network and the area along the roadway. The adjacent land uses will influence the type of vehicle and non-vehicle travel and the design of the roadway. The manner and degree of pedestrian accommodations will be influenced by the types of adjacent land uses and the dimensional characteristics of the built environment. The manner and degree to which bicycle are accommodated are influenced by the type and capacity of the road network. The location and routing of public transit is influenced by the context of the land uses and populations they are intended to serve.

The Committee discussed how land use policies can influence which transportation modes people choose. For example, the proximity of employment centers to transportation networks will influence mode choice and demand. The design and siting of buildings can determine how pedestrians and/or bikes are accommodated. Parking requirements can influence how buildings are sited and where different types of land uses are located. In addition, the committee discussed how parking supply and demand is impacted by land uses and can also be a factor in transportation mode choices.

Related Recommendation (see Committee Recommendations section)

1. Integrate transportation goals into land use planning and management.
7. Provide sufficient parking in the downtown to support a balanced multi-modal transportation system.

TRANSPORTATION DATA / INDICATORS⁹

Transportation data includes information on transportation mode choices, traffic counts, accident locations, and planned infrastructure improvements. This data comes from a variety of local, state, and federal agencies as well as private sources.

The Committee discussed the challenges of gathering reliable and up-to-date data regarding transportation mode choices and preferences. Tracking data on a consistent and regular basis is important for determining the impact of transportation policies and projects.

Related Recommendation (see Committee Recommendations section)

8. Track progress and measure effectiveness of strategies to support transportation goals.

⁸ Appendix C: Item 10

⁹ Appendix C: Item 11

PUBLIC TRANSPORTATION¹⁰

Public transportation available in Portsmouth consists primarily of bus service. Bus routes include COAST and Wildcat regional fixed routes, COAST's seasonal downtown service, intercity service from C&J Trailways and Greyhound, senior/paratransit transportation provided by COAST, and a City partnership with the Mark Wentworth Home.

COAST (Cooperative Alliance for Seacoast Transportation) was established and incorporated as a non-profit in 1981 and was established as an independent public agency by the NH legislature in 1985. COAST is overseen by a Board of Directors that includes representatives from the City of Portsmouth and other communities in the service region. COAST services are funded through federal and local public funds as well as through farebox and advertising revenues.

Fixed-route service in Portsmouth includes COAST's regional Routes 2 and 7, COAST's local "trolley" service (Routes 40/41), and Wildcat Transit's regional Route 4. COAST Route 2 provides service between Portsmouth and Rochester and has an annual ridership of 169,000. COAST Route 7 provides service between the Portsmouth Transportation Center, the Fox Run Mall and Greenland, Newmarket, Stratham, and Exeter and has an annual ridership of about 9,000. COAST Routes 40 and 41 operate within Portsmouth city limits and provide service between the downtown, Pease Tradeport, and along Lafayette Road, with a combined annual ridership of about 121,900.

COAST recently started a pilot project (the Clipper Connection) that provides express service for the commuter population heading to and from the Portsmouth Naval Shipyard and the businesses of Pease Tradeport. These routes operate only during morning and afternoon peak hours.

Paratransit (ADA) services provided by COAST include a reduced fare on fixed routes as well as reservation-based service for eligible riders within $\frac{3}{4}$ a mile of a fixed bus route.

Senior transportation is provided through a City partnership with the Mark Wentworth Home. The service is reservation based and operates 4 days a week.

Wildcat Transit's Route 4 connects from downtown Portsmouth to UNH and is free for students and faculty.

The communities served by COAST provide a local annual funding contribution that helps to support the fixed route and paratransit services. Each community's share of local funding is calculated using a blended average of four factors: population residing within one-half mile of bus routes, employment within one-half mile of bus routes, weekly service miles provided within the community, and number of riders boarding within the community.

In addition to the local match for the regional fixed route and paratransit services, Portsmouth also shares the costs for the Downtown Trolley (which operates in the summer months) as well as the Vintage Christmas Trolley (which operates during the month of December). The cost of Routes 40 and 41 are shared between the City and the Pease Development Authority.

