

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, SEPTEMBER 3, 2013 TIME: 7:00PM

## AGENDA

- 6:15PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS AND PERSONNEL MATTERS RSA: 91-A:2, I (b-c)
  
- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. ACCEPTANCE OF MINUTES – AUGUST 19, 2013
  
- VI. PUBLIC COMMENT SESSION
  
- VII. PUBLIC HEARINGS
  - A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS ARE HERE BY AMENDED AS FOLLOWS:
    - SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS, MAXIMUM STRUCTURE DIMENSIONS – STRUCTURE HEIGHT, CBA 45’ OR 3 ½ STORIES, WHICHEVER IS LESS; CBB 45’ OR 3 ½ STORIES, WHICHEVER IS LESS;
    - SECTION 10.535 – EXCEPTION TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, BY INSERTING A NEW SECTION 10.535.13: INCREASED BUILDING HEIGHT BY CONDITIONAL USE PERMIT
    - SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, ADD NEW TERMS AND DEFINITIONS
  - B. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC AND PARKING – OMNIBUS ORDINANCE:
    - 1. AMEND: CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES, SECTION 7.601 TRUCK LOADING/UNLOADING ZONES ESTABLISHED

2. AMEND: CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES, SECTION 7.602 TRUCK LOADING/UNLOADING ZONES (24 HOURS)
3. AMEND: CHAPTER 7, ARTICLE II – TAXICABS, SECTION 7.224 TAXICAB STANDS
4. ADD: CHAPTER 7, ARTICLE III, SECTION 7.328 UTILIZATION OF MULTIPLE PARKING SPACES
5. AMEND: CHAPTER 7, ARTICLE IV: SECTION 7A.408 TAXICAB STANDS DESIGNATED
6. ADD: CHAPTER 7, ARTICLE III, LIMITED PARKING – THREE HOURS: SECTION 7.328: LIMITED PARKING – THREE HOURS
7. AMEND: CHAPTER 7, ARTICLE IV, OFF-STREET PARKING AREAS
8. AMEND: CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, LIMITED TIME PARKING, SECTION 7.327: LIMITED PARKING – TWO HOURS
9. AMEND: CHAPTER 7, ARTICLE IVA, BUS STOPS, TAXICAB STANDS AND HORSE DRAWN CARRIAGE AND ARTICLE IV, OFF-STREET PARKING AREAS
10. AMEND: CHAPTER 7, ARTICLE IV, OFF-STREET PARKING AREAS
11. AMEND: CHAPTER 7, ARTICLE IX, PENALTIES, FORFEITURES AND SEPARABILITY, SECTION 7.901: PENALTIES
12. AMEND: CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.321: SNOW EMERGENCY PARKING BAN
13. AMEND: CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.326: LIMITED PARKING – FIFTEEN MINUTES
14. AMEND: CHAPTER 7, ARTICLE IV, OFF-STREET PARKING AREAS, SECTION 7.401, DEFINITIONS

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Novel Iron Works, Inc to the Police Department for the purchase of a new canine - \$7,500.00 (***Sample motion – move to approve and accept the donation from Novel Iron Works, Inc. to the Police Department, as presented***)

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are here by Amended as follows:
- Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45' or 3 ½ Stories, which ever is less; CBB 45' or 3 ½ Stories, which ever is less;
  - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit
  - Section 10.1530 – Terms of General Applicability, add new Terms and Definitions
- B. Second reading of Proposed Ordinance amending various sections of Chapter 7, Vehicles, Traffic Parking Omnibus Ordinance

## X. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to close Pleasant Street on Saturday, June 21, 2014 from 3:00 p.m. – 6:00 pm. for the 4<sup>th</sup> Annual Stiletto Race (*Rain Date of Sunday, June 22, 2014*) ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Ellen Fisher, Pan Mass Challenge (PMC), requesting permission to hold the 7<sup>th</sup> Annual PMC Seacoast Kids Ride on Sunday, September 29, 2013 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Barbara Massar, Pro Portsmouth, requesting permission to hold the following 2014 Events:
- First Night Portsmouth 2014 – Tuesday, December 31, 2013
  - Children's Day 2014 – Sunday, May 4, 2014 from Noon – 4:00 p.m.
  - 37<sup>th</sup> Annual Market Square Day Festival & 10K Road Race – Saturday, June 14, 2014 from 9:00 a.m. – 4:00 p.m.
  - 12<sup>th</sup> Annual Summer in the Street – Saturday evenings – June 28, 2014; July 5, 2014; July 12, 2014; July 19, 2014; July 26, 2014; August 2, 2014 from 5:00 p.m. – 9:30 pm.
- (Anticipated action – move to refer to the City Manager with power)***

- D. Request for License from Dana Hanson, owner of Concetta's Closet for property located at 7 Commercial Alley for a projecting sign on a existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Dana Hanson, owner of Concetta's Closet for a projecting sign at property located at 7 Commercial Alley and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- E. Request for License from Carl Norwood, owner of NAI Norwood Group for property located at 22-28 Deer Street for a projecting sign on a existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carl Norwood, owner of NAI Norwood Group for a projecting sign at property located at 22-28 Deer Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Deborah Bouchard-Smith, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the downtown area beginning Thursday, October 10, 2013 through Friday, November 1, 2013 (***Anticipated action – move to refer to the City Manager with power***)

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards are here by Amended as follows:
    - Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 ½ Stories, which ever is less; CBB 45’ or 3 ½ Stories, which ever is less;
    - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit
    - Section 10.1530 – Terms of General Applicability, add new Terms and Definitions (**Action on this matter should take place under Section IX of the Agenda**)
  - 1.2 Public Hearing/Second Reading of Proposed Omnibus Ordinance (**Action on this item should take place under Section IX of the Agenda**)

#### City Manager’s Items Which Require Action

1. Proposed Revisions Re: City Trees & Public Greenery Ordinance
2. Request of Players’ Ring Company to Renew their Lease with the City for 105 Marcy Street
3. Proposed Amendment Re: Taxi Medallions Ordinance
4. Polling Hours for November 5, 2013 Municipal Election

#### Informational Items

1. Events Listing
2. Trustees of Trust Funds Annual Report

### B. MAYOR SPEAR

1. Appointment to be Considered:
  - Elizabeth A. Moreau to the Planning Board as a regular member
  - T. Stephen McCarthy – Reappointment to the Building Code Board of Appeals

**C. COUNCILOR SMITH**

1. Establishing Time Limits for Unmetered On-Street Parking – Chapter 7, Article X, Section 7.1000-E (***Sample motion – move to bring back ordinance for first reading at the September 16, 2013 City Council meeting***)

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

**INFORMATIONAL ITEMS**

1. Notification that the Planning Board Minutes of the August 1, 2013 meeting are available on the City's website for your review
2. Notification that the Zoning Board of Adjustment Minutes of the May 28, 2013 and June 18, 2013 Excerpt of Minutes are available on the City's website for your review

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

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, AUGUST 19, 2013

PORTSMOUTH, NH  
TIME: 7:00 PM [or thereafter]

At 6:00 p.m., a Work Session was held with the Historic District Commission.

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

Mayor Spear called the meeting to order at 7:15 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**

Assistant Mayor Lister led the Pledge of Allegiance to the Flag.

### **PROCLAMATION**

1. Richard Winslow, III

Councilor Dwyer read the Proclamation declaring August 19, 2013 as Richard Winslow, III Night in the City of Portsmouth. Mayor Spear presented the Proclamation to Mr. Winslow and expressed our sincere gratitude and appreciation for the dedication he has given our community over the years. Mr. Winslow accepted the Proclamation stating he was humbled and honored to receive this Proclamation and to be recognized for his work as a historian.

### **PRESENTATION**

1. Wastewater Treatment Plant Update – Suzanne Woodland, Assistant City Attorney and Terry Desmarais, City Water and Sewer Engineer

A Presentation was held regarding the Wastewater Treatment Plant and a review of the proposed schedule modification which changed the expected date of completion from May 1, 2017 to November 1, 2018. Engineer Desmarais reviewed the additional estimated project costs. Also, an update was provided on the scope of the project and the site constraints. Assistant City Attorney Woodland explained if the court does not grant the extension the staff would come back to the Council.

City Manager Bohenko stated that the cost increase is not the only item of concern but there will be impact to the neighborhoods. He said he will continue to keep the Council advised.

## ACCEPTANCE OF MINUTES – AUGUST 5, 2013

**Councilor Coviello moved to approve and accept the minutes of the August 5, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.**

### V. PUBLIC COMMENT SESSION

Tom Carroll said the City Council has an obligation for the safety of those that travel on Market Street. He said Grimmel Industries is collecting items within the travel way and storing them in plastic bags at the Port for the Council to view.

Gibson Kennedy stated there is a need to keep the tax rate down and increase the tax base. He suggested the Parking Traffic & Safety Committee increase the parking meter rates which would increase revenues.

Zelita Morgan thanked the City Council and staff for the presentation at the meeting on transportation and sustainability. She asked the City to consider creating two on-line sources with a flow chart to walk people through the building process, showing what stage a project is at in the approval process, and if the project has been approved.

Ralph DiBernardo said he would like to see changes to the Charter. He feels we should do away with the current process of electing a Mayor by the highest number of votes. He stated if someone wants to run for the position of Mayor, they should do so separately.

Aaron Lewis said transportation on weekends is a concern of the Taxi Commission. He also spoke to the importance of having dedicated spaces for bicycles to park and the need for additional bike racks.

### VI. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS ARE HERE BY AMENDED AS FOLLOWS:
- SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS, MAXIMUM STRUCTURE DIMENSIONS – STRUCTURE HEIGHT, CBA 45' OR 3 STORIES, WHICHEVER IS LESS; CBB 45' OR 3 STORIES, WHICHEVER IS LESS;
  - SECTION 10.535 – EXCEPTION TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, BY INSERTING A NEW SECTION 10.535.13: INCREASED BUILDING HEIGHT BY CONDITIONAL USE PERMIT

*(The public hearing was continued at the August 5, 2013 meeting to the August 19, 2013 City Council meeting)*

Mayor Spear read the legal notice, re-opened the public hearing and called for speakers.



Planning Director Taintor provided a brief presentation regarding the amendment to the Zoning Ordinance relative to building height in the CBA and CBB districts. He informed the Council the last time building heights were adjusted was in 1982. He indicated that most of the older buildings in the downtown are well below 60 ft in height. Planning Director Taintor reported that the proposed ordinance would reduce the height of buildings in the CBA and CBB districts to 45 ft or 3 stories. The ordinance also authorizes the Historic District Commission to grant a conditional use permit, which would allow for the height to be over the 45 ft requirement.

Gibson Kennedy spoke in favor of the ordinance amendments with the recommendations of the Planning Board. He stated this is a good compromise and would not block out new businesses from the downtown. He thanked the Planning Board and Historic District Commission for their work on this matter.

Duncan McCallum spoke in favor of the 45ft height limit. He said everyone agrees that the change is not perfect, but the staff is moving in the right direction. He addressed the recommendation of the Planning Board and said the decision was rushed at their last meeting. He spoke to the split vote on the conditional use permit and who should be given the authority. Mr. McCallum suggested that conditions and criteria should be established for a waiver to the height limit. He spoke opposed to the Planning Board's recommendation to split the height between the CBA and CBB districts. He also stated it should be the City Council who grants conditional use permits and not the Historic District Commission.

Paul McEachern spoke against the ordinance and said height is not the problem. He said the ordinance has a 60ft limit with a minimum of 2 stories in the downtown. He stated the Kline Building is no taller than the Keefe House located across the street. Mr. McEachern said that we should not freeze frame the downtown.

Christine Davidson spoke strongly in favor of a height limitation. She said more often than not new developments not only go up in height they also increase in width. She said we need to preserve what we have and increase communication.

Zelita Morgan said change happens and is part of human nature. She urged the Council to slow down and make sense of what is happening with development and growth in the City. She expressed her support for a height limitation of 45ft for both the CBA and CBB districts. She stated the conditional use permit should be granted by the City Council and not the Historic District Commission or the Zoning Board of Adjustment.

Gerry Zelin spoke in support of the height limitation amendment by the Planning Board. He said we need to act now before more project applications are filed. He stated the way our ordinance defines height is liberal. Mr. Zelin said if the conditional use permit is not remaining with the Historic District Commission it should go to the Zoning Board of Adjustment.

Susan Denenberg stated the reason for the proposal is to serve as a place holder until the form based zoning is adopted. She said it is important to get this done with developments coming in now under the current provisions. She also expressed concerns with the exceptions in the ordinance.

Ralph DiBernardo spoke regarding the process of the current zoning ordinance and the proposed amendments. He feels the City should put a height limit in effect now.

Erica Dodge spoke in support for the height ordinance. She feels we need something in place and need to cherish and protect our City.

Peter Loughlin spoke in support of the Planning Board recommendation for the height ordinance. He has heard criticism on all the buildings over the last 25 years. He stated he is proud of the City and asked why we would try to discourage and limit buildings to 3 stories.

George Dodge said we are not Any Town, USA and we need to take into account the need to preserve what we currently have.

Claire Kittredge, Portsmouth Now, urged the City Council to approve the original height limit to protect our downtown. She said they don't want to stop change, but new limits need to be put in place on the height of buildings. She stated that the Council should be given the authority to grant conditional use permits.

Tony Bradford spoke in support of the ordinance and feels that the height of buildings impact parking as well.

Aaron Lawson spoke in favor of the ordinance and the need to make sure we maintain our historic area in the downtown.

Duncan McCallum said he does not support a conditional use permit and feels variances should be required. He spoke to the difference between the two.

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

At 9:25 p.m., Mayor Spear declared a brief recess. At 9:35 p.m., Mayor Spear called the meeting back to order.

**Councilor Smith moved to suspend the rules in order to take up Item XII. A.1. – Brewster Street Boarding House Permit Extension. Seconded by Assistant Mayor Lister and voted. Councilor Lown abstained from voting on this matter.**

City Manager Bohenko stated that the Boarding House Permit expires tomorrow.

**Councilor Smith moved to suspend the rules in order to allow Attorney Hoefle to speak on behalf of Brian Hogan and present the Boarding House application for 21 Brewster Street. Seconded by Assistant Mayor Lister and voted.**

Attorney Hoefle stated he is representing Mr. Hogan who was unable to attend the meeting this evening due to recent health issues. Attorney Hoefle presented and read a letter from Mr. Brabazon which outlines the activity over the last three months at Brewster Street. Attorney Hoefle stated Mr. Brabazon is available 24/7 and a sign is posted on the side of the building with instruction to reach him if there are any issues.

Attorney Hoefle informed the Council there has been 12 police reports filed since the last consideration of the permit by the City Council.

Councilor Thorsen asked how many hours per week does Mr. Brabazon spend on the premises. Attorney Hoefle stated the business manager is on site and would contact Mr. Brabazon with any issues of concern.

Councilor Dwyer addressed the matter of a professional management company and asked if Mr. Hogan would be working towards hiring a professional property management company. Attorney Hoefle stated presently there are no professional property management companies interested in the position.

Assistant Mayor Lister said it is a concern of the Council not having a professional management company. Attorney Hoefle said with the business manager and Mr. Brabazon things are working and have improved. Assistant Mayor Lister suggested that Mr. Hogan invest in having a professional sign for the property made indicating no loitering.

**Assistant Mayor Lister moved to extend the Boarding House Permit for 3 months, permit to expire on November 19, 2013. Seconded by Councilor Novelline and voted. Councilor Lown abstained from voting on this matter.**

## **VII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donation for Bench in Triangle Park - \$1,433.33 – Friends of the South End

**Councilor Smith moved to accept the donation from the Friends of the South End for a bench in Triangle Park, as presented. Seconded by Councilor Novelline Clayburgh and voted.**

## **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Proposed Ordinance amending various sections of Chapter 7, Vehicles, Traffic Parking Omnibus Ordinance

**Councilor Smith moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, at the September 3, 2013 City Council meeting. Seconded by Councilor Dwyer and voted.**

B. Second reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are here by Amended as follows:

- Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 Stories, which ever is less; CBB 45’ or 3 Stories, which ever is less;
- Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit

**Councilor Dwyer moved to pass second reading, as presented. Seconded by Assistant Mayor Lister.**

City Attorney Sullivan advised the City Council if amendments are made that significantly change the ordinance there would be a need for a new public hearing.

**Councilor Dwyer moved to amend the motion for the Maximum Structure Dimensions - Structure Height 45’ or 3 ½ stories, whichever is less for both the CBA and CBB Districts; to accept the Planning Board recommendations for Conditional Use Permit with the Zoning Board of Adjustment replacing the Historic District Commission as the granting authority; and to accept the Planning Board’s recommendation to insert in Article 15 definitions for the terms “Story,” “Half Story” and “Story Above Grade Plane.” Seconded by Councilor Kennedy.**

Councilor Dwyer stated 92% of our buildings in the CBA and CBB districts are 45ft. She said there is a reason to stay at the 45ft and the discussions by the Planning Board and Historic District Commission were very clear.

Councilor Kennedy said she supports the amendment and as City Councilors they’re being asked to make decisions about the future of the City. She said we need to make improvements to the Zoning Ordinance.

Councilor Smith asked City Attorney Sullivan if having a conditional use permit go through the Zoning Board of Adjustment would create a conflict between the Historic District Commission and Zoning Board of Adjustment. City Attorney Sullivan stated that decisions of Historic District Commission are appealable by the Zoning Board of Adjustment and court.

Councilor Thorsen said he feels this is a step in the right direction.

Councilor Coviello said he feels we are taking a tool away from the Historic District Commission with the conditional use permit authority should be a requirement of the Historic District Commission.

Councilor Lown stated he does not feel we are destroying the heritage of the City if building height is not limited. He also feels the Historic District Commission should have the authority to grant a conditional use permit.

**Amendment to the main motion passed.**

**Councilor Smith moved to hold a Public Hearing and Second Reading on the Ordinance, as amended at the September 3, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.**

**At 10:30 p.m., Councilor Smith moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Thorsen and voted. Councilor Coviello and Mayor Spear voted opposed.**

## **X. CONSENT AGENDA**

**Councilor Smith moved to adopt the Consent Agenda, as presented. Seconded by Councilor Coviello and voted.**

- A Letter from Chris Curtis, The Music Hall, requesting permission to close Chestnut Street throughout the weekend of September 20, 2013 – September 22, 2013 for the Telluride by the Sea film festival (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Allison Brownell, Susan G. Komen Race for the Cure, requesting permission to hold the Race for the Cure on Saturday, May 10, 2014 (***Anticipated action – move to refer to the City Manager with power***)

## **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from JerriAnne Boggis, Portsmouth Black Heritage Trail, requesting permission to hold a parade on Wednesday, August 28, 2013 from 3:00 p.m. – 4:00 p.m. from Middle Street to Chestnut Street

**Councilor Smith moved to refer to the City Manager with power. Seconded by Councilor Thorsen and voted.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

#### ***Informational Items***

- Status of Doble Army Reserve Center

City Manager Bohenko informed the City Council that the National Park Service has approved the application for a Public Benefit Conveyance for the Doble Army Reserve Center.

