

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 3, 2014 TIME: 6:15 PM

## AGENDA

- 6:15PM – WORK SESSION RE: UPDATE ON PEIRCE ISLAND WASTEWATER TREATMENT FACILITY

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

### PROCLAMATION

- 1. Music in Our Schools Month – Steve Cirillo, Performing Arts Coordinator K-12

### PRESENTATION

- 1. \*Update on Transportation Projects – Transportation Planner Juliet Walker

- V. ACCEPTANCE OF MINUTES – December 16, 2013

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) RELATED TO THE DESIGN AND CONSTRUCTION OF THE HOBBS HILL LANDING WATER TANK REPLACEMENT

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) (***Sample motion – move to schedule second reading and public hearing on the attached ordinance entitled Article 5A – Character Districts, at the March 17, 2014, City Council meeting***)
- B. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character Based Zoning (***Sample motion – move to schedule second reading and public hearing on the attached Ordinance dealing with conforming amendments at the March 17, 2014 City Council meeting***)

- C. Adoption of Resolution Authorizing a Bond Issue of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) related to the Design and Construction of the Hobbs Hill Landing Water Tank Replacement (**Sample motion – move to adopt the Bond Resolution up to Three Million Five Hundred Thousand (\$3,500,000) Dollars for the replacement of the Hobbs Hill Landing Water Tank, as presented**) (Please note: Bonding Resolutions require two readings and a public hearing and a two-thirds vote of the City Council)

## IX. CONSENT AGENDA

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

- A. Request for Approval of Pole License to install 1 pole and 40' of underground conduit on Salter Street for an electrical service to 13 Salter Street (**Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
- B. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to install temporary signage to be located at the Plains and Hislop Park baseball fields during the 2014 baseball season (**Anticipated action – move to refer to the City Manager with power**)

## X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Peter Newbury, SABR Board of Directors requesting permission to hold an Open Streets event on Sunday, September 14, 2014 (**Sample motion – move to refer to the City Manager for Report back**)
- B. Letter from Islington Creek Neighborhood Association Re: Permit renewal for 21 Brewster Street Boarding House

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

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

- 1. First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) (**Action on this item should take place under Section VIII of the agenda**)
  - 1.2 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character Based Zoning (**Action on this item should take place under Section VIII of the agenda**)

2. Public Hearing/Adoption of Proposed Resolution:
  - 2.1 Public Hearing and Adoption of Proposed Resolution for a Bond Authorization of up to Three Million Five Hundred Thousand (\$3,500,000) Dollars for the Design and Construction of the Hobbs Hill Landing Water Tank Replacement (***Action on this item should take place under Section VIII of the agenda and will require a 2/3 vote for passage***)

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

1. Proposed Purchase of 95 Mechanic Street (LaCava Property)
2. Request for Street and Sidewalk Obstruction License Re: 7 Islington Street, LLC, 40 Bridge Street
3. Annual Renewal of Boarding House Permits:
  - a. 350-352 Hanover Street
  - b. 278 Cabot Street
  - c. 21 Brewster Street
4. Proposed Easement Re: 1475 Lafayette Road
5. Request to Establish a Work Session with General Services Administration (GSA) Re: Federal McIntyre Building

**Informational Items**

1. Events Listing
2. Report Back Re: Design Review Regulations
3. Report Back Re: Conditional Use Permit
4. Proposed Additional Areas to Implement Character-Based Zoning
5. Sea-3 Update
6. African Burying Ground Update

**B. MAYOR LISTER**

1. Appointments to be Voted:
  - Dana Levenson reappointment to Economic Development Commission
  - Francesca Marconi Fernald reappointment to Peirce Island Committee
  - Chris Hubbard reappointment to Peirce Island Committee
  - Lisa Louttit reappointment to Peirce Island Committee
  - Steve Marison reappointment to Peirce Island Committee
  - John McVay reappointment to Peirce Island Committee
  - Robert Pollard reappointment to Peirce Island Committee
  - Richard Smith reappointment to Peirce Island Committee
  - Marc Stettner reappointment to Peirce Island Committee
  - Harold Whitehouse reappointment to Peirce Island Committee

- Peter Bresciano reappointment to Taxi Commission
- Dana Levenson reappointment to Trustees of the Trust Fund
- Cliff Lazenby appointment to Citywide Neighborhood Steering Committee
- Shelley Saunders (current alt) appointment to Conservation Commission
- Josh Denton appointment to Sustainable Practices Blue Ribbon Committee

**C. ASSISTANT MAYOR SPLAINE**

1. Alternatives to Repealing the Conditional Use Permit
2. Portsmouth Transgender Non-Discrimination Policy Resolution

**D. COUNCILOR KENNEDY**

1. \*Establish Transportation Committee

**E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the February 13, 2014 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the February 13, 2014 Parking & Traffic Safety Committee meeting***)

**F. COUNCILOR DWYER**

1. \*JBC Update

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*



## **INFORMATIONAL ITEMS**

1. Notification that the Conservation Commission Minutes of the June 12, 2013 meeting is available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the May 8, 2013 meeting is available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the May 22, 2013 meeting is available on the City's website for your review
4. Notification that the Historic District Commission Minutes of the June 5, 2013 meeting is available on the City's website for your review
5. Notification that the Historic District Commission Minutes of the June 12, 2013 meeting is available on the City's website for your review
6. Notification that the Historic District Commission Minutes of the June 19, 2013 meeting is available on the City's website for your review
7. Notification that the Planning Board Minutes of the July 18, 2013; August 15, 2013; September 12, 2013; September 19, 2013 and October 10, 2013 are available on the City's website for your review
8. Notification that the Site Review Technical Advisory Committee Minutes of the February 4, 2014 meeting is available on the City's website for your review

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

The Council Chambers  
City Hall  
Portsmouth, New Hampshire

A Proclamation

- Whereas: The month of March is designated as "Music in our Schools Month" by the Music Educators National Conference, with this year's theme "Music Education \*Music Makes Me"; and
- Whereas: The study of music contributes to young people's development through heightened skills in listening, reading, self-expression and creativity; and
- Whereas: Music and the other arts significantly enhance the morale and quality of the school environment; and
- Whereas: Music education in the Portsmouth Public Schools includes a broad range of types of music and active musical experiences for all students; and
- Whereas: Music education helps students acquire skills in production and performance of music, as well as an understanding of history and culture; and
- Whereas: The City of Portsmouth is enormously proud of the many musical achievements at the local, state, regional and national level of our elementary, middle and high school students and staff.

Now, therefore, I, Robert J. Lister, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim the month of March 2014 as

*Music in Our Schools Month*

focusing on this year's theme of "Music Education \*Music Makes Me" and urge all citizens to support the purposes and practice of music education while encouraging students, teachers, parents, and all citizens to participate and recognize the importance of music education programs in our schools.



Given with my hand and the  
Seal of the City of Portsmouth,  
on this 3rd day of March, 2014.

Robert J. Lister, Mayor of Portsmouth

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 16, 2013

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

### **I. CALL TO ORDER**

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, Smith and Thorsen

**ABSENT:** Councilor Dwyer

### **III. INVOCATION**

Mayor Spear asked everyone to join in a moment of silent prayer.

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Novelline Clayburgh led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

1. Portsmouth Middle School Musical Performance  
*(There will be a brief recess following the performance)*

The Portsmouth Middle School Brass and Woodland Ensemble together with the Chamber Singers performed Deck the Hall, Simple Song of Peace, The Little Drummer Boy and Jingle Bells for the City Council.

Mayor Spear thanked the Middle School for performing this evening.

Mayor Spear called a brief recess at 7:15 p.m. Mayor Spear called the meeting back to order at 7:25 p.m.

2. Mayor's Blue Ribbon Senior Committee Report

Assistant Mayor Lister, Chair of the Committee spoke to the Final Report with a presentation given by City staff Adam Cannon, Special Projects Manager and Brinn Chute, Senior Services Coordinator who reviewed the work of the Committee and outlined the various recommendations for the future.

The following are the list of recommendations presented:

Recommendation #1:

The City Manager continue to pursue acquisition of the Doble Center. Should the City not acquire the Doble Center, it is still the obligation of the City to pursue and provide a dedicated space for seniors in the City.

- Continuing to work with the U.S. Army and Congressional Delegation

Recommendation #2:

Encourage the City Manager to take proactive steps to prepare for the eventual reuse of the Doble Facility as an attractive and inviting 50+ Activity Center.

- Due diligence with property suitability
- Code review
- Assessment of renovation needs
- Appealing exterior and interior to encourage attendance
- Multi-function room with dining capabilities
- Modern amenities and style

Recommendation #3:

The City Manager include funding in the Capital Improvement Plan for construction of Doble facility improvements.

- Retain professional design services
- Funding for construction
- Sources may include General Fund, 135 / 143 Daniel Street Charitable Trust and CDBG funds

Recommendation #4:

The City Manager including an (Operating Budget) in the FY15 Budget similar to the one presented in this report in order to plan for operating costs for the launch of the 50+ Activity Center.

Recommendation #5:

The City Manager request that the Senior Services Coordinator use State and National Senior Center Standards to develop an operations manual with the goal of being accredited through the National Institute of Senior Centers (NISC)

- NISC offers the country's only accreditation program
- 9 standards of excellence including: community, governance, administration, program planning, evaluation, fiscal management, records and reports, facility
- More than 200 centers accredited nationwide

Recommendation #6:

Immediately establish a permanent Senior Sub-committee of the Recreation Board to advise the City Council on a 50+ Activity Center name and the Senior Services Coordinator on the issues of the 50+ population and revenue support for the 50+ Activity Center.

The Sub-committee will also consider locations for a gathering space for drop-in activities in the immediate short term.

Recommendation #7:

The City explore the creation of a multigenerational Community Center in the long term for people of all ages.

The report is available on the website for people to review and reference.

3. Presentation to Councilor Anthony Coviello, Councilor Nancy Novelline Clayburgh and Councilor Kenneth Smith

Councilor Anthony Coviello, Councilor Nancy Novelline Clayburgh and Councilor Kenneth Smith were presented with City of Portsmouth chairs for their years of service to the City and its residents as members of the City Council.

**V. ACCEPTANCE OF MINUTES – NOVEMBER 7, 2013**

**Councilor Lown moved to approve and accept the minutes of the November 7, 2013 City Council meeting. Seconded by Councilor Coviello and voted.**

**VI. PUBLIC COMMENT SESSION**

Tom Carroll thanked everyone for their service and commitment.

George Freeman stated he was a former resident of 21 Brewster Street and thanked the City Council and staff for their services. He expressed concern with the management at 21 Brewster Street and stated that Mr. Brabazon has only been seen 3 times since taking over and said there is a need for a professional manager at the premises.

Sarah Jarvis said she is a firefighter/EMT for the Town of Rye and will be competing in the 2014 Scott Firefighter Stair climb in Seattle, WA. The stair climb takes place at the Columbia Center in downtown Seattle and is a competitive race up 69 flights of stairs with a cumulative 1,311 steps and 788 feet of vertical elevation. The stair climb is a fundraiser for The Leukemia & Lymphoma Society.

There are 1,800 firefighters from 4 countries and 26 states attending this year. She requested

permission for one day in December to use the High Hanover parking garage to hand out information on the climb, how to donate online, accepting cash donations, and giving tax deduction information to those that donate. The event would not intrude in any way on the public's use of the garage or the stairwell.

**Assistant Mayor Lister moved to suspend the rules in order to take up Item IX. A. from the Consent Agenda - Letter from Thomas Martin, Race Director, Portsmouth Criterium, requesting to hold the 3<sup>rd</sup> Annual Community Challenge on Sunday, September 7, 2014. Seconded by Councilor Lown and voted.**

XI. A. Letter from Thomas Martin, Race Director, Portsmouth Criterium, requesting to hold the 3<sup>rd</sup> Annual Community Challenge on Sunday, September 7, 2014

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

**Assistant Mayor Lister moved to suspend the rules in order to take up Items X. C. - Letter from Islington Creek Neighborhood Association regarding 21 Brewster Street permit renewal and XI. A.3. – Proposed Boarding House Permit Re: 21 Brewster Street. Seconded by Councilor Coviello and voted.**

X. C. Letter from Islington Creek Neighborhood Association regarding 21 Brewster Street permit renewal

**Councilor Coviello moved to accept and place the letter on file. Seconded by Councilor Lown and voted.**

XI. A.3. Proposed Boarding House Permit Re: 21 Brewster Street

Deputy City Manager Allen spoke to the agreement and the proposed permit for 21 Brewster Street which includes job descriptions and a code of conduct.

City Manager Bohenko said if the Council is to adopt the permit he would recommend that the expiration date be March 4, 2014.

**Councilor Lown moved to renew the Boarding House Permit until March 4, 2014 with the Job Description for Management at 21 Brewster Street and Code of Conduct as agreed upon by Attorney Daniel Hoefle representing owner Brian Hogan and Attorney Sean O'Connell representing the Islington Creek Neighborhood Association. Seconded by Councilor Coviello.**

**Councilor Lown moved to suspend the rules in order to allow Attorney Hoefle and Attorney O'Connell to address the City Council on this permit. Seconded by Councilor Coviello and voted.**



Attorney Hoefle stated the agreement was reached this evening at 4:30 p.m. between the parties. He said each person would need to agree to the code of conduct and Mr. Brabzon to the job descriptions. He said with the agreement they would like an extension to the permit until March 4, 2014.

Attorney O'Connell spoke on behalf of the Islington Creek Neighborhood Association. He stated there would be a manager on site and the idea is to influence positive behavior. He said the neighbors are concerned that this would not be successful and do not feel it complies with the permit from last year. Attorney O'Connell said the neighbors are in agreement to try to see if this works and they are hopeful this is a step in the right direction and is successful.

Councilor Kennedy asked what the expectations for meeting compliance. Attorney O'Connell said the neighbors want general compliance, less fighting, less disruptions and the taking of plants.

Assistant Mayor Lister asked if the neighbors are in agreement. Attorney O'Connell said yes.

**Main motion passed. Councilor Lown abstained from voting on this matter.**

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

### **A. Acceptance of Police Department Grants and Donations:**

- A donation in the amount of \$400.00 has been received from the Friends of the South End in support of the Police Explorer Cadets
- A grant in the amount of \$8,014.43 from the US Department of Justice Bulletproof Vest Partnership Program toward the purchase cost of \$21,600.00 in replacement and new bulletproof vests
- A grant in the amount of \$5,148.00 from the New Hampshire Highway Safety for "Portsmouth Operation Safe Commute Patrols"
- A grant in the amount of \$9,959.00 from the US Department of Justice; this amount is Portsmouth's allocation of a \$31,093.00 JAG grant to Rockingham County for law enforcement initiatives. The Portsmouth Police Department will use the allotment for Intensive First Line Supervisor Training
- A grant in the amount of \$2,000.00 from Police Standards and Training for Lt. Cummings and Lt. Sargent to attend the Roger Williams Mid-Management Course in Rhode Island in February of next year
- A grant in the amount of \$500.00 from APCO International for Emergency Communications Supervisor Gil Emery to complete courses through the APCO International Institute

**Councilor Coviello moved to approve and accept the grants and donations to the Portsmouth Police Department, as listed. Seconded by Assistant Mayor Lister and voted.**

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and Final Reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time

**Councilor Coviello moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Lown and voted.**

- B. Third and Final Reading on Proposed Amendments to the Zoning Ordinance, Article 6– Overlay District, Section 10.630 – Historic District

**Councilor Coviello moved to pass third and final reading of the proposed Ordinance, as amended. Seconded by Councilor Novelline Clayburgh and voted.**

Councilor Dwyer asked about the progress of form-based zoning and temporary guidelines. She said previously it was stated the guidelines could be adopted by the Historic District Commission and ratified by the City Council. Deputy City Manager Allen said the Historic District Commission is looking to bring ideas forward to their meeting in January.

**Councilor Kennedy moved to suspend the rules in order to take up Item X.B. - Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2013 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, March 9, 2014. Seconded by Councilor Smith and voted.**

- X.B. Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2013 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, March 9, 2014

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

Councilor Thorsen spoke regarding the grant the Council approved from the JAG for intensive first line supervisor training. He asked about the reporting requirements. He said it looks like the requirements have us doing more than the \$9,000.00 we would be receiving. He would have liked to have more time to research this issue before a vote was taken. Police Chief Dubois said it generally means that we complete the forms necessary. He also indicated in order for the Police Department to receive federal funding we have to follow pertinent requirements. Councilor Thorsen said he would like to see cost impacts on accepting grant dollars.

## IX. CONSENT AGENDA

- B. Letter from Christina O'Grady, Associate of Development, American Lung Association, requesting permission to hold the 5<sup>th</sup> Annual American Lung Association Cycle the Seacoast Ride on Sunday, May 4, 2014 (**Sample motion – move to refer to the City Manager with power**)



- C. Letter from Kelly Sicard, Director of Special Events and Volunteers, Breathe New Hampshire, requesting permission to hold the 29<sup>th</sup> Annual Seacoast Bike Tour on Saturday, May 17 and Sunday, May 18, 2014 (***Sample motion – move to refer to the City Manager with power***)
- D. Request for License from Julie Cutting, owner of Cure Restaurant for property located at 189 State Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Julie Cutting, owner of Cure Restaurant for a projecting sign at property located at 189 State Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

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

- E. Request for License from Alex Vandermark, owner of The Soupery for property located at 51 Hanover Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Alex Vandermark, owner of The Soupery for a projecting sign at property located at 51 Hanover Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

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

Councilor Coviello moved to adopt the Consent Agenda, as presented. Seconded by Assistant Mayor Lister and voted.

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

- A. Letter from the Town of Stratham Board of Selectmen requesting the City of Portsmouth to explore Providing Sewer Services to Stratham

**Councilor Coviello moved to refer to the City Manager for report back. Seconded by Councilor Novelline Clayburgh.**

Councilor Kennedy moved to amend the motion for the report back to include an economic analysis. No second to the motion received.

Councilor Kennedy said she is concerned with the upkeep of lines.

City Manager Bohenko said this may need to be looked at as a policy by the City Council. He stated this is preliminary and this may not be feasible for them or us.

Councilor Lown said this is what we should be looking at for regionalization.

Councilor Dwyer asked where they get their water. City Manager Bohenko said a private water company.

Councilor Smith said we need to look at when we start becoming a utility. City Manager Bohenko said we are at that line. Once a community pays their fair share to get in and pays into the system the PUC would make sure the rate payers are fairly treated. He said this follows the goal of the City Council to look at regionalization.

**Motion passed.**

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

### **A. CITY MANAGER**

1. Acceptance of Drainage Easement Re: 127 Parrott Avenue, LLC

City Manager Bohenko reported that the site improvements include the removal of fire escapes and ramps, expansion of onsite parking and improved lighting, utilities, landscaping and drainage. As part of the approval, 127 Parrott Avenue, LLC is required to convey to the City a Drainage Easement. This Drainage Easement allows the City to manage storm water in the area by installing a catch basin and drainage line. He further stated that the Planning Board is recommending that the Council approve such an easement.

**Councilor Smith moved to authorize the City Manager to accept a required drainage easement from 127 Parrott Avenue, LLC. Seconded by Assistant Mayor Lister.**

Councilor Kennedy asked if the DES is involved in this matter. City Manager Bohenko said he does not believe so as it is a local issue and a Planning Board matter.

Councilor Novelline Clayburgh asked if the ramps and fire escapes would need to be replaced. Councilor Coviello said fire escapes are no longer allowed under the building code.

**Motion passed.**

2. Adoption of 2014 Schedule of City Council Meetings and Work Sessions

City Manager Bohenko said the proposed schedule for City Council Meetings and Work Sessions for the calendar year 2014 are before you this evening for acceptance. He also stated that the all day budget meeting is schedule for May 10<sup>th</sup> and would include the General Government, Police and Fire Departments budgets. In addition, the schedule follows what is required by Charter.

**Councilor Smith moved to approve the 2014 Schedule of City Council Meetings and Work Sessions, as presented. Seconded by Councilor Coviello.**

Assistant Mayor Lister said he is looking forward to working with everyone as the new Mayor-Elect. He said it is important to communicate and he would like to have discussion in meetings for the City Council on issues. He said we need to get a sense of how the City Council feels on some issues.

**Motion passed.**

City Manager Bohenko announced the free holiday parking will begin Monday, December 16, 2013 through Wednesday, January 1, 2014. He stated that two and three hour parking enforcement will continue to ensure individuals are not utilizing a space the entire day and allows for the turnover of parking spaces.