¹⁰ Appendix C: Item 12

The Portsmouth Transportation Center is owned by the NHDOT and operated by C&J Trailways. COAST buses stop at this location as well. Greyhound provides intercity service out of downtown Portsmouth with a stop at the High Hanover Parking Garage.

The Committee discussed the rising costs of public transportation as well as the opportunities for increasing revenues and ridership. It is important for the City and regional transportation providers to continue to collaborate to provide multi-modal transportation alternatives. The Committee also considered how public transportation facilities are integral components of a sustainable transportation system, which also includes parking, bicycle lanes and paths, pedestrian areas, rail, as well as bridges and roads.

Related Recommendations (see Committee Recommendations section)

- | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none">5. Provide efficient, convenient, affordable, and accessible local and regional public transportation facilities and services.6. Provide leadership for regional collaboration to improve connections between local and regional transportation systems. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

REGIONAL COORDINATION¹¹

Regional transportation infrastructure includes the federal and state highway systems, rail, and airports. Within Portsmouth at present, active rail is exclusively used for freight and there are no immediate plans to add passenger rail service. Amtrak provides passenger service out of Dover and Exeter, and C&J Trailways buses provide connections from Portsmouth to those locations. Passenger airlines do not currently operate out of Portsmouth, although the Pease Airport terminal is equipped for passenger service.

Portsmouth is part of an Urbanized Area (UZA) as defined by the Census Bureau following the conclusion of each decennial census. UZAs are Census-designated areas consisting of a central core and adjacent densely settled territory that together contain at least 50,000 residents. Within UZAs, transportation projects that utilize federal funding are coordinated through a “metropolitan transportation planning” process that involves participation from the community level to the state level to determine transportation priorities. Designated Metropolitan Planning Organizations (MPOs) carry out the metropolitan planning process. The Portsmouth region’s designated MPO is the Rockingham Planning Commission. Key elements of the region’s metropolitan planning process include development of a Long Range Transportation Plan (LRTP), updating of a Unified Planning Work Program (UPWP), implementation of the Transportation Improvement Program (TIP), planning for congestion management, monitoring of air quality, and Travel Demand Modeling.

The criteria currently used by the MPO to evaluate regional transportation priorities consist of:

- | | |
|-------------------------------------|--------------------------------|
| Project Feasibility & Readiness | Mobility (multimodal) |
| Accessibility (multimodal) | Congestion |
| Safety | Preservation of Infrastructure |
| Land Use/Transportation Integration | |

¹¹ Appendix C: Item 13

The Committee discussed the importance for ongoing regional collaboration as well as the challenges presented by decreasing state and federal funding for transportation infrastructure.

Related Recommendation (see Committee Recommendations section)

- | |
|----------------------------------------------------------------------------------------------------------------------------|
| 6. Provide leadership for regional collaboration to improve connections between local and regional transportation systems. |
|----------------------------------------------------------------------------------------------------------------------------|

COMMITTEE RECOMMENDATIONS

GOALS

- Provide a transportation network that is safe and accessible for all people and all transportation modes.
- Design transportation infrastructure that supports economic vitality and is sensitive to community and environmental context.
- Provide affordable and convenient options for all transportation modes.

GUIDING PRINCIPLES AND STRATEGIES

1. Integrate transportation goals into land use planning and management.

Strategies

- Incorporate the recommendations of this report into city-wide land use planning in order to maximize the opportunities presented by redevelopment to achieve the City's transportation goals
- Update the Master Plan to address the recommendations of this report:
 - Update transportation data and baseline information to address issues identified in this report.
 - Revise transportation goals, objectives, and strategies to reflect relevant recommendations of this report.
- Revise site plan review and subdivision regulations to implement relevant recommendations of this report including improvements to access management, connectivity and circulation.