City Manager Bohenko also stated that the Park Service has requested that the Department of Army assign the property to the Park Service so it can move forward with a property transfer to the City.

**B. MAYOR SPEAR**

1. Appointment to be Voted:
  - Stephen Scott Gerrato – Taxi Commission (Taxicab Representative)

Mayor Spear postponed the appointment of Stephen Scott Gerrato to the Taxi Commission.

2. Establish Work Session Re: Transportation

Mayor Spear announced that a Work Session will be held prior to the regular City Council meeting on September 16, 2013 at 6:00 p.m.

Councilor Thorsen stated he does not feel an hour is enough time to get through the items on transportation. He indicated he would like time to review the matrix in advance of the Work Session.

**C. COUNCILOR SMITH**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 8, 2013 meeting

**Councilor Smith moved to approve and accept the Parking and Traffic Safety Committee action sheet and minutes of the August 8, 2013 meeting. Seconded by Assistant Mayor Lister. Councilors Coviello and Kennedy voted opposed.**

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Dwyer reported the Middle School will be ready to open on Tuesday, August 27, 2013. She also informed the Council the connector will be completed for the opening of school and the entrance will remain the same until construction is completed.

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

**At 10:45 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk

Posted: Tuesday, August 20, 2013

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 3, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the following proposed Ordinance which further Amends an Ordinance which passed First Reading before the City Council on June 17, 2013.

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are hereby amended as follows:

1. Amend Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

	CBA	CBB
Maximum Structure Dimensions		
Structure height	<b>50'<sup>5</sup> 45' or 3 ½ stories, whichever is less<sup>2</sup></b>	<b>60' 45' or 3 ½ stories, whichever is less<sup>2</sup></b>

<sup>2</sup> See Section 10.535 for ~~building height setback from street in Central Business A district exceptions to dimensional standards in the~~ **Central Business districts.**

2. Amend Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts, by inserting the following new Section 10.535.13:

**10.535.13 Increased Building Height by Conditional Use Permit**

Within the CBA and CBB districts, the Zoning Board of Adjustment may grant a conditional use permit to allow an increase in building height above the maximum structure height specified in Section 10.531, up to a maximum of 50 feet in the CBA district or 60 feet in the CBB district, only if the proposed building and site design positively contribute to the context, quality, and overall historic character of the neighboring properties and the district as a whole, including:

- Publicly accessible open space areas such as widened sidewalks, plazas, pocket parks, playgrounds or other significant public open space areas;

- Underground parking in lieu of surface parking;
  - The use of high-quality building materials in the building design including, but not limited to: slate or copper roofing; copper gutters and downspouts; restoration brick; granite sills, lintels, foundations, stoops and steps; and wood windows along the façade elevation;
  - Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint and volume, the use of pitched roof forms, banding, quoining and other massing techniques to maintain a pedestrian scale along the façade;
  - Significant restoration or reconstruction of a “focal” or “contributing” building;
  - Permanent protection of a significant view corridor.
3. In Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, add the following new terms and definitions:

**Story**

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For the purpose of determining the number of stories in a building, a story above grade plane shall count as a full story. (See also: building height, grade plane, half story, and story above grade plane)

**Half Story**

A story immediately below a roof in which the floor area with a ceiling height of 7 feet or more is not greater than 50 percent of the total floor area of the story below. Any exterior wall of a half story shall be set back at least 15 feet from any building wall of a lower story facing a street or public right of way.

**Story Above Grade Plane**

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is more than 6 feet above grade plane, or more than 12 feet above the finished ground level at any point.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 3, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the following proposed Ordinance which further Amends an Ordinance which passed First Reading before the City Council on June 17, 2013.

That the Ordinances of the City of Portsmouth, Chapter 10 - Zoning Ordinance, Article 5 - Dimensional and Intensity Standards, are hereby amended as follows:

- 1. Amend Section 10.531 - Table of Dimensional Standards - Business and Industrial Districts, as follows (deletions from existing language stricken; additions to existing language bolded; remaining language unchanged from existing):

Table with 2 columns: CBA, CBB. Row: Maximum Structure Dimensions Structure height. CBA: 50'-6" 45' or 3 1/2 stories, whichever is less. CBB: 60'-6" 45' or 3 1/2 stories, whichever is less.

See Section 10.535 for building height setback from street in Central Business A-district exceptions to dimensional standards in the Central Business districts.

- 2. Amend Section 10.535 - Exceptions to Dimensional Standards in the Central Business Districts, by inserting the following new Section 10.535.13:

10.535.13 Increased Building Height by Conditional Use Permit

Within the CBA and CBB districts, the Zoning Board of Adjustment may grant a conditional use permit to allow an increase in building height above the maximum structure height specified in Section 10.531, up to a maximum of 50 feet in the CBA district or 60 feet in the CBB district, only if the proposed building and site design positively contribute to the context, quality, and overall historic character of the neighboring properties and the district as a whole, including:

- Publicly accessible open space areas such as widened sidewalks, plazas, pocket parks, playgrounds or other significant public open space areas;
Underground parking in lieu of surface parking;
The use of high-quality building materials in the building design including, but not limited to: slate or copper roofing; copper gutters and downspouts; restoration brick; granite sills, lintels, foundations, stoops and steps; and wood windows along the facade elevation;
Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint and volume, the use of pitched roof forms, banding, quoining and other massing techniques to maintain a pedestrian scale along the facade;
Significant restoration or reconstruction of a "focal" or "contributing" building;
Permanent protection of a significant view corridor.

- 3. In Article 15 - Definitions, Section 10.1530 - Terms of General Applicability, add the following new terms and definitions:

Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For the purpose of determining the number of stories in a building, a story above grade plane shall count as a full story. (See also: building height, grade plane, half story, and story above grade plane)

Half Story

A story immediately below a roof in which the floor area with a ceiling height of 7 feet or more is not greater than 50 percent of the total floor area of the story below. Any exterior wall of a half story shall be set back at least 15 feet from any building wall of a lower story facing a street or public right of way.

Story Above Grade Plane

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is more than 6 feet above grade plane, or more than 12 feet above the finished ground level at any point.

KELLI L. BARNABY, CMC/CNHMC CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are hereby amended as follows:

1. Amend Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language stricken; additions to existing language **bolded**; remaining language unchanged from existing):

	CBA	CBB
Maximum Structure Dimensions		
Structure height	<del>50'</del> <sup>5</sup> <b>45'</b> or <b>3 ½ stories, whichever is less</b> <sup>2</sup>	<del>60'</del> <b>45'</b> or <b>3 ½ stories, whichever is less</b> <sup>2</sup>

<sup>2</sup> See Section 10.535 for building height setback from street in Central Business A district ~~exceptions to dimensional standards in the Central Business districts.~~

2. Amend Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts, by inserting the following new Section 10.535.13:

**10.535.13 Increased Building Height by Conditional Use Permit**

**Within the CBA and CBB districts, the Zoning Board of Adjustment may grant a conditional use permit to allow an increase in building height above the maximum structure height specified in Section 10.531, up to a maximum of 50 feet in the CBA district or 60 feet in the CBB district, only if the proposed building and site design positively contribute to the context, quality, and overall historic character of the neighboring properties and the district as a whole, including:**

- **Publicly accessible open space areas such as widened sidewalks, plazas, pocket parks, playgrounds or other significant public open space areas;**
- **Underground parking in lieu of surface parking;**
- **The use of high-quality building materials in the building design including, but not limited to: slate or copper roofing; copper gutters and downspouts; restoration brick; granite sills, lintels, foundations, stoops and steps; and wood windows along the façade elevation;**

- Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint and volume, the use of pitched roof forms, banding, quoining and other massing techniques to maintain a pedestrian scale along the façade;
  - Significant restoration or reconstruction of a “focal” or “contributing” building;
  - Permanent protection of a significant view corridor.
3. In Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, add the following new terms and definitions:

**Story**

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For the purpose of determining the number of stories in a building, a story above grade plane shall count as a full story. (See also: building height, grade plane, half story, and story above grade plane)

**Half Story**

A story immediately below a roof in which the floor area with a ceiling height of 7 feet or more is not greater than 50 percent of the total floor area of the story below. Any exterior wall of a half story shall be set back at least 15 feet from any building wall of a lower story facing a street or public right of way.

**Story Above Grade Plane**

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is more than 6 feet above grade plane, or more than 12 feet above the finished ground level at any point.

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 THE CITY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 3, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Ordinance amending Chapter 7, Vehicles, Traffic and Parking – Omnibus Ordinance. The complete Omnibus Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Which Amends the following provisions in City Ordinances:

- A. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established
- B. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES Section 7.602 Truck Loading/Unloading Zones (24 Hours)
- C. Amend: Chapter 7, Article II – TAXICABS, Section 7.224 Taxicab Stands
- D. Add: Chapter 7, Article III, Section 7.328 UTILIZATION OF MULTIPLE PARKING SPACES
- E. Amend: Chapter 7, Article IV: Section 7A.408 Taxicab Stands Designated
- F. Add: Chapter 7, Article III, Limited Parking – Three Hours: Section 7.328: Limited Parking – Three Hours
- G. Amend: Chapter 7, Article IV, Off-Street Parking Areas
- H. Amend: Chapter 7, Article III, Traffic Ordinance, Limited Time Parking, Section 7.327: Limited Parking – Two Hours
- I. Amend: Chapter 7, Article IVA, Bus Stops, Taxicab Stands and Horse Drawn Carriages and Article IV, Off-Street Parking Areas
- J. Amend: Chapter 7, Article IV, Off-Street Parking Areas
- K. Amend: Chapter 7, Article IX, Penalties, Forfeitures and Separability, Section 7.901: Penalties
- L. Amend: Chapter 7, Article III, Traffic Ordinance, Section 7.321: Snow Emergency Parking Ban
- M. Amend: Chapter 7, Article III, Traffic Ordinance, Section 7.326: Limited Parking – Fifteen Minutes
- N. Amend: Chapter 7, Article IV, Off-Street Parking Areas, Section 7.401, Definitions:

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

**LEGAL NOTICE**  
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 3, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Ordinance amending Chapter 7, Vehicles, Traffic and Parking – Omnibus Ordinance. The complete Omnibus Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.  
Which Amends the following provisions in City Ordinances:  
A. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established  
B. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES Section 7.602 Truck Loading/Unloading Zones (24 Hours)  
C. Amend: Chapter 7, Article II – TAXICABS, Section 7.224 Taxicab Stands  
D. Add: Chapter 7, Article III, Section 7.328 UTILIZATION OF MULTIPLE PARKING SPACES  
E. Amend: Chapter 7, Article IV: Section 7A.408 Taxicab Stands Designated  
F. Add: Chapter 7, Article III, Limited Parking – Three Hours: Section 7.328: Limited Parking – Three Hours  
G. Amend: Chapter 7, Article IV, Off-Street Parking Areas  
H. Amend: Chapter 7, Article III, Traffic Ordinance, Limited Time Parking, Section 7.327: Limited Parking – Two Hours  
I. Amend: Chapter 7, Article IVA, Bus Stops, Taxicab Stands and Horse Drawn Carriages and Article IV, Off-Street Parking Areas  
J. Amend: Chapter 7, Article IV, Off-Street Parking Areas  
K. Amend: Chapter 7, Article IX, Penalties, Forfeitures and Separability, Section 7.901: Penalties  
L. Amend: Chapter 7, Article III, Traffic Ordinance, Section 7.321: Snow Emergency Parking Ban  
M. Amend: Chapter 7, Article III, Traffic Ordinance, Section 7.326: Limited Parking – Fifteen Minutes  
N. Amend: Chapter 7, Article IV, Off-Street Parking Areas, Section 7.401, Definitions:  
KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK  
#12517 11P8/22

ORDINANCE # - 2013

THE CITY OF PORTSMOUTH ORDAINS that the following amendments be made to Chapter 7, Vehicles, Traffic and Parking, of the Ordinances of the City of Portsmouth (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

*(Explanation not part of ordinance: The following changes to the parking ordinance were either implemented by the Parking and Traffic Safety Committee for testing during the last year or are a part of ongoing improvements to the Vehicles, Traffic and Parking Ordinance and are forwarded to the City Council for approval as an Omnibus Ordinance.)*

**A. Amend:** Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established:

**ARTICLE VI: TRUCK LOADING/UNLOADING ZONES**

**Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED**

The following locations are established as exclusive “Truck Loading Zones” on Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. **or as otherwise described below with regard to any particular location** ~~(and 6:00 a.m. to 12:00 p.m. on Sundays where noted)~~. During these times only trucks, vans and other commercial delivery vehicles **actively** engaged in loading or unloading of product, merchandise or equipment (**meaning that no more than 10 consecutive minutes pass without loading or unloading activity**) may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles.

1. **Bow Street: northerly side starting 40 feet west from Chapel Street and extending west for a distance of 70 feet. In addition to Monday through Saturday, this location shall also be a truck loading zone from 6:00 a.m. to 12:00 p.m. on Sunday.**
  2. **Bridge Street: westerly side, 100 feet north from the intersection of Bridge Street and Islington Street for a distance of 49 feet.**
  - ~~7. Haven Court: both sides, entire length.~~
  10. Penhallow Street: westerly side, north from Commercial Alley for a distance of 45 feet. **In addition to Monday through Saturday, this location shall also be a truck loading zone from 6:00 a.m. to 12:00 p.m. on Sunday.**
-

- B.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES Section 7.602 Truck Loading/Unloading Zones (24 Hours):

**Section 7.602: TRUCK LOADING/UNLOADING ZONES (24 HOURS)**

The following locations are established as exclusive “Truck Loading Zones” at all times, 24 hours a day, seven days a week. Only trucks, vans and other commercial delivery vehicles actually engaged in loading or unloading of product, merchandise or equipment may park in the designated locations. Such vehicles may park at the designated locations for a period not to exceed 30 consecutive minutes.

- 2. Haven Court**  
**a. Both sides, entire length**
- 
- 

- C.** Amend: Chapter 7, Article II – TAXICABS, Section 7.224 Taxicab Stands:

**Section 7.224: TAXICAB STANDS**

- A. No owner or operator of any taxicab shall allow or permit the same to remain standing or parked unattended **for longer than five (5) minutes** at any taxi stand.
- 
- 

- D.** Add: Chapter 7, ARTICLE III:

**Section 7.328 UTILIZATION OF MULTIPLE PARKING SPACES:**

**No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any metered street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.**

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- E.** Amend: Chapter 7, Article IV: Section 7A.408 Taxicab Stands Designated:

**Section 7A.408: TAXICAB STANDS DESIGNATED**

The following areas are hereby designated as Taxi stands:

- C. Hanover Street: southerly side, first parking space west from ~~the bus stop.~~ **Fleet Street**
- 
-

**F. Add: Chapter 7, Article III, Limited Parking – Three Hours: Section 7.328:  
Limited Parking – Three Hours**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:**
- 1. Bow Street:**
    - a. both sides from Penhallow Street to Chapel Street.**
    - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.**
  - 2. Bridge Street: both sides from Hanover Street to Deer Street.**
  - 3. Ceres Street:**
    - a. land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.**
  - 4. Chestnut Street: both sides from State Street to Court Street.**
  - 5. Church Street: easterly side, two spaces 26 feet south of State Street.**
  - 6. Congress Street:**
    - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.**
    - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.**
  - 7. Court Place: east side from Court Street to State Street.**
  - 8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.**
  - 9. Daniel Street:**
    - a. north side from Piscataqua River to Market Street.**
    - b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.**
  - 10. Deer Street: all except for two spaces in front of 28 Deer Street.**
  - 11. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.**
  - 12. High Street:**
    - a. easterly side, first two metered spaces south of Ladd Street**
    - b. east side from Hanover Street to Deer Street.**
    - c. west side, first two metered spaces north of Hanover Street**

13. **Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street**
  14. **Market Square:**
  15. **Market Street:**
    - a. **westerly side from Market Square to Bow Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).**
    - b. **easterly side from Daniel Street to Deer Street.**
    - c. **both sides from Deer Street to Russell Street.**
  16. **Penhallow Street:**
    - a. **westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.**
    - b. **easterly side between Daniel Street and Bow Street.**
  17. **Pleasant Street:**
    - a. **easterly side from #15 Pleasant Street to State Street.**
    - b. **westerly side from southerly end of the North Church to State Street.**
  18. **State Street:**
    - a. **northerly side from Middle Street 250 feet westerly.**
    - b. **northerly side from Middle Street to Marcy Street.**
    - c. **southerly side from Middle Street to Marcy Street.**
  19. **Washington Street: northerly side between State Street and Court Street**
- 

**G.** **Amend**: Chapter 7, Article IV, Off-Street Parking Areas

H. Prescott Park Off-Street Parking Areas

The following areas to be known as the Prescott Park Off-Street Parking Areas are hereby established for off-street parking of motor vehicles:

1. **Water Street**
2. **The Lot at the northerly end of the Park.**
  - A. **No person having control or custody of any vehicle shall stop or cause same to stop for longer than two (2) hours at any time between the hours of 8:00 a.m. and 6:00 p.m., on any day of the week.**



~~I. Middle School — Library Parking Lot Off-Street Parking Area~~

~~The following area to be known as the Middle School Library Off-Street Parking Area is hereby established for off-street parking of motor vehicles in accordance with the terms and conditions contained herein:~~

~~The lot on the northerly side of Parrott Avenue between the Portsmouth Public Library and the Middle School.~~

- ~~1. The thirty one (31) parking spaces closest to the Portsmouth Library, as designated by the Department of Public Works, shall be designated as Library Only parking with a four (4) hour time limit.~~
- ~~2. All remaining parking spaces shall not be designated for parking related to any particular facility, but shall be subject to a two (2) consecutive hour time limit.~~
- ~~3. No parking shall be allowed in the lot between the hours of 11:00 p.m. and 7:00 a.m. at any time, except for the 24 parking spaces directly abutting Parrott Avenue, which spaces shall be vacated no later than 7:00 a.m.~~

~~J. Portsmouth Library Off-Street Parking Area~~

~~The following area to be known as the Portsmouth Library Off-Street Parking Area is hereby established for off-street parking of motor vehicles:~~

~~The southern section of the property located at 175 Parrott Avenue.~~

~~All of said area shall be used for off-street parking for library patrons only, not to exceed 4 hours at any one time. At no time shall a vehicle be parked overnight, or continuously from dusk until dawn.~~

~~It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of this Section and said violation shall be subject to a fine and removal by towing.~~

K. Meeting House Hill Off-Street Parking Area

The following area to be known as the Meeting House Hill Off-Street Parking Area is hereby established for off-street parking of motor vehicles:

The property located at 280 Marcy Street, formerly known as the Children's Museum.