City Manager Bohenko spoke regarding the storm operation with snow over the weekend. He spoke to the decision not to tow for this storm because 150 cars would have needed to be towed and it did make things more difficult for clean up. He said because this was the first storm and that all future storms will have cars towed. He further stated that this evening the City will be having a load out of snow from downtown because we are expecting more snow and colder weather and we do not want to have problems in the future with storms and snow. He thanked Public Works Director Peter Rice for his first snow as the new Public Works Director and said he did a wonderful job.

Councilor Dwyer asked if we would be towing this evening. City Manager Bohenko said towing will take place this evening. We have signs up and we are tweeting the information.

**B. MAYOR SPEAR**

1. Reappointment of City Manager John P. Bohenko as the City of Portsmouth representative to the Pease Development Authority for the term of January 1, 2014 through January 1, 2017

**Councilor Novelline Clayburgh moved to reappoint City Manager John P. Bohenko as the City of Portsmouth representative to the Pease Development Authority for the term of January 1, 2014 through January 1, 2017. Seconded by Councilor Smith.**

Councilor Kennedy asked if the appointment has to be the City Manager or could it be someone else. City Manager Bohenko said we work very closely with the PDA and he always puts the best interest of the City in the forefront. He said if he leaves as City Manager he would not maintain the appointment on the PDA but would be in favor of keeping the City Manager on the PDA. He said we have great relationships with the PDA.

Assistant Mayor Lister said he endorses the City Manager to continue and he is well respected, prepared and has always has the best interest of everyone in mind.

Councilor Lown said he also supports the City Manager.

Councilor Dwyer said she support the City Manager on the PDA. She said she would like to see quarterly reports from the PDA to make periodical reports.

Councilor Thorsen said he supports the City Manager on the PDA and we need to keep the municipality involved with the PDA.

City Manager Bohenko said the PDA now puts their agenda on their website for the public to access.

**Motion passed.**

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said former Mayor Ferrini gave him advice prior to leaving the Council and that was to pay attention to City Clerk Kelli Barnaby, City Attorney Robert Sullivan and City Manager John Bohenko. He said any mistakes were his own. He is leaving Assistant Mayor Lister in good hands.

Councilor Lown complimented Mayor Spear on how he runs the meetings. He said Mayor Spear is thorough and smart.

Councilor Coviello thanked Chuck McMahon for treating him fairly while serving on the Council. He thanked Mayor Spear for the way he has treated all of the City Council.

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

**At 9:15 p.m., Councilor Kennedy moved to adjourn. Seconded and voted by Councilor Novelline Clayburgh and voted.**

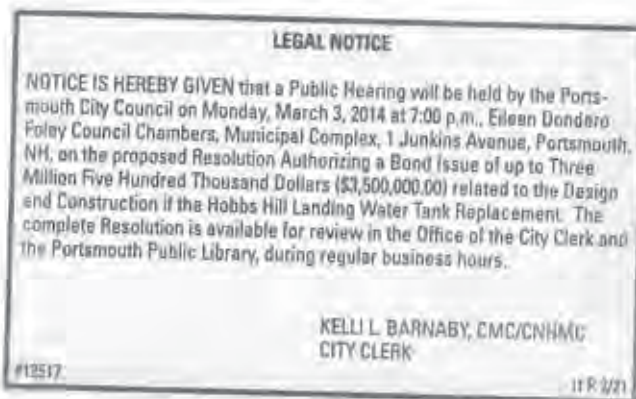


Kelli L. Barnaby, CMC/CNHMC  
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 3, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the proposed Resolution Authorizing a Bond Issue of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) related to the Design and Construction of the Hobbs Hill Landing Water Tank Replacement. The complete Resolution is available for review in the Office of the City Clerk and the Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK



**CITY OF PORTSMOUTH  
TWO THOUSAND FOURTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # –**

**A RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) RELATED TO THE DESIGN AND CONSTRUCTION OF THE HOBBS HILL LANDING WATER TANK REPLACEMENT.**

**RESOLVED:**

**THAT**, the sum of up to **Three Million Five Hundred Thousand Dollars (\$3,500,000)** is appropriated for the design and construction of the Hobbs Hill Landing Water Tank replacement, demolishing the existing water tank, and for the payment of all other costs incidental and related thereto;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Three Million Five Hundred Thousand Dollars (\$3,500,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

**THAT** That the expected useful life of this project is determined to be at least twenty (20) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**ROBERT J. LISTER, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**



## \$3.5 M Bonding Authorization Request



**Hobbs Hill Tank Replacement**  
*March 3, 2014*

### Hobbs Hill Water Tank



Existing  
Water Tank

- One of five active water storage tanks in the water system
- Built in 1950's as part of Pease Air Force Base water supply
- Turned over to City in early 1990's
- Inspected in 2012 as part of the Water Supply Master Plan Update
- Recommendation to replace new tank rather than rehabilitate

## Hobbs Hill Water Tank – Existing and Proposed Site Plan



## Project Scope

- Design & Permitting – 3 to 4 months
- Bidding – 1 month
- Award – 1 month
  - Selection based on price, style and proposed construction schedule
- Construction – 12 to 18 months
  - Depends on tank style and components
- Put new tank into service
- Demolish old tank



---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** February 26, 2014  
**RE:** City Council Referral – Proposed Character-Based Zoning Ordinance

---

At its meeting on February 20, 2014, the Planning Board voted unanimously to recommend that the City Council amend the Zoning Ordinance by inserting a new Article 5A – Character Districts, as set forth in the document titled "Proposed Character-Based Zoning Ordinance – City Council First Reading – March 3, 2014." The effect of this amendment is to establish Character-Based Zoning (also known as "form-based zoning") within the boundary shown on the Regulating Plan. The Character Districts will replace the existing CBA, CBB and MRO zoning districts within this boundary.

## Background

Throughout 2013, the Planning Department and the City's consultants, Town Planning and Urban Design Collaborative (TPUDC), worked to develop new "form-based" zoning standards for the historic core of the downtown. This approach was taken in order to address a recognition that the scale and style of new developments as permitted under current zoning is not always consistent with the downtown's historic character.

The Planning Board originally considered these proposed amendments in a public hearing on October 24, 2013, and a special meeting on October 31, 2013, and voted unanimously to recommend that the City Council adopt the new Article 5A, along with several amendments to other sections of the Ordinance. On October 21, 2013, the City Council scheduled first reading on the proposed zoning amendments for November 18, 2013. However, at the November 18 meeting, the Council voted to postpone the ordinance until January 2014, in order to provide for additional review and input. At its meeting on January 13, 2014, the City Council voted to schedule the proposed Character-Based Zoning for first reading on March 3, 2014, with a public hearing and second reading at the March 17, 2014 City Council meeting.

To provide residents with an opportunity to ask questions about the proposed Character-Based Zoning and to make suggestions for changes, the Planning Department held a public informational drop-in session and forum on January 29, 2014. Both the afternoon drop-in session and the evening forum were well attended and generated much discussion and input.

Based on comments from residents, including those who participated in the January 29 public forum, the Planning Department prepared a revised draft of the proposed Character-Based Zoning ordinance. This draft was posted on the Planning Department's



website (<http://planportsmouth.com/formbasedzoning.html>) and reviewed in a public hearing at the Planning Board's February 20th meeting. As a result of the public hearing, the Planning Board voted to make several additional revisions to the proposed ordinance.

#### Changes to the Proposed Ordinance

In the revised draft (dated March 3, 2014), text that is new or changed from the previous version is highlighted in yellow. In addition, footnotes indicate areas where text has been deleted from the previous version.

The major changes from the draft presented to the City Council for first reading in November 2013 are as follows:

#### **10.5A13 – Applicability; Compliance**

##### 10.5A13.30 - Relationship to Other Provisions of the Zoning Ordinance

- 10.5A13.31 - In order to clarify the applicable sections of the existing Zoning Ordinance we have listed the sections of the existing zoning ordinance that remain in full effect under the CBZ. Essentially, unless the provisions of the CBZ amend or modify the existing zoning requirements, all provisions of the existing zoning ordinance remain in full effect.

#### **10.5A20 – Regulating Plan**

##### 10.5A21 - General

- 10.5A21 - Map 10.5A21A - Regulating Plan - The Regulating Plan has been modified to reassign several properties along Court Street to CD4-L. Although many of these properties have land use characteristics that can be found in the CD4 district, the historical significance and current use of these structures is more conducive to the uses permitted within the CD4-L.
- 10.5A21 - Map 10.5A21B - Special Requirements: Specific Building Height Areas - The maximum building heights have been modified to reflect public input on the building heights along Ceres, Bow and Congress Streets:
  - In order to minimize the potential for 2½-story buildings with shed dormers along Ceres Street, the maximum building height was increased to 3 stories from 2 and the wood siding requirement was clarified to allow for alternate materials that resemble wood siding.
  - On Congress Street, the maximum building height was reduced in areas to reflect the narrower right-of-ways along High Street and on Congress Street from Fleet Street to Maplewood Ave.

In addition, the maximum height in feet in 3-story height district was increased from 40 feet to 45 feet in order to provide flexibility for greater floor to ceiling heights between stories.



- 10.5A21 - Map 10.5A21C - Special Requirements: Specific Shopfront, Step Frontages, Percent Frontage Buildout and Use Requirement Areas - This Special Requirements Map has been modified to retain the uses currently permitted in the CBA for the properties located along the waterfront on Bow Street.
- 10.5A21.21 and Map 10.5A21B - Specific Building Height Requirement Areas - This Section and the Special Requirements Map have been modified as follows:
  - The section has been modified to include a reference to the maximum building height in feet as well as the maximum number of stories.
  - The section has been modified so that the way building height in the Character Districts is calculated is consistent with the existing zoning requirements.
  - The minimum number of stories has been set at two stories in all Character Districts.

#### 10.5A22 - Regulating Plan Amendment

- 10.5A22.20 - When Regulating Plan Amendment Necessary [deleted] - This section in the previous draft would have required City Council approval of proposed developments that did not conform to use or height requirements of the Regulating Plan. That section has been deleted in the current draft due to concerns about conflict with State law regarding variances.

#### **10.5A30 – Development Plan**

##### 10.5A35 - Development Plan Review and Action

- 10.5A35.20 - Development Plans Subject to Site Plan Review - This section has been modified to remove the provision that Development Plan approval may be made subject to the granting of variances, special exceptions or conditional use permits. The effect of deleting this phrase is to require that any required variance, special exception or conditional use permit be granted prior to approval of a Development Plan.

#### **10.5A40 – Character Districts, Civic Spaces, Civic Districts and Municipal Districts**

##### 10.5A42 - Character District Descriptions

- Table 10.5A42.10A - CD4-L General Urban District - Limited
- Table 10.5A42.10B - CD4 General Urban District
- Table 10.5A42.10C - CD5 Urban Center District

These Tables have been modified to clarify that all the dimensional requirements for parcels located in the applicable Character District are exclusively listed within the Table. In addition, the maximum lot width requirements have been replaced with facade modulation requirements in order to break up the facades of larger buildings.



## **10.5A50 – Development Standards**

### 10.5A51 - Municipal Districts, Civic Districts and Civic Spaces

- 10.5A51.30 - Civic Spaces - This section has been modified to clarify how the Planning Board will determine and locate the most appropriate type of Civic Space within large redevelopment projects.

### 10.5A54 Buildings

- 10.5A54.40 - Backbuildings and Outbuildings - This section has been modified to include detached and attached outbuildings and to reference the existing zoning requirements for accessory buildings listed under 10.570.
- 10.5A54.62 - Facade Modulation - This new provision replaces the maximum lot width requirement in order to preserve an appropriate sense of scale and make new buildings more inviting to pedestrians. It requires that the façade of a larger building be divided into distinct sections through changes in materials, patterns, textures and/or heights.
- 10.5A54.72 - Building Setbacks - This section has been deleted as all proposed buildings or structures located within the CD4 and CD4-L are permitted to have a front yard setback. In contrast, all properties located within the CD5 are required to be constructed with no front yard setback.

### 10.5A55 Building Form and Building Types

- 10.5A55.34 - Building and Ceiling Heights - This section has been modified to add a requirement that any rooftop appurtenances are set back at least 10 feet from the edge of the roof.
- 10.5A55.35 - Building and Ceiling Heights - Due to public concerns that the minimum story heights originally proposed for buildings along Bow, Congress, Market and Pleasant Streets would encourage demolition of existing shorter historic buildings, this section has been modified to reduce the minimum story height for all buildings in all three Character Districts to two stories.
- 10.5A55.40 - Maximum Building Footprint - This section has been modified to list the maximum building footprint requirements for each Character District within the Tables listed under Section 10.5A40.
- 10.5A55.80 - Streetscreens - This section has been modified to clarify that taller streetscreens are required along property lines between properties in order to adequately screen surface parking lots.

### 10.5A59 - Architectural Design Guidelines

- This section has been modified to reflect that Historic District Commission voted to recommend adoption of the revised *Interim Architectural Design Guidelines* on November 18th, 2013.

#### 10.5A60 – Definitions

- Attic Space - This definition has been modified to include other sloped roofs as well as a recessed penthouse level on flat roofed buildings.
- Floor Height - This definition has been added to clarify that the minimum floor heights are measured from the finished floor to the ceiling. Given that these are listed as the minimum, taller floor heights are permitted provided that the total height of the building is less than the maximum number of stories or building height in feet.
- Mansard Roof - Because the definition of "short story" includes a mansard roof, a new definition has been added for both types of mansard roofs.
- Penthouse Level - This is a new definition that has been included in the definition of Attic Space to allow a recessed penthouse level above the cornice for a flat-roof building. Note that the penthouse level must still conform to the maximum building height in feet.
- Short Story - This definition has been added to clarify the two types of "short stories" permitted as shown in Map 10.5A21B.
- Story - This definition has been modified to clarify the exemptions for attic spaces and short stories, and to include as a story any habitable level within a flat-topped mansard roof.



**Character-Based Zoning Ordinance**  
(aka Form-Based Zoning)  
March 3, 2014

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10 – Zoning Ordinance of the Ordinances of the City of Portsmouth is hereby amended by inserting a new Article 5A – Character Districts, as set forth in a document titled "Proposed Character-Based Zoning Ordinance," dated March 3, 2014;

And further, that said Chapter 10 – Zoning Ordinance is hereby amended by adopting as the Zoning Map for the Character Districts the maps referenced in Section 10.5A14.10 of said Article 5A. Said maps are shown on a page titled "City of Portsmouth – Character-Based Zoning," dated March 3, 2014.

These proposed amendments to the Zoning Ordinance and Zoning Map are provided in the Agenda packet for the City Council meeting of March 3, 2014, under separate cover, and may be reviewed during normal business hours of City Hall in the offices of the City Clerk and Planning Department.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Robert Lister, Mayor

ADOPTED BY COUNCIL:

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



City of Portsmouth

**PROPOSED CHARACTER-BASED ZONING ORDINANCE**  
City Council First Reading – March 3, 2014

(Changes from 11-18-13 version shown in highlighted text)





## PROPOSED CHARACTER-BASED ZONING ORDINANCE

### Table of Contents

#### ARTICLE 5A CHARACTER DISTRICTS

---

SECTION 10.5A10 GENERAL .....	5A-1
10.5A11 Purpose and Intent .....	5A-1
10.5A12 Effective Date .....	5A-1
10.5A13 Applicability; Compliance.....	5A-1
10.5A14 Construction.....	5A-3
10.5A15 Definitions.....	5A-3
SECTION 10.5A20 REGULATING PLAN .....	5A-4
10.5A21 General.....	5A-4
10.5A22 Regulating Plan Amendment.....	5A-5
SECTION 10.5A30 DEVELOPMENT PLANS .....	5A-6
10.5A31 Procedural Requirements.....	5A-6
10.5A32 Plan Requirements .....	5A-6
10.5A33 Administration.....	5A-8
10.5A34 Development Plan Submissions.....	5A-8
10.5A35 Development Plan Review and Action .....	5A-9
SECTION 10.5A40 CHARACTER DISTRICTS, CIVIC SPACES, CIVIC DISTRICTS AND MUNICIPAL DISTRICTS.....	5A-11
10.5A41 General.....	5A-11
10.5A42 Elements and Standards.....	5A-13
SECTION 10.5A50 DEVELOPMENT STANDARDS .....	5A-26
10.5A51 Municipal Districts, Civic Districts, and Civic Spaces .....	5A-26
10.5A52 Special Requirements .....	5A-26
10.5A53 Lots.....	5A-29
10.5A54 Building Placement and Yard Types .....	5A-29
10.5A55 Building Form and Building Types .....	5A-32
10.5A56 Encroachments.....	5A-38
10.5A57 Building and Lot Uses.....	5A-41
10.5A58 Off-Street Parking and Loading Requirements .....	5A-42
10.5A59 Architectural Design Guidelines.....	5A-43
SECTION 10.5A60 DEFINITIONS.....	5A-44

## List of Tables, Maps & Illustrations

---

Table 10.5A42.10	Character District Descriptions
Table 10.5A42.10A	Character District Standards: CD4-L General Urban District—Limited
Table 10.5A42.10B	Character District Standards: CD4 General Urban District
Table 10.5A42.10C	Character District Standards: CD5 Urban Center District
Table 10.5A33.30	Block Perimeter Standards
Table 10.5A51.20	Civic Spaces
Table 10.5A54.20	Yard Types
Table 10.5A54.30	Private Frontage Types
Table 10.5A55.90	Building Types
Map 10.5A21A	Regulating Plan (showing boundary with legend)
Map 10.5A21B	Special Requirements: Specific Building Height Requirement Areas
Map 10.5A21C	Special Requirements: Specific Shopfront, Officefront, Step Frontage, and Frontage Buildout and Special Use Requirement Areas
Illustration P1	Thoroughfare and Frontages
Illustration P2	Navigating Article 5A, Project Approval Summary (Pending)
Illustration 10.5A41.20A	Character District Standards: CD4-L General Urban District—Limited
Illustration 10.5A41.20B	Character District Standards: CD4 General Urban District
Illustration 10.5A41.20C	Character District Standards: CD5 Urban Center District
Illustration 10.5A53.10	Lot Layers
Illustration 10.5A54.30	Principal Building / Backbuilding / Outbuilding
Illustration 10.5A54.70	Setback Designations
Illustration 10.5A55.20	Frontage and Lot Lines

---

## **Article 5A Character Districts**

---

### Section 10.5A10 General

#### 10.5A11 Purpose and Intent

The purpose of Article 5A is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place.

#### 10.5A12 Effective Date

Article 5A shall become effective when the initial Regulating Plan has been adopted.

#### 10.5A13 Applicability; Compliance

##### **10.5A13.10 Applicability**

Article 5A shall apply to the "Character-Based Zoning Area" as shown on the Regulating Plan, as the same may be adopted and amended from time to time, and to the Character Districts and Civic Districts within said Character-Based Zoning Area. Municipal Districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance and not by Article 5A.

##### **10.5A13.20 Compliance with Regulating Plan**

10.5A13.21 In the Character Districts and Civic Districts, all lots hereafter created or modified, all buildings and structures hereafter erected, reconstructed, altered, enlarged or moved, all uses hereafter established, all other development or improvements, and all plans, applications and submissions shall comply with the requirements of Article 5A, as well as with all provisions of this Zoning Ordinance that are not superseded by Article 5A.

10.5A13.22 No development, improvement, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur and no Development Plan or application for approval of a Development Plan may be submitted or approved except pursuant to the Regulating Plan and in compliance with the applicable standards and requirements for such District.

**10.5A13.30 Relationship to Other Provisions of the Zoning Ordinance**

10.5A13.31 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that would be in conflict with Article 5A. Provisions of the Zoning Ordinance that do not apply within the Character-Based Zoning Area include, but are not limited to, the following:

In Article 5 – Dimensional and Intensity Standards:

- Section 10.530 – Business and Industrial Districts
- Section 10.570 – Accessory Buildings, Structures and Uses
- Section 10.580 – Special Dimensional Requirements for Certain Uses

In Article 11 – Site Development Standards:

- 10.1113.20 (Location of Parking Facilities on a Lot)

10.5A13.32 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5A, or that are not in conflict with Article 5A, shall apply to lots, buildings and uses within the Character-Based Zoning Area. Provisions of the Zoning Ordinance that apply within the Character-Based Zoning Area include, but are not limited to, **Articles 1-6 and 8-15<sup>1</sup>**

**10.5A13.40 Compliance with Other Rules and Regulations**

10.5A13.41 Any proposal, project, application or Development Plan that involves the subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.