2. Support creation of Complete Streets that are designed to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street.

Strategies

- Adopt a Complete Streets policy (see recommended resolution in Appendix A, item 1).
- Ensure that the design of transportation projects on public streets within the City, including those funded and managed by NHDOT and private parties as well as by the City, are consistent with the Complete Streets policy.
- Consider designation of key transportation corridors leading into the downtown in which to focus investments in pedestrian, bicycle, and transit components.
- Evaluate the feasibility, potential benefits, and cost implications of converting one-way streets in the downtown core to two-way traffic.

3. Improve the City's walkability and bikability and expand bicycling and pedestrian infrastructure connections throughout the City and the region.

Strategies

- Develop a city-wide bicycle and pedestrian plan:
 - Identify bicycle and pedestrian needs and deficiencies;

- Identify and prioritize bicycle and pedestrian facility improvements, including sidewalks, crosswalks, on-road bike lanes, shared use paths and bicycle parking;
 - Develop standards and guidelines for bicycle and pedestrian facilities, including bicycle parking;
 - Develop standards for bicycle signage on roadways, such as Share the Road;
 - Estimate implementation costs and identify funding sources, responsibilities and phasing.
- Pursue designation as a Bicycle Friendly Community
 - Adopt a Bicycle Friendly Communities Action Plan (see Appendix A, item 2).
 - Submit application for Bicycle Friendly Communities Designation in 2014.
 - Pursue designation as a Walk Friendly Community
 - Adopt a Walk Friendly Communities Action Plan (see Appendix A, item 3).
 - Submit application for Walk Friendly Communities designation in 2014.
 - Continue active participation in Safe Routes to School Program to encourage and facilitate students to walk or bike to and from school.
 - Work with Rockingham Planning Commission / Metropolitan Planning Organization to develop appropriate connections between bicycle routes in the City and regional bicycle and recreational trail routes, including the New Hampshire Seacoast Greenway and future Hampton Branch rail-to-trail.
4. Provide context-sensitive guidance on design of streets that considers abutting land uses, neighborhood character, and environmental impacts.

Strategies

- Develop a local classification system for City streets.
 - Develop design standards for each street class including street and travel lane widths, accommodations for bicycles and transit, sidewalks, intersections and landscaping.
 - Continue to develop and implement innovative standards for managing stormwater quality and quantity.
5. Provide efficient, convenient, and affordable regional public transportation facilities and services.

Strategies

- Work with public transit providers to eliminate service redundancies and increase efficiencies, increase public transit ridership, and improve public transit infrastructure.
- Continue ongoing collaboration with COAST including exploring opportunities for new services.
- Work with COAST to ensure acceptable access to and from transit stops and the adjacent sidewalk networks for passengers that are mobility impaired.

6. Provide leadership for regional collaboration to improve connections between local and regional transportation systems.

Strategies

- Continue active representation and participation in Rockingham Planning Commission metropolitan transportation planning process including priority-setting for State and Federal investments in the regional transportation system.
- Continue active representation and participation in inter-community and inter-state transportation projects.
- Provide opportunities to inform and engage community members in planning for regional transportation projects.

7. Provide sufficient parking in the downtown area to support a balanced multi-modal transportation system.

Strategies

- Ensure that development and redevelopment projects implemented in the Central Business District are consistent with the City Council's Guiding Principles for Parking in the CBD (see Appendix A, item 4).
- Identify opportunities for building and/or expanding public parking structures in the downtown core.

8. Track progress and measure effectiveness of strategies to support transportation goals.

Strategies

- Work with regional and state partners including Rockingham Planning Commission, Seacoast Commuter Options Transportation Management Association, NHDOT, COAST and Commute Green NH to collect and analysis data on transportation choices and practices.
- Develop a set of indicators related to transportation initiatives to measure success.

APPENDIX A: RECOMMENDED POLICIES AND STANDARDS

1. Draft Complete Streets Policy
2. Bicycle Friendly Communities Action Plan
3. Walk Friendly Communities Action Plan
4. City Council Guiding Principles for Parking in the Central Business District (Approved March 19, 2012)

DRAFT COMPLETE STREETS POLICY

I. Vision

Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities.