All of said area shall be used for off-street parking not to exceed 72 hours at any one time.

~~It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of the Section and said violation shall be subject to a fine pursuant to Section 7.901, paragraph H, and removal by towing.~~

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**H. Amend: Chapter 7, Article III, Traffic Ordinance, Limited Time Parking**

**Section 7.327: LIMITED PARKING - TWO HOURS**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:
- ~~1. Bow Street:
    - a. both sides from Penhallow Street to Chapel Street.
    - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.~~
  - ~~2. Bridge Street: both sides from Hanover Street to Deer Street.~~
  - ~~3. Ceres Street:
    - a. land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.~~
  - ~~4. Chestnut Street: both sides from State Street to Court Street.~~
  - ~~5. Church Street: easterly side, two spaces 26 feet south of State Street.~~
  - ~~6. Congress Street:
    - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.
    - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.~~
  - ~~7. Court Place: east side from Court Street to State Street.~~
  - ~~8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.~~
  - ~~9. Daniel Street:
    - a. north side from Piscataqua River to Market Street.
    - b. Five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.~~
  - ~~10. Deer Street: all except for two spaces in front of 28 Deer Street.~~
  11. Doris Avenue: both sides.
  12. Dunton Street:

- ~~13. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.~~
14. Greenside Avenue: both sides.
15. Hancock Street:
  - a. northerly side from Marcy Street to Pleasant Street
  - b. southerly side from Washington Street to Pleasant Street.
- ~~16. High Street:
  - a. easterly side, first two metered spaces south of Ladd Street
  - b. east side from Hanover Street to Deer Street.
  - c. west side, first two metered spaces north of Hanover Street~~
17. Islington Street:
  - a. northerly side from Tanner Street to Parker Street
  - b. northerly side from Pearl Street to a point westerly 335'
  - c. northerly side from Cabot Street to a point easterly 515'
18. Madison Avenue: westerly side from State Street to Lovell Street.
- ~~19. Maplewood Avenue: easterly side ten spaces running northerly from a point one hundred twenty feet (120') north of its intersection of Vaughan Street.~~
- ~~20. Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street.~~
- ~~21. Market Square: limited two hour parking.~~
- ~~22. Market Street:
  - a. westerly side from Market Square to Bow Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408
  - b. easterly side from Daniel Street to Deer Street.
  - c. both sides from Deer Street to Russell Street.~~
23. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.
24. Middle Street: northerly side from Austin Street to Summer Street.
- ~~25. Penhallow Street:
  - a. westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.
  - b. easterly side between Daniel Street and Bow Street.~~

- ~~26. Pleasant Street:~~
- ~~a. easterly side from #15 Pleasant Street to State Street.~~
  - ~~b. westerly side from southerly end of the North Church to State Street.~~
27. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.
28. Sherburne Road: both sides.
- ~~29. State Street:~~
- ~~a. northerly side from Middle Street 250 feet westerly.~~
  - ~~b. northerly side from Middle Street to Marcy Street.~~
  - ~~c. southerly side from Middle Street to Marcy Street.~~
30. Summer Street:
- a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.
  - b. southwesterly side between Chatham Street and Austin Street.
31. Sutton Street: both sides.
- ~~32. Washington Street: northerly side between State Street and Court Street~~
33. Witmer Avenue: both sides.
- 

**I. Amend:** Chapter 7, Article IVA, Bus Stops, Taxicab Stands and Horse Drawn Carriages and Article IV, Off-Street Parking Areas

Section 7A-402: Bus Stops Designated

- D. Hanover Street: southerly side of Hanover Street 140–**90** feet east of Fleet Street to a point 285 feet east of Fleet Street.
- 

**J. Amend:** Chapter 7, Article IV, Off-Street Parking Areas

Section 7.402: Areas established, Designated and Described

**ADD: B. Dennett and Kane Streets Off-Street Parking Area:**

**The following area, to be known as the Dennett/Kane Off-Street Parking Area, is hereby established for the off-street parking of motor vehicles. Said area is more particularly bounded and described as follows:**

**The triangular area 100 feet westerly from the intersection of Dennett and Kane Streets abutting the easterly side of the property at 197 Dennett Street. The space provides parking for five vehicles.**

**AMEND:**  
**(Move to end) - Business Validation Program**

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**K. Amend:** Chapter 7, Article IX, Penalties, Forfeitures and Separability, Section 7.901: Penalties

E. Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the amount designated below. In the event that the forfeiture amounts not made within thirty (30) calendar days of the violation, then the forfeiture shall be twice the sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100.00 upon conviction. ~~therefore in the Portsmouth District Court.~~

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount</u>
<b>ADD:</b> <b>7.209</b>	<b>Utilization of Multiple Spaces</b> <i>(No amendments to remaining schedule of fines)</i>	<b>\$25.00</b>

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**L. Amend:** Chapter 7, Article III, Traffic Ordinance, Section 7.321: Snow Emergency Parking Ban

**G.** City residents may park in the High-Hanover Parking Facility during snow emergencies **by paying a flat fee to be determined by the City Council commencing from with** a declared parking ban advanced notice until a time deemed appropriate by the Public Works Director or his/her designee following termination of a snow ~~ban but in no event less than two hours after the termination of the snow ban.~~ **The time period allowed for such parking shall not terminate less than 2 hours after then end of the snow ban. To be eligible for the flat rate snow ban discount, drivers must provide proof of residency by presenting a driver's license or vehicle registration showing a Portsmouth address.** The fee is payable upon exit from the parking facility.

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**M. Amend:** Chapter 7, Article III, Traffic Ordinance, Section 7.326: Limited Parking – Fifteen Minutes

Add:

- 9. Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street**

Amend:

- 12. State Street:**  
**a. southerly side, first two metered spaces east from Atkinson Street.**  
**b. southerly side, first metered space east from Pleasant Street.**
-

**N. Amend**: – Chapter 7, Article IV, Off-Street Parking Areas, Section 7.401, Definitions:

Amend:

Section 7.401: Definitions **and Authority**

Add:

**C. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of this Section and said violation shall be subject to a fine pursuant to Section 7.901, paragraph H, and removal by towing.**

---

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

The City Clerk shall remove all references of amendment dates to Chapter 7 with that information to be indexed separately.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

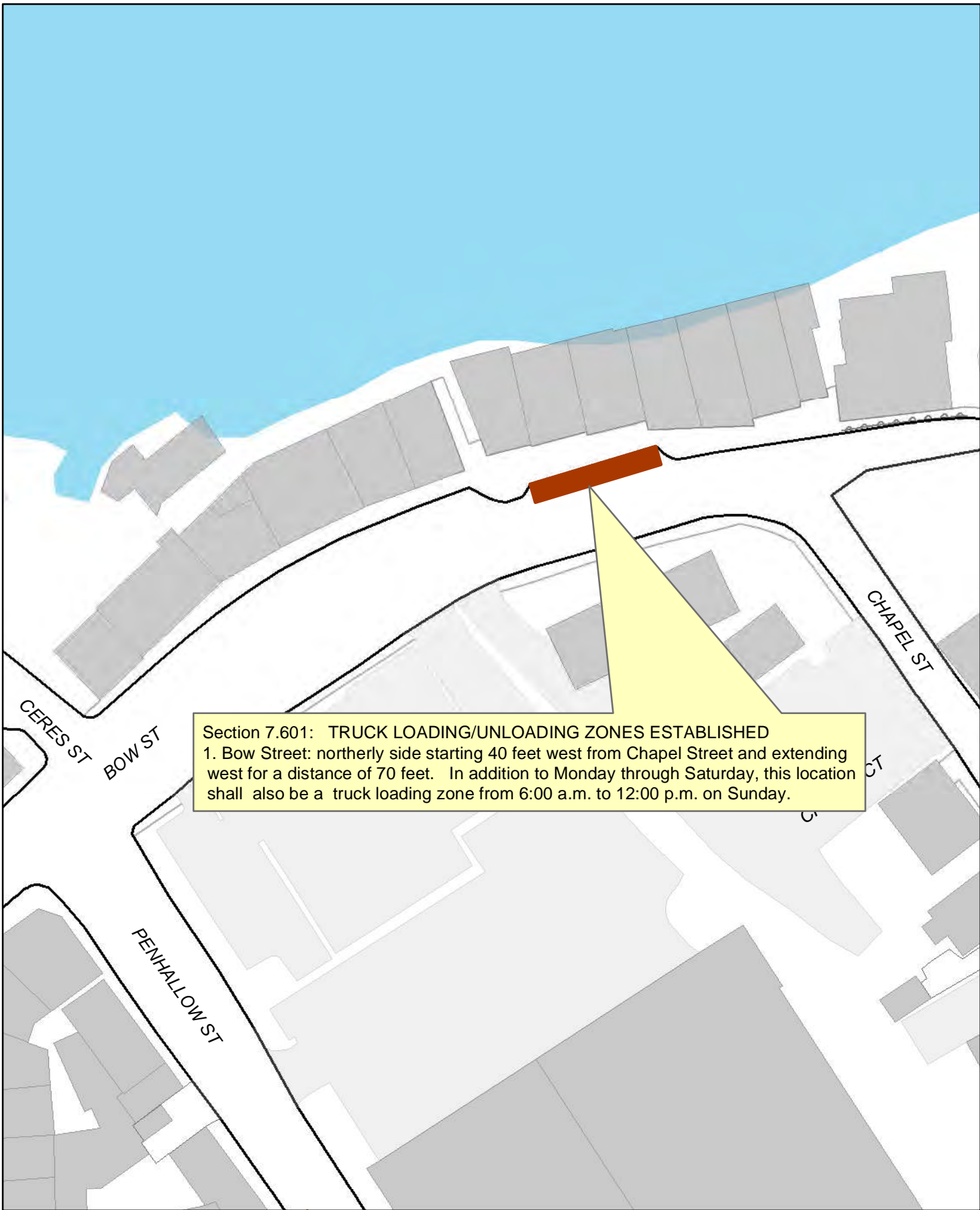
This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
ERIC SPEAR, MAYOR

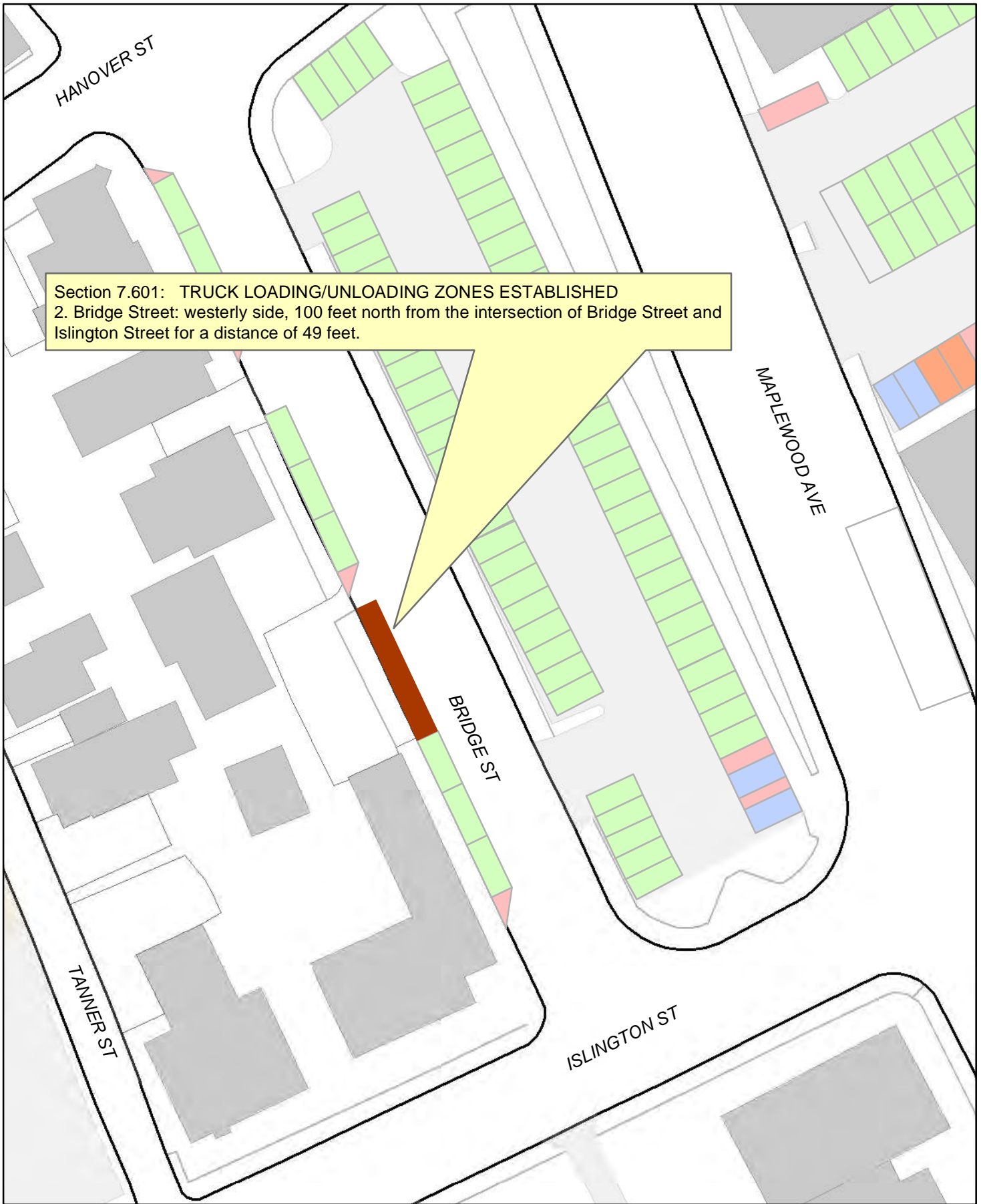
ADOPTED BY COUNCIL:

\_\_\_\_\_  
KELLI L. BARNABY, CMC  
CITY CLERK



**Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED**  
1. Bow Street: northerly side starting 40 feet west from Chapel Street and extending west for a distance of 70 feet. In addition to Monday through Saturday, this location shall also be a truck loading zone from 6:00 a.m. to 12:00 p.m. on Sunday.

**Bow Street, Loading Zone  
Portsmouth, New Hampshire**



Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED  
2. Bridge Street: westerly side, 100 feet north from the intersection of Bridge Street and Islington Street for a distance of 49 feet.

**Bridge Street, Loading Zone  
Portsmouth, New Hampshire**

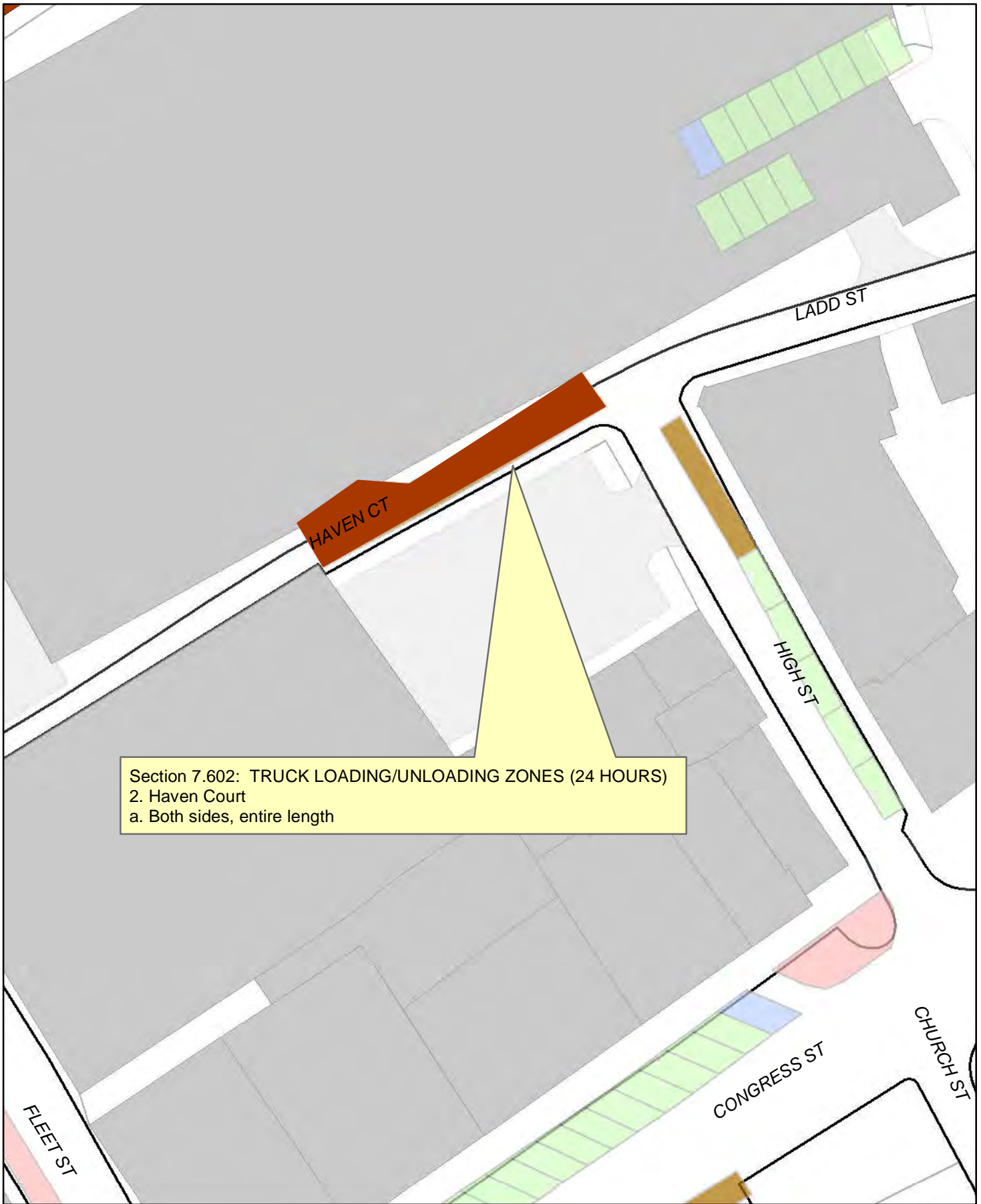




**Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED**

10. Penhallow Street: westerly side, north from Commercial Alley for a distance of 45 feet. In addition to Monday through Saturday, this location shall also be a truck loading zone from 6:00 a.m. to 12:00 p.m. on Sunday.