10.5A13.42 Any proposal, project, application or Development Plan that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.

10.5A13.43 If any provision of the Subdivision Rules and Regulations or Site Plan Review Regulations conflicts with a provision of Article 5A, the standards and requirements of Article 5A shall supersede and be controlling.

10.5A13.44 The provisions of Article 5A do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

---

<sup>1</sup> This replaces the prior text which listed some limited examples of the sections of the existing Zoning Ordinance that remain in full effect.

## 10.5A14 Construction

### 10.5A14.10 Maps

The following maps are an integral part of Article 5A, and together constitute the Zoning Map for the Character-Based Zoning Area:

Map 10.5A21A – Regulating Plan<sup>2</sup>

Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas<sup>3</sup>

Map 10.5A21C – Special Requirements: Specific Shopfront, Officefront, Step Frontage, and Frontage Buildout and Special Use Requirement Areas<sup>4</sup>

### 10.5A14.20 Tables, Diagrams, Photographs and Illustrations

10.5A14.21 The metrics and standards in the following tables are an integral part of Article 5A:

Table 10.5A42.10A – Character District Standards: CD4-L General Urban District—Limited

Table 10.5A42.10B – Character District Standards: CD4 General Urban District

Table 10.5A42.10C – Character District Standards: CD5 Urban Center District

Table 10.5A51.20 – Civic Spaces

Table 10.5A54.20 – Yard Types

Table 10.5A54.30 – Private Frontage Types

Table 10.5A55.90 – Building Types

10.5A14.22 The diagrams, photographs and illustrations contained in the above tables are provided only to indicate the general character or location of or reference to the various Character Districts and elements thereof shown thereon and they shall have regulatory force and effect only to that extent.

10.5A14.23 All graphical and tabular depictions entitled “Illustration” are provided for illustrative, explanatory purposes only and are not regulatory.

### 10.5A14.30 Priority Among Metrics

Where in conflict, numerical metrics shall take precedence over graphic metrics.

## 10.5A15 Definitions

Terms used throughout Article 5A may be defined in Section 10.5A60, in Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5A, those in Article 15, other sections of the Zoning Ordinance, the Subdivision

---

<sup>2</sup> Refer to the changes shown on the updated Regulating Plan as attached.

<sup>3</sup> Refer to the changes shown on the updated Special Requirements Map for Building Height

<sup>4</sup> Refer to the changes shown on the updated Special Requirements Map for Shopfronts and Uses

Rules and Regulations, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence.

## Section 10.5A20 Regulating Plan

### 10.5A21 General

#### **10.5A21.10 Contents of Regulating Plan**

The Regulating Plan and each amendment thereto shall designate and show the Character Districts, Civic Districts, Municipal Districts and any special requirements of the Character Districts. The initial Regulating Plan consists of the following maps:

- Map 10.5A21A – Regulating Plan
- Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas
- Map 10.5A21C – Special Requirements: Shopfront, Officefront, Step Frontage, and Frontage Buildout and Special Use Requirement Areas

#### **10.5A21.20 Special Requirements**

A Regulating Plan may designate any of the special requirements listed in Sections 10.5A21.21 through 10.5A21.23 below. If a Regulating Plan designates any one or more of such special requirements, such designation indicates that the following standards shall be applied as follows:

##### ***10.5A21.21 Specific Building Height Requirement Areas***

As designated on Map 10.5A21B, assignments for specific building heights require a building to have **no more than the designated maximum number of stories or the maximum height in feet.**<sup>5</sup>

##### ***10.5A21.22 Specific Shopfront, Officefront, Step and Frontage Buildout and Special Use Requirement Areas***

As designated on Map 10.5A21C,

- (a) Assignments for shopfront, officefront or step frontage requires that a building be provided with a shopfront, officefront or step frontage at the sidewalk level along the entire length of its private frontage.
- (b) Designations for frontage building percentage require that a building occupy no more than 50% of the frontage of the lot, wood siding shall be used for the exterior of the building and special uses apply to some properties along the waterfront area.

---

<sup>5</sup> Previous text: “no more or less than the designated number of stories from sidewalk level along the entire length of its private frontage.”

## 10.5A22 Regulating Plan Amendment

### 10.5A22.10 General

The Regulating Plan in effect from time to time may be amended as a Zoning Map amendment in accordance with the provisions of Article 1 (Purpose and Applicability), and Section 10.150 (Changes and Amendments).

An application for Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a Development Plan for such property that has been approved in accordance with this Section 10.5A22.

[section deleted]<sup>6</sup>

### 10.5A22.20 Preparation and Requirements

An application for Regulating Plan amendment shall be prepared in accordance with 10.5A22.30 and shall conform to the requirements of Section 10.5A22.40 and other provisions hereof.

### 10.5A22.30 Application Requirements

In addition to all other requirements for zoning map amendments under Section 10.150, an application for a Regulating Plan Amendment shall include a Development Plan that complies with Section 10.5A30 and indicates the area proposed to be rezoned and all adjacent property; all existing zoning districts or Character Districts, Municipal Districts, and civic spaces; and **the maximum number of stories and the maximum building height in feet**<sup>7</sup> and any other special requirements.

### 10.5A22.40 Plan Submission

An application for a Regulating Plan Amendment shall be submitted and processed in accordance with Sections 10.150, 10.5A22 and 10.5A30 as applicable.

### 10.5A22.50 Action on Plan

Any application for a Regulating Plan Amendment shall be processed and be subject to submission, consideration and approval as a zoning map amendment under Section 10.150, subject to the provisions of this Section 10.5A22.

---

<sup>6</sup> Previous section 10.5A22.20 (“When Regulating Plan Amendment Necessary”) would have required City Council approval of proposed developments that did not conform to use or height requirements of the Regulating Plan. That section has been deleted in the current draft due to concerns about conflict with State law regarding variances.

<sup>7</sup> Previous text: “the allowed range of the number of stories”.

## Section 10.5A30 Development Plans

### 10.5A31 Procedural Requirements

#### **10.5A31.10 Plan Required**

Except for lawful nonconformities allowed pursuant to Article 3, none of the following shall occur or be proposed except in compliance with Article 5A, the Regulating Plan and a Development Plan that has been prepared, submitted and approved in accordance with this Section 10.5A30 and all standards and requirements applicable thereto:

- 10.5A31.11 Any new construction, alteration, extension or addition to any existing or proposed building or other structure, except activities listed in Section 10.633.20 (Exemptions from Certificate of Approval).
- 10.5A31.12 Subdivision or re-subdivision of any lot or other land;
- 10.5A31.13 The construction or alteration of any new or proposed off-street parking or drive-through facilities;
- 10.5A31.14 Any Regulating Plan amendment.

#### **10.5A31.20 Preparation and Submission**

- 10.5A31.21 In addition to meeting any applicable requirements for a Site Plan under Article 2 of the City's Site Plan Regulations, each Development Plan shall be prepared and submitted by or on behalf of the Owner of the applicable property. It shall be in accordance with Section 10.5A33.10 and shall conform to the requirements of Section 10.5A33.20 and other provisions hereof.
- 10.5A31.22 Each Development Plan shall be submitted pursuant to Section 10.5A34 for review, action and approval in accordance with Section 10.5A35.

### 10.5A32 Plan Requirements

#### **10.5A32.10 Plan Compliance with Standards and Requirements**

Each Development Plan submitted shall include (1) the Development Plan area and each proposed block, lot and building therein, as applicable; and (2) each of the items listed in Section 10.5A33.20, which shall comply with the standards and requirements the applicable Character District or Civic space in which the land covered by such Development Plan is situated, as determined by the Regulating Plan then in effect or the proposed Regulating Plan Amendment.

#### **10.5A32.20 Plan Contents**

Unless waived for small projects by the Planning Board or its designee, each Development Plan submitted shall demonstrate compliance with or show the following items:



- (1) All applicable and adjacent Character Districts, Municipal Districts and Civic Districts.
- (2) Building placement, including without limitation setbacks and lot layers (Section 10.5A53.10);
- (3) Yard type (Section 10.5A54.20);
- (4) Building form and building type (Section 10.5A55);
- (5) Building and lot use (Section 10.5A57);
- (6) Off-street parking and loading requirements (Section 10.5A58);
- (7) For projects valued over \$25,000, detailed architectural elevations and a detailed rendering of each façade of each building proposed to be built or modified (Section 10.5A60). An electronic or physical model may also be required.
- (8) Signs (Section 10.5A59);
- (9) Any applicable special requirements (Section 10.5A21);
- (10) Existing and any proposed streets pedestrian alleys including without limitation, if the Development Plan area exceeds 2 acres or if the Development Plan requires or includes any extension or change to any existing streets, in compliance with applicable City standards;
- (11) Existing and any required or proposed civic spaces (Section 10.5A51 and Table 10.5A51.20);
- (12) Existing and any proposed Character Districts (Section 10.5A41.20);
- (13) If the Development Plan area exceeds 2 acres, Block Perimeter (Section 10.5A33.30);
- (14) If the Development Plan contains any element or use that would require Site Plan Review under the Site Plan Review Regulations, all requirements for Site Plans thereunder;
- (15) One or more maps of the Development Plan site and all adjacent property reflecting the existing building heights, Character Districts, civic spaces, any special requirements and any proposed amendments to the Regulating Plan; and,
- (16) Any existing structures or other improvements, indicating whether they are to remain, be altered or be demolished.

**10.5A32.30 Block Perimeter**

If a proposed Development Plan would create or divide a block or would consolidate two or more blocks, each such resulting block shall conform to the applicable Block Perimeter Standards set forth in Table 10.5A32.30.

**TABLE 10.5A32.30 BLOCK PERIMETER STANDARDS**

CHARACTER DISTRICT	MAXIMUM BLOCK PERIMETER
CD4-L	1,000 FEET
CD4	1,000 FEET
CD5	1,000 FEET

**10.5A33 Administration**

**10.5A33.10 Responsibility**

Except as otherwise provided herein, this Section 10.5A33 and applications and Development Plans submitted hereunder shall be administered by the Planning Department.

**10.5A33.20 Review and Determination**

10.5A33.21 The Planning Department shall, within 14 days of its receipt of an application and Development Plan required to be submitted, review and determine whether the same are complete and notify the applicant in writing of its determination.

10.5A33.22 The Planning Department shall forward a copy of the application and Development Plan to the Historic District Commission, which shall review, consider, and take action with respect thereto pursuant to Section 10.630. Upon issuance of all required Certificates of Approval by the Historic District Commission, the application and Development Plan shall be eligible for further processing, review, consideration and/or action, as applicable, in accordance with Sections 10.5A34 and 10.5A35, as applicable.

**10.5A34 Development Plan Submissions**

10.5A34.10 No development, improvement, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur without prior submission of a Development Plan and application for approval of a Development Plan that comply with Section 10.5A30 and approval thereof pursuant to Section 10.5A35. A Development Plan is not required for any items listed as exempt under Section 10.633.20.

10.5A34.20 Subject to issuance of any required Certificate of Approval from the Historic District Commission and any required review and approval pursuant to the Subdivision Rules and Regulations, a Development Plan and application for approval thereof that does not propose or involve any matter that would require Site Plan Review under the Site Plan Review

Regulations shall be subject to administrative review and action by the Planning Department in accordance with Section 10.5A35.10 hereof.

- 10.5A34.30 Subject to issuance of any required Certificate of Approval from the Historic District Commission, any required review and approval pursuant to the Subdivision Rules and Regulations and any required Site Plan Review and approval, a Development Plan and application for approval thereof that proposes or involves any matter which would require Site Plan Review under the Site Plan Review Regulations shall be subject to review and action by the Planning Board in accordance with Section 10.5A35.20.

## 10.5A35 Development Plan Review and Action

### **10.5A35.10 Development Plans Not Subject to Site Plan Review**

- 10.5A35.11 Within 14 days of its determination pursuant to Section 10.5A33.20 with respect to an application and Development Plan that do not require Site Plan Review, the Planning Department shall review such application and Development Plan to determine whether they comply with the Regulating Plan, Article 5A and other applicable City laws, ordinances and regulations subject to issuance or granting of any requested variance, special exception or conditional use permit.
- 10.5A35.12 If the Planning Department determines that an application and Development Plan that do not require Site Plan Review comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall approve the application and Development Plan subject to issuance or granting of any requested variance, special exception or conditional use permit.
- 10.5A35.13 If the Planning Department determines that an application and Development Plan that do not require Site Plan Review do not comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall reject the application and Development Plan.
- 10.5A35.14 In either case, the Planning Department shall notify the applicant and Planning Board in writing of its determination, and if applicable, the reason(s) for rejecting the application and Development Plan.

### **10.5A35.20 Development Plans Subject to Site Plan Review**

- 10.5A35.21 Within 14 days of its determination pursuant to Section 10.5A33.20 with respect to an application and Development Plan that require Site Plan Review, the Planning Department shall review the application and Development Plan to determine whether they comply with the Regulating Plan, Article 5A and other applicable City laws, ordinances and regulations subject to issuance or granting of any requested variance, special exception or conditional use permit.

- 10.5A35.22 If the Planning Department determines that an application and Development Plan that requires Site Plan Review comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall notify the applicant and the Planning Board in writing, subject to issuance or granting of any requested variance, special exception or conditional use permit.
- 10.5A35.23 If the Planning Department determines that an application and Development Plan that requires Site Plan Review do not comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall not recommend the same to the Planning Board and shall notify the applicant and the Planning Board of its determination in writing, stating the reasons for not recommending the same.
- 10.5A35.24 In either event, within 14 days of the Planning Department’s notice pursuant to Section 10.5A35.22 or 10.5A35.23, the Planning Department shall forward the application and Development Plan to the Planning Board, which shall process and review the same, provide and hold any and all required notices and public hearings and determine whether the application and Development Plan comply with Article 5A, the Regulating Plan and all other applicable City laws, ordinances and regulations.<sup>8</sup>
- 10.5A35.25 If the Planning Board determines that an application and Development Plan comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall approve the application and Development Plan.
- 10.5A35.26 If the Planning Board determines that the application and Development Plan do not comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall reject the application and Development Plan.
- 10.5A35.27 In either case, the Planning Board shall notify the applicant and Planning Department in writing of its determination, and if applicable, the reason(s) for rejecting the application and Development Plan.

**10.5A35.30 Subdivision and Site Plan Review**

Subject to the limitations of Section 10.5A14.50, all Development Plans, applications and approvals shall be subject to any required subdivision and/or Site Plan review and approval pursuant to the Subdivision Rules and Regulations or Site Plan Review Regulations. Any and all subdivision and Site Plan Review applications, submissions and reviews may be conducted concurrently with or as a part of the Development Plan application, submission and review process.

---

<sup>8</sup> Text deleted from the end of this and the following paragraph: “, subject to issuance or giving of any requested variance, special exception or conditional use permit.” The effect of deleting this phrase is to require that any requested variance, special exception or conditional use permit be granted prior to approval of a Development Plan.

## Section 10.5A40 Character Districts, Civic Spaces, Civic Districts and Municipal Districts

### 10.5A41 General

#### 10.5A41.10 Applicability

This Section 10.5A40 applies to Character Districts, Municipal Districts and Civic Spaces to the extent provided herein. Development, land, improvements, construction, subdivision, resubdivision, structures and lots within each Character District or Civic Space, as applicable, shall include the respective elements and shall comply with the respective standards applicable to each. This Section 10.5A40 shall apply to Municipal Districts only as to their designation on the Regulating Plan (Map 10.5A21.A).

#### 10.5A41.20 Character Districts

There are three Character Districts, as follows:

General Urban District – Limited	CD4-L	<ul style="list-style-type: none"> <li>• Medium density transitional area</li> <li>• Mix of medium to large residential house types</li> <li>• Almost entirely residential uses</li> <li>• Shallow front setbacks</li> <li>• Shallow to medium to side setbacks</li> <li>• Variable private landscaping</li> <li>• Streets with curbs, sidewalks, and street trees that define medium to large blocks</li> </ul>
General Urban District	CD4	<ul style="list-style-type: none"> <li>• Medium-to-high density transitional area</li> <li>• Mix of building types</li> <li>• Residential, retail, and other commercial uses</li> <li>• Shallow or no front setbacks</li> <li>• Medium to no side setbacks</li> <li>• Variable private landscaping</li> <li>• Streets with curbs, sidewalks, and street trees that define small to medium blocks</li> </ul>
Urban Center District	CD5	<ul style="list-style-type: none"> <li>• High density development center</li> <li>• Mix of building types</li> <li>• Residential, retail and other commercial uses</li> <li>• No front setbacks</li> <li>• No side setbacks</li> <li>• Limited landscaping</li> <li>• Streets with curbs, sidewalks and street trees that define small to medium blocks</li> </ul>



**TABLE 10.5A42.10 CHARACTER DISTRICT DESCRIPTIONS**

**CD4-L General Urban District—Limited**



**CD4-L General Urban District—Limited** This District consists of a medium density transitional area that has a mix of medium to large residential house types with almost entirely residential uses; there are shallow front Setbacks and shallow to medium to side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define medium to large blocks.

**CD4 General Urban District**



**CD4 General Urban District** This District consists of a medium-to-high density transitional area that has a mix of building types and residential, retail, and other commercial uses; there are shallow or no front Setbacks and medium to no side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define small to medium blocks.



**CD5 Urban Center District.** This District consists of a high density development center with a mix of building types and residential, retail and other commercial uses; there are no front Setbacks and no side Setbacks; it has limited landscaping; and it has Streets with curbs, sidewalks and street trees that define small to medium blocks.

## 10.5A42 Elements and Standards

### 10.5A42.10 Character Districts

Development, improvements, land, structures and lots within each Character District shall include the applicable elements indicated for such Character District throughout Article 5A and shall comply with the applicable Character District general description and intent thereof described in Section 10.5A41 (Character District Descriptions) and the standards applicable to such Character District set forth in Tables 10.5A42.10A-C (Character District Standards) and elsewhere in Article 5A.

### 10.5A42.20 Civic Spaces

Development, improvements, land, structures and lots within each civic space shall comply with applicable requirements of Article 5A including, without limitation, Section 10.5A50.

This page left blank intentionally.



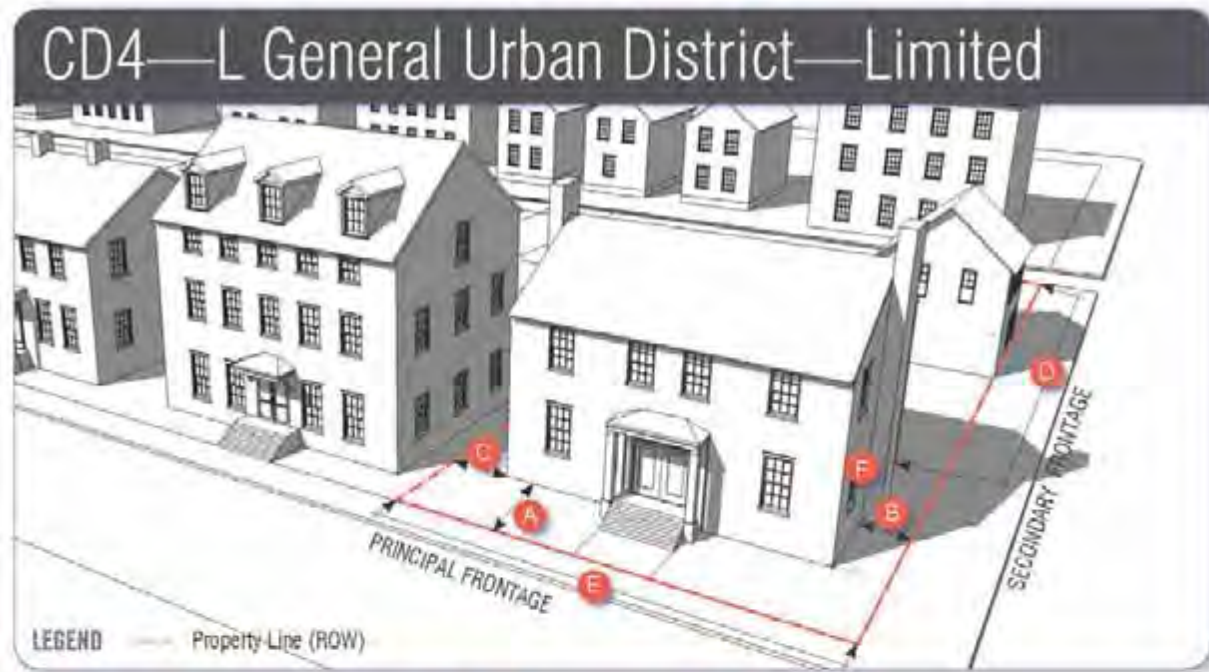
**ILLUSTRATION 10.5A41.20A CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT—LIMITED**

CD4-L

**CD4-L General Urban District—Limited.** This District consists of a medium density transitional area that has a mix of medium to large residential house types with almost entirely residential uses; there are shallow front Setbacks and shallow to medium to side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define medium to large blocks.