II. Core Commitment

Definition

“Complete Streets” means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across the street.

All Users and Modes

The City of Portsmouth will plan for, design, construct, operate and maintain appropriate facilities for pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities in all new construction and retrofit or reconstruction projects subject to the exceptions contained herein.

Planning

The City will incorporate Complete Streets principles into the City’s Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

Projects and Phases

The City of Portsmouth will approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles will be applied on all new City projects and privately funded developments, and incrementally on existing streets through a series of small improvements and activities over time.

Maximum financial flexibility is important to implement Complete Streets principles. All sources of transportation funding, public and private, should be drawn upon to implement Complete Streets within the City of Portsmouth.

It is understood that maintenance activities do not necessarily trigger requirements for major street improvements and should not be expected to do so. However, maintenance activities do present some opportunities that can improve the environment for other roadway users.

Exceptions

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in unusual or extraordinary circumstances contained below. Even under the conditions outlined below, a project’s impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

- 1 Where pedestrians and bicyclists are prohibited by law from using the facility. In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
- 2 Where existing right-of-way does not allow for the accommodation of all users. In this case, alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
- 3 Where the cost of establishing walkways or bikeways or other accommodations would be disproportionate to the need, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
- 4 Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.
- 5 Where the construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.
- 6 Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes. However, all temporary detours shall comply with temporary traffic control requirements of the Manual of Uniform Traffic Control Devices.
- 7 Ordinary public works or utility maintenance activities, including but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

Exclusive of exceptions 6 and 7 above, any determination that a project that will not meet Complete Streets principles based on the above exceptions will have said determination reviewed and confirmed by City Council.

III. Best Practices

Design Guidance and Flexibility

The City shall follow accepted or adopted design standards and use the best and latest design standards available, including:

- American Association of State Highway and Transportation Officials (AASHTO)
 - *Guide for the Development of Bicycle Facilities* (4th Edition, 2012)
 - *Guide for the Planning, Design and Operations of Pedestrian Facilities* (2004)
- American Planning Association (APA)
 - *Complete Streets: Best Policy and Implementation Practices* (2010)
- American Planning Association (APA) & American Society of Civil Engineers (ASCE)
 - *U.S. Traffic Calming Manual* (2009)

- Federal Highway Administration (FHWA)
 - Manual of Uniform Traffic Control Devices (MUTCD)
 - PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System
- Institution of Transportation Engineers (ITE)
 - *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (2010)
 - *Neighborhood Street Design Guidelines* (2010)
- National Association of City Transportation Officials (NACTO)
 - *Urban Bikeway Design Guide* (2nd Edition, 2012)
- U.S. Architectural and Transportation Barriers Compliance Board (the Access Board)
 - *Accessible Rights-of-Way: A Design Guide*
- Active Transportation Alliance
 - *Complete Streets Complete Networks: A Manual for the Design of Active Transportation*

Context Sensitivity

The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

Performance Measures

Complete Streets should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- User data – bike, pedestrian, transit and traffic
- Crash data
- Use of new projects by mode
- Compliments and complaints
- Linear feet of pedestrian accommodations built
- Number of ADA accommodations built
- Miles of bike lanes/trails built or striped
- Number of transit accessibility accommodations built
- Number of street trees planted
- Number of exemptions from this policy approved

IV. Implementation

The City views Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:

1. The Planning Department, Department of Public Works, and other relevant departments, agencies or committees shall incorporate Complete Streets principles into the City's Master Plan, the Pedestrian and Bicycle Master Plans, and other appropriate plans, and other manuals, checklists, decision trees, rules, regulations, and programs as appropriate.
2. The Planning Department and Department of Public Works shall review current design standards, including subdivision and site plan review regulations, to ensure that they reflect the best available design guidelines, and effectively implement Complete Streets.