**Penhallow Street, Loading Zone  
Portsmouth, New Hampshire**

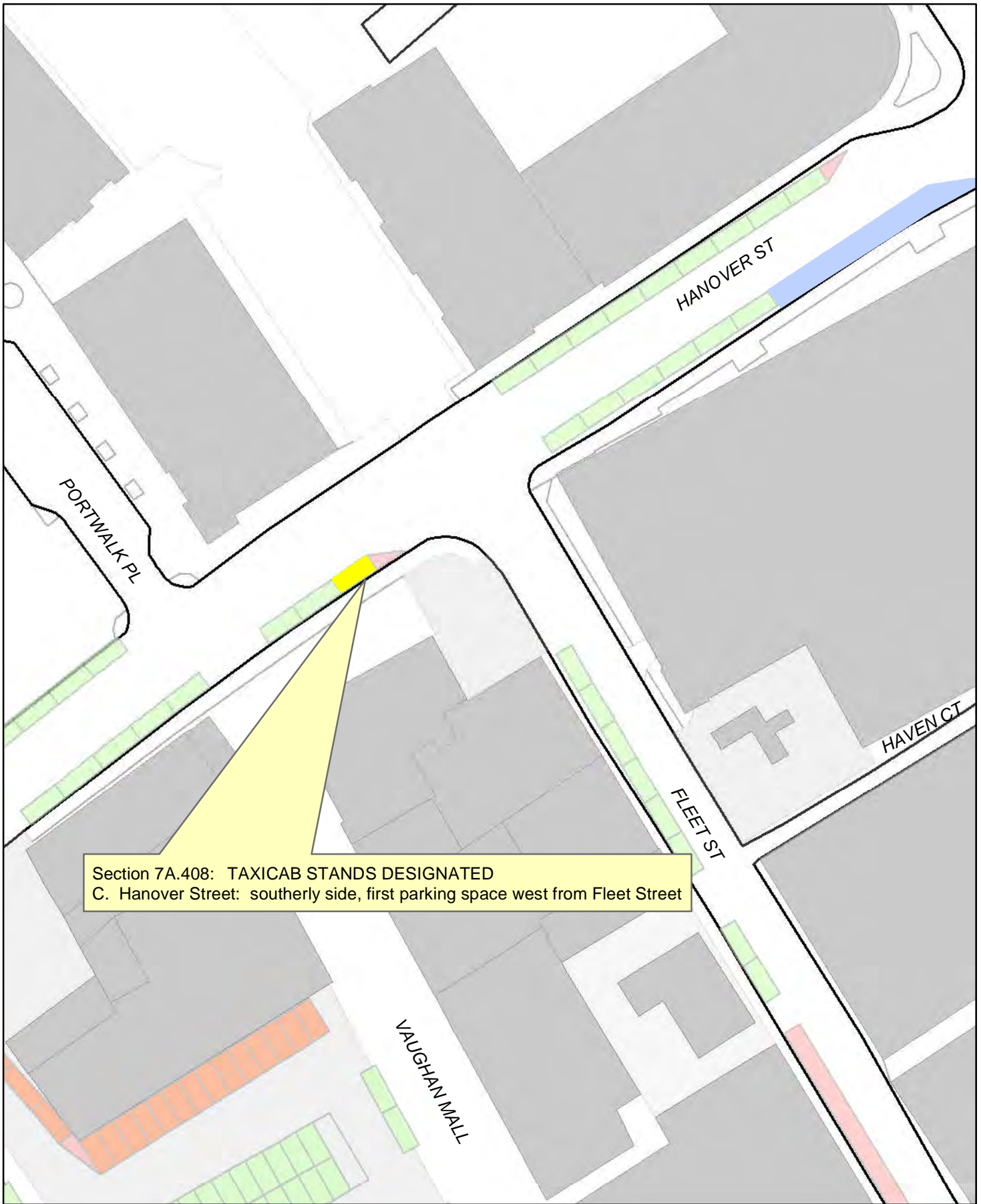


Section 7.602: TRUCK LOADING/UNLOADING ZONES (24 HOURS)  
2. Haven Court  
a. Both sides, entire length

**Haven Court, Loading Zone  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 28 August 2013  
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2013

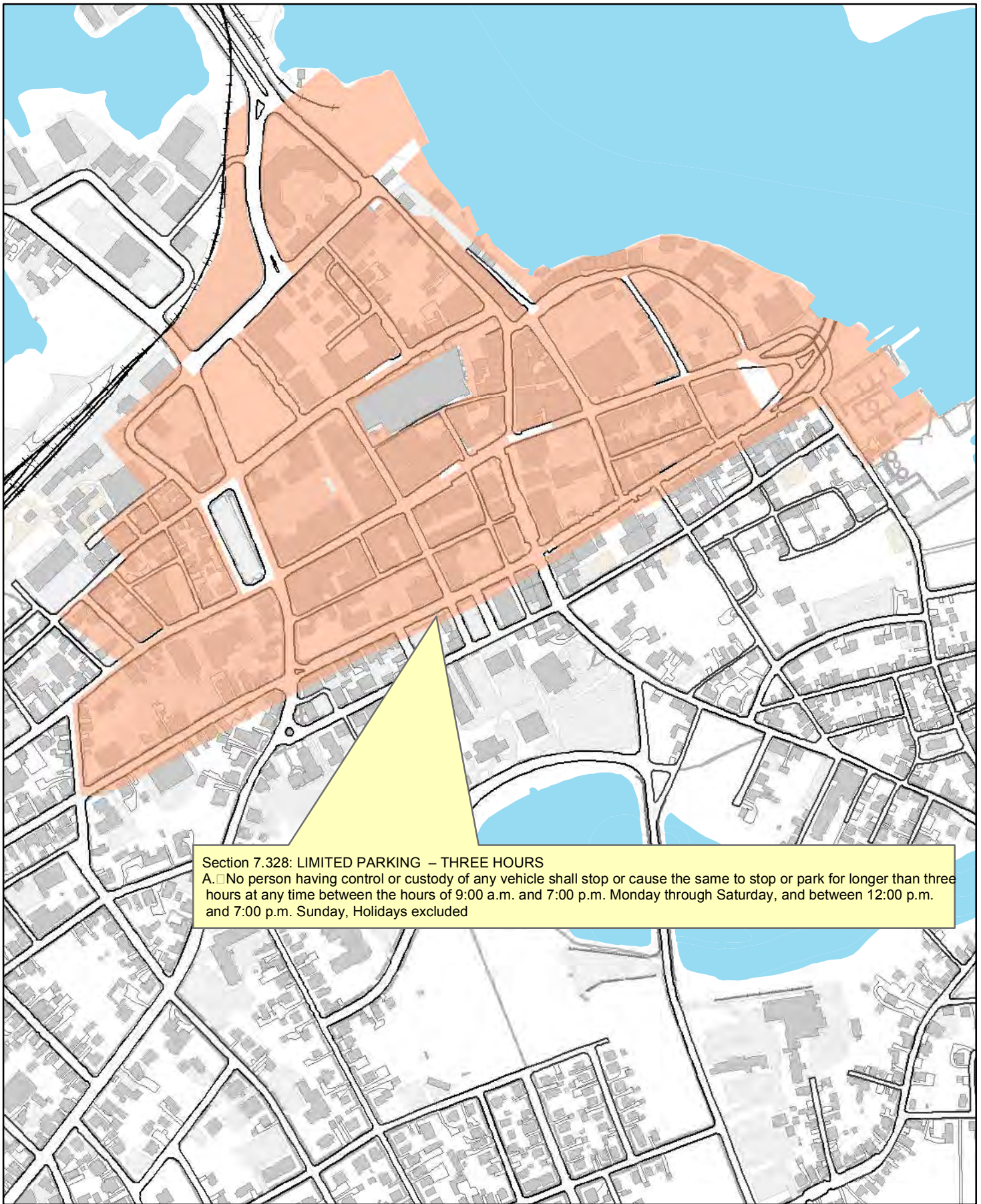




Section 7A.408: TAXICAB STANDS DESIGNATED  
C. Hanover Street: southerly side, first parking space west from Fleet Street

**Hanover Street , Taxi Cab Stand  
Portsmouth, New Hampshire**





Section 7.328: LIMITED PARKING - THREE HOURS  
A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded

## Limited Parking - Three Hours Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 28 August 2013  
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2013





**Section 7.402: OFF-STREET PARKING AREAS**

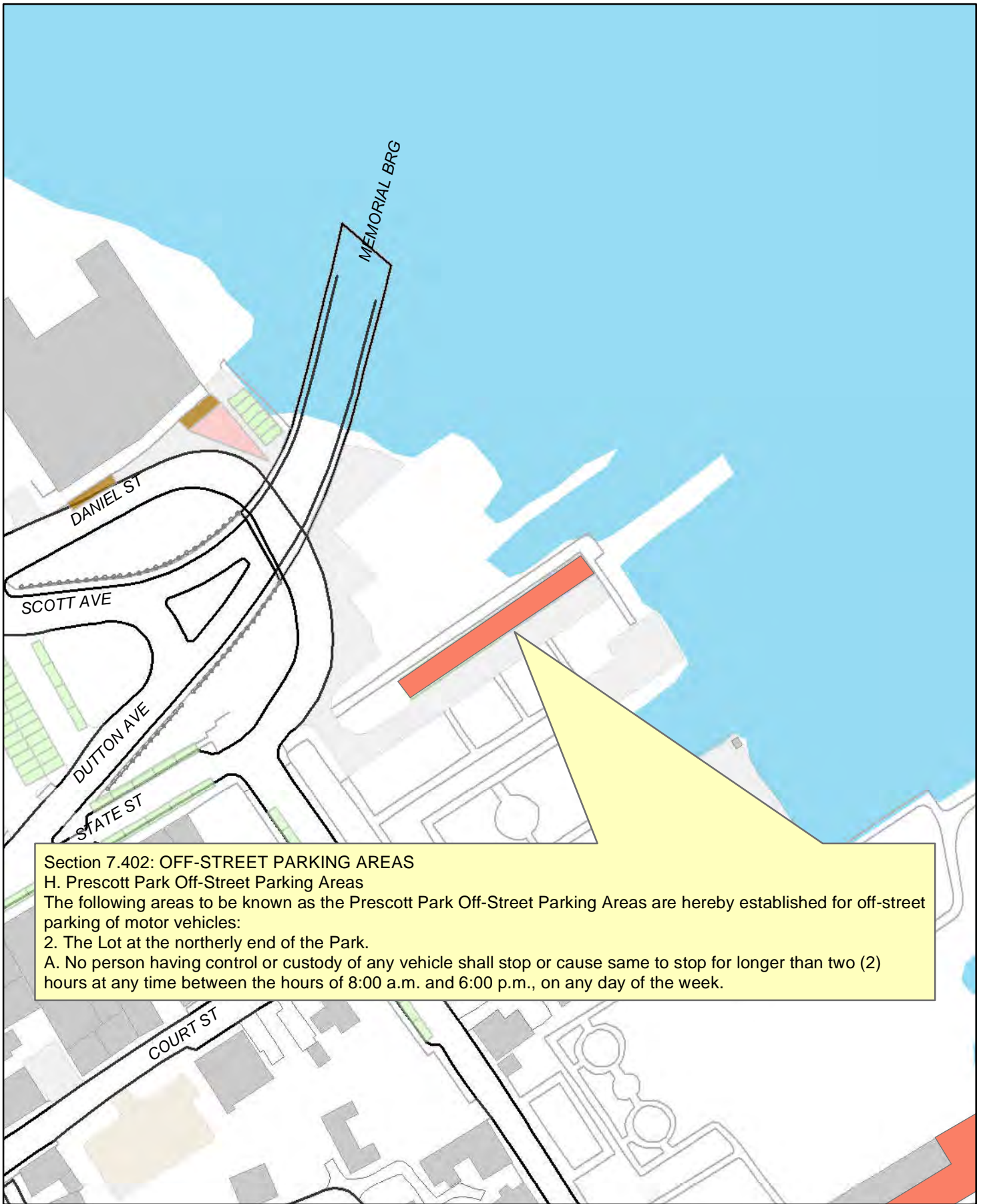
**H. Prescott Park Off-Street Parking Areas**

The following areas to be known as the Prescott Park Off-Street Parking Areas are hereby established for off-street parking of motor vehicles:

1. Water Street



**Water Street Off-Street Parking Area  
Portsmouth, New Hampshire**



**Section 7.402: OFF-STREET PARKING AREAS**

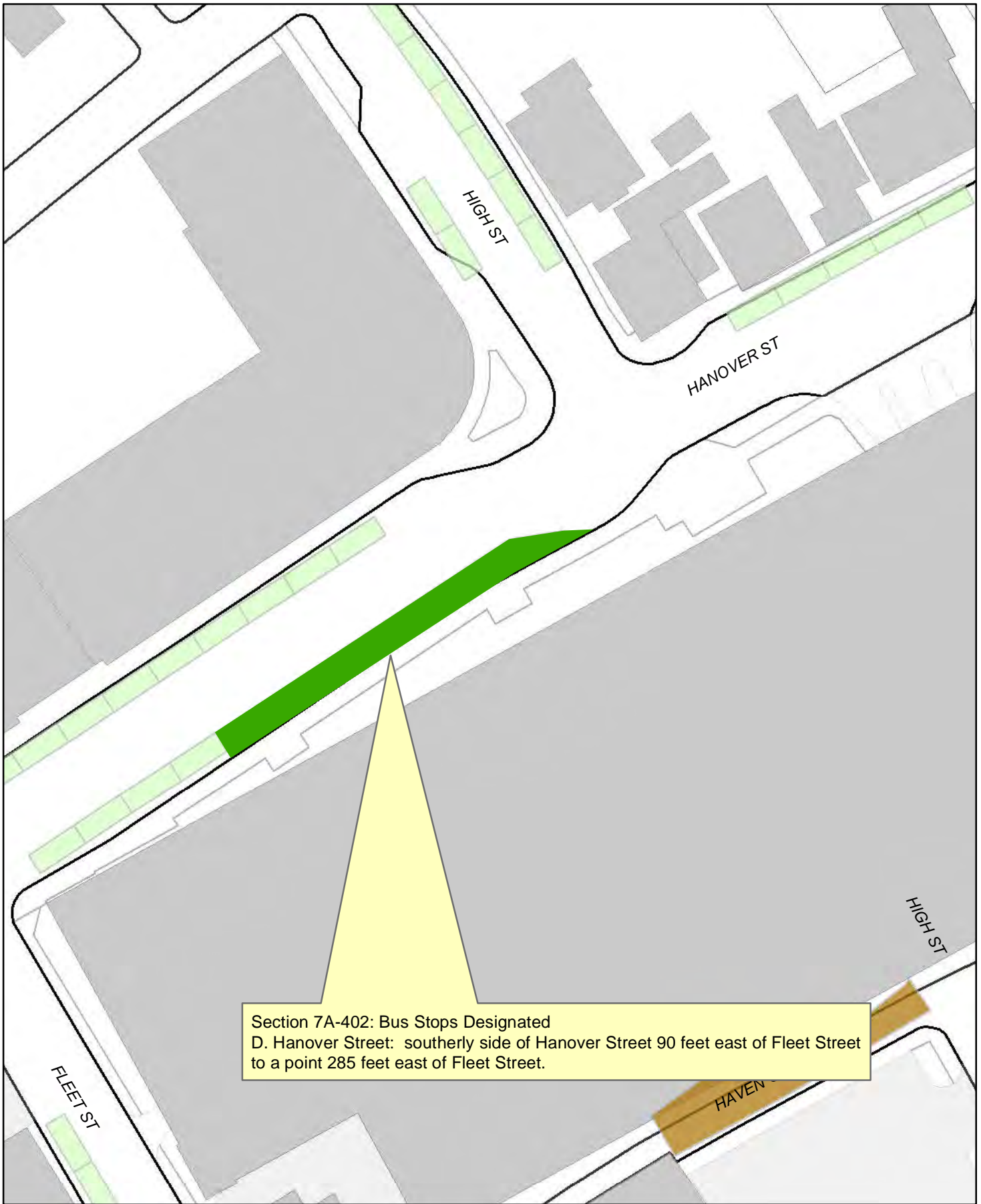
**H. Prescott Park Off-Street Parking Areas**

The following areas to be known as the Prescott Park Off-Street Parking Areas are hereby established for off-street parking of motor vehicles:

2. The Lot at the northerly end of the Park.

A. No person having control or custody of any vehicle shall stop or cause same to stop for longer than two (2) hours at any time between the hours of 8:00 a.m. and 6:00 p.m., on any day of the week.

**Prescott Park Off-Street Parking Area  
Portsmouth, New Hampshire**



Section 7A-402: Bus Stops Designated  
D. Hanover Street: southerly side of Hanover Street 90 feet east of Fleet Street to a point 285 feet east of Fleet Street.