**TABLE 10.5A42.10A CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT—LIMITED CD4-L**



**BUILDING PLACEMENT — PRINCIPAL BLDG**

Front Setback, Principal Frontage*	0 ft min, 15 ft max	<b>A</b>
Front Setback, Secondary Frontage	0 ft min, 12 ft max	<b>B</b>
Side Setback	5 ft min, 20 ft max	<b>C</b>
Rear Setback	greater of 5 ft min or 10 ft from center line of alley	<b>D</b>
Frontage Buildout	60% min to 80% max at front setback	<b>E</b>

**YARD TYPES** (see Table 10.5A54.20)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted

**BUILDING & LOT USE**  
See Section 10.5A57

\*\* .70% min for shopfront

**LOT OCCUPATION**

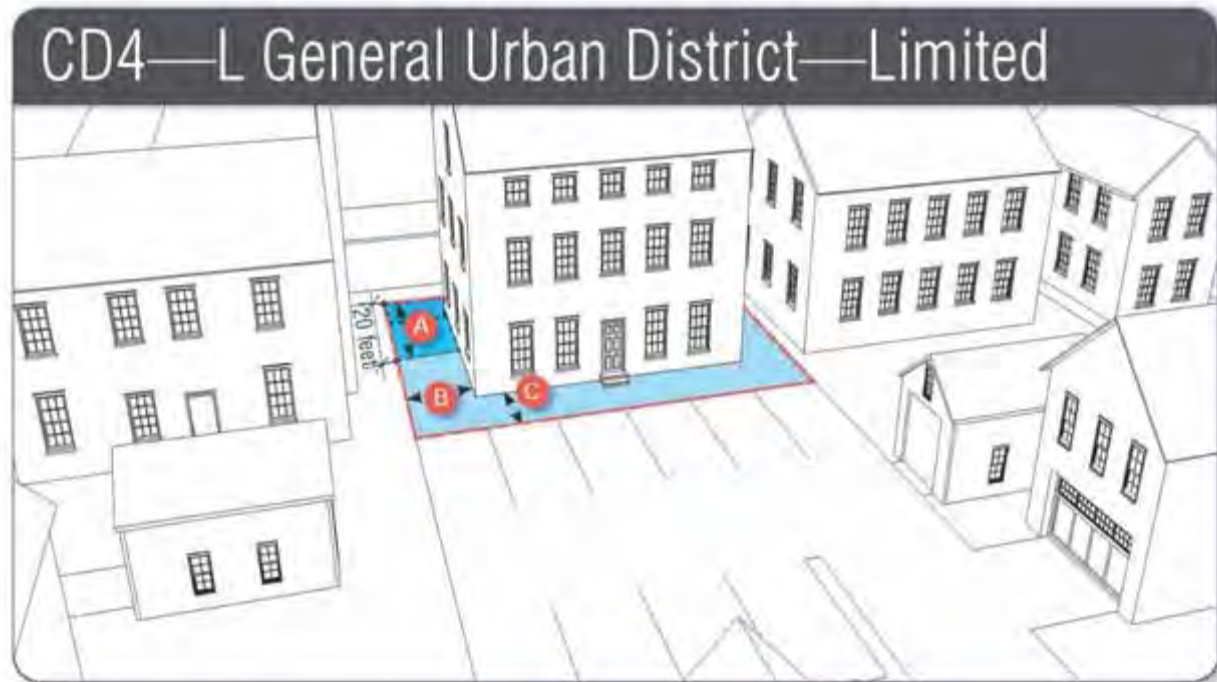
Lot Width	35 ft min, 80 ft max	<b>E</b>
Building Coverage	60% max	
Open Space	25% Min	
Min. Lot Area	3,000 sf	
Min. Lot Area/Dwell Unit	3,000 sf	
Lot Width	35-80ft	
Max Building Footprint	NR	
Max Facade Modulation	NR	

**BUILDING FORM — PRINCIPAL BUILDING**

Building Height	See Map 10.5A21.B & Section 10.5A55.30 Special Requirements: Specific Building Height Requirements/Areas	<b>F</b>
Ground Floor Height	10 ft min	
Upper Floor Height	9 ft min	
Facade Glazing	25% to 40% **	
Roof Type	gable, hip, gambrel	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min gambrel: 6:12 min, 30:12 max	



**TABLE 10.5A42.10A CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT—LIMITED** CD4-L



**LEGEND**  Property Line (ROW)  First Layer  Second Layer  Third Layer

**BUILDING PLACEMENT — OUTBUILDING**

Front Setback	Principal Bldg setback + 20 ft min	<b>A</b>
Side Setback	0 ft min	<b>B</b>
Rear Setback	3 ft min	<b>C</b>

**PARKING**

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

**PRIVATE FRONTAGES & ENCROACHMENTS**

PRIVATE FRONTAGE TYPES	(see Table 10.5A54.30)*
Common Lawn	not permitted
Porch	permitted
Forecourt	not permitted
Step	permitted
Stoop	permitted
Shopfront	not permitted
Officefront	not permitted*

**ENCROACHMENT OF BUILDING ELEMENTS**

Porches, Stoops, and other Elements may encroach the indicated setbacks by the following distances.

Front Setback, Principal Frontage	10 ft max
Front Setback, Secondary Frontage	10 ft max
Rear Setback	5 ft max

\* See Illustration 10.5A21C for additional requirements.

This page left blank intentionally.

**ILLUSTRATION 10.5A42.10B CHARACTER DISTRICT STANDARDS  
CD4 GENERAL URBAN DISTRICT**

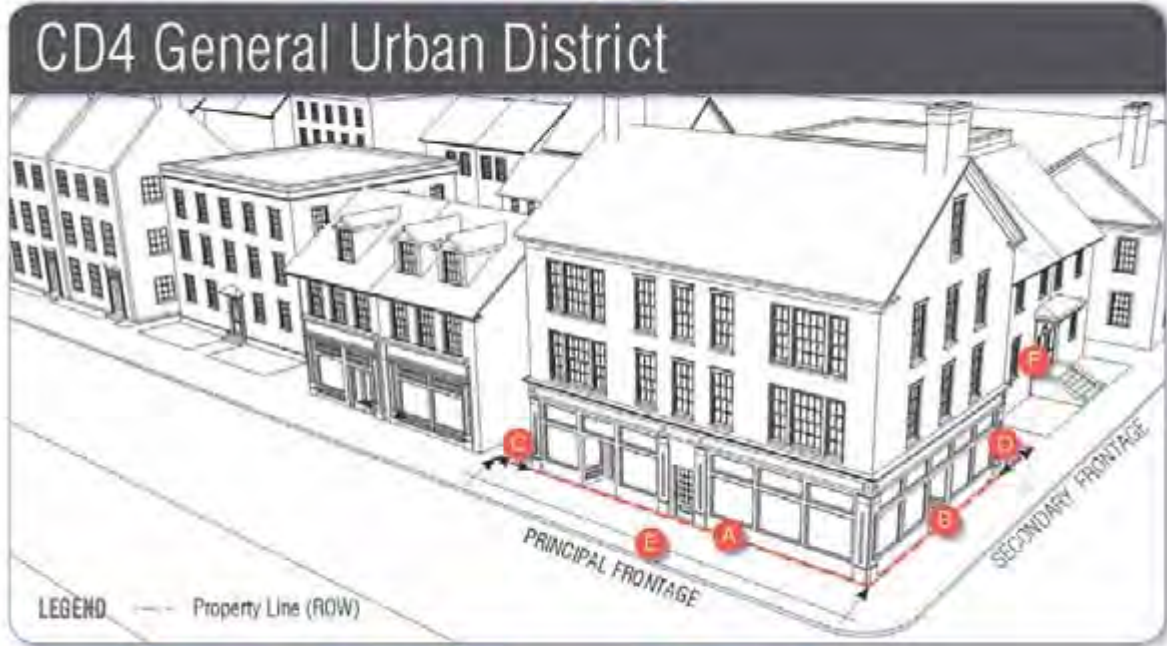
CD4

**CD4 General Urban District.** This District consists of a medium-to-high density transitional area that has a mix of building types and residential, retail, and other commercial uses; there are shallow or no front Setbacks and medium to no side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define small to medium blocks.





**TABLE 10.5A42.10B CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT** CD4



**BUILDING PLACEMENT — PRINCIPAL BLDG**

Front Setback, Principal Frontage	0 ft min, 10 ft max	<b>A</b>
Front Setback, Secondary Frontage	0 ft min, 15 ft max	<b>B</b>
Side Setback	0 - 20 ft max	<b>C</b>
Rear Setback	greater of 5 ft min or 10 ft from center line of alley	<b>D</b>
Frontage Buildout	50% min at front setback, except no min - 50% max. per Special Req. Map 10.5A21C on Ceres Street	

**YARD TYPES** (see **Table 10.5A54.20**)

Edgeward	permitted
Sideward	permitted
Rearward	permitted

**BUILDING & LOT USE**

See **Section 10.5A57**

\* Except for mixed-use parking structures designed in accordance with Section 10.5A58  
 \*\* 70% min for shopfront

**LOT OCCUPATION**

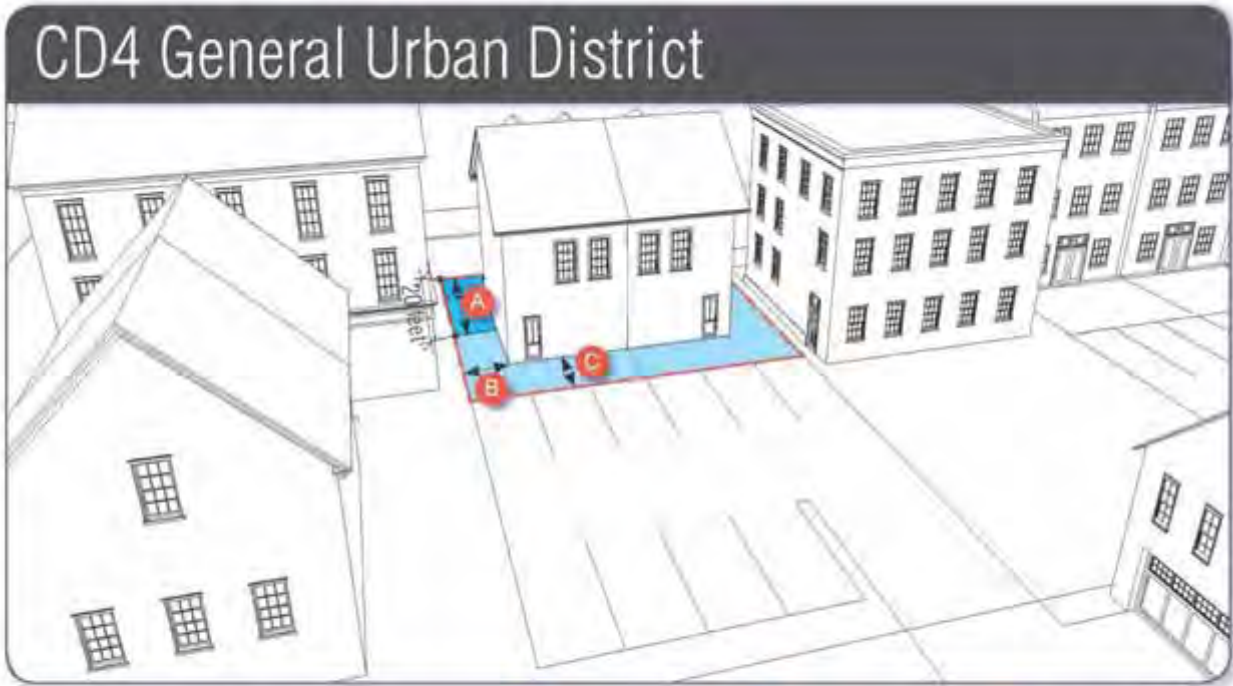
Lot Width	18 ft min, 6'	<b>E</b>
Building Coverage	90% max	
Open Space	10% Min	
Minimum Lot Area	2,000 sf (NR per dwelling unit)	
Minimum Lot Width	18 ft	
Max Building Footprint	10,000 sf*	
Max Facade Modulation	80 ft**	

**BUILDING FORM — PRINCIPAL BUILDING**

Building Height	See Map 10.5A21.B & Section 10.5A55.30 Special Requirements: Specific Building Height Requirement Areas	<b>F</b>
Ground Floor Height	12 ft min	
Upper Floor Height	9 ft min	
Facade Glazing	20% min - 50% max**	
Roof Type	flat, hip, gable, gambrel, mansard	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard / gambrel: 6:12 min, 30:12 max	

**TABLE 10.5A42.10B CHARACTER DISTRICT STANDARDS  
CD4 GENERAL URBAN DISTRICT**

**CD4**



**LEGEND** — Property Line (ROW)      ■ First Layer      ■ Second Layer      ■ Third Layer

**BUILDING PLACEMENT — OUTBUILDING**

Front Setback	Principal Bldg setback + 20 ft min	<b>A</b>
Side Setback	0 ft min	<b>B</b>
Rear Setback	3 ft min	<b>C</b>

**PARKING**

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

**PRIVATE FRONTAGES & ENCROACHMENTS**

PRIVATE FRONTAGE TYPES	(See Table 10.5A54.30)*
Common Lawn	not permitted
Porch	permitted
Forecourt	permitted
Step	permitted
Stoop	permitted
Shopfront	permitted
Officefront	permitted

**ENCROACHMENT OF BUILDING ELEMENTS**

Porches, Stoops, and other Elements may encroach the indicated setbacks by the following distances.

Front Setback, Principal Frontage	8 ft max
Front Setback, Secondary Frontage	8 ft max
Rear Setback	5 ft max

\* See Illustration 10.5A21C for additional requirements.



This page left blank intentionally.

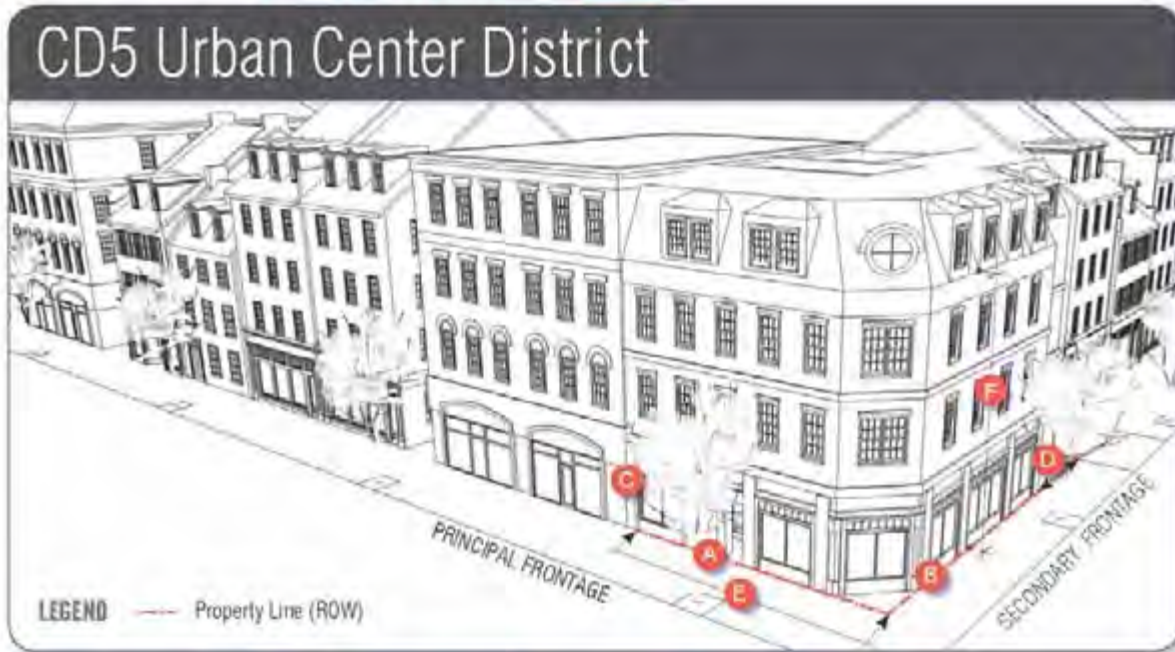
**ILLUSTRATION 10.5A42.10C CHARACTER DISTRICT STANDARDS**  
**URBAN CENTER DISTRICT** CD5

---

**CD5 Urban Center District.** CD5 Urban Center District. This District consists of a high density development center with a mix of building types and residential, retail and other commercial uses; there are no front Setbacks and no side Setbacks; it has limited landscaping; and it has Streets with curbs, sidewalks and street trees that define small to medium blocks.



**TABLE 10.5A42.10C CHARACTER DISTRICT STANDARDS**  
**URBAN CENTER DISTRICT** CD5



**BUILDING PLACEMENT — PRINCIPAL BLDG**

Front Setback, Principal Frontage	0 ft max.*	A
Front Setback, Secondary Frontage	0 ft max.	B
Side Setback	0 ft max.	C
Rear Setback	greater of 0 ft min or 10 ft from center line of alley	D
Frontage Buildout	100% at front setback **	

\* Building setbacks may be increased where public access easements are accepted by the City.  
 \*\* Except for Truncated Corners, Building Projections or other Open Spaces.

**YARD TYPES** (see Table 10.5A54.20)

Edgeyard	not permitted
Sidyard	not permitted
Rearyard	permitted

**BUILDING & LOT USE**

See Section 10.5A57

\* Except for mixed-use parking structures designed in accordance with Section 10.5A58  
 \*\* 70% min for slopfront

**LOT OCCUPATION**

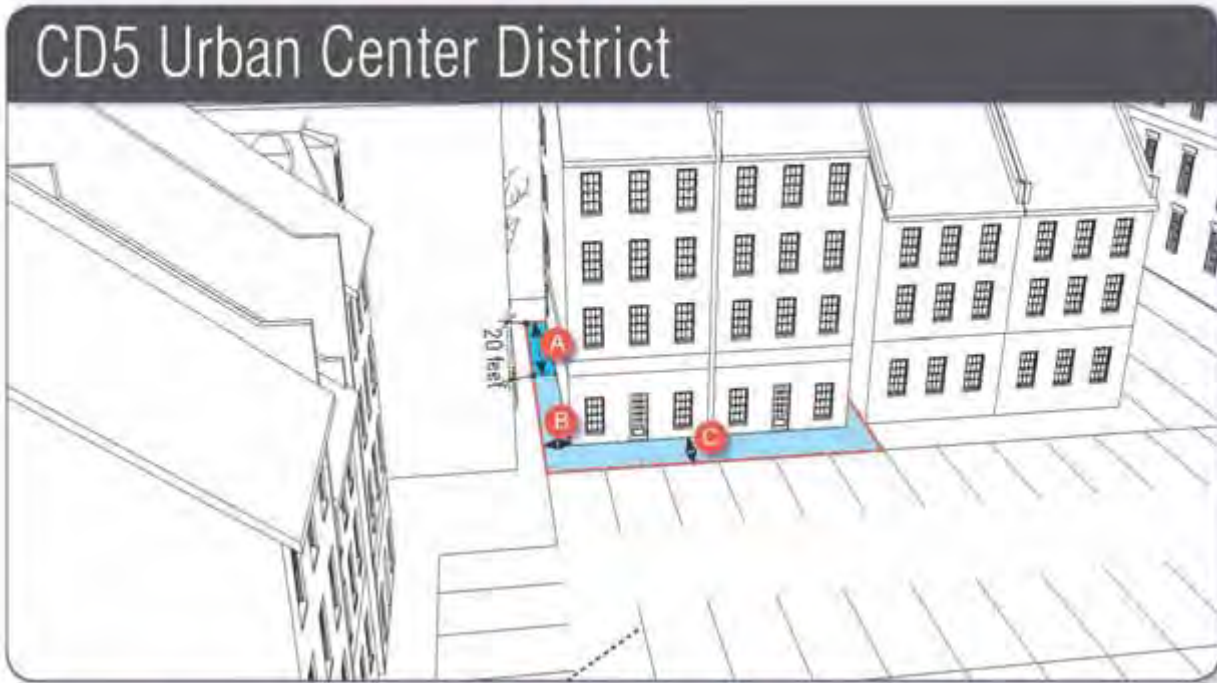
Lot Width	18 ft min, 60 ft max *	E
Building Coverage	95% max	
Open Space	5% Min	
Minimum Lot Area	2,000 sq. ft. (NH per Dwelling Unit)	
Minimum Lot Width	18 ft	
Max Building Footprint	15,000 sq. ft.	
Max Facade Modulation	100 ft**	

**BUILDING FORM — PRINCIPAL BUILDING**

Building Height	See Map 10.5A21.B Special Requirements: Specific Building Height Requirement Areas	F
Ground Floor Height	12 ft min	
Upper Floor Height	6 ft min	
Facade Glazing	20% min - 50% max	
Roof Type	flat, hip, gable, mansard, gambrel	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard/gambrel: 6:12 min, 30:12 max	



**TABLE 10.5A42.10C CHARACTER DISTRICT STANDARDS  
URBAN CENTER DISTRICT CD5**



**LEGEND** — Property Line (ROW)      ■ First Layer      ■ Second Layer      ■ Third Layer

**BUILDING PLACEMENT — OUTBUILDING**

Front Setback	Principal Bldg setback + 20 ft min	<b>A</b>
Side Setback	0 ft min	<b>B</b>
Rear Setback	3 ft min	<b>C</b>

**PARKING**

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

**PRIVATE FRONTAGES & ENCROACHMENTS**

PRIVATE FRONTAGE TYPES	(see <b>Table 10.5A54.30</b> )*
Common Lawn	not permitted
Porch	not permitted
Forecourt	not permitted
Step	permitted
Stoop	permitted
Shopfront	permitted
Officefront	permitted

**ENCROACHMENT OF BUILDING ELEMENTS**

Porches, Stoops, and other Elements may encroach the indicated setbacks by the following distances.