3. When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops.
4. City staff shall identify current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects.
5. The City shall promote project coordination among City departments and agencies with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
6. The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy.

ACTION PLAN FOR BICYCLE FRIENDLY COMMUNITIES

We, the undersigned municipal elected officials, make decisions every day affecting the health and safety of our residents, the efficient conduct of commerce and delivery of government services, and the long term quality of life in our communities.

Cities across the globe are managing diverse issues such as pollution, congestion, traffic safety, accessibility, social inclusion, and economic growth. Increasing urbanization and sprawl is generating extra demand for quality public spaces and recreation opportunities. A renewed emphasis on security and the costs of dealing with the emerging epidemics of obesity and physical inactivity are stretching limited resources even further.

Solutions to these many challenges are equally diverse and complex. This Action Plan recognizes one policy initiative that addresses these challenges and contributes to many of the solutions necessary to improve the quality of life in cities: increasing the percentage of trips made by bicycle by making communities more bicycle-friendly.

We recognize that increasing bicycle use can:

- Improve the environment by reducing the impact on residents of pollution and noise, limiting greenhouse gases, and improving the quality of public spaces.
- Reduce congestion by shifting short trips (the majority of trips in cities) out of cars. This will also make cities more accessible for public transport, walking, essential car travel, emergency services, and deliveries.
- Save lives by creating safer conditions for bicyclists and as a direct consequence improve the safety of all other road users. Research shows that increasing the number of bicyclists on the street improves bicycle safety.
- Increase opportunities for residents of all ages to participate socially and economically in the community, regardless income or ability. Greater choice of travel modes also increases independence, especially among seniors and children.
- Boost the economy by creating a community that is an attractive destination for new residents, tourists and businesses.
- Enhance recreational opportunities, especially for children, and further contribute to the quality of life in the community.
- Save city funds by increasing the efficient use of public space, reducing the need for costly new road infrastructure, preventing crashes, improving the health of the community, and increasing the use of public transport.
- Enhance public safety and security by increasing the number of “eyes on the street” and providing more options for movement in the event of emergencies, natural disasters, and major public events.
- Improve the health and well being of the population by promoting routine physical activity.

Therefore we, the undersigned municipal elected officials, are committed to taking the following steps to improve conditions for bicycling and thus to realizing the significant potential benefits of bicycling in our community. We hereby adopt the following Action Plan for Bicycle Friendly Communities:

1. Adopt a target level of bicycle use (e.g. percent of trips) and safety to be achieved within a specific timeframe, and improve data collection necessary to monitor progress.
2. Provide safe and convenient bicycle access to all parts of the community through a signed network of on-and off-street facilities, low-speed streets, and secure parking. Local cyclists should be involved in identifying maintenance needs and ongoing improvements.
3. Establish information programs to promote bicycling for all purposes, and to communicate the many benefits of bicycling to residents and businesses (e.g. with bicycle maps, public relations campaigns, neighborhood rides, a ride with the Mayor).
4. Make the City a model employer by encouraging bicycle use among its employees (e.g. by providing parking, showers and lockers, and establishing a city bicycle fleet).
5. Ensure all city policies, plans, codes, and programs are updated and implemented to take advantage of every opportunity to create a more bicycle-friendly community. Staff in all departments should be offered training to better enable them to complete this task.
6. Educate all road users to share the road and interact safely. Road design and education programs should combine to increase the confidence of bicyclists.
7. Enforce traffic laws to improve the safety and comfort of all road users, with a particular focus on behaviors and attitudes that cause motor vehicle/bicycle crashes.
8. Develop special programs to encourage bicycle use in communities where significant segments of the population do not drive (e.g. through Safe Routes to Schools programs) and where short trips are most common.
9. Promote intermodal travel between public transport and bicycles, e.g. by putting bike racks on buses, improving parking at transit, and improving access to rail and public transport vehicles.
10. Establish a citywide, multi-disciplinary committee for nonmotorized mobility to submit to the City Council a regular evaluation and action plan for completing the items in this Action Plan.