**Hanover Street Bus Stop  
Portsmouth, New Hampshire**

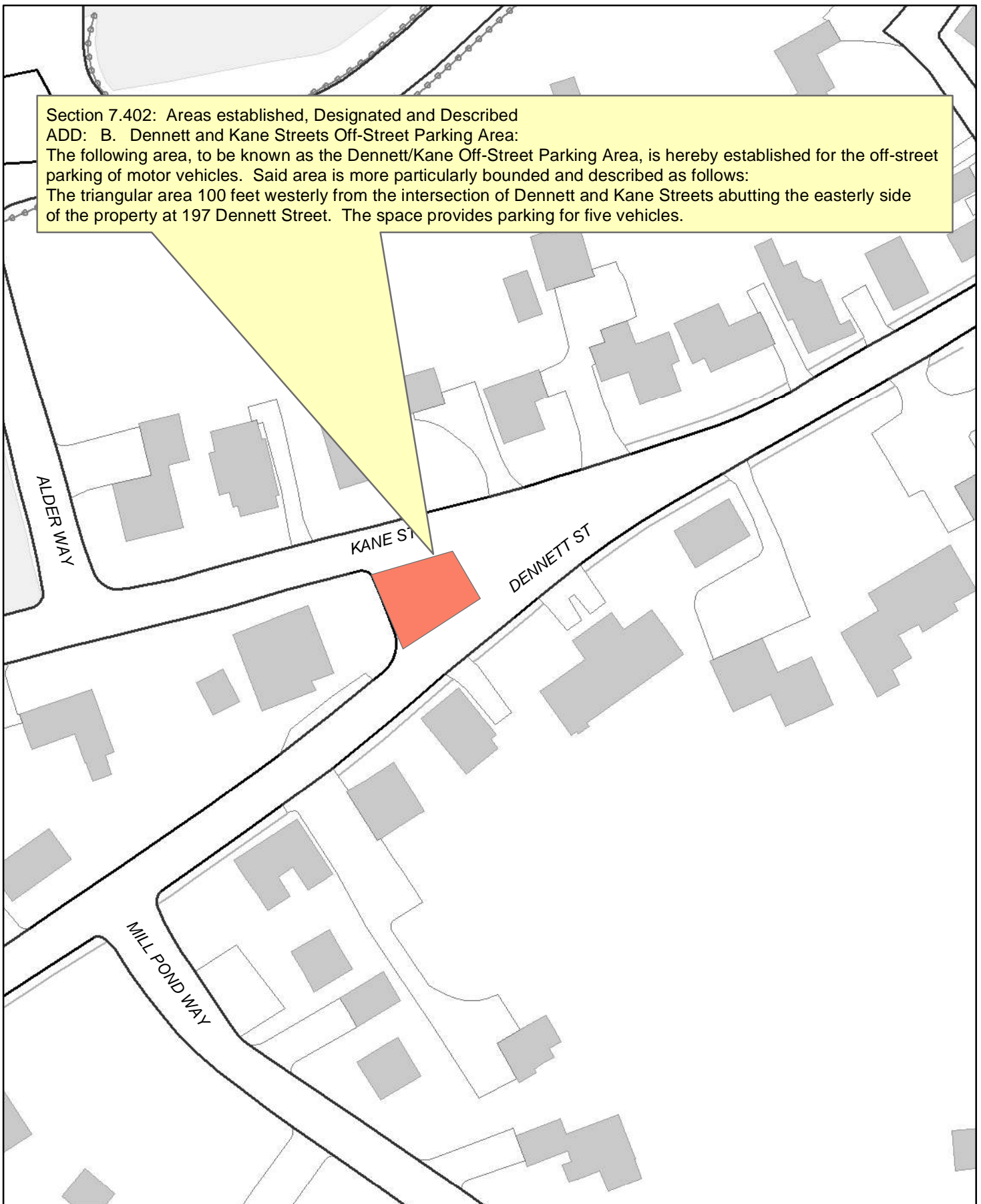


Section 7.402: Areas established, Designated and Described

ADD: B. Dennett and Kane Streets Off-Street Parking Area:

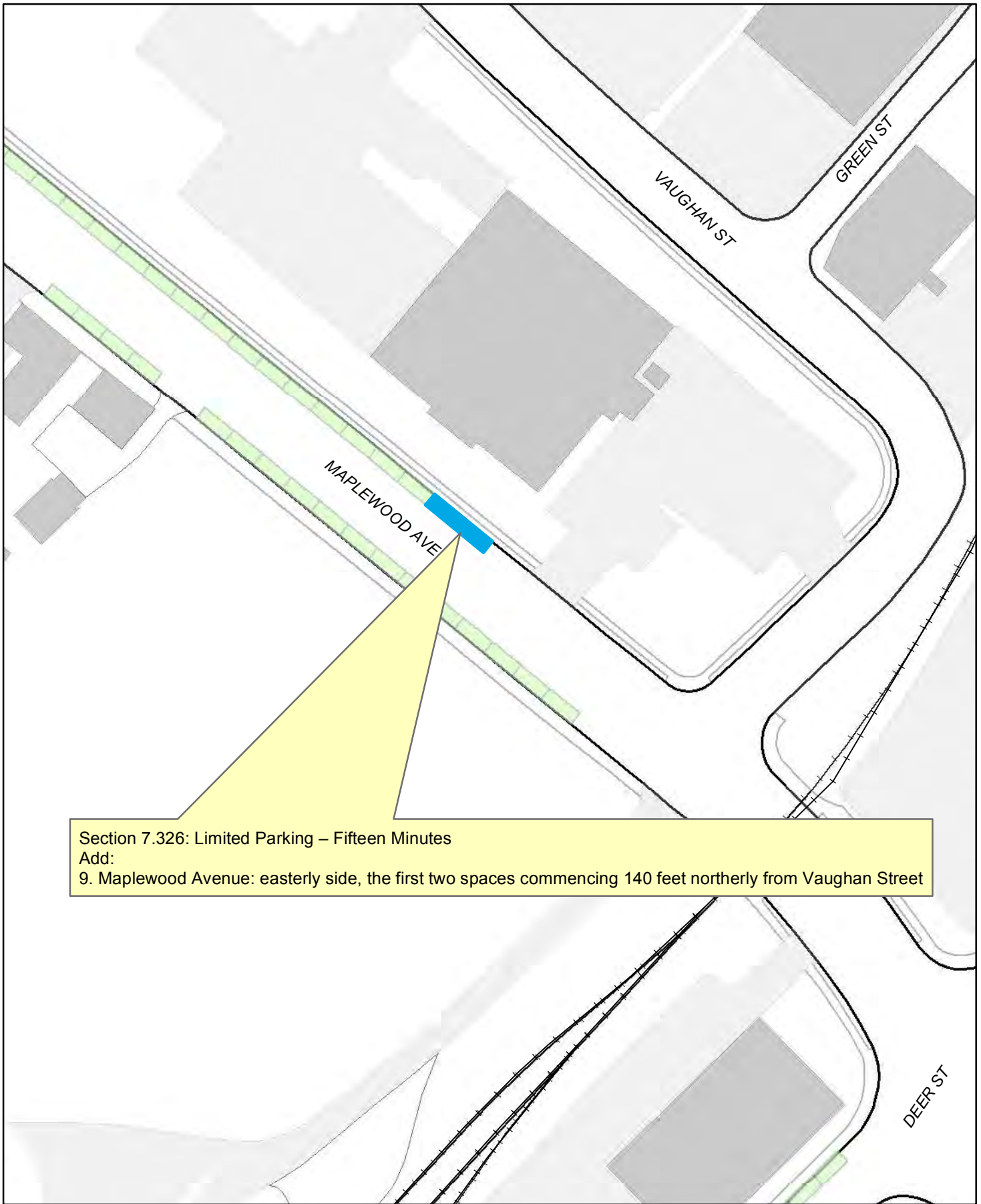
The following area, to be known as the Dennett/Kane Off-Street Parking Area, is hereby established for the off-street parking of motor vehicles. Said area is more particularly bounded and described as follows:

The triangular area 100 feet westerly from the intersection of Dennett and Kane Streets abutting the easterly side of the property at 197 Dennett Street. The space provides parking for five vehicles.



**Dennett and Kane Streets Off-Street Parking Area  
Portsmouth, New Hampshire**





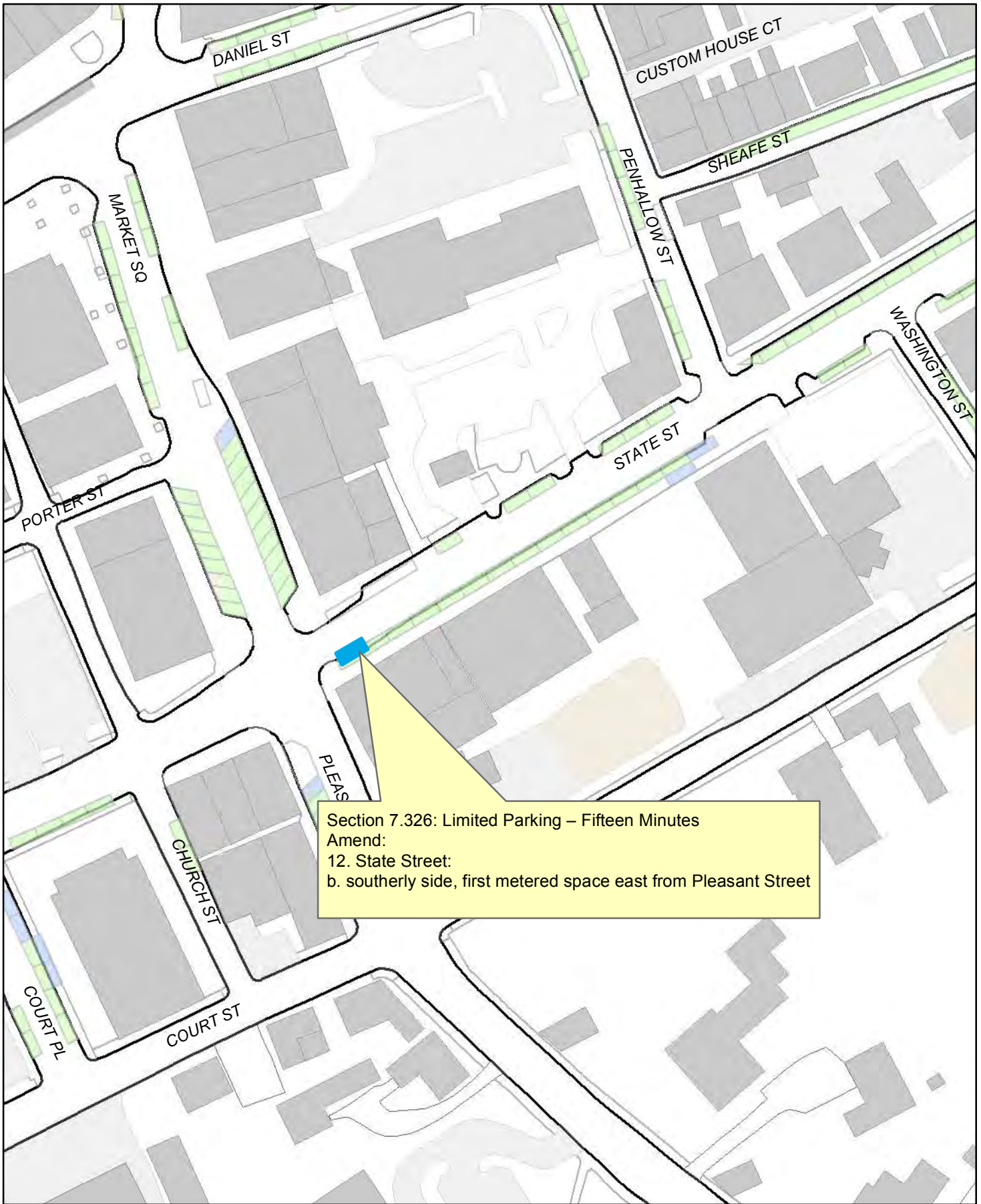
Section 7.326: Limited Parking – Fifteen Minutes

Add:

9. Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street

### Maplewood Avenue Limited Parking – Fifteen Minutes Portsmouth, New Hampshire





## State Street Limited Parking – Fifteen Minutes Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 28 August 2013  
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2013



PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM



DATE: 21 AUGUST, 2013  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION  
STEPHEN J. DUBOIS, CHIEF OF POLICE  
RE: DONATIONS

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At the August 21<sup>st</sup> Police Commission meeting, the Board of Police Commissioners approved and accepted the following donations:

- a. A donation in the amount of \$7,500 from Novel Iron Works, Inc. for the purchase of a new canine.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Golumb".

John F. Golumb, Chairman  
Board of Police Commissioners

A handwritten signature in black ink, appearing to read "S. DuBois".

Stephen J. DuBois, Chief of Police

cc: Board of Police Commissioners  
Finance Director Judie Belanger  
Admin. Mgr. Karen Senecal  
Business Assistant Tammie Perez

start something

received  
8/23/13



**Big Brothers Big Sisters  
of the Greater Seacoast**  
4 Greenleaf Woods #201  
Portsmouth, NH 03801

**T** 603 430 1140  
**F** 603 430 7760

[www.bbbsgs.org](http://www.bbbsgs.org)

August 21, 2013

Mayor Eric Spear  
Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor Spear and the Portsmouth City Council,

**Big Brothers Big Sisters of the Greater Seacoast would like to respectfully request approval to close Pleasant Street on Saturday, June 21, 2014 from 3pm - 6pm for the 4th Annual *Stiletto Race*. We further request to reserve the following Sunday, June 22, 2014 for a rain date.**

Our Young Philanthropists for Mentoring (YP4M) Committee will be organizing the Stiletto Race once again. The YP4M Committee is a group of young professionals who help raise financial support and awareness for Big Brothers Big Sisters of the Greater Seacoast.

This year's Stiletto Race was very successful, raising over \$18,000 and garnering positive media coverage. All proceeds from this event will support Big Brothers Big Sisters' mission to provide children facing adversity with strong and enduring, professionally supported, one-to-one relationships that change their lives for the better, forever.

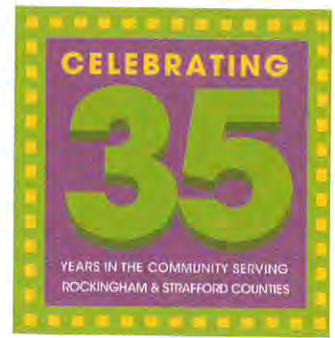
Big Brothers Big Sisters of the Greater Seacoast will work with your Council and the Fire and Police Departments to make this a successful and minimally disruptive event. We will require every participant to sign a release of liability waiver as well.

Please know that our agency is willing to work with your Council to select an alternative date and/or time and/or street to host this event if necessary.

If you have any questions regarding this proposal, please contact me at [development@bbbsgs.org](mailto:development@bbbsgs.org) or 603-430-1140 x 14. We look forward to continued collaboration with the City of Portsmouth.

Sincerely,

Alyssa Salmon  
Development & Communications Director



August 22, 2013

Dear City Council,

I am writing to ask for your permission and support of our 7<sup>th</sup> PMC (Pan Mass Challenge) SEACOAST KIDS Ride, to take place on Sunday, September 29<sup>th</sup>. PMC Kids, an offshoot of the "Big PMC" 192 mile bike ride, raises funds for Dana Farber Cancer Institute and the Jimmy Fund, with 100% of funds raise going directly to DFCI.

The event is 8:30- 11:30 a.m. and takes place at the New Castle Commons, rain or shine. A safe and well monitored route, lower and middle school age kids, lap the commons. Toddlers on tricycles have a safe lot and teens will ride a 17 mile route down and up the coast.

The teen ride is monitored with many veteran riders, the number carefully calculated according to the number of teens participating. We are on Portsmouth roads only for a bit.

From the Commons to 1B to Sagamore.  
Left on Sagamore to Foss's Circle. Left on 1b down the coast, past Rye Harbor.  
R on Harbor to Locke to Central to Wallis to Sagamore to 1b to the Commons.

All cyclists walk their bikes across the Wentworth bridge.

This is a tremendously fun and special event and is a wonderful opportunity for the Seacoast community to come together for an important cause.

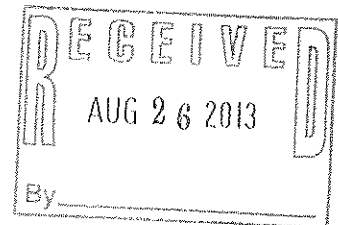
We truly believe, each mile pedaled, brings us closer to a cure.

Sincerely,

*Ellen Fisher*

Ellen Fisher  
PMC Seacoast Kids Ride co- Chair  
21 yr PMC rider

cell 978-239-6774





August 20, 2013

Mayor Spear and the City Council  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth NH 03801

Dear Mayor Spear and Council:

On behalf of Pro Portsmouth, Inc., I am requesting the City's permission to produce the following:

**First Night® Portsmouth 2014**

Date: Tuesday, December 31, 2013

Ice Sculpture – Market Square/North Church

Fireworks – South Mill Pond – 7:30pm (Parrott Avenue plus various lot closures for fire safety zone)

Street closures – Church Street @ Congress Street – 1pm to midnight (assembly of ice sculpture, heavy pedestrian traffic), Pleasant Street from Porter to the Square at 4pm (Dance: 5:00pm – 12:00am)

Entertainment/music/children's activities – 4:00pm – Midnight (approx. 10 indoor venues)

School bus 'shuttle service' between indoor venues – 4pm - Midnight

**Children's Day, Sunday, May 4, 2014 – Noon – 4pm.**

Street closure – Pleasant Street – State Street to Market Square: no parking on Market Street – Bow Street to ISSCo. entrance

**37<sup>th</sup> Annual Market Square Day Festival & 10K Road Race, Saturday, June 14, 2014 - 9am – 4pm.**

Street closures – Downtown streets from 4am – 6pm; race course – 9am (roving closures)

**12<sup>th</sup> Annual Summer in the Street, Saturday evenings 5pm – 9:30pm – June 28, July 5\*, 12, 19, 26, August 2.**

Street Closures – Pleasant Street – Porter Street to Market Square

\* - Assuming this is the City's Rain Date for Fireworks, if the 5<sup>th</sup> is needed for the Fireworks display, we would begin our Summer in the Street program on that date at 4pm and end by 8pm.

I look forward to meeting with you to discuss the permitting process for all of our upcoming events.

Thank you in advance for your consideration.