Front Setback, Principal Frontage	10 ft max
Front Setback, Secondary Frontage	10 ft max
Rear Setback	5 ft max

\* See Illustration 10.5A21C for additional requirements.

## Section 10.5A50 Development Standards

### 10.5A51 Municipal Districts, Civic Districts, and Civic Spaces

#### 10.5A51.10 Municipal Districts

Structures and uses within the Municipal District are governed by the provisions of Section 10.460 and 10.560.

#### 10.5A51.20 Civic Districts

10.5A51.21 Structures in the Civic District may be converted to other uses permitted under 10.5A57 without the need for a Development Plan or Regulating Plan amendment provided that no development or improvements are made to the existing structures, and that the new uses remain civic.

10.5A51.22 New structures and alterations and expansions of existing structures in the Civic District are exempt from the requirements of 10.5A54 and 10.5A55 provided that all uses remain civic. A Development Plan is required for any development or improvements made to the existing structures or the lot.

10.5A51.23 Structures in the Civic District that are proposed for development or improvements and/or conversion to non-civic uses permitted under 10.5A57 shall require a Development Plan and Regulating Plan amendment as set forth in Section 10.5A22.

#### 10.5A51.30 Civic Spaces

10.5A51.31 Any Development Plan having an aggregate area of 2 acres or more shall include at least 5% but not more than 20% of its gross land area assigned and improved as civic spaces. The Planning Board shall determine the size, location and type of the required civic spaces based on the size and location of the development, and the proposed and adjacent uses.

10.5A51.32 Civic spaces shall be designed as generally described in Table 10.5A51.20 (Civic Spaces) as related to the adjacent Character District, or if adjacent to more than one, as related to the highest numbered adjacent Character District.

### 10.5A52 Special Requirements

A Development Plan shall designate any applicable special requirements described in Section 10.5A21.20.



**TABLE 10.5A51.20 CIVIC SPACES**



---

A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding building Frontages. Other than active use areas, its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.

---



---

A linear Civic Space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A Greenway may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

---



---

A paved/brick pedestrian connector between buildings. Pedestrian Alleys provide shortcuts through long blocks and connect rear Parking Areas and other Civic Spaces with Street Frontages. Pedestrian Alleys may be covered by a roof and or lined by Shopfronts.

---

**TABLE 10.5A51.20 CIVIC SPACES (CONTINUED)**



A Civic Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/8 acre.



A Civic Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.



A Civic Space available for informal activities in close proximity to neighborhood residences. A Pocket Park is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Pocket Parks shall be in public places or in more intimate mid-block locations. There is no minimum size.



A Civic Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum size.

## 10.5A53 Lots

### 10.5A53.10 Lot Layers

Lots are composed of three lot layers, the first lot layer, the second lot layer and the third lot layer, as shown in Illustration 10.5A53.10 (Lot Layers) and as defined in Section 10.5A60 (Definitions).

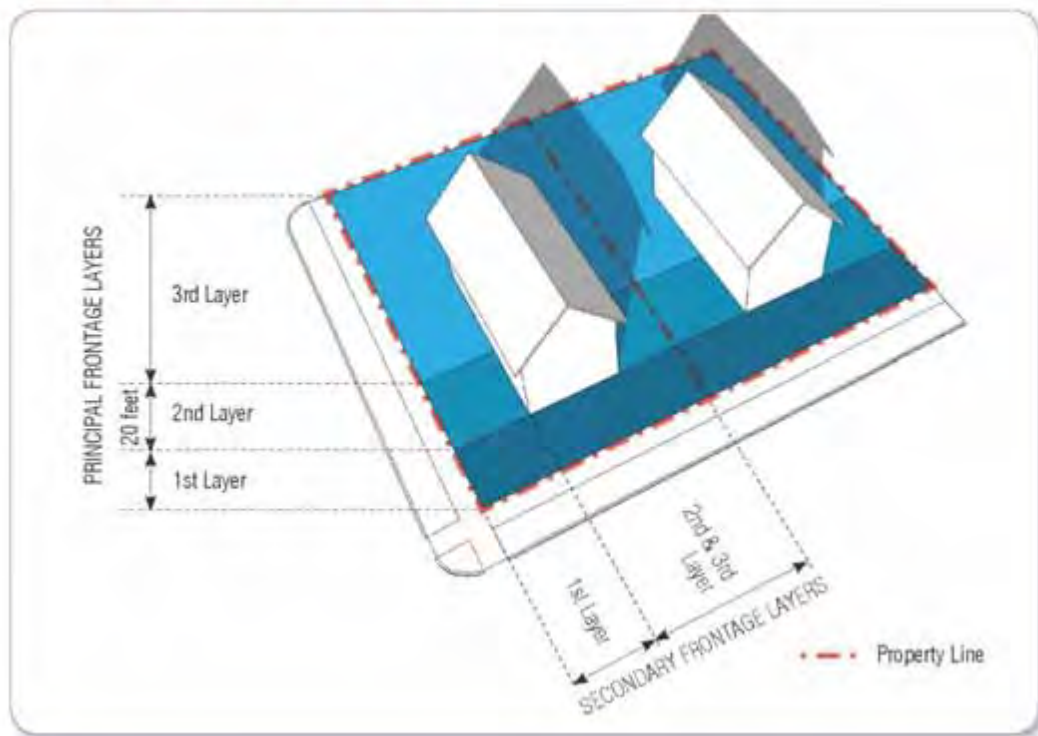
### 10.5A53.20 Lot Dimensions

Newly platted lots within each Character District shall be dimensioned according to Tables 10.5A42.10A-C (Character District Standards).

### 10.5A53.30 Building Coverage

Building coverage within each Character District shall not exceed that recorded in Tables 10.5A42.10A-C (Character District Standards).

**ILLUSTRATION 10.5A33.10 LOT LAYERS**



## 10.5A54 Building Placement and Yard Types

### 10.5A54.10 Building Placement

Buildings shall be disposed in relation to the boundaries of their lots within each Character District according to Tables 10.5A42.10A-C (Character District Standards).



### 10.5A54.20 Yard Types

Buildings and lots shall conform to the Yard Type standards within each Character District, as set forth on Table 10.5A54.20 (Yard Types).

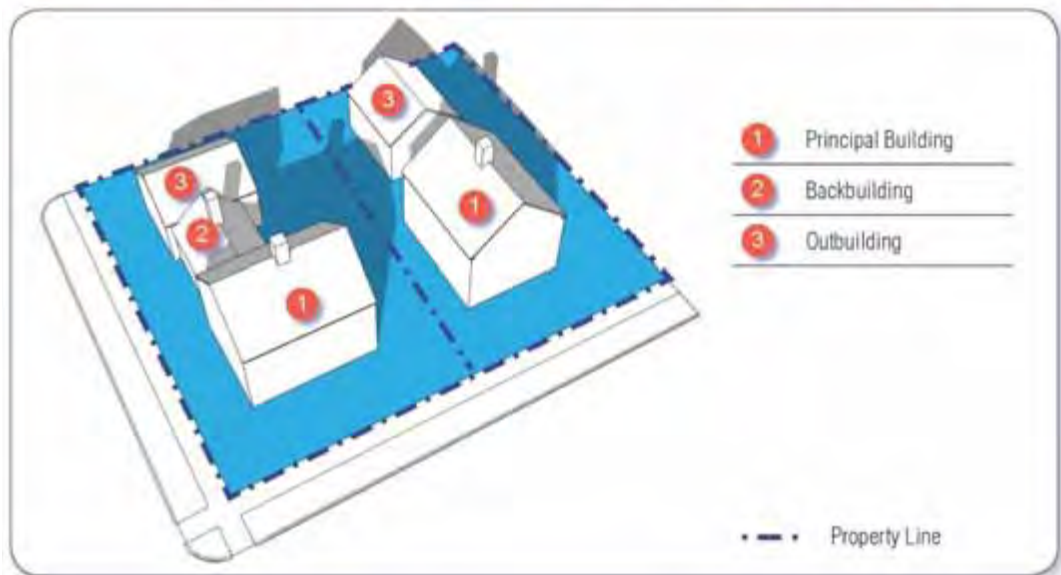
### 10.5A54.30 Principal Building

Within each Character District, only one principal building may be built on each lot at the frontage, as illustrated generally in Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

### 10.5A54.40 Backbuildings and Outbuildings

Within each Character District a detached or attached outbuilding may be built on each lot to the rear of the principal building, as illustrated generally in Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding). All backbuildings or outbuildings shall conform to the requirements listed in Section 10.570.

#### ILLUSTRATION 10.5A54.30 PRINCIPAL BUILDING/BACKBUILDING/OUTBUILDING



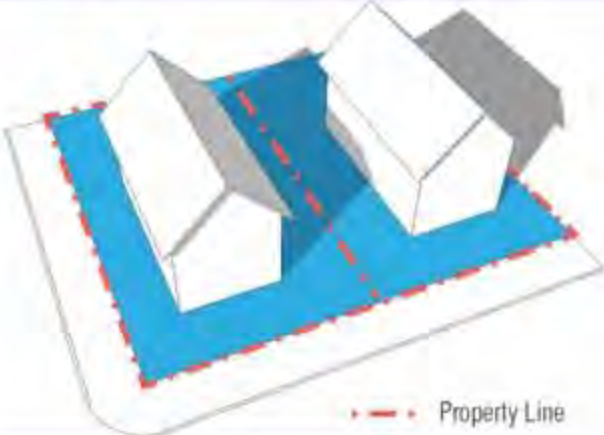
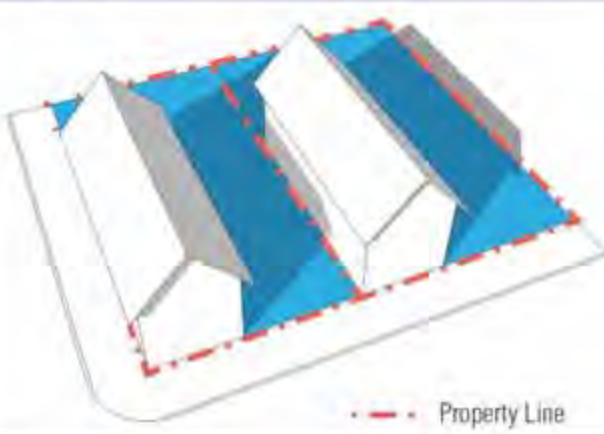
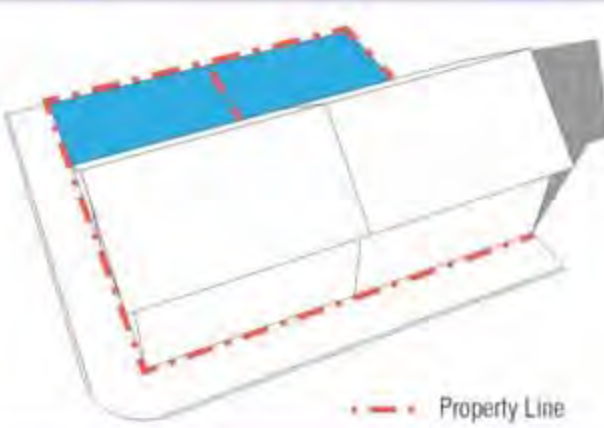
### 10.5A54.50 Other Components

Any structure other than a principal building, fence or streetscreen shall be situated in the second lot layer or third lot layer and shall be screened from the frontage by a principal building or streetscreen.

### 10.5A54.60 Building Facades

10.5A54.61 Within each Character District, building façades shall be built parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line, and along the indicated minimum and/or maximum percentage of the frontage line width at the setback, as specified as Frontage Buildout on Tables 10.5A42.10A-C (Character District Standards) and/or Map 10.5A21C (Special Requirements: Specific Shopfront, Step Frontages, Percent Frontage Buildout and Use Requirement Areas).

**TABLE 10.5A54.20 YARD TYPES**

<p><b>Edgeyard</b></p>	<p>Permitted Districts:</p>	<p>CD4—L</p>	<p>CD4</p>
 <p style="text-align: center;">- - - Property Line</p>	<p>Specific Types - single family House, cottage, villa, estate house, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>		
<p><b>Sideyard</b></p>	<p>Permitted Districts:</p>	<p>CD4—L</p>	<p>CD4</p>
 <p style="text-align: center;">- - - Property Line</p>	<p>Specific Types - single house, duplex, zero lot line house. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House, Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>		
<p><b>Rearyard</b></p>	<p>Permitted Districts:</p>	<p>CD4—L</p>	<p>CD4</p>
 <p style="text-align: center;">- - - Property Line</p>	<p>Specific Types - Rowhouse, Live-Work unit, Apartment House, Small Commercial Building, Large Commercial Building. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>		

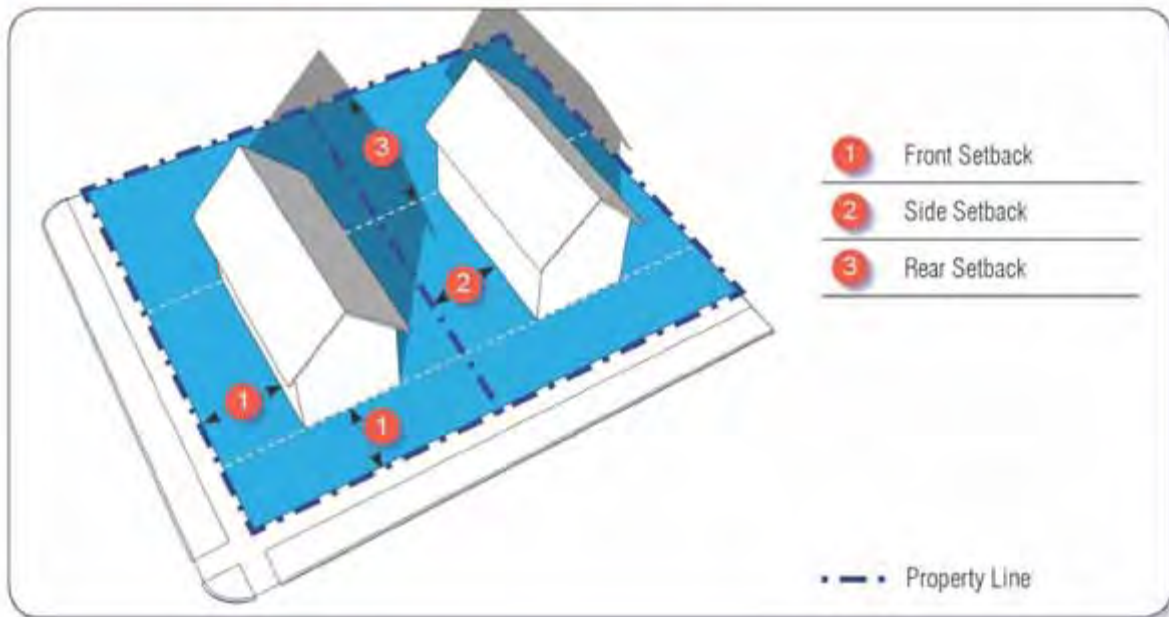


10.5A54.62 Any façade facing a frontage line shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the dimensions listed in Tables 10.5A42.10A-C. Façades that are all brick or masonry and have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including recessed windows in the openings and use of multi-panes) shall be exempt from the modulation requirements listed in Tables 10.5A42.10A-C.

**10.5A54.70 Building Setbacks<sup>9</sup>**

10.5A53.71 Setbacks for buildings shall be as shown in Tables 10.5A42.10A-C (Character District Standards). See Illustration 10.5A54.70 (Setback Designations).

**ILLUSTRATION 10.5A54.70 SETBACK DESIGNATIONS**



**10.5A55 Building Form and Building Types**

**10.5A55.10 Private Frontage – General**

The private frontage within each Character District shall conform to and be allocated in accordance with Table 10.5A54.30 (Private Frontage Types) and Tables 10.5A42.10A-C (Character District Standards), as applicable, and any applicable private frontage special requirements indicated on the Regulating Plan.

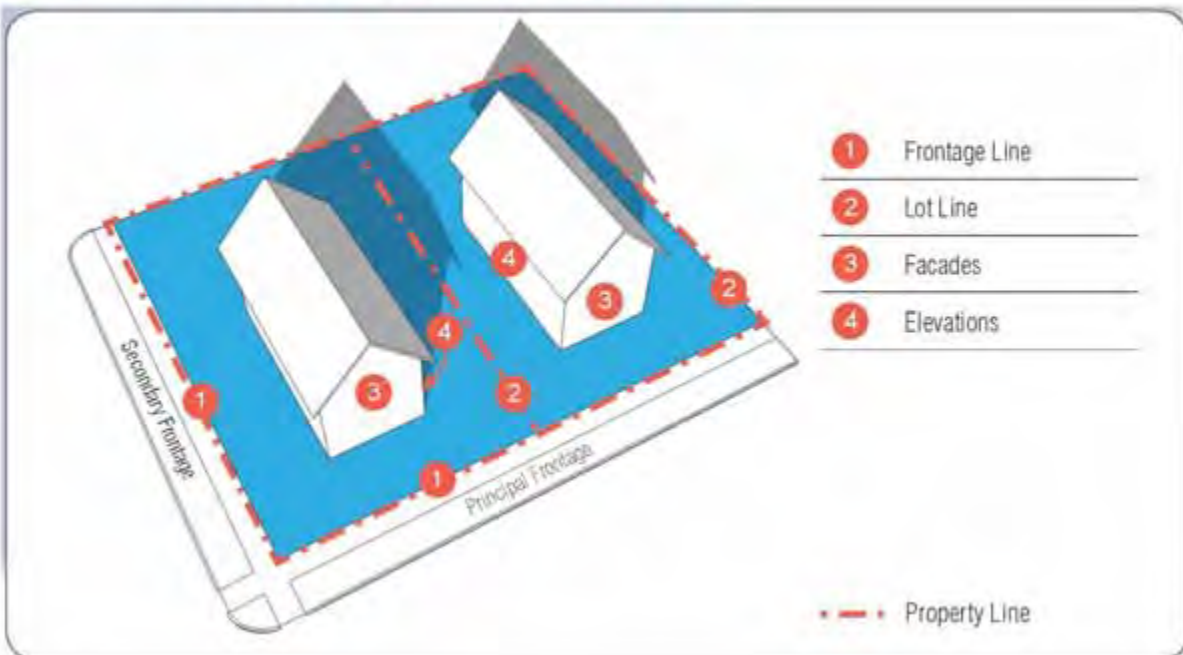
<sup>9</sup> The previous version contained a provision allowing for an increased building setback to accommodate steep slopes.