ACTION PLAN FOR WALK FRIENDLY COMMUNITIES

We, the undersigned municipal elected officials recognize the benefits of walking as a key indicator of healthy, efficient, socially inclusive and sustainable communities and acknowledge the universal rights of people to be able to walk safely and to enjoy high quality public spaces anywhere and at anytime. We are committed to reducing the physical, social and institutional barriers that limit walking activity. We will work with others to help create a culture where people choose to walk through our commitment to this Action Plan and its strategic principles:

- Increased inclusive mobility
- Well designed and managed spaces and places for people
- Improved integration of networks
- Supportive land-use and spatial planning
- Reduced road danger
- Less crime and fear of crime
- More supportive authorities
- A culture of walking

Therefore we, the undersigned municipal elected officials, are committed to taking the following steps to improve conditions for walking and thus to realizing the significant potential benefits of walking in our community. We hereby adopt the following Action Plan for Walk Friendly Communities:

- Provide clean, well-lit sidewalks free from obstruction, and with sufficient opportunities to cross roads safely and directly;
- Ensure seating is provided in outdoor public spaces in quantities and locations that meet the needs of all users;
- Provide protection for pedestrians from weather and climate elements with landscaping and facilities as appropriate (for example shade (trees) or shelter);
- Provide coherent and consistent information and signage systems to support exploration and discovery on foot including links to public transportation;
- Build and maintain high-quality networks of connected, functional and safe walking routes between residential areas and local destinations;
- Provide an integrated, extensive and well-equipped public transportation service with vehicles which are fully accessible to all potential users;
- Design public transport stops and interchanges with easy, safe and convenient pedestrian access and supportive information;
- Encourage a pedestrian-friendly driving culture with targeted campaigns and enforcement of road traffic laws;
- Maintain reduced traffic speeds in residential districts, shopping streets and around schools;
- Reduce the impact of busy roads by installing sufficient safe crossing points, ensuring minimal waiting times and enough time to cross for the slowest pedestrians;

- Ensure that facilities designed for cyclists and other non-motorized modes do not compromise pedestrian safety or convenience;
- Conduct pedestrian audits by day and after dark to identify concerns for personal security and then target areas for improvements (for example, with brighter lighting and clearer sightlines);
- Provide training and information for transport professionals to increase awareness of the concerns of pedestrians for their personal security and the impact of such concerns on their decisions to walk;
- Involve all relevant agencies (especially transport, planning, health, education and police), at all levels, to recognize the importance of supporting and encouraging walking and to encourage complementary policies and actions;
- Consult on a regular basis with local organizations representing people on foot and other relevant groups including young people, the elderly and those with limited ability;
- Collect quantitative and qualitative data about walking (including the motivations and purpose of trips, the number of trips, trip stages, time and distance walked, time spent in public spaces and levels of satisfaction);
- Actively encourage all members of the community to walk whenever and wherever they can as a part of their daily lives by developing regular creative, targeted information, in a way that responds to their personal needs and engages personal support;
- Create a positive image of walking by celebrating walking as part of cultural heritage and as a cultural event, for example, in architecture, art-exhibitions, theatres, literature readings, photography and street animation.

GUIDING PARKING PRINCIPLES FOR CENTRAL BUSINESS DISTRICTS

(Approved by the Portsmouth City Council on March 19, 2012)

Overall Principles: A balanced mix of retail/restaurant, office, and residential uses is key to downtown vitality.

A downtown parking supply that is convenient, viable and central to downtown destinations is key to the short-term and long-term health of the City's retail, restaurant and office economy.