Best regards,



Barbara Massar  
Executive Director

cc: John P. Bohenko, City Manager

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# M E M O R A N D U M

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TO: John P. Bohenko, City Manager  
FROM: Rick Taintor, Planning Director *RT.*  
DATE: August 26, 2013  
RE: City Council Referral – Projecting Sign  
Address: 7 Commercial Alley  
Business Name: Concetta's Closet  
Business Owner: Dana Hanson

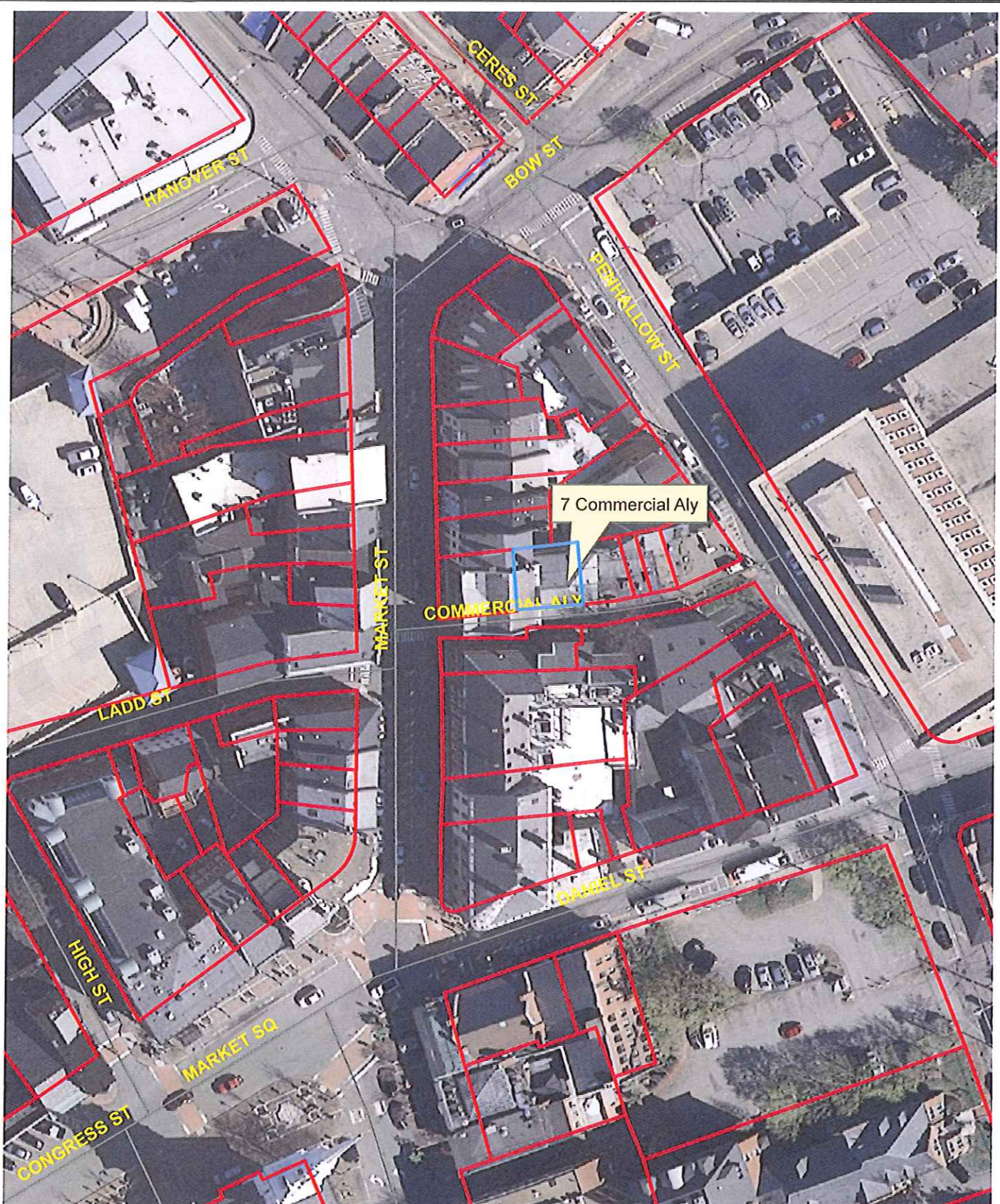
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 24" x 24"  
Sign area: 4 sq. ft.  
Height from sidewalk to bottom of sign: 9'8"  
Maximum protrusion from building: 37 in.

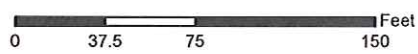
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



7 Commercial Aly

COMMERCIAL ALY



# Request for Projecting Sign License 7 Commercial Aly

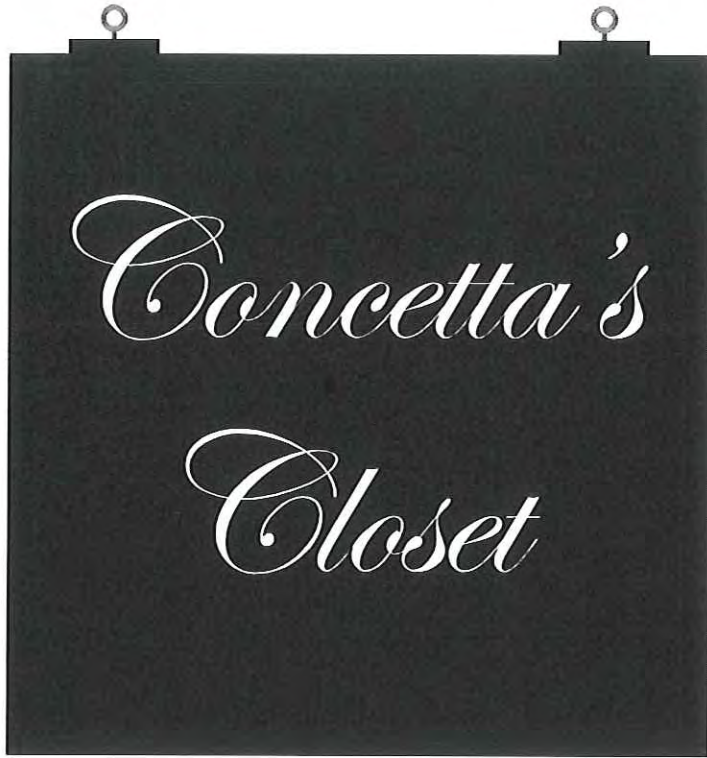
Map produced by Planning Department 8-13-2013



**Concetta's Closet  
7 Commercial Alley  
1 projecting sign**



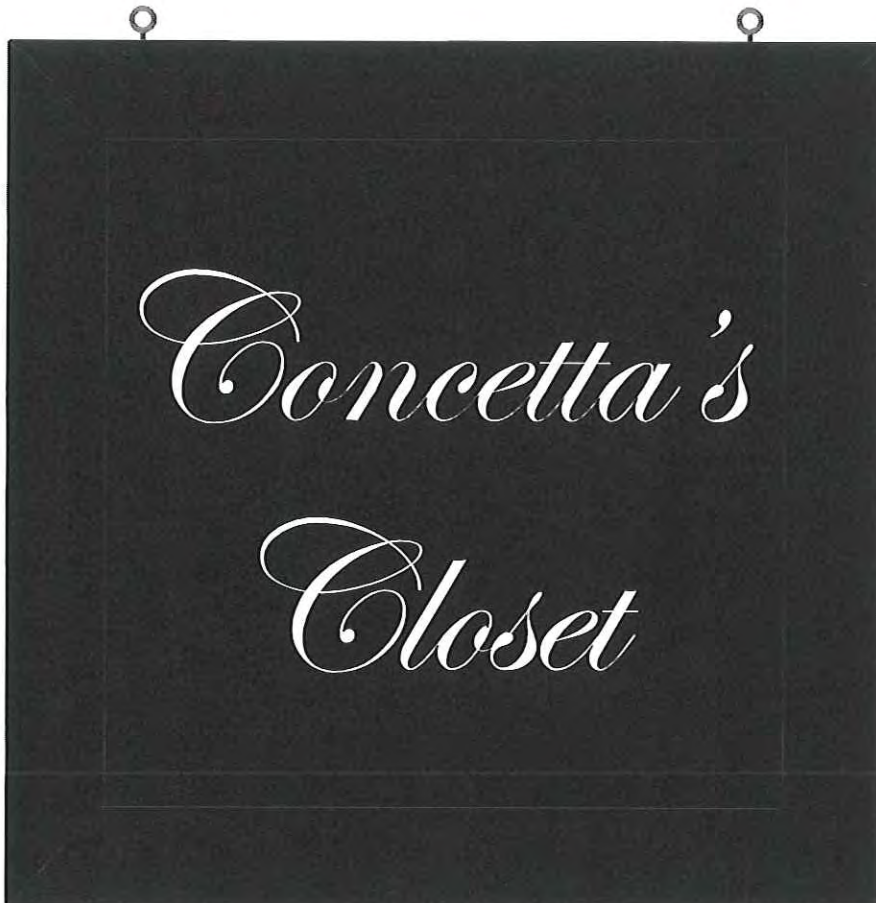
MDO sign



Side View



Aluminum sign




Side View



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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** August 27, 2013  
**RE:** City Council Referral – Projecting Sign  
Address: 22-28 Deer Street  
Business Name: NAI Norwood Group  
Business Owner: Carl Norwood



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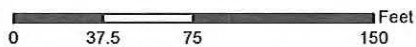
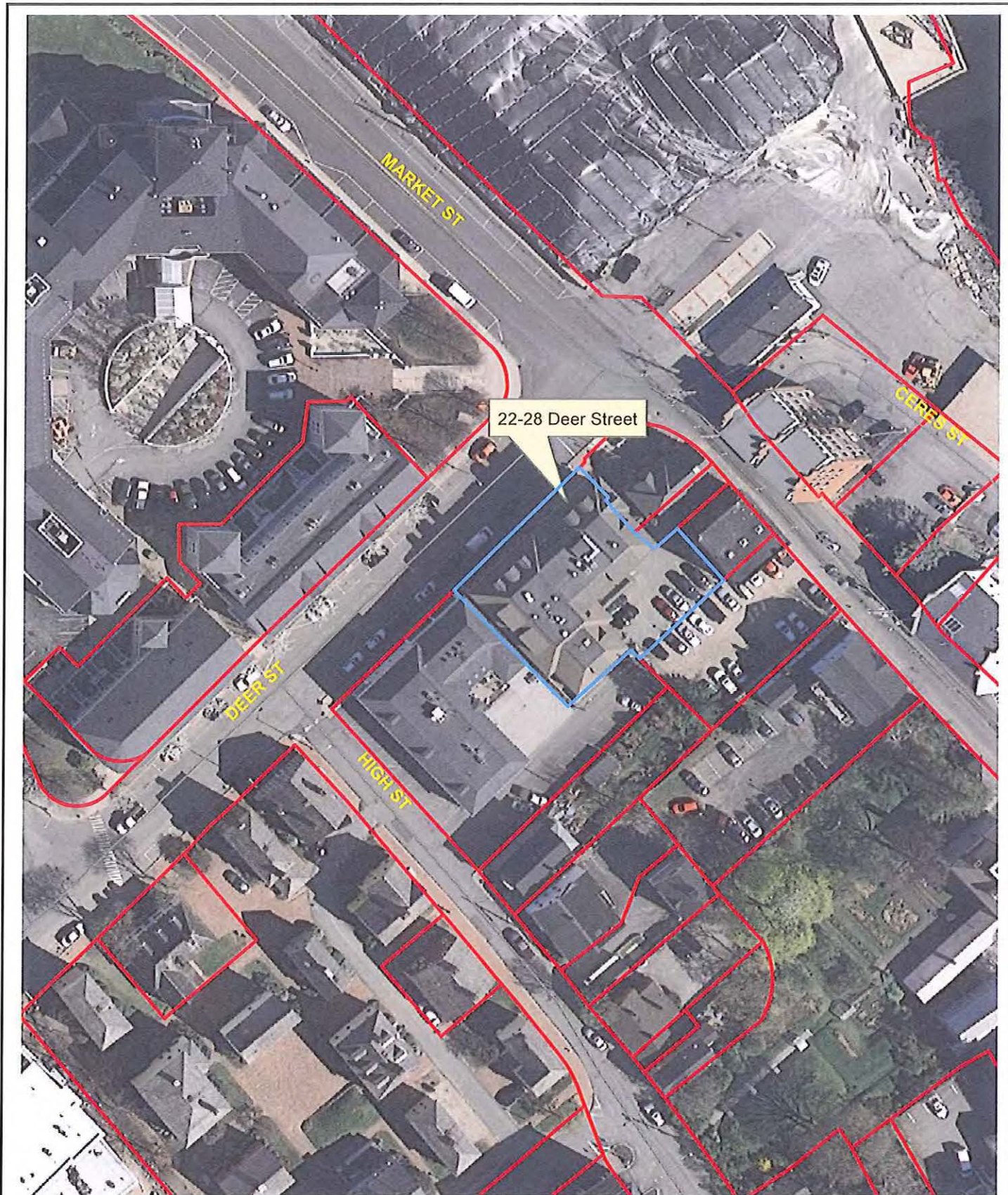
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 36" x 24"  
Sign area: 6.0 sq. ft.  
Height from sidewalk to bottom of sign: 11'8"  
Maximum protrusion from building: 42 in.

The proposed sign will replace a sign that was approved by variance in 2000, and thus complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

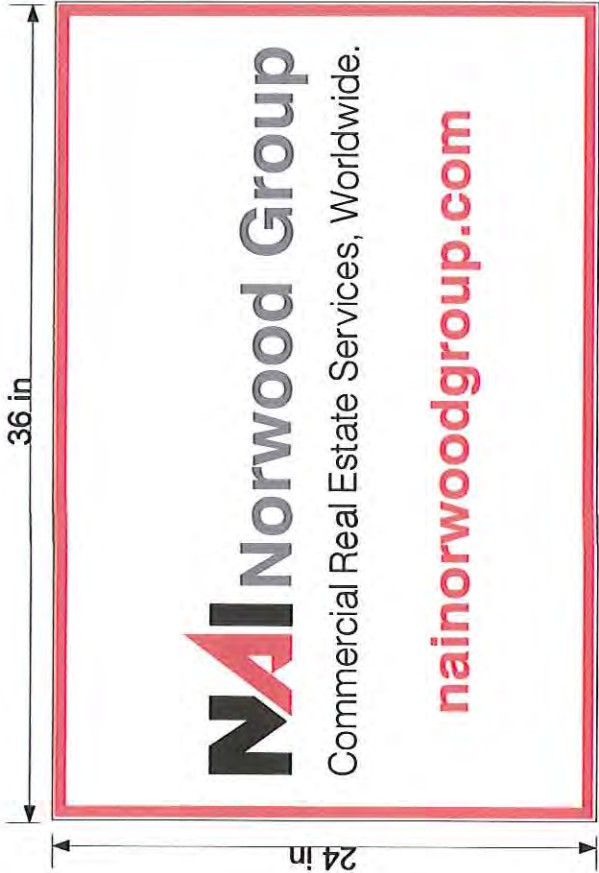
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.





## Request for Projecting Sign License 22-28 Deer Street

Map produced by Planning Department 8-27-2013



*NEW PROJECTING #11*

Qty:                      SS/DS:                      Materials:                      Background Color:                      Vinyl Color:                      HP                       Int                       Other:                      Date: \_\_\_\_\_



Phone: 603-436-0047  
email: service@portsmouthsignco.com  
**All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.**

**REVISION:**

**All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.**

7/30/13

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order exactly. I authorize fabrication according to this approval.

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

RETURN SIGNED TO: service@portsmouthsignco.com

NOTE: Designs are NOT actual size

August 19, 2013

City Manager  
John Bohenko  
1 Junkins Avenue  
Portsmouth New Hampshire 03801

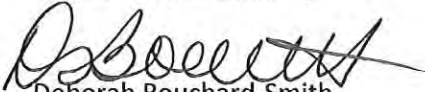
Dear Mr. Bohenko,

On behalf of the Scarecrows of the Port Committee, I am writing to request permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area.

The Scarecrows of the Port at this time is a grassroots committee that is working to establish an Annual Event where retailers and different downtown business associations can collaborate to decorate their stores in a festive manner to attract visitors and locals to the downtown. At this time we are anticipating 30 scarecrows that would be on City Property. We would like to erect the scarecrows on ~~Friday~~ <sup>Thursday</sup>, October 10<sup>th</sup> and take them down on Friday, November 1<sup>st</sup>. The Scarecrows of the Port Committee will be responsible for placement and removal. As always we appreciate any assistance from DPW.


As in the past we will supply you with our insurance coverage information.

Respectfully submitted,

  
Deborah Bouchard-Smith  
Committee Member  
Scarecrows of the Port

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** August 29, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on September 3, 2013 City Council Agenda

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*6:15 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.

.....

***Items Which Require Action Under Other Sections of the Agenda:***

1. **Public Hearings/Second Readings of Proposed Resolution and Ordinance Amendments:**

1.1 **Public Hearing and Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3½ Stories, whichever is less; CBB 45’ or 3½ Stories, whichever is less, and Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit; Section 10.1530 Terms of General Applicability Add New Terms & Definitions.** As you will recall, at the August 19th City Council meeting, the Council held a Public Hearing on a proposed amendment to the Zoning Ordinance regarding building height in the Central Business district. At that time, the Council reviewed the report of the Planning Board, including recommendations for amendments to the original proposed Ordinance. The City Council voted to amend the proposed attached Ordinance as follows:

- (1) Change the maximum allowed structure height from 45 feet or 3 stories to 45 feet or 3½ stories in both the CBA and CBB districts;



- (2) Revise proposed Section 10.535.13, regarding the findings and criteria for granting a conditional use permit for increased building height;
- (3) Designate the Zoning Board of Adjustment as the body to grant a conditional use permit for increased building height, in place of the Historic District Commission as originally proposed; and
- (4) Add definitions for the terms “story,” “half story” and “story below grade plane.”

The Council then voted to hold a Public Hearing and Second Reading on the amended Ordinance at the September 3rd City Council meeting.

Prior to the public hearing, Rick Taintor, Planning Director, will make a presentation regarding this proposed Ordinance as amended.

*The City Council may take the following actions:*

- 1) *Move to make additional amendments to the Ordinance, or*
- 2) *Move to pass second reading, as presented, and schedule a third and final reading at the September 16, 2013 City Council meeting..*

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

- 1.2 **Public Hearing/Second Reading of Omnibus Ordinance.** As a result of the August 19th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances that were either implemented by the Parking and Traffic Safety Committee for piloting during the last year or are a part of ongoing improvements to the Vehicles, Traffic and Parking Ordinance and are forwarded to the City Council for approval as an Omnibus Ordinance annually. The changes are highlighted in red.

*I would recommend that the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the September 16, 2013 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

### ***Acceptance of Grants and Donations:***

1. **Acceptance of Police Department Donation.** Attached under Section VIII of the Agenda is a memorandum, dated August 21, 2013 from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donation:
  1. A donation in the amount of \$7,500 from Novel Iron Works, Inc. for the purchase of a new canine.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

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

### **Consent Agenda:**

1. **Request for Licenses to Install Projecting Signs.** Attached under Section X of the Agenda are the following requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Dana Hanson, owner of Concetta's Closet for property located at 7 Commercial Alley.
- Carl Norwood, owner of NAI Norwood Group for property located at 22-28 Deer Street.

*I would recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreements for these requests. Action on this matter should take place under Section X of the Agenda.*

### **City Manager's Items Which Require Action:**

1. **Proposed Revisions Re: City Trees & Public Greenery Ordinance.** For your information, the Trees & Public Greenery Committee has been working with the City Attorney on revisions to the City Tree Ordinance. Peter Loughlin, Chairman of the Trees & Public Greenery Committee, is requesting that the City Council adopt this proposed Ordinance. For your information, the proposed Ordinance would replace the current Trees and Public Greenery Ordinance with the following:

1. The creation of a Trees and Public Greenery Committee consisting of nine (9) voting members primarily selected by the Mayor and City Council but with the addition of the City Manager, Tree Warden, Public Works Foreman in charge of tree maintenance or their respective designees, all ex-officio.
2. The Committee will advise and assist the City's Tree Warden (to be described below) with respect to virtually anything involving the, "City's Urban Forest". This function will include dealing with arborcultural, horticultural, aesthetic and public safety concerns as well as the preparation of an annual report summarizing all activity relating to the ordinance for the City Council.
3. The ordinance would create the position of "Tree Warden" who shall be a member of the City's administrative staff appointed by the City Manager.