**10.5A55.20 Multiple Private Frontages**

10.5A55.21 Each building shall have a private frontage along each of its street frontages. If a building has more than one street frontage, one of its frontages shall be designated as the principal frontage and the other frontage or frontages shall be secondary frontages, as illustrated generally in Illustration 10.5A55.20 (Frontage and Lot Lines).

10.5A55.22 The requirements for the second lot layer and third lot layer of corner lots and through lots pertain only to the principal frontage. The requirements for the first lot layer of lots with more than one frontage pertain to both frontages. See Illustration 10.5A53.10 (Lot Layers).

**ILLUSTRATION 10.5A55.20 FRONTAGE AND LOT LINES**



**TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES**

**Common Lawn** Permitted Districts: **CD4—L**



A planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.

**Porch** Permitted Districts: **CD4—L** **CD4**



A planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch or stoop permitted to Encroach. This may be used with or without a fence to maintain street spatial definition.

**TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)**

**Stoop** Permitted Districts: **CD4—L** **CD4** **CD5**



A Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use. This frontage type is only allowed outside the Downtown Overlay District.

**Step** Permitted Districts: **CD4—L\*** **CD4** **CD5**



A Frontage wherein the Facade is aligned close to the Frontage Line. The entrance is usually an exterior single step without a landing. This type is recommended for ground-floor Residential Office or Retail use. See Map 10.5A21C



**TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)**


**Shopfront** Permitted Districts: **CD4—L\*** **CD4** **CD5**



A Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and may have an awning that may overlap the Sidewalk to within 2 feet of the Curb.

\* Only as shown on Map 10.5A21C Special Requirements: Specific Shopfront & Step Private Frontages Requirements Areas

**Officefront** Permitted Districts: **CD4—L\*** **CD4** **CD5**



A Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at or above Sidewalk grade. This type is conventional for Office use. It may have substantial glazing on the Facade.

\* Only as shown on Map 10.5A21C Special Requirements: Specific Shopfront & Step Private Frontages Requirements Areas

**TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)**

<b>Forecourt</b>	Permitted Districts:	CDA
		<p>A Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p> <p>This frontage type is only allowed outside the Downtown Overlay District.</p>

**10.5A55.30 Building and Floor Heights**

- 10.5A55.31 Building heights and floor heights within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards) and the special requirements for Specific Building Height Requirement Areas indicated Map 10.5A21B.
- 10.5A55.32 In calculating height of a parking structure or garage, except for a roof-top level parking with a parapet wall less than four feet in height, each above-ground level counts as a single story regardless of its relationship to habitable Stories.
- 10.5A55.33 A short story includes either: (1) the use of a top story that is below the cornice line of a sloped roof and is at least 20% shorter in height than the story below; or (2) a story within a mansard roof with a pitch no greater than 30:12.
- 10.5A55.34 In calculating building height, roof appurtenances that are less than 10 feet above the roof surface and that are set back at least 10 feet from any edge of the roof shall not be considered, provided that the total horizontal area of all such roof appurtenances shall not exceed 33 percent of the total roof area of the building.

10.5A55.35 The specific Height Requirement Areas are listed on Map 10.5A21B. In calculating building height, the maximum building height in each Height Requirement Area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
2 stories	2	2	35
2 stories (short 3 <sup>rd</sup> )	2	2 + short 3 <sup>rd</sup>	40
2-3 stories	2	3	45
2-3 stories (short 4 <sup>th</sup> )	2	3 + short 4 <sup>th</sup>	50
2-4 stories (short 5 <sup>th</sup> )	2	4 + short 5 <sup>th</sup>	60

**10.5A55.40 Maximum Building Footprint**

No buildings or other structures shall be greater than the maximum building footprints listed in Table 10.5A42.10A-C Character District Standards); except that this limitation shall not apply to off-street parking structures designed in accordance with the standards in Section 10.5A58.

**10.5A55.50 Roof Type and Pitch**

Building roof type and pitch within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards).

**10.5A55.60 Facade Glazing**

Window glazing of building facades within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards).

**10.5A55.70 Loading Docks and Service Areas**

Loading docks and service areas shall not be permitted on frontages or within the first lot layer. See Illustration 10.5A53.10 (Lot Layers).

**10.5A55.80 Streetscreens**

Any streetscreen along a frontage shall be built on the same plane as the façade of the principal building and shall be between 3.5 and 4.0 feet in height. Streetscreens located on a private frontage shall be between 3.5 and 6 feet in height. Streetscreens along the frontage shall have openings no larger than necessary to allow automobile and pedestrian access.




**10.5A55.90 Building Type**

Buildings in each Character District shall be of one or more of the building types specified for such Character District in Table 10.5A55.90 (Building Types).

**10.5A56 Encroachments**

Encroachments of building elements in setback areas shall be allowed within each Character District as set forth in Tables 10.5A42.10A-C (Character District Standards).

**TABLE 10.5A55.90 BUILDING TYPES**

<b>House</b>	Permitted Districts:	<b>CD4—L</b> <b>CD4</b>
	<p>House: Building having an Edgeyard yard type, initially intended as a single-family dwelling on a medium to large Lot, often shared with an Accessory Building in the back yard. This building type is only allowed outside the Downtown Overlay District.</p>	
<b>Duplex</b>	Permitted Districts:	<b>CD4</b>
	<p>Duplex: a Building having an Edgeyard yard type, initially intended as a single-family dwelling, usually on a small Lot that may be shared with an Accessory Building in the back yard. This building type is only allowed outside the Downtown Overlay District.</p>	
<b>Rowhouse</b>	Permitted Districts:	<b>CD4</b> <b>CD5</b>
	<p>Rowhouse: a Building Type having a Rearyard Yard Type, initially intended for single-family dwelling, that shares a party wall with another of the same type and occupies the full Frontage Line. See Rearyard Building. (Syn: townhouse). This building type is only allowed outside the Downtown Overlay District.</p>	



**TABLE 10.5A55.90 BUILDING TYPES (CONTINUED)**

**Live / Work** Permitted Districts: **CD4** **CD5**



Live-Work: a Mixed Use unit designed to accommodate a ground floor commercial use and a Residential use above. The commercial Use may be anywhere in the unit.

**Small Commercial Building** Permitted Districts: **CD4** **CD5**



Small Commercial Building: a Building having a Shopfront at the ground floor that may be used for Retail, Office, Medical, Commercial, Service, Personal Service, Civic, Education, or other Uses permitted in the applicable Character District. Only non-residential Uses are allowed on the ground floor in the Downtown Overlay District. The floors above may be used for a Residential Principal Function or for any other Function permitted in the applicable Character District.

**Apartment** Permitted Districts: **CD4—L**



Apartment: a Building with an Edgeyard yard type, initially intended for a Residential Principal Use, including multiple attached single-family Dwelling Units. This building type is only allowed outside the Downtown Overlay District. This building type may be designed from the exterior to complement detached single-family houses in certain Character Districts while containing actually several flats on the interior; may be for rent, or for sale as a condominium.

**TABLE 10.5A55.90 BUILDING TYPES**

<b>Large Commercial Building</b>	Permitted Districts:	<b>CD5</b>
		
<p>Large Commercial Building: a Building having a Shopfront at the ground floor that may be used for Retail, Office, Medical, Commercial, Artisan Light Industrial, Workshop, Service, Personal Service, Civic, Education, or other Uses permitted in the applicable Character District. The floors above may be used for a Residential Principal Function or for any other Function permitted in the applicable Character District.</p>		

**10.5A57 Building and Lot Uses**

**10.5A57.10 Uses**

10.5A57.11 All buildings, other structures and land within the CD4 and CD5 Character Districts shall comply with the use regulations for the Central Business B district set forth in Section 10.440, and with the special requirements for uses set forth on Map 10.5A21C (Special Requirements: Use Areas).<sup>10</sup>

10.5A57.12 All buildings, other structures and land within the CD4-L Character Districts shall comply with the use regulations for the Mixed Office Residential (MRO) district set forth in Section 10.440.

**10.5A57.20 Downtown Overlay District**

Except as provided in Section 10.5A58.20, the ground floor of any building located within the Downtown Overlay District shall comply with the requirements listed under Section 10.640, subject to any applicable shopfront or officefront special requirement.

<sup>10</sup> Introductory phrase in previous draft has been deleted because it was redundant.

## 10.5A58 Off-Street Parking and Loading Requirements

### 10.5A58.10 General

Except as otherwise provided in this Section, all buildings, other structures and uses in the Character Districts shall comply with the off-street parking requirements set forth in Section 10.1110.

### 10.5A58.20 Number of Required Spaces

10.5A58.21 Uses in the Character-Based Zoning Area that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.

10.5A58.21 Uses in the Character-Based Zoning Area that are included in the Downtown Overlay District shall comply with the off-street parking requirements for the Downtown Overlay District in accordance with Section 10.1115.

### 10.5A58.20 Supplemental Requirements in the Downtown Overlay District

Buildings, other structures and uses in the Character Districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

### 10.5A58.30 Parking, Loading, and Driveway Locations and Standards

10.5A58.31 All off-street parking areas, parking garages and off-street loading areas shall be located in the second lot layer or third lot layer.

10.5A58.32 Parking areas, parking lots and loading locations shall be screened from the frontage by a building or streetscreen except for any access driveway.

10.5A58.33 Driveways at frontages shall be no wider than 24 feet in the first lot layer.

10.5A58.34 Pedestrian exits from all parking lots, garages, and parking structures shall be directly to a frontage line and not directly into a building, except for underground parking accommodations.

10.5A58.35 Parking structures shall have liner buildings of at least 24 feet deep lining the parking structure throughout its entire height along the frontage **except for access driveways and entrances**.

10.5A58.36 In addition to any walkway or sidewalk around such parking area or parking lot, each parking area or parking lot that exceeds 75 parking spaces shall have least one pedestrian walkway of a minimum width of eight (8) feet that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

**10.5A58.40 Surface Parking Lot and Parking Area Landscaping<sup>11</sup>**

**Surface** parking areas and parking lots that contain ten (10) or more spaces shall conform to the following:

- 10.5A58.41 Parking areas and parking lots shall contain one landscape island for every 10 parking spaces. Parking lots with more than one landscape island shall have such islands distributed throughout the parking lot. Each landscape island shall be a minimum of 325 square feet.
- 10.5A58.42 For every 2,000 square feet of parking area or parking lot, at least one tree shall be installed or preserved within the parking area or parking lot.
- 10.5A58.43 No parking space shall be more than 75 feet from a tree within the lot, as measured from the center of the tree to the nearest line demarcating the space.
- 10.5A58.44 All landscaping required pursuant to this Section 10.5A58.40 and adjacent to the paved portion of any parking area, parking lot, loading area, accessway or thoroughfare shall be located in a manner to protect the vegetation from vehicular damage. Without limiting the foregoing, all trees shall be separated from parking area or parking lot paved surfaces by at least 3 feet.

**10.5A59 Architectural Design Guidelines**

In reviewing a proposed project in a Character District under Section 10.630, the Historic District Commission shall review the Development Plan for compliance with Architectural Design Guidelines adopted for the Character Districts or for the Historic District generally. The initial Guidelines shall be those contained in the document titled “Interim Architectural Design Guidelines for the Character-Based Zoning Ordinance,” **Recommended for Adoption by the HDC, dated November 18, 2013**, which shall apply until superseded by new guidelines adopted by the Historic District Commission and approved by the City Council.

---

<sup>11</sup> The previous provision regarding obstructions for visibility at intersections was deleted as Section 10.516.30 – Corner Lot Vision Obstruction - of the Zoning Ordinance still applies.



## Section 10.5A60 Definitions

This Section provides definitions for certain terms in Article 5A that are not otherwise defined in Article 15:

### Adjacent

Having any distance of real property boundary in common with, or being separated from such a common real property boundary by a **thoroughfare**, right-of-way, alley or easement.

### Attic space

The interior part of a building contained within a gable, **gambrel**, hip-roof **mansard or penthouse level**.

### Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

### Block

The aggregate of private lots, Rear Alleys and Rear Lanes, circumscribed by thoroughfares.

### Block face

The aggregate of all the building facades on one side of a block.

### Building element

Any component or part of a building.

### Character District

A zoning district shown on the Regulating Plan to which certain development, lot and building standards, and other elements of the intended built environment are applicable.

### Civic

The term describing activities, uses, purposes and organizations other than the City of Portsmouth which are open to the general public, dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.

### Civic space

An open area dedicated for civic use which is owned and operated by a not-for-profit organization or entity other than the City of Portsmouth. There are several civic space types defined by the combination of certain physical constants, including the relationships among their intended use, their size, their landscaping and the buildings that front on them. The civic space types are shown on Table 10.5A51.20 (Civic Spaces).

### Configuration

The form of a building, including its massing, private frontage, and height.

Cornice

A crowning projected molded horizontal top of a building or some part of a building. A trimmed eave on the gable end of a gable-roofed building creates a cornice, consisting of two raking or sloping cornices with connected horizontal cornice.

Curb

The edge of the vehicular pavement that is raised to a granite curb. It usually incorporates the drainage system.

Development

Activity directed toward making an improvement.

Development Plan

A plan meeting the requirements of Section 10.5A33.10.

Driveway

A vehicular lane within a lot, often leading to a garage or parking area.

Edgeyard

A Yard Type in which buildings occupy the center of a lot with Setbacks in the front, the rear and on all sides. See Table 10.554.20 (Yard Types).

Elevation

An exterior wall of a building not along a frontage line. See Illustration 10.5A55.20 (Frontage and Lot Lines). See also façade.

Encroach

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, or above a height limit.

Encroachment

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, or above a height limit, or the breaking of such limit by a structural element.

Facade

The exterior wall of a building that is set along a frontage line. See Illustration 10.5A55.20 (Frontage and Lot Lines). See also elevation.

Façade Glazing

The portion of a façade that consists of transparent windows and doors.

First Lot Layer

That portion of a lot bounded by (a) the side lot lines, (b) the frontage line, and (c) the front setback line.

Floor height

The minimum floor height is measured from floor to ceiling along the building facade which is located on the public frontage.

Frontage

As applicable to Article 5A, the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage. See Illustration P.1 (Thoroughfares and Frontages), Table 10.5A54.30 (Private Frontage Types), and Illustration 10.5A55.20 (Frontage and Lot Lines).

Frontage Line

A lot line bordering a public frontage. See also Illustration 10.5A55.20 (Frontages and Lot Lines).

Garage

An enclosed area integral to a non-municipal principal building or an outbuilding that provides as an accessory use space for parking or storage of vehicles incidental to the principal use of the lot or principal building on the lot. Not synonymous with parking structure.

Green

A civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages and conforming to Table 10.5A51.20 (Civic Spaces: Green).

Improvement

Except as listed as an exempt activity under Section 10.633.20, any man-made alteration of land, a lot, a building or other structure whether horizontal, vertical, surface or subsurface.

Liner building

A building that is at least 24 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the public frontage.

Lot layer

A range of depth of a lot within which certain elements are permitted. See first lot layer, second lot layer and third lot layer. See Illustration 10.5A53.10 (Lot Layers).

Lot width

The length of the frontage line of a lot, or in the case of a lot with two frontages, the principal frontage line.

Mansard roof

A four-sided flat- or hip-top roof characterized by two slopes on each of its sides with the lower slope punctured by dormer windows. The upper slope of the roof may not be visible from street level when viewed from close to the building.

Officefront

A private frontage type conventional for office or lodging use, wherein the façade is aligned close to the frontage line with the building entrance at or elevated above sidewalk grade. See Table 10.5A54.30 (Private Frontage Types).

Outbuilding

An accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

Park

A civic space type that is open space available for structured or unstructured recreation and complies with the requirements of Table 10.5A51.20 (Civic Spaces: Park).

Parking area

An off-street, ground-level open area within a non-municipal lot for parking vehicles as an accessory use incidental to a principal use of the lot or principal building on the lot. Not synonymous with parking lot.

Parking lot

An off-street, ground-level open area within a non-municipal lot for parking vehicles as a principal use. Not synonymous with parking area.

Parking structure

A non-municipal structure containing one or more stories of parking above grade.

Path

A pedestrian way traversing a park, square or other open space, or otherwise separated from streets by landscaped areas, and ideally connecting directly with the urban sidewalk network.

Pedestrian Alley

A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.



**Penthouse Level**

A penthouse level includes all habitable space within the uppermost portion of a building above the cornice which is setback at least 15 feet from all edges of the roof and that the total floor area of which shall not exceed 50% of the area of the story below.

**Placement**

The disposition of a building on its lot. See Illustrations 10.5A53.10 (Lot Layers) 10.5A54.30 (Principal Building/Backbuilding/Outbuilding) and 10.5A54.70 (Setback Designations).

**Plaza**

A civic space type designed for civic and commercial purposes, uses and activities, generally paved, spatially defined by building frontages and complying with Table 10.5A51.20 (Civic Spaces: Plaza).

**Principal building**

The main building on a lot, usually located toward the frontage. See Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

**Principal entrance**

The main point of access for pedestrians into a building.

**Principal frontage**

On corner lots and through lots, the private frontage designated to bear the address, and the measure of minimum lot width. Prescriptions for the location of parking in certain lot layers pertain only to the principal frontage. Prescriptions for the first lot layer pertain to both frontages of a corner lot. **See** Illustration 10.5A55.20 (Frontage and Lot Lines). See also frontage.

**Private frontage**

The privately held area between and including the frontage line and the principal building facade. See Table 10.5A54.30 (Private Frontage Types). See frontage.

**Public frontage**

The area between the curb of the vehicular lanes and the frontage line. See also frontage.

**Rearyard**

A Yard Type wherein a building occupies the full frontage line, leaving the rear of the lot as the sole yard. See Table 10.5A54.20 (Yard Types).

**Regulating Plan**

The zoning map or set of maps that shows the Character Districts, Municipal Districts, civic spaces and special requirements, if any, of areas subject to, or potentially subject to, regulation by Article 5A.

Secondary frontage

On corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first lot layer is regulated. See frontage.

Second lot layer

That portion of a lot bounded by (a) the side lot lines, (b) the front setback line and (c) a line which is 20 feet from and parallel to the front setback line.

Setback

- (a) The required distance between a structure or use and a specified reference point such as a use, lot line, zoning district boundary, wetland or water body.
- (b) An area within a lot in which buildings or other structures are not permitted in the absence of a permitted encroachment. (See also yard in Article 15.)
- (c) The placement of a building or other structure away from a lot line.

Shopfront

A private frontage type conventional for retail, office, service or restaurant use, with substantial glazing and with or without an awning, wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade. See Table 10.5A54.30 (Private Frontage Types).

Short Story-

A short-story includes either: 1) a use of a top story that is below the cornice line of a hip-roof that is at least 20% shorter in height than the story below; or 2) a story within a mansard roof.

Sidewalk

The paved section of the public frontage dedicated exclusively to pedestrian activity.

Sideyard

A Yard Type having a setback on one side and a building occupying the other side with no setback.

Special requirements

Provisions of Section 10.5A21.20 (Special Requirements) and/or the associated designations on a Regulating Plan or other map(s) for those provisions.

Square

A civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages, consisting of paths, lawns and trees, formally disposed, and complying with Table 10.5A51.20 (Civic Spaces: Square).

Step frontage

A private frontage type wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with exterior step without a landing at the entrance. See Table 10.5A54.30 (Private Frontage Types).

Stoop frontage

A private frontage type wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance. See Table 10.5A54.30 (Private Frontage Types).

Story

Except for habitable space within a short-story, an attic space or basement at least 50% below grade, a story is the habitable level of building below the lowest point of its cornice or eave or, the top of a flat-top mansard roof. See Tables 10.5A42.10A-C (Character District Standards).

Streetscreen

A freestanding wall built along the frontage line, on the same plane as a facade or at or along any lot or boundary line which masks a parking lot from the street, provides privacy to a side yard, and/or strengthens the spatial definition of the public realm.