1. Insuring an adequate supply of parking for retail/restaurant and office users in the downtown is primarily a City responsibility.
2. Parking for new downtown residential development is primarily a private responsibility with residents wanting convenient parking right where they live.
3. We need to plan for future reuse, redevelopment and full occupancy of buildings in the Central Business Districts. If it is too difficult, expensive or unpleasant to find parking, retail/restaurant/cultural destination customers may prefer to visit elsewhere and offices may prefer to locate elsewhere.
4. The City should strive to play a lead role in developing and managing parking facilities:
 - Parking management and supply decisions are interconnected and a comprehensive, unified approach to decision-making is needed.
 - The value of private parking facilities should be recognized as a resource. These resources are not part of the public parking supply under the City's long-term control and opportunities to manage private lots are limited.
5. Address peak parking demand needs in order to avoid perfect Friday/Saturday night storm when residents/customers can't find parking:
 - Manage parking at the garage (for example, flat rate pricing for special events).
 - Increase the supply of convenient parking.
6. Parking should support economic development including businesses (office, retail, restaurant) and visitors/customers.
7. The parking garage should be priced and managed so that it has high occupancy more frequently (improve utilization of what we've got).
8. The primary reason for parking revenues is to be able to provide an adequate supply of safe, convenient parking. Pricing structures should be simple and easy for customers to understand.
9. Parking management strategies should recognize that there is a difference between the needs of long-term parkers who may be more likely to use the garage or use parking immediately adjacent to downtown, and short-term parkers running a quick errand.
10. Price and manage more desirable on street parking spaces to favor users who are highly motivated to use them. Give customers and residents the option to stay and pay.

11. Information on parking options should be easily accessible to parking users, including through technology options.
12. Parking planning should take a comprehensive, sustainable and big picture approach by taking a broad range of costs and benefits into account when making decisions.
13. All parking resources should place value on aesthetics, security, accessibility and user information.
14. Consider ways to incentivize use of “remote parking”.
15. Surface parking lots should be located at the periphery of the downtown and should not be allowed to create a “dead zone” barrier to comfortable pedestrian movement.
16. Parking management programs should take into consideration hospitality industry workers.
17. Incentives for residents should be provided at the parking garage, but shouldn’t compromise best practices.
18. Parking resources should be provided to support downtown activity (streets are for people as well as cars) and should therefore be designed and located in such a manner that recognizes the following:
 - Parking resources should enhance – not detract from – downtown vitality, walkability and the pedestrian experience;
 - Parking resources should accommodate pedestrians (bump-outs, plazas), bicycles (bike parking) and transit (space to pull over);
 - Parking structures should be incorporated into the commercial streetscape; and
 - The needs of an aging population should be taken into account when it comes to parking.
19. Parking strategies should be revenue neutral.
20. Parking management plans should recognize the short-term parking needs of retail and hospitality industry for loading zones.
21. Encourage public transit and other transportation modes, but recognize strong customer/resident preference for personal vehicle use as well as very limited regional public transit infrastructure.

APPENDIX B: MEETING MINUTES

[Available on the City's Planning Department web site www.cityofportsmouth.com/planning]

September 11, 2012
October 9, 2012
November 13, 2012
December 12, 2012
January 15, 2013
February 12, 2013
March 13, 2013
April 2, 2013
April 10, 2013

APPENDIX C: PRESENTATIONS AND HANDOUTS

[Available on the City's Planning Department web site www.cityofportsmouth.com/planning]

1. Status of Transportation Strategies included in 2005 Master Plan
2. Complete Streets
3. Bicycle / Pedestrian Planning
4. Sustainable Transportation Presentation
5. Sustainable Portsmouth Five Year Sustainability Plan: Transportation Final Report
6. Bridging our Communities: Summary and Final Group Reports
7. Street Classification and Street Design Standards Presentation
8. Green Streets Presentation
9. Traffic Calming
10. Land Use and Transportation
11. Transportation Data / Resources List
12. Public Transportation
13. Regional Coordination

MEMORANDUM

TO: John Bohenko, City Manager
FROM: Mary E. Koepernick, Planning Department *M.E. Koepernick*
SUBJECT: Board of Adjustment Minutes
DATE: April 1, 2013

The approved Minutes of the following Board of Adjustment meetings are now available for review on the City's website:

January 15, 2013