4. The stated purpose of the ordinance is based upon the finding that, “the value of urban trees can hardly be overstated”.
5. An explicit responsibility of the City under the ordinance will be to:
  - a. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
  - b. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.
  - c. Regulate and enforce the planting and maintenance of trees on City property.
  - d. Establish limits on the amount of disturbance of trees that may take place on public property.
6. The Tree Warden created by the ordinance will be provided with, “responsibility for the enforcement of this ordinance and all applicable provisions of state law” this authority will include the authority to institute legal proceedings operating through the City’s Legal Department.
7. The Tree Warden will have both the authority and the duty to order, “trimming, spraying, preservation and/or removal of trees upon property owned or controlled by the City, or in any City right-of-way” in a manner consistent with the ordinance.
8. The ordinance will expressly prohibit planting, cutting, pruning or taking virtually any action with respect to trees located in any public right-of-way, public park or other public property without approval of the Tree Warden.
9. The ordinance will authorize persons to remove trees in the public right-of-way or public places, however, the action cannot be taken absent a permit issued by the Tree Warden after a public hearing to be held by the Committee.
10. An important new provision in the ordinance would be to authorize the Committee to enforce tree related provisions which may be placed on private property site plans or the public rights-of-way by the Planning Board.
11. Violations of the proposed ordinance would subject the violator to a fine of up to \$1,000.00 per violation and make that person liable to the City for all costs of replacing any damages to City property or any other damages allowable by law.

Attached is a copy of the proposed Ordinance which I would request the City Council bring forward for first reading at the September 16, 2013 meeting.

*I would recommend the City Council move to bring back for first reading the aforementioned Ordinance, as presented, at the September 16, 2013 City Council meeting.*

2. **Request of Players' Ring Company to Renew Their Lease with the City for 99-105 Marcy Street.** As you are aware, the City has leased the building at 99-105 Marcy Street to the Players' Ring Company for over 20 years. During that time, the City and the Players' Ring Company have entered into a series of leases, typically with a three-year term. As with many non-profits seeking funding through grants and donations, the Players' Ring approached the City requesting a longer term lease, in this case 10 years. The attached Agreement is similar to previous agreements in form with the exception of the 10-year term and inclusion of the requirement for a series of capital improvements to be made to the facility by the Player's Ring Company.

For consideration of a longer term lease, I have had my office work with the Public Works Department, the City Attorney and with the Players' Ring Company to develop a program of long-term capital improvements to be completed by the Players' Ring Company over the term of the lease. The total present estimated cost of the improvements is \$168,840. A list of the improvements, their estimated costs and completion dates is attached in the Agreement under Schedule A.

The City and Players' Ring Company have had a strong relationship over the years and this agreement will allow for a continued mutually beneficial relationship. Barbara Newton, the Executive Director of the Company will be attending the meeting and available to answer any questions regarding the agreement or their operation.

*I would recommend that the City Council move to authorize the City Manager to execute a proposed ten-year lease renewal between Players' Ring Company and the City of Portsmouth for the use of 99-105 Marcy Street.*

3. **Proposed Amendment Re: Taxi Medallions Ordinance.** Attached is a proposed Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs. At the Taxi Commission meeting of August 19, 2013, the Commission voted to request that the City Council consider an Ordinance amendment which would increase the number of available taxi medallions from 25 to 28. The rationale behind the request is:

- 1) That the demand for medallions either exceeds, or soon will exceed, the supply; and,
- 2) That citizens have been having difficulty locating a taxicab when needed particularly in the downtown.

*I would recommend the City Council move to schedule first reading of the proposed Ordinance, as presented, at the September 16, 2013 City Council meeting.*

4. **Polling Hours for November 5, 2013 Municipal Election.** Attached is a memorandum from Kelli L. Barnaby, City Clerk, recommending that the polling hours for the Municipal Election be set from 8:00 a.m. to 7:00 p.m.

*I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 5, 2013.*

### ***Informational Items:***

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on August 19, 2013. In addition, this now can be found on the City's website.
2. **Trustees of Trust Funds Annual Report.** Attached for your information is a copy of the Trustees of Trust Funds Annual Report, MS-9 and MS-10 for fiscal year 2013 ending June 30, 2013.

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 8, Article III, "**Street Trees**," of the Ordinances of the City of Portsmouth is hereby deleted in its entirety and replaced with the following amendment to Chapter I, Article IV creating a Trees & Public Greenery Committee and the adoption of a new Portsmouth Urban Forestry Ordinance as described below:

**ADD** following Committee to Chapter I, Article IV:

**Section 1.412: TREES & PUBLIC GREENERY COMMITTEE**

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of up to nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance or designee; and up to six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City Officials listed above, shall be appointed by the Mayor and City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper

maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

**AND** be it further ordained that the Ordinance of the City of Portsmouth, Chapter 8 – Encumbrances and Injurious Practices in Streets, be amended by deleting existing Article III: Street Trees, and replacing it with a new Article III: Portsmouth Urban Forestry Ordinance, as follows:.

**ARTICLE III: PORTSMOUTH URBAN FORESTRY ORDINANCE**

**Section 8.301: AUTHORITY**

This Ordinance is adopted with the authority of RSA 231:139 (et. seq.)

**Section 8.302: DEFINITIONS**

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "City" is the City of Portsmouth, New Hampshire.
- B. "Tree Warden" is a member of the City Administrative Staff appointed by the City Manager with an interest in trees and public greenery and may be the Director of the Department of Public Works of the City or his/her designee. The Tree Warden shall be appointed in accordance with this Ordinance and in accordance with State Statute.
- C. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

D. "Street tree" or "Tree" is a tree in a public place on property owned by the City of Portsmouth or in a public right of way, or easement controlled by the City, and is defined as a woody plant with a single main stem that has the potential to grow to at least thirteen (13) feet high and two (2) inches in diameter.

E. "Urban Forest" is defined as trees in any public park, public parking lot, or within any public right of way within the City of Portsmouth.

F. "Public Greenery" is defined as any vegetation on public property or on public rights-of-way in the City of Portsmouth whose existence improves the aesthetics of the area where it is located and contributes to the fabric of the City of Portsmouth in a positive manner.

#### **Section 8.303: FINDINGS**

The value of urban trees can hardly be overstated. In addition to conferring significant environmental value they provide equally important psychological benefits. What was said in the early 1800's remains true today: "There is not a village in America, however badly planned at first, or ill-built afterwards, that may not be redeemed, in a great measure, by the aid of shade trees in the streets... and it is never too late or too early to project improvements of this kind." [Andrew Jackson Downing (1815-1852)]

#### **Section 8.304: PURPOSE**

This Ordinance establishes policies, requirements, and standards to ensure a healthy and stable urban forest in Portsmouth. Its provisions are enacted to:

1. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
2. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.



3. Regulate and enforce the planting and maintenance of trees on City property.
4. Establish limits on the amount of disturbance of trees that may take place on public property.

**Section 8.305: POLICIES**

It shall be the policy of the City to expand the urban forest through the planting of trees alongside the streets of the City and in City parks and other public places, consistent with the best arboricultural practices, horticultural practices, aesthetic concerns, and public safety.

Whenever feasible, trees that are removed shall be replaced as soon as possible with one or more specimens appropriate to the site.

The City shall endeavor to meet the national standards set forth in the Tree City USA Program so as to qualify annually as a Tree City USA Award-Winning Community.

**Section 8.306: TREE WARDEN**

The Tree Warden, in consultation with the Trees & Public Greenery Committee, is charged with the responsibility for the enforcement of this Ordinance and all applicable provisions of state law. The Tree Warden may serve notice to any person in violation of this Ordinance or, in consultation with the Trees & Public Greenery Committee, may institute legal proceedings through the Office of the City Attorney.

**Section 8.307: AUTHORITY OF THE TREE WARDEN**

A. The Tree Warden shall have jurisdiction and supervision over all street trees and any tree in any park, public right-of-way, easement, or any other public place within City limits.

B. The Tree Warden, in consultation with the Trees & Public Greenery Committee, shall have the authority to plant, care for, and replace trees and other plantings.

C. Order to Preserve or Remove:

The Tree Warden shall have the authority, and it shall be the duty of the Tree Warden, to order the trimming, spraying, preservation, or removal of trees upon property owned by or controlled by the City, or in any City right of way. The Tree Warden, subject to the approval of the Trees & Public Greenery Committee, shall take such action necessary to order the removal of street trees and trees in public places wherever necessary to preserve public safety or to prevent the spread of disease or insects to public trees and places. No street tree or tree in a public place having a diameter larger than two (2) inches as measured, four (4) feet above the ground, shall be removed without approval of the Trees & Public Greenery Committee, after a public hearing, except where delay in the removal of the tree would pose an imminent threat to public safety or property.

D. The Tree Warden shall have the authority, subject to applicable provisions of state law and municipal ordinance, to order the trimming or removal of a tree on private property if the Tree Warden deems such tree to be a public hazard.

**Section 8.308: PROHIBITED ACTS**

A. No person or entity (except a public utility with the express written approval of the Tree Warden, after consultation with the Trees & Public Greenery Committee) shall cut, prune, injure, affix wires or cables, post notices, or remove any tree in any public right of way, public park, or other public property.

B. No person shall plant a tree or shrub on City property without first obtaining the consent of the Tree Warden.

C. Any person planting a tree between the carriage way and the sidewalk in any public street or highway on which his or her estate is situate shall consult with the tree warden concerning the location, species, size of the tree, and proper planting techniques.

**Section 8.309: PERMITS REQUIRED**

A. No person shall trim, cut, or alter trees in public places without first filing an application and procuring a permit from the Tree Warden.

B. No person shall remove trees in any public right of way or public place, including parks or parking lots, without a permit from the Tree Warden, which permit shall not be granted until after a hearing has been held by the Trees & Public Greenery Committee. Said hearing shall be a public hearing and shall be held within forty-five (45) days from the date of the application for removal.

Upon receipt of an application for removal of a tree, the Tree Warden shall cause to be attached to any tree sought to be removed, a conspicuous tag of a kind and color approved by the Tree Warden. Said tag shall be attached to such tree or trees not less than seven (7) days prior to the public hearing.

C. No person shall alter or remove any tree shown on a Site Plan approved by the Planning Board without the approval of the Planning Board or the Planning Director (as determined by the Planning Board), and no tree located in a public right of way and shown on a Site Plan shall be removed without approval of the Planning Board

or the Planning Director and without approval of the Trees & Public Greenery Committee.

D. Application Data: The application required herein shall state the number and kind of trees to be trimmed, altered, or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining property; and such other information as the Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.

E. Standards for Issuance: The Trees & Public Greenery Committee shall issue an approval for the removal of a tree only upon the finding that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory. It shall be the duty of the Tree Warden to coordinate with the Public Works Department all work to be done under a permit issued in accordance with the terms of this Ordinance. The Tree Warden shall have the authority to affix reasonable conditions to the granting of a permit.

F. No person shall affix any sign or signs to any public trees except as in B. above.

G. The Tree Warden shall order the issuance of permits for tree removal only after a public hearing is held by the Trees & Public Greenery Committee and after the Committee finds that the desired action is necessary and the proposed methods and workmanship are satisfactory. Except for exigent circumstances, the decisions of the Tree Warden shall be subject to prior review and approval by the Trees & Public Greenery Committee, which will consider the following: (1) the reason for the request;

(2) the health of the tree; and (3) the importance of the tree to the streetscape and/or neighborhood.

**Section 8.310: ENFORCEMENT**

A. Any person, natural or otherwise, who violates a provision of this ordinance, shall be:

- a. Subject to a fine of not more than \$1,000.00 per violation; and
- b. Shall be liable to the City of Portsmouth for all costs of treating, restoring, or replacing any trees or public greenery under the jurisdiction of this Ordinance or the Tree Warden, as well as other damages allowed by law.

B. This ordinance may be enforced by means of a civil action seeking injunctive relief.

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

**LEASE**

This lease is made by and between the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue in said Portsmouth, hereinafter CITY, and the **Players' Ring Company**, organized and existing under the laws of the State of New Hampshire and having a principal place of business at 99-105 Marcy Street, Portsmouth, New Hampshire, hereinafter PLAYER'S RING.

1. **PREMISES:**

CITY leases to PLAYER'S RING a certain structure formerly known as the Heritage Museum located at 105 Marcy Street, Portsmouth, New Hampshire.

2. **LEASE PAYMENTS:**

The PLAYER'S RING shall compensate the CITY for the use of the premise by maintaining strict compliance with a schedule of capital improvements to the premises as described in Schedule A attached hereto. In performing the capital improvements attached hereto on Schedule A the PLAYER'S RING shall comply with the following terms and conditions:

- A. All labor, material and other costs of every kind shall be solely borne by the PLAYER'S RING.
- B. The design, engineering and materials to be utilized in connection with the performance of the capital improvements shall all be approved in advance in writing by the Public Works Director of the City of Portsmouth.
- C. All capital improvements performed by PLAYER'S RING shall be performed to the reasonable satisfaction of the Public Works Director of the City.
- D. PLAYER'S RING shall be responsible for any taxes assessed on the building pursuant to RSA 72:23. However, PLAYER'S RING shall be entitled to apply for a charitable exemption pursuant to RSA 72:23 V. To the extent that such an exemption is granted by the City Assessor no taxes shall be due. To the extent that taxes are due, the tax obligation of PLAYER'S RING may be satisfied by the provision of in-kind services to the City as follows:

In any given calendar year commencing with the first effective date of this lease the PLAYER'S RING shall expend no less on the performance of capital improvements to the premise than would otherwise be due to the City in real estate taxes with respect to building. PLAYER'S RING shall provide CITY with labor and material receipts demonstrating that the required amount has been paid by PLAYER'S RING. In the event that PLAYER'S RING fails to expend at least the amount which would have

been due as real estate taxes, then PLAYER'S RING shall make up the difference by a cash payment to CITY on each anniversary date of this lease.

- E. Notwithstanding any other provision of this lease, failure to maintain the capital improvement schedule attached as Exhibit A shall constitute grounds for termination of the lease by CITY.

3. **TERM:**

The term of this lease shall commence on \_\_\_\_\_, **2013** and shall end \_\_\_\_\_, **2023**. Notwithstanding any other provision in this lease, this lease may be terminated by the PLAYER'S RING upon thirty days (30) written notice to the CITY.

4. **PARKING:**

PLAYER'S RING shall use only such portion of the surrounding grounds as CITY may specifically designate for parking by PLAYER'S RING.

5. **WASTE AND REPAIRS:**

PLAYER'S RING shall not allow any waste, rubbish or other objectionable materials to accumulate within the premises or upon the surrounding grounds. PLAYER'S RING shall arrange and pay for proper solid waste receptacles. PLAYER'S RING agrees to maintain the interior and the exterior of the premises in good repair at all times.

PLAYER'S RING shall at its own cost, and without expense to the CITY perform other maintenance or repair necessary to keep and maintain the premises and its equipment in good, sanitary and neat order, condition and repair.

6. **COMPLIANCE WITH LAWS:**

PLAYER'S RING shall comply with all Federal, State and Municipal laws, ordinances and regulations affecting the leased premises, the improvements thereon, or any activity or condition on or in the premises.

7. **UTILITIES AND MAINTENANCE:**

All costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the premises and all activities conducted therein shall be the sole responsibility of the PLAYER'S RING.

8. **REPAIRS AND MAINTENANCE:**

CITY shall not be obligated to make any repairs, replacements or renewals to the leased premises exclusively occupied by PLAYER'S RING caused by the PLAYER'S RING use thereof. No alteration of the premises which is visible from the exterior thereof and no alteration of the interior which exceeds Two Thousand Five Hundred (\$2,500) Dollars in cost shall be made without the prior written approval of the CITY'S City Manager. PLAYER'S RING shall, insure that their operations shall in no way affect or damage, impair or impact the

grounds immediately adjacent to said building, including mowing of grass, clipping the shrubbery and keeping the area free of litter.

9. **LEASE ADMINISTRATION:**

Except when otherwise specified, the Trustees of the Trust Funds for the City of Portsmouth shall oversee and administer this Lease jointly with the City Manager on behalf of the City.

10. **CITY'S RIGHT OF ENTRY**

PLAYER'S RING shall permit CITY and the agents and employees of CITY to enter into and upon the premises at all reasonable times to inspect the same, or to make repairs or improvements called for in this Agreement.

11. **SUBLETTING AND ASSIGNMENT:**

PLAYER'S RING shall not assign this Lease or sublet any portion of the premises.

12. **PRODUCTION SCHEDULE:**

The PLAYER'S RING shall provide a schedule of proposed productions one month in advance to the Trustees of Trust Funds and the PLAYER'S RING shall remain responsible for all provisions in this lease whether or not the PLAYER'S RING is in charge of the actual production or is acting as production manager. Such programs and schedules shall not be inconsistent with the terms, conditions and spirit of the Prescott Will.

13. **ACCEPTANCE OF PREMISES:**

PLAYER'S RING by acceptance of the premises, acknowledge that they are fit for the uses of the PLAYER'S RING.

14. **LIENS:**

CITY shall keep all of the premises free and clear of all liens arising out of PLAYER'S RING'S occupancy of the premises and at all times promptly and fully pay or discharge any claims on which any lien could be based.

15. **INDEMNIFICATION OF CITY:**

The Players' Ring Company agrees to defend, hold harmless and indemnify the City of Portsmouth and it's officers, agents and employees against any and all liability for bodily injury, death, and property damage arising from the existence of this lease or any activity conducted hereunder or any person or entity operating under its authority. This provision shall survive termination or expiration of the lease.

16. **TERMINATION AT CITY'S OPTION:**

The City of Portsmouth, in its sole and unfettered discretion, may terminate this lease upon ninety days written notice delivered to the PLAYER'S RING.

17. **TERMINATION FOR CAUSE:**

In the event of any breach of this Lease by the PLAYER'S RING or failure to perform any condition herein, the CITY may in addition to all rights and remedies each has at law,



CITY shall give a written notice to the PLAYER'S RING of a claimed breach. If such breach is not cured within 30 days, the CITY shall have the right of reentry and may remove all persons and property from the premises to be stored at the expense of the PLAYER'S RING. CITY, after reentry, may terminate this Lease and in addition to its other rights, may recover from PLAYER'S RING, its reasonable costs and damages occasioned by PLAYER'S RING'S breach.