Third lot layer

That portion of a lot bounded by (a) the side lot lines, (b) the rear lot line and (c) the line of the second lot layer that is parallel to and furthest from the frontage line. See Illustration 10.5A53.10 (Lot Layers).

Thoroughfare

A way for use by vehicular and/or pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and/or pedestrian ways and the public frontage. See Illustration P1 (Thoroughfares and Frontages). Existing and potential pedestrian ways include Vaughan Mall, Commercial Alley, Ladd Street and Haven Court.

# City of Portsmouth - Character-Based Zoning

City Council First Reading  
March 3, 2014

The Regulating Plan and Special Requirements maps  
are the Zoning Map for the Character Districts.

Not To Scale





---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** February 26, 2014  
**RE:** City Council Referral – Conforming Amendments to Other Sections of the Zoning Ordinance to Implement Character-Based Zoning

---

At its meeting on February 20, 2014, the Planning Board voted unanimously to recommend that the City Council amend the Zoning Ordinance as set forth in the document titled "Character-Based Zoning: Conforming Amendments to Other Sections of the Zoning Ordinance – March 3, 2014." These amendments are required to update cross-references within the Zoning Ordinance as follows:

- Add references to the new Character Districts in the listing of Zoning Districts (Sec. 10.410), the description of the Downtown Overlay District (Sec. 10.641.10) and the listing of Sign Districts (Sec. 10.1230);
- Incorporate into the Zoning Map, by reference, the Regulating Plan maps, along with two other maps that describe areas subject to special zoning regulations;
- Add a cross-reference in Article 15 to definitions in the new Article 5A.

The proposed amendments also include several substantive changes to the off-street parking provisions of the Downtown Overlay District: parking setbacks from certain streets are reduced from 30 feet to 24 feet, the list of such streets is expanded, and the setback requirement is changed to apply only to above-ground parking areas (i.e., off-street parking in basement levels would not have to be set back from the street).

The Planning Board originally considered these proposed amendments in a public hearing on October 24, 2013, and a special meeting on October 31, 2013, and voted unanimously to recommend that these amendments be enacted. Following the public informational forum on January 29, 2014, the Planning Department drafted several additional amendments, and the Planning Board held another public hearing on the amended proposed ordinance on February 20, 2014. After closing the public hearing, the Planning Board voted unanimously to recommend that the revised amendments be enacted.

**Character-Based Zoning:  
Conforming Amendments to Other Sections of the Zoning Ordinance  
March 3, 2014**

(Changes from 11-18-13 Version shown in highlighted text)

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 (inserted text in **bold**; deleted text in ~~strikethrough~~):

1. In Article 4, Section 10.410 – Establishment and Purpose of Districts, insert the following before the row titled "Business Districts":

<b>Character Districts</b>		
<b>Character District 4-L</b>	<b>CD4-L</b>	<b>To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.</b>
<b>Character District 4</b>	<b>CD 4</b>	
<b>Character District 5</b>	<b>CD5</b>	

2. In Article 4, Section 421 – District Location and Boundaries, insert the following new Section 10.421.30:

**10.421.30 The following maps are incorporated by reference in the Zoning Map:**

**10.421.31 The Regulating Plan and Special Requirements Maps for the Character Districts (Maps 10.5A21A through 10.5A21C), as most recently amended.**

**10.421.32 The Flood Insurance Rate Maps (FIRM) for the City of Portsmouth, prepared by the Federal Emergency Management Agency (FEMA), as most recently amended.**

**10.421.33 The "FAR Part 77 Imaginary Surfaces Plan" for Pease International Tradeport, dated May 1995.**



3. In Article 6 – Overlay Districts, Section 10.640 – Downtown Overlay District, Section 10.641.10, insert the words “and the Character Districts” after the words “Central Business B districts,” so that the paragraph reads as follows:

10.641.10 The Downtown Overlay District (DOD) is an overlay district applied to portions of the Central Business A and Central Business B districts **and the Character Districts**. All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.

4. In Article 6 – Overlay Districts, Section 10.640 Downtown Overlay District, Section 10.643 – Off-Street Parking Facilities, amend Sections 10.643.20 and 10.643.30 as follows:

10.643.20 In the DOD, accessory off-street parking facilities **at or above ground level** providing spaces for more than two vehicles shall not be located within ~~30~~ **24** feet of the following streets:

Bow Street	Daniel Street	<b>Middle Street</b>
<b>Chapel Street</b>	<b>Fleet Street</b>	<b>Penhallow Street</b>
<b>Chestnut Street</b>	<b>Hanover Street</b>	Pleasant Street
Congress Street	High Street	State Street
<b>Court Street</b>	Market Street	<b>Vaughan Mall</b>

10.643.30 In the DOD, the vehicular entrance into a building or structure containing off-street parking facilities for more than two vehicles shall not face any of ~~streets listed in paragraph 10.643.20~~ **the following streets:**

<b>Bow Street</b>	<b>High Street</b>	<b>Pleasant Street</b>
<b>Congress Street</b>	<b>Market Street</b>	<b>State Street</b>
<b>Daniel Street</b>		

and the vehicular entrance shall be set back at least ~~30~~ **24** feet from any street listed in paragraph 10.643.20, and shall be located at least 50 feet from any street intersection.

5. In Article 12 – Signs, Section 10.1230 – Sign Districts, Section 10.232, insert the words “Character District 4-L” in the row titled “Sign District 2”, and insert the words “Character District 4” and “Character District 5” in the row titled “Sign District 3” as follows:

Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business <b>Character District 4-L</b>
Sign District 3	Central Business A Central Business B <b>Character District 4</b> <b>Character District 5</b>

6. In Article 15 – Definitions, Section 10.1520 – Terms With Specialized Applications, insert the following new Section 10.1525:

**10.1525** Terms that are used primarily in Section 10.470, Character Districts, are defined in Section 10.476, including:<sup>1</sup>

Adjacent	Outbuilding
Attic space	Park
Backbuilding	Parking area
Block	Parking lot
Block face	Parking structure
Building *	Path
Building element	Pedestrian alley
Character District	Penthouse level
Civic	Placement
Civic space	Plaza
Configuration	Principal entrance
Cornice	Principal frontage
Curb	Private frontage
Development	Public frontage
Development Plan	Rearyard
Edgeyard	Regulating Plan
Elevation *	Second lot layer
Encroach	Secondary frontage
Encroachment	Setback
Façade	Shopfront
Façade modulation	Short story
First lot layer	Sidewalk
Floor height	Sideyard
Frontage *	Special requirements
Frontage line	Square
Garage	Step frontage
Green	Stoop frontage
Improvement *	Story *
Liner building	Streetscreen
Lot layer	Structure *
Lot width	Third lot layer
Mansard roof	Thoroughfare
Officefront	

\* These terms are defined differently for Section 10.470 than for other sections of this Ordinance.

<sup>1</sup> The following terms which were included in the previous version have been deleted as a result of changes to other sections of the ordinance: Iconic building, Landmark building, Muntin, Mullion, Terminated vista, and True divided light window.



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:

---

Robert Lister, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** February 13, 2014  
**Subject:** PSNH License Agreement 63-0570

---

I have reviewed the pole and underground conduit location information provided by PSNH for Petition and Pole License 63-0570.

This request is to license 1 pole on Salter Street and 40' of underground conduit. This underground system is an electrical service to 13 Salter Street.

The installation of this pole and underground system posed no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

Attached is a picture of the pole and corresponding utility trench. Please call with any questions you may have.

*PH* cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk

**Kelli L. Barnaby, City Clerk**  
1 Junkins Avenue  
Portsmouth, NH 03801  
Tel: (603) 610-7207  
Fax: (603) 427-1579  
Email: [kjbarnaby@cityofportsmouth.com](mailto:kjbarnaby@cityofportsmouth.com)

# Memo

**To:** Tom Richter, Engineer Technician  
**From:** Kelli L. Barnaby, City Clerk  
**Date:** February 11, 2014  
**Re:** Pole/Conduit License(s)

- 
- Enclosed are the following petitions for licenses:

(1) One Pole, 40 feet underground City ROW - located on Salter Street - PSNH #63-0570

The next City Council meeting for this item to be considered at would be **March 3, 2014**. The **deadline** for submitting materials for the March 3, 2014 City Council meeting is **Tuesday, February 25, 2014**.

If not available for the above stated meeting date, then the next City Council meeting for this item to be considered at would be March 17, 2014. The **deadline** for submitting materials for March 17, 2014 City Council meeting is Tuesday, March 11, 2014.

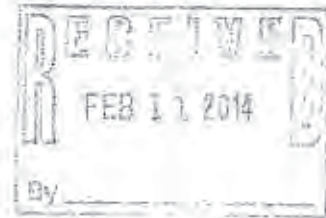
If you should have any questions, please do not hesitate to contact me. Thank you for your assistance with my request.



**Public Service  
of New Hampshire**

A Northeast Utilities Company

Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000  
www.psnh.com



February 10, 2014

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0570 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "Portsmouth" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service of New Hampshire  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)



**PETITION AND POLE LICENSE  
PETITION**

Manchester, New Hampshire

February 10, 2014

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE OF NEW HAMPSHIRE requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one ( 1) pole(s), 40 Feet Underground City ROW on Salter Street in the City of Portsmouth).

**PUBLIC SERVICE OF NEW HAMPSHIRE**

BY: *Lisa-Marie Pinkes*  
Lisa-Marie Pinkes, PSNH CO Support / Licensing

**LICENSE**

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This 10th day of February, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE" No. 63-0570, dated 2/10/2014, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

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

ATTEST: \_\_\_\_\_  
Town Clerk





ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:





PORTSMOUTH LITTLE LEAGUE, INC.  
PO Box 8321  
PORTSMOUTH, NH 03802

February 24, 2014

FEB 24 2014

John Bohenko  
City Manager  
City of Portsmouth,  
Portsmouth, NH 03801

Dear Mr. Bohenko:

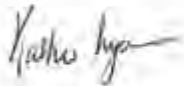
Similar to prior requests, which were approved by the City Council, Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2014 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses that have donated to and support the league. We are requesting permission to affix the banners to the fences from April 12 [Field Clean-up Day] through the end of our fall ball program. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

This season the league will be replacing the batting cage at Central field that was damaged in last summer's microburst storm, complete resurfacing the infield at Plains, and develop a parent handbook. We will also be celebrating the 75<sup>th</sup> anniversary of Little League Baseball and the 25<sup>th</sup> anniversary of Challenger Baseball.

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.

Sincerely,



Kathie Lynch  
President  
3 Boyan Place  
Portsmouth, NH 03801

Mr. John Bohenko, City Manager  
Portsmouth City Hall  
1 Junkins Ave  
Portsmouth, NH 03801

FEB 11 2014

11 February 2013

## Open Streets Portsmouth

Dear Mr. Bohenko,

I am writing to ask permission to hold an Open Streets event on 14 September 2014. The event would completely open a small number of neighborhood streets to pedestrian and cycling activity by diverting motor vehicle traffic, and will run for approximately 4 hours on a Sunday. Open Streets Portsmouth is a division of SABR (a Seacoast area bicycle advocacy organization), and the event will be operated under the auspices of SABR. Please find details in the attached documents:

- **Brief:** A two-page bullet point document describing the Open Streets Portsmouth event
- **Open Streets Overview:** a description of Open Streets in a broader context

I look forward to addressing whatever thoughts or comments the City and the councilors have

Many people, organizations and businesses have indicated their support for the event:

- Sustainable Portsmouth
- Papa Wheelies, Trek Portsmouth, and Gus' Bike Shop
- Rich Matthes of Seacoast VeloKids
- Tom Martin of the Portsmouth School Board
- Jonas Amberger of Zev Yoga
- Juliet Walker (proposal review, Bike/Ped Master Plan)
- Councilor Brad Lown (proposal review)
- and several neighbors along Lincoln Ave.

All have been very positive and interested. Papa Wheelies, Trek Portsmouth and Gus' agreed they could field a substantial presence. Rich Matthes has committed Seacoast VeloKids to organize kids cycling events and skill clinics at Clough Field. I'm continuing to connect with local businesses, organizations, neighbors and also people who have run Open Streets in other cities.

Portland OR resident Rex Burkholder, who was president of the Bicycle Transportation Alliance and also elected to the Portland Metro Council, amongst other national boards, has offered to answer any questions you and the councilors may have about how Portland's longstanding Open Streets events have impacted the city. You can reach him at 503-317-9037 or [rexburkholder@gmail.com](mailto:rexburkholder@gmail.com).

Thank you for your time to read and introduce this idea to the approval process.

Regards,



Peter Newbury  
Organizer, Open Streets Portsmouth  
SABR Board of Directors

CC: Juliet Walker, Dave Allen



## Open Streets Portsmouth | Brief

Open Streets Portsmouth is an opportunity to highlight and build upon the City's efforts towards achieving Bicycle and Pedestrian Friendly Designations, the 2014 Bike/Ped Master Plan process, the Safe Routes to School Program, city-wide livability and workability, as well as tourism appeal.

### Open Street concept:

- temporarily open a streetscape to people of all ages and abilities
- divert motor vehicle traffic
- for walking, riding, socializing, and playing
- encourage healthy activity and active transportation.

### Event tone: low-impact tone and format

- repeatable in different host neighborhoods and/or as a recurring annual event
- highlight different neighborhoods, different bike/ped projects and improvements
- grow awareness of City infrastructure and safety efforts.

**Route:** 1.1 miles from Little Harbour School to Lafayette Park (See graphic below).

### Date & time: Sunday 14th September 2014, noon to 4pm

- weekend after the Portsmouth Criterium (Sept 7th)
- rain or shine, with no planned alternate date.

### Community & business involvement: Vendors, businesses and organizations presence

- booths & tables on the Open Street, clustered in groups along the route
- Focused on active, healthy, sustainable, community-oriented, etc.
- local bike shops, with bike safety check and limited repair capability
- EMS, Portsmouth Kayak Adventures, and other activity-oriented businesses
- Health organizations like Whole Life, Families First, Portsmouth Hospital, etc.
- Bike/Ped Master plan display, SABR, churches, health care, and other organizations
- food & non-alcoholic beverages via food trucks, tents, etc.
- pedestrian/cycling safety sessions and bike rodeos at Little Harbour
- music, yoga, other entertainment and activities at parks along the route
- opportunity for Police to educate cyclists/drivers, lead kids ride along route
- sponsor(s) on placards along the route and on posters advertising the event.

### Traffic & neighborhood impact: Routes designed for minimal impact

- avoid using or crossing main thoroughfares as much as possible
- require minimal police presence (only at significant intersections)
- door-to-door flyers distribution and canvassing several weeks before, with follow-up
- volunteers at every intersection to redirect or guide crossing traffic safely
- moving a vehicle along or across the route requires an Open Street person or police walking with the car to the closest exit
- easy setup/breakdown using lightweight barricades at intersections
- discourage parking on route from few hours before event until breakdown is done.



- Red lines for the Open Street route hosted by Elwyn, Lincoln, Wibird and Willard
- Blue dots for intersections manned by Police
- Purple for Lafayette Park, cyan for Clough & Little Harbour fields
- P for vehicle parking close to the Open Street route

Organizer contact information:

Peter Newbury  
189 Lincoln Ave #3, Portsmouth NH 03801  
206-218-9134  
peter.ac.newbury@gmail.com



# Open Streets Overview

11 Feb 2014

# An Open Street is created...

- To temporarily open an entire streetscape to people of all ages and abilities
- By diverting motor vehicle traffic and encouraging all types of active transportation.
- For walking, riding, socializing and playing, meeting neighbors and making friends, visiting a neighborhood, exploring a new park...
- To encourage healthy activity and a realization of the distances achievable with active transportation.

# An Open Street looks like...

- **Any street** from a quiet neighborhood to a busy downtown business district
- A straight line to closed loop route from **several blocks to 10+ miles long**
- A **connector between points of public interest** (schools, parks, squares, festivals, businesses, markets, etc.)
- **Any array of additions**, from activities and vendors along the entire route to a simple quiet stroll.



Portland, OR





# New York City









# Somerville, MA

## Monster Mashed Up Attractions

1. Costume Parade leaves at 12:30 pm from Union Square
2. Oktoberfest-1:00 -6:00 pm with music at:  
Machu Picchu, Sally O'Briens and Bull McCabe's
3. Cornhole Competition
4. Ghosts of Somerville-Milk Row Cemetery
5. Artisan's Asylum-Pumpkin Exhibit
6. Conway Park-various children's activities
  - a. Kids Costume contest at 1:00 pm
  - b. Adults Costume Contest at 2:00 pm
  - c. Dog Costume Contest at 2:30 pm
  - d. Marionette Puppet Show at 2:30 pm
  - e. Vegetable Circus at 3:00 pm
7. Family Friendly Activities with Knucklebones
8. Stage with Music and Entertainment
9. Autumn Craft Fair (Beacon to Elm St.)



Boston, MA





# An Open Street can...

- **Highlight City efforts:** Bicycle and Pedestrian Friendly designations, infrastructure additions and changes, etc.
- **Encourage people to become more comfortable** with their bike, stroller, unicycle, etc.
- **Help kids (of all sizes and ages) learn to safely navigate streetscapes**
- **Create opportunities for local organizations to educate, ask questions, and promote themselves.**
- **Create opportunities to educate cyclists and drivers**
- **Promote neighborhood interaction**



# Open Streets Project

About News Initiatives Resources Technical Assistance

Opening Streets to People, Sharing Resources, Transforming Communities

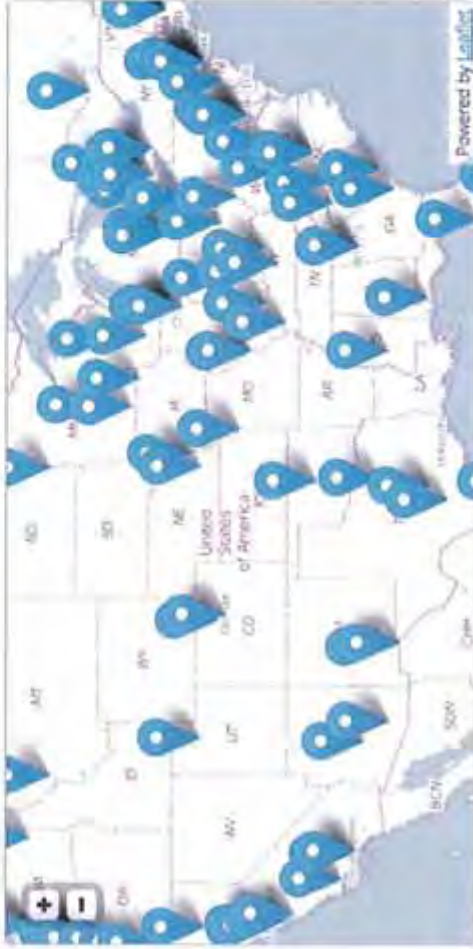
Search...



**Open streets initiatives temporarily close streets to automobile traffic, so that people may use them for walking, bicycling, dancing, playing, and socializing.**

With more than 100 documented initiatives in North America, open streets are increasingly common in cities seeking innovative ways to achieve environmental, social, economic, and public health goals.

[Learn More About The Open Streets Project...](#)



Previous

Next

## Tweets

Follow

**Grt Grt Washington** @gqwash 9h  
Any guesses for when DC will finally join the worldwide @Open\_Streets movement? [gqwash.org/21308](http://gqwash.org/21308)  
↳ Retweeted by Open Streets Project  
Expand

**Open Streets Project** @Open\_Streets 10 Jan  
Thousands of people have already watched the latest @Streetsfilms on

Tweet to @Open\_Streets

Find us on Facebook



The Open Streets Project



**The Open Streets Project**  
Have you checked out the most recent Streetsfilms on Open Streets? Featuring interviews and footage from around the world, including CicLAvia, Sunday Streets San Francisco, Portland Sunday Parkways and Summer Streets!

## Recent News

- [The Rise of Open Streets](#)  
01/07/2014 - In 1965, Seattle started Bicycle Sunday, the first documented Open Streets initiative in the ...
- [Santa Barbara holds 1st Open Streets 11/06/2013](#) - This past Saturday, Santa Barbara, CA held their first Open Streets. The initiative closed Carbillio ...



# OpenStreetsProject.org



## Open Streets Project

*Opening Streets to People, Sharing Resources, Transforming Communities*

[About](#) [News](#) [Initiatives](#) [Resources](#) [Technical Assistance](#)

[Search](#)

### Arizona

Cycloviva Tucson  
Silent Sundays

### California

Car-Free Sundays in Golden Gate Park

CicLAvia

CicloSDias

Long Beach Bike Festival

Oaklavia

San Francisco Sunday Streets

Santa Barbara Open Streets ¡Calles Vivas!