18. **TERMINATION OR SURRENDER OF LEASE:**

Upon termination of this Lease, or mutual cancellation thereof, the PLAYER'S RING shall immediately surrender the premises.

19. **IMPROVEMENTS:**

All alterations, additions and improvements made in or to the premises in the nature of fixtures shall unless otherwise provided by written Agreement or by the terms hereof, be the property of CITY and remain and surrendered with the premises and PLAYER'S RING hereby waives all claim for damages to a loss of any property belonging to PLAYER'S RING that may be in or upon the premises.

20. **NOTICE:**

Any notice required under this Lease or other writing which may be given by either party hereto to the other shall be deemed to have been given when made in writing and deposited in the U.S. MAIL, registered and prepaid and addressed as follows:

**TO CITY:**

City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, N.H. 03801

Trustees of Trust Funds  
Sheafe Warehouse  
P.O. Box 1103  
Portsmouth, NH 03801

**TO PLAYER'S RING:**

Barbara L. Newton, Exec. Dir.  
Players' Ring Company  
105 Marcy Street  
Portsmouth, N.H. 03801

Michael E. Chubrich, Esq.  
230 Lafayette Road  
Building D  
Portsmouth, N.H. 03801

21. **USE OF PREMISES:**

The premises shall be used solely for the purposes of production of theatrical presentations and associated activities, and no other purposes without prior written approval by the CITY. PLAYER'S RING accepts the premises with the understanding that they shall be restricted to said use of those operations and services provided by the PLAYER'S RING as stated herein. No alcoholic beverages shall be used, consumed or possessed upon the premises.

22. **REGULATIONS:**

PLAYER'S RING agrees that it shall abide by and enforce among its staff any reasonable rules and regulations established by the CITY.

23. **EXTENSION OR RENEWAL:**

There is no automatic extension or renewal of this lease and no further notice is required on the part of the CITY prior to its expiration.

24. **INSURANCE:**  
**LIABILITY AND PROPERTY DAMAGE**

- A. PLAYER'S RING shall bear all risk of loss to the premises and risk of personal injury or property damage arising out of the use or existence of this lease. PLAYER'S RING shall indemnify and hold CITY harmless from all suits, claims or actions arising out of the existence or use of this lease or the termination of the lease for any reason or at any time. PLAYER'S RING shall return the premises to the CITY OF PORTSMOUTH in as good or better condition than it was at the execution of this lease.
- B. PLAYER'S RING shall, at all times during the term of this Lease, maintain in effect at its expense the following insurance coverages:
1. Comprehensive General Liability protection in a coverage amount not less than Two Million (\$2,000,000) Dollars per occurrence.
  2. Property damage coverage protecting the building and its contents in an amount to be determined by the Public Works Director of the City of Portsmouth to represent full replacement cost.

The above insurance coverages shall be provided by an insurer and written in a form satisfactory to the CITY. Each policy shall name the City of Portsmouth as an additional insured. PLAYER'S RING shall maintain with the City Attorney of the CITY certificates of insurance providing evidence of the required coverages and requiring the insurer to notify the CITY of any cancellation of the policies.

25. **ADA COMPLIANCE:**

The CITY and PLAYER'S RING agree that the PLAYER'S RING shall be solely responsible for making the services and/or programs which it offers accessible to the handicapped as this term is recognized in the Americans with Disabilities Act. Where it is necessary to make structural modifications to the building and/or property in order to achieve the goal of accessibility for the unique services and programs offered by the PLAYER'S RING, then PLAYER'S RING shall be solely responsible for making such structural modifications. Prior to making any structural modifications, the CITY shall obtain the consent of the PLAYER'S RING.

PLAYER'S RING agrees to indemnify and hold harmless the CITY from any claims brought against the PLAYER'S RING for failure to provide accessible services and programs under the Americans with Disabilities Act or to otherwise fail to comply with the

responsibilities under the Americans with Disabilities Act as a provider of public accommodations.

IN WITNESS WHEREOF, the parties have executed this Lease on \_\_\_\_\_, 2013.

WITNESS:

\_\_\_\_\_

**CITY OF PORTSMOUTH**

\_\_\_\_\_  
John P. Bohenko  
City Manager  
Pursuant to vote by the City Council on \_\_\_\_\_, **2013**.

WITNESS

\_\_\_\_\_

**PLAYERS' RING COMPANY**

\_\_\_\_\_  
Barbara L. Newton  
Executive Director

DRAFT

Schedule A

***The Players' Ring***

Benchmarks for Ten-Year Lease

<u>Capital Improvements</u>	<u>Completed no Later Than</u>	<u>Estimates</u>
<b>Furnace Replacement and Related Work</b>	December 31, 2013	\$18,000
<b>East Side:</b> Windows, Doors and Masonry Work	December 31, 2015	\$42,200
<b>West Side:</b> Windows, Doors and Masonry Work	December 31, 2017	\$45,080
<b>South and North Sides:</b> Windows, Masonry Work	December 31, 2018	\$18,060
<b>Air Conditioning</b>	December 31, 2019	\$9,000
<b>Bathroom with Work Sink – Second Floor</b>	December 31, 2020	\$6,500
<b>Stage Lighting Upgrade</b>	December 31, 2021	\$15,000
<b>Theatre Seating</b>	December 31, 2022	\$15,000

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article II, Section 7.222 – **MAXIMUM NUMBER OF TAXICABS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

Section 7.222:       **MAXIMUM NUMBER OF TAXICABS**

Medallions for not more than ~~twenty-five (25)~~ **twenty-eight (28)** taxicabs shall be in force at any time. Each medallion shall authorize the operation of one taxicab only. One of the ~~twenty-five (25)~~ **twenty-eight (28)** medallions shall be reserved at all times and made available only to a taxicab which is of sufficient size, construction and equipment to allow for the access and egress of handicapped individuals, including passengers utilizing electric wheelchairs, without requiring such passengers to be removed from the wheelchairs. Notwithstanding any other provision of this Ordinance, the vehicle to which is issued the taxi medallion dedicated to handicapped accessibility, may be a vehicle designated to carry up to nine (9) passengers

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

**OFFICE OF THE CITY CLERK**

**MEMORANDUM**

TO: John P. Bohenko, City Manager  
FROM: Kelli L. Barnaby, City Clerk *KLB*  
DATE: August 27, 2013  
SUBJECT: Polling Hours for Municipal Election

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In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the Municipal Election on November 5, 2013 be set from 8:00 a.m. - 7:00 p.m.

If you have any questions, please do not hesitate to contact me.

## Event Listing by Date

Starting Date: 8/19/2013

Ending Date: 5/31/2014

Start End	Type Description	Location	Requestor	Vote Date
8/24/2013 8/24/2013	BIKE TOUR Kim Blanchard is the contact for this event. She can be reached at 603-836-4758. This event is to pass through Portsmouth - coming from Maine and going to Rye, NH.	Memorial Bridge to Route 1B to Rye	National Multiple Sclerosis So	5/20/2013
8/28/2013 8/28/2013	PARADE JerriAnne Boggis, Director of Portsmouth Black Heritage Trail is the contact for this event. This event begins at 2:45 p.m., at the Discover Portsmouth Center Any questions, please call Valerie Cunningham at 380-1231.	Middle Street to Chestnut Street	Portsmouth Black Heritage Trai	8/19/2013
8/29/2013 9/ 2/2013	SIDEWALK Assiah Russell from Puttin on the Glitz and Valerie Rochon, of the Chamber are the contacts for this event. Participating shops will put sale racks outside and against the front walls of their shops to display sale items. Hours will be from 10:00 a.m. until at least 8:00 p.m.	Downtown	Retail Committee	8/ 5/2013
9/ 2/2013 9/ 2/2013	ROAD RACE Sister Mary Agnes, DMML,MBA is the contact for this event. This event is being held out at Pease International Tradeport beginning at 9:00 a.m.	Pease International Tradeport	St. Charles Children's Home	7/15/2013
9/ 7/2013 9/ 7/2013	 Barbara Archibald is the contact for this event. This is a birthday celebration which will take place at approximately 1:30 - 2:00 p.m. for 3 minutes.	Outside of Poco's Restaurant	Barbara Archibald	8/ 5/2013
9/ 7/2013 9/ 7/2013	FUND Russell Osgood is the contact for this event - his cell number is (207)451-3052. This event is a motorcycle ride that enters Portsmouth from Maine around Noon. It will come across the new Memorial Bridge, down Daniel Street, through Market Square, out Middle Street and up Lafayette Road ending at the Seacoast Harley in North Hampton.	Through Market Street	Portsmouth Fire Fighters Chari	6/ 3/2013
9/14/2013 9/14/2013	ROAD RACE Community Road Race Series Doug Bates is the contact. Little Harbour School Course.	Little Harbour School	BreastCancerStories.org	12/17/2012
9/20/2013 9/22/2013	TELLURIDE Chris Curtis, Programming Coorindator is the contact for this event. This event is from Friday, September 20th at 5:00 p.m. to Sunday, September 22nd at 6:30 p.m.	Chestnut Street	The Music Hall	8/19/2013
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 are (using Congress Street).	Walk begins and ends at Strawbery Banke	Alzheimer's Association	1/ 7/2013

Run: 8/28/13  
7:52AM

## Event Listing by Date

Page: 2

Starting Date: 8/19/2013

Ending Date: 5/31/2014

Start End	Type Description	Location	Requestor	Vote Date
10/ 5/2013 10/ 5/2013	WALK Ken La Valley, is the contact for this event. Registration begins at 8:00 a.m. and the Walk duration is 10:00 a.m. to Noon. Walk begins and ends at Peirce Island.	Peirce Island	American Foundation for Suicid	5/20/2013
10/12/2013 10/12/2013	ROAD RACE Starts in Kittery - Ends at Prescott Park 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.		Prescott Park Arts Festival/Co	3/ 4/2013
10/19/2013 10/19/2013	WALK Virginia Skevington is the contact for this event. This event begins at 9:00 a.m. It begins and ends at Jewel Court.	11 Jewel Court	Arts in Reach	7/15/2013
11/10/2013 11/10/2013	ROAD RACE Thru Portsmouth Jay Diener is the contact for this event. He can be reached at 758-1177. This event begins at 8:00 a.m. The course travels through Rye and New Castle, as well as parts of Portsmouth.		Jay Diener, Co-Race Director	8/ 5/2013
11/28/2013 11/28/2013	ROAD RACE Peirce Island Community Road Race Series Doug Bates is the contact.		Seacoast Rotary Club Turkey Tr	12/17/2012
1/ 1/2014 1/ 1/2014	ROAD RACE Little Harbour School Community Road Race Series Doug Bates is the contact.		Great Bay Services	12/17/2012
3/15/2014 3/15/2014	ROAD RACE 125 Austin Street Jill McFarland is the contact for this event. Telephone contact number: 501-9029.		St. Patrick School	8/ 5/2013
5/10/2014 5/10/2014	ROAD RACE Marcy Street Allison Brownell, Race Co-Chair is one of the contacts for this race. Her cell number is 845-430-9351 The race begins at 8:30 a.m.		Susan G. Komen New Hampshire R	8/19/2013



# REPORT OF TRUST AND CAPITAL RESERVE FUNDS

\$ **14,874,409.03**

Please insert the total of ALL funds here

Town/City Of: PORTSMOUTH For Year Ended: June 30, 2013

## CERTIFICATE

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Deane J. Levenson Deane J. Levenson

Phyllis Eldridge Phyllis Eldridge

THOMAS R WATSON

Signed by the Trustees of Trust Funds

on this date August 22, 2013

Print and sign

## REMINDERS FOR TRUSTEES

- 1. SIGNATURES** - Print and sign on lines provided above.
- 2. INVESTMENT POLICY** - RSA 31:25 requires the trustees to adopt an investment policy and review and confirm this policy at least annually. A copy of this policy must be filed with the Director of Charitable Trusts (RSA 31:25, 34:5, 35:9).
- 3. PROFESSIONAL BANKING AND BROKERAGE ASSISTANCE** - RSA 31:38-a enables you to have a professional banking or brokerage firm assist you in performing your trustee duties. Refer to the law for further information. Attributable expenses may be charged again
- 4. WEB SITE** - A trustee handbook can be down loaded from the web site for the Attorney General's Charitable Trust Division. [www.doj.nh.gov/charitable](http://www.doj.nh.gov/charitable)
- 5. FAIR VALUE** - Fold and complete page 4 to disclose the fair value (market value) of principal only. This information may be obtained from financial publications or from your professional banker or broker.
- 6. CAPITAL RESERVE FUND** - Must be kept in a separate account and not intermingled with any other funds of the municipality (RSA 35:9).
- 7. WHEN and WHERE TO FILE** - By March 1 if filing for a calendar year and by September 1 if filing for optional fiscal year. See addresses on page 4 of this form. If you hold funds for the school, the school business administrator will also need a copy fo

**FOR DRA USE ONLY**

State of New Hampshire  
Department of Revenue Administration  
Municipal Services Division  
PO Box 487, Concord, NH 03302-0487  
(603) 230-5090

Copies of the  
Complete Report of Trust and Capital  
Reserve Funds

Are available in the City Clerk's Office  
and Portsmouth Public Library



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS  
*To be reg. member, Current Alternate*  
APPOINTMENT APPLICATION

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

Committee: Planning Board applicant

Name: Elizabeth A. Moreau Telephone: 603-591-3453

Could you be contacted at work?  YES  NO If so, telephone# 603-232-4241

Street address: 18 McDonough Street, Portsmouth, NH 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): beth.moreau@comcast.net or bmoreau@greatoak-ne.com

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

Occupational background:

See attached resume  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

I have worked as an attorney in the real estate title  
area for seven years, assisting buyers, sellers, lenders and  
real estate agents with various real estate matters.  
\_\_\_\_\_  
\_\_\_\_\_



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

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

Reasons for wishing to serve: I love the community that I live and work in and I want to be able to use the knowledge and skills that I have to give back to the community that I care about.

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

Board Member of Sexual Assault Support Services

Volunteer with Seacoast Women's Network

Volunteer with Seacoast Board of Realtors


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

1) Ray Tweedie, 605 Wallis Road, Rye NH 603-842-0286  
Name, address, telephone number

2) Sean Murphy, 377 Maplewood Ave. Portsmouth NH 781-640-4823  
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: 

Date: 12/6/12

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

*Filling unexpired term of Anthony Blenkinsop until Dec. 31, 2015.*

**Elizabeth A. Moreau, Esq.**

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99 Bow St., Suite 300E • Portsmouth, New Hampshire 03801  
P: 603.232.4241 • C: 603.591.3453 • bmoreau@greatoak-ne.com

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**LICENSED**

**State of NH - 2005**

**Juris Doctor** – 8/01-5/05,  
*New England School of Law, Boston, MA*

**Bachelor of Science**– 1/98-1/01  
*University of Southern New Hampshire, Portsmouth, NH*

**LEGAL EXPERIENCE**

**Attorney** – 11/09 - present

*Great Oak Title Services, LLC– Portsmouth, NH*

*Purchased Company on May 9, 2012*

*Title Company performing Residential Title Services*

- Manage all files and day to day operations of Title Company including but not limited to process and closing of all purchases and refinances of conventional, FHA and VA loans.

**Attorney** – 11/05 – 11/09

**Paralegal/Closer** – 8/05-10/05

*Wilkinson Law Offices, P.C.– Portsmouth, NH*

*A law firm specializing in Real Estate, Business Law and Estate Planning*

- Lender document review and issue attorney opinion
- Escrow Officer IOLTA account Management
- Title search and title clearing
- Buyer, seller and lender representation
- Refinance and Purchase Pre Closing and Post closing processing
- Post closing title policy writing

**Paralegal/Closer** – 6/04-7/05

*Geoffrey B. Ginn & Associates, P.C. – Portsmouth, NH*

*A real estate transactional law firm*

- Post closing title policy writer, discharge tracking, title clearing
- NH Notary Public Refinance and Purchase closer
- Refinance and Purchase Pre Closing processing
- HUD preparation

**Other Skills:** Westlaw certified • QuickBooks, Quicken • Act! • Soft Pro • TSS Title Express  
Microsoft Office (Word, PowerPoint, Excel, Access, Outlook, Publisher)

**Member:** NH Bar, Real Property Section • Seacoast Women's Network  
Affiliate Committee Co-Chair, Seacoast Board of Realtors  
Board of Director, Sexual Assault Support Services  
Admitted to the U.S. District Court – District of NH

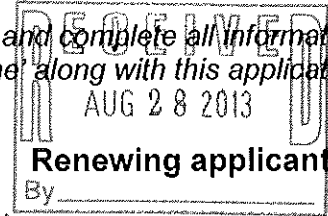
**Awards:** Seacoast Board of Realtors - 2009 Affiliate of the Year



# 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: Bidly Code Board of Appeal

Name: T. Stephen McCarthy Telephone: 436-1212

Could you be contacted at work?  YES/ NO - If so, telephone # 800-655-1299

Street address: 1253 South St.

Mailing address (if different): \_\_\_\_\_

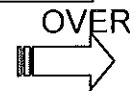
Email address (for clerk's office communication): steve@nesparts.com

How long have you been a resident of Portsmouth? 49 years.

Occupational background:  
Vice President / Managing Partner New England Bankers Participators  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Reasons for wishing to continue serving: Committed to public service & giving back to a community that I love.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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) Thos. P. M... 1247 South St. Portsmouth 427-1353  
Name, address, telephone number

2) Timothy J. Ted Connors Newington NH 381 New... 431-6891  
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: [Handwritten Signature] Date: 8-6-13

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 7/1/18

Annual Number of Meetings: 2012 Number of Meetings Absent: 1

Date of Original Appointment: 8/18/2008

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article X, Section 7.1000 E – TOWING of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing

Section 7.1000 – TOW ZONES:

E. Limited Parking Areas: City Streets

3. Any vehicle or object remaining in the same location ~~on a public street in~~ **any uncontrolled on-street parking space** for more than ~~72~~ **24** hours **in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City**, may be removed in the manner provided in Section 7.1000 D.

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



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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Planning Board Minutes  
**DATE:** August 19, 2013

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Please be advised that the approved minutes from the August 1, 2013 Planning Board/Historic District Commission meeting is now available on the City's website for your review.

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## MEMORANDUM

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**TO:** John Bohenko, City Manager  
**FROM:** Mary E. Koepenick, Planning Department *M. E. Koepenick*  
**SUBJECT:** Board of Adjustment Minutes  
**DATE:** August 23, 2013

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

May 28, 2013

Excerpt of Minutes (re. Strawberry Banke petition) June 18, 2013