Santa Cruz Open

Shasta Living Streets

Street Play Sunday

Streets Alive San Mateo County

### Colorado

Boulder Green Streets  
Viva Streets

### District of Columbia

Feet in the Street

Rock Creek Park

### Florida

Bike Miami Days

Clearwater Ciclovía

Cables Bike Day

Pensacola Bayfront Sundays

Pinecrest Bike Days

### Georgia

Atlanta Streets Alive

Avondale Estates Sunday Ride

Savannah Ciclovía

### Hawaii

Cyclovía Hawai'i

### Illinois

Bike the Ridge

Oak Forest Open Streets

Open Streets Chicago

### Indiana

Evansville Streets Alive!

Open Streets Indy

### Iowa

Open Streets Decorah

### Kentucky

2nd Sunday Kentucky

2nd Sunday-Lexington

Bikes on Broadway

cycLOUvia

### Maryland

Baltimore Sunday Ciclovía

### Massachusetts

Cambridge: Memorial Drive Closed Sundays.

Circle The City

SometStreets noon-4pm

### Michigan

Ann Arbor Open Streets

Saturday in the Park

### Minnesota

Open Streets Albert Lea

Open Streets Minneapolis

### Mississippi

Jackson Streets Alive

### Missouri

Ferguson Sunday Parkways

Open Streets KC Ciclovía

St. Louis Open Streets

### Montana

Sunday Streets Missoula



# OpenStreetsProject.org



## Open Streets Project

*Opening Streets to People, Sharing Resources, Transforming Communities*

Technical Assistance

Resources

About: News Initiatives

Search

### Nebraska

Lincoln Streets Alive!  
Open Streets Omaha

### New Jersey

Sinatra Summer Sundays

### New Mexico

Ciclovía Las Cruces

### New York

Buffalo Play Streets

Car-free Central Park and Prospect Park

Storm King Hike and Bike

Summer Streets

Westchester County Bicycle Sundays

### North Carolina

BikeFest

Bull City Open Streets

Carrboro Open Streets

### North Dakota

Fargo Moorhead Streets Alive!

### Ohio

Columbus Open Streets

Feet on Fleet

### Oregon

Eugene Sunday Streets

Grants Pass Sunday Parkways

Portland Sunday Parkways

Roseburg Open Streets Experience

Salem Sunday Streets

Wilsonville Sunday Streets

### Pennsylvania

Philadelphia Open Streets on MLK Jr. Drive

### South Carolina

2nd Sunday on King Street

Spartanburg Sunday Streets

### Texas

CycloBia Brownsville

Fort Worth Open Streets

Scenic Sundays

Siclovía

VIVA STREETS! Austin

### Utah

Open Streets SLC

### Virginia

Bike Walk Play JPA!

Roanoke Open Streets

### Washington

Seattle Bicycle Sunday

Seattle Summer Streets

Spokane Summer Parkways

Sunday Streets Alive

### West Virginia

Parkersburg Park Day

### Wisconsin

Ciclovía WI

Ride the Drive

### Manitoba, Canada

Ciclovía Winnipeg

### Ontario, Canada

Barrie Car-Free Sunday

London Car-Free Festival

Niagara Falls Car-Free Sunday

Open Streets Hamilton

Open Streets Uptown Waterloo

Ottawa Alcatel-Lucent Sunday Bikedays

Simcoe Open Streets

Woodstock Car-Free Sunday

February 26, 2014

Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801  
Re: 21 Brewster Street license renewal

Dear Mayor Lister and Members of the Portsmouth City Council:

We, the members of the Islington Creek Neighborhood Association, respectfully submit the following regarding the March 3, 2013 permit renewal for the Brewster Rooms Boarding House, located at 21 Brewster Street.

The Brewster Rooms Boarding House has a long history of non-compliance with City codes and laws as well as police calls, domestic disturbances, violence, and drug offenses. Despite City requirements, the owner of this facility would not hire a full-time management firm as required by the March 2013 permit renewal. In an effort to gain the willing participation of the owner, our neighborhood group negotiated a management definition that requires only 25 hours of management per week. Last December the owner agreed to comply with this definition.

On December 16, 2013 the City Council voted to include a "Job Description For Management" at 21 Brewster Street and a "Code of Conduct" for the tenants to follow. These conditions must be met in order for the Brewster Rooms Boarding House to continue to operate. (See attached documents.)

We urge you to ask the following specific questions before renewing the operating permit for this facility:

- Was a professional manager hired, as required? Did the manager maintain a daily log book, as required?
- Did the manager submit the log book to the City one week prior to the March 3rd meeting, as required?
- Was the manager present 25 hours per week, 7 days a week, as required?
- Did the manager perform daily duties as required?
- Did the manager conduct tenant interviews and enforce the "Code of Conduct", as required?
- Did the manager ensure that the building is up to code with all City, State, and health inspections, as required?

Recently another violent incident occurred at the Brewster Rooms (on January 11, 2014) wherein a knife-wielding tenant was arrested by police for criminal threatening / use of a deadly weapon, and reckless conduct / placing another in danger (see attached Portsmouth Herald article). The arrest wasn't made by police until February 1, 2014. Did the manager obtain the police logs weekly and address this issue promptly, as required? Also, it was discovered during the most recent health inspection that bed bugs are again present on the property. Therefore, we continue to be dissatisfied with the current management. We feel that the owner of the Brewster Rooms is not complying with the conditions outlined in December.

We recommend that you do NOT extend a full year permit renewal for this facility. If the owner cannot meet the specified requirements then he should no longer be allowed to operate this facility. If the City Council decides to renew the permit it should only be done on a short term basis (3 months or less).

Thank you very much for your attention to this ongoing problem in our city. Yours Sincerely,

The Islington Creek Neighborhood Association



# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7232

Planning Department  
(603) 610-7216

December 18, 2013.

Brian Hogan  
28 Cassie Cove Road  
Center Ossipee, NH 03814

Re: 21 Brewster Street

Dear Mr. Hogan:

Enclosed please find a copy of your Boarding House permit for the Brewster Rooms facility located at 21 Brewster Street. At the City Council meeting of December 16<sup>th</sup>, the Council voted to extend the permit through March 4, 2014. Please note that this permit includes two attachments, one titled "JOB DESCRIPTION FOR MANAGEMENT AT 21 BREWSTER STREET" and the second titled "CODE OF CONDUCT: 21 BREWSTER STREET".

Thank you for your cooperation in working with the neighborhood committee in coming to terms for this permit.

Please feel free to contact me if you have any questions regarding this issue.

Regards,

David S. Allen  
Deputy City Manager

CC: John P. Bohenko, City Manager  
Robert P. Sullivan, City Attorney  
Daniel Hoefle, Esq  
Sean G. Conner, Esq



# BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

---

Permit Number: 2013-05

Date: December 17, 2013

BE KNOWN, that Brian D. Hogan, 21 Brewster Street Portsmouth, NH 03801 is licensed to operate a boarding house located at 21 Brewster Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 34

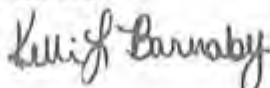
The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following conditions shall be met:

1. Extend the current permit through March 4, 2014 with an inspection and report back prior to further extension.
2. Maintain professional management of the facility; in accordance with the attached document titled "Job Description for Management at 21 Brewster Street".
3. Integrated pest management (IPM) to be maintained on monthly basis with follow-up inspection and applicable treatment in accordance with applicable treatment protocol in the event of pest detection. Monthly reports and follow-ups shall be delivered to the Health Department.
4. Require all common floors to remain non-porous and non-absorbent with cleanable surfaces.
5. Soiled or infested bedding shall be disposed of and not re-used.
6. Correction of all deficiencies from the annual inspection prior to permit issuance.
7. Permittee agrees to allow unannounced inspections of all common areas of the property and to allow similar inspections of tenant rooms with the permission of the tenants.
8. Permittee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit.
9. The attached document titled "Code of Conduct: 21 Brewster Street, Portsmouth, NH" be adhered to by all tenants.

This permit will expire: March 4, 2014

Attest:



Kelli L. Barnaby, City Clerk  
OFFICE OF THE CITY CLERK

## JOB DESCRIPTION

### FOR MANAGEMENT AT 21 BREWSTER STREET

The role of the manager is to maintain acceptable living conditions in terms of compliance with building codes, ensuring the cleanliness of rooms and common areas, and to enforce the Code of Conduct. In addition, the manager will proactively manage any issues as they occur, and maintain a positive influence. This position requires full time professional management (definition and responsibilities defined below) of the facility; such management firm must respond to municipal inquiries and requests 24/7.

#### A. Work Hours.

Manager to be on-site at least 2 hours per day, 7 days a week. Manager must also be onsite 11 additional unscheduled hours each week, with at least two visits after 10pm, with one being on a Friday or a Saturday night.

#### B. General.

- Perform periodic checks on the health and well-being of all tenants.
- Perform daily walk-throughs of all public areas on all floors including outside and around the building to ensure good conditions.
- Provide timely response to tenant concerns.
- Correspond with City officials, including code inspection, health department, etc. as required.
- Enforce the Code of Conduct and ensure compliance with all city ordinances including but not limited to noise, disturbance of the peace, fire, safety, and public health.
- Attain written police logs for the property weekly and address concerns therein.

#### C. New Tenant Processing

- Interview tenants.
  - Check references.
  - Present and review lease with tenant.
  - Present and review Codes of Conduct with tenant to initial each.
-

D. Evictions.

- Act as agent for Lessor under any applicable statutes regarding evictions.
- Execute evictions that may be for non-payment of rent, violation of the Code of Conduct, or for any other reason or purpose allowed under law and in accordance with the lease agreement

E. Property Maintenance.

- Maintain the property in accordance with City and State requirements.
- Solicit vendors for snow removal, lawn care and trash removal.
- Schedule quarterly pest control services.
- Any other acts deemed necessary.

F. Log Book.

- Maintain daily log book, listing dates and times of day that manager is on-site.
- Maintain daily log book, documenting the condition of the building including bathrooms and washing area and any actions taken.
- Log and identify any issues with tenants.
- Log book must be available to the City upon request and must be presented to the City Council one week prior to any license renewal.



**CODE OF CONDUCT: 21 BREWSTER STREET, PORTSMOUTH, NH**

1. No illegal drugs allowed on the property, or in the building.
2. No illicit behavior.
3. NON-Excessive use of alcohol is permitted within your individual room.
4. No Alcohol consumption in the common area, parking lot or front steps.
5. Maintain a neat, clean, habitable living environment. No excessive trash, dirty dishes, laundry, etc.
6. Excessive noise is prohibited. Be respectful of other tenants and outside neighbors.
7. Be respectful to other tenants and property management. No verbal or physical abuse will be tolerated.
8. Report any unsafe, illegal or unsanitary behavior to Richard Brabizon at 603-817-2608.

Violation of any of the above code of conduct shall result in eviction.

# Police: Rooming house resident made knifepoint threats

Photo 1 of 1 | Zoom Photo +



Patrick Johnson

Courtesy photo

## TODAY'S MOST VIEWED ARTICLES

- 🔗 'Hampton Shore?' Casting call for major TV production - 2/25/2014
- 🔗 Daughter: Mom who died in crash had 'heart of gold' - 2/25/2014
- 🔗 Kisses for helping free my very stuck car - 2/25/2014
- 🔗 Daughter grieving mother's death in Route 125 crash - 2/24/2014
- 🔗 North End project developer seeks residents' opinions, concerns - 2/25/2014
- 🔗 Greenland Nike store to close in May - 2/25/2014

By Elizabeth Dinan  
edinan@seacoastonline.com  
February 04, 2014 2:00 AM

PORTSMOUTH — A resident of the Brewster Street rooming house is being held on \$5,000 cash bail for three charges alleging he threatened two people at knifepoint.

Based on the allegations, police arrested Patrick Johnson, 43, of 21 Brewster St., No.14, for charges of criminal threatening/use of a deadly weapon, criminal threatening, and reckless conduct/placing another in danger.

Police allege that at 5:49 p.m. Jan. 11, they were called to the rooming house for a call about a fight involving a knife. The parties were separated, an investigation was conducted and Johnson was arrested Saturday night on a warrant, according to police Sgt. Richard Webb.

Johnson is alleged to have cornered a woman in a hallway, threatened to kill a man while holding a knife, and striking someone while holding the knife, Webb said. All of the alleged incidents occurred in the rooming house, which has been a subject of concern for neighbors and city officials based on a history of police calls to the property.

In December, the City Council extended a permit until March for operation of the rooming house, with conditions including a "code of conduct" rooming house residents must follow. Members of the Islington Creek Neighborhood Association retained an attorney to help negotiate the conditions and through attorney Sean O'Connell said they were concerned it might not change anything, but they would give it a try.

Home

SHARE

## Reader Reaction

Comments (1)

Sort By: Most Recent



Portsmouth NH News @portsmouthnhnews


3 Weeks Ago

Police: Rooming house resident made knifepoint threats: PORTSMOUTH — A resident of the Brewster Street rooming... <http://divr.it/4r1M7Wk>

Retweet Favorite Share

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

***Office of the City Manager***

**Date:** February 27, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on March 3, 2014 City Council Agenda

---

***Work Session:***

**6:15 p.m.**

1. **Update on Peirce Island Wastewater Treatment Facility.** For the March 3, 2014 Work Session, City staff will provide an update on the status of the ongoing design of the new Peirce Island Wastewater Treatment Facility (WWTF). This update will provide a summary of the overall design process, progress of design work to date and next steps.

In addition, Assistant City Attorney Suzanne Woodland will provide a brief update on the release of the Joint Report of the Peer Review Panel of the NH DES' 2009 Numeric Nutrient Water Quality Criteria. The peer review was a collaborative effort among NH DES and the communities of Dover, Portsmouth and Rochester. The entities are individually and jointly evaluating the implications of, and recommendations in, the report.

***Presentation:***

1. **Update on Transportation Projects.** The Mayor's Blue Ribbon Committee on Transportation Policy Report was completed and presented to the City Council in April of 2013. Since that time, City staff has been continuing to work on implementing the strategies and recommendations from that report. Juliet Walker, the City's Transportation Planner, will present an update on the status of various City transportation initiatives currently in progress. Topics will include Complete Streets, bicycle and pedestrian facilities, parking and wayfinding, and public transit.



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

### **1. First Reading of Proposed Resolution and Ordinances.**

- 1.1 **First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning).** As a result of the January 13th City Council meeting, I am presenting for first reading the attached proposed amendment to the Zoning Ordinance to implement Character-Based Zoning (aka Form-Based Zoning) in the downtown area. As you know, the Planning Department and the City's consultants, Town Planning and Urban Design Collaborative (TPUDC), worked throughout 2013 to develop new "form-based" zoning standards for the historic core of the downtown. This approach was taken in order to address a recognition that the scale and style of new developments as permitted under current zoning is not always consistent with the downtown's historic character.

The proposed ordinance will add a new Article 5A – Character Districts to the Zoning Ordinance. The development standards in Article 5A are based on the historic design character of downtown Portsmouth and seek to encourage new buildings and developments that fit in well with the surrounding context. The goal of this effort is to create zoning regulations that promote development that not only respects the historic character, but actually strengthens and enhances that character by filling in holes in the urban fabric with high-quality buildings.

The Planning Board originally considered these proposed amendments in a public hearing on October 24, 2013, and a special meeting on October 31, 2013, and voted unanimously to recommend that the City Council adopt the new Article 5A, along with several amendments to other sections of the Ordinance. On October 21, 2013, the City Council scheduled first reading on the proposed zoning amendments for November 18, 2013. However, at the November 18 meeting, the Council voted to postpone the ordinance until January 2014, in order to provide for additional review and input. At its meeting on January 13, 2014, the City Council voted to schedule the proposed Character-Based Zoning for first reading on March 3, 2014, with a public hearing and second reading at the March 17, 2014 City Council meeting.

To provide residents with an opportunity to ask questions about the proposed Character-Based Zoning and to make suggestions for changes, the Planning Department held a public informational drop-in session and forum on January 29, 2014. Both the afternoon drop-in session and the evening forum were well attended and generated much discussion and input.

Based on comments from residents and further internal review, the Planning Department prepared a revised draft of the proposed Character-Based Zoning ordinance. This draft was posted on the Planning Department's website (<http://planportsmouth.com/formbasedzoning.html>) and reviewed in a public hearing

at the Planning Board's February 20th meeting. As a result of the public hearing, the Planning Board voted to make several additional revisions to the proposed ordinance, and voted unanimously to recommend that the City Council enact the proposed ordinance as amended.

The revised proposed ordinance incorporating the changes recommended by the Planning Board is attached. In this revised draft (dated March 3, 2014), text that is new or changed from the version presented for first reading in November 2013 is highlighted in yellow. In addition, footnotes indicate areas where text has been deleted from the previous version. Also attached is a memorandum from Planning Director Rick Taintor summarizing the substantive changes from the previous version. On Monday evening, the Planning Director will make a presentation on this matter.

*I would recommend the City Council move to pass first reading and schedule second reading and public hearing on the attached Ordinance entitled Article 5A – Character Districts, at the March 17, 2014, City Council meeting. Action on this item should take place under Section VIII of the Agenda.*

1.2 **First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning.**

As a result of the January 13th City Council meeting, I am presenting for first reading the attached ordinance which includes a set of proposed amendments to the Zoning Ordinance that will be required if the Council votes to adopt the proposed Article 5A – Character Districts. These “conforming amendments” to other sections of the Zoning Ordinance would make the following changes:

- Add references to the new Character Districts in the listing of Zoning Districts (Sec. 10.410), the description of the Downtown Overlay District (Sec. 10.641.10) and the listing of Sign Districts (Sec. 10.1230);
- Incorporate into the Zoning Map, by reference, the Regulating Plan maps, along with two other maps that describe areas subject to special zoning regulations;
- Add a cross-reference in Article 15 to definitions in the new Article 5A.

The proposed “conforming amendments” also include several substantive changes to the off-street parking provisions of the Downtown Overlay District: parking setbacks from certain streets are reduced from 30 feet to 24 feet, the list of such streets is expanded, and the setback requirement is changed to apply only to above-ground parking areas (i.e., off-street parking in basement levels would not have to be set back from the street).

The Planning Board originally considered these proposed amendments in a public hearing on October 24, 2013, and a special meeting on October 31, 2013, and voted unanimously to recommend that these amendments be enacted. Following the public informational forum on January 29, 2014, the Planning Department drafted several

additional amendments, and the Planning Board held another public hearing on the amended proposed ordinance on February 20, 2014. After closing the public hearing, the Planning Board voted unanimously to recommend that the revised amendments be enacted. On Monday evening, Planning Director Rick Taintor, will make a presentation on this matter.

*I would recommend the City Council move to pass first reading and schedule second reading and public hearing on the attached Ordinance dealing with conforming amendments at the March 17, 2014 City Council meeting. Action on this item should take place under Section VIII of the Agenda.*

2. **Public Hearing/Adoption of Proposed Resolution.**

2.1 **Public Hearing and Adoption of Proposed Resolution for a Bond Authorization of up to Three Million Five Hundred Thousand (\$3,500,000) Dollars for the Design and Construction of the Hobbs Hill Landing Water Tank Replacement.**

As a result of the February 18th City Council meeting, under Section VIII of the Agenda, I am bringing back for public hearing and adoption the proposed Resolution authorizing a bond issue of up to Three Million Five Hundred Thousand (\$3,500,000) related to the design and construction of the Hobbs Hill Landing Water Tank Replacement. The following is a description of the proposed project funded through the water enterprise fund:

This project was identified in the Phase I Water System Master Plan and confirmed again as part of the Water Supply Update performed in 2012. The Hobbs Hill Landing Water Tank was constructed in the 1950's in conjunction with the building of the Pease Air Force Base and has reached the end of its useful life and requires a replacement tank.

This project had been slated as a FY15 project in the current CIP with design anticipated in fall-winter 2014 and construction commencing in the summer of 2015. However, due to ongoing construction of new buildings adjacent to the existing water tank and a new business relocating its corporate offices into one of the new buildings, we are proposing to bring this before City Council for bond authorization now. This will enable design to commence this winter in anticipation of bidding the project in a few months so that it can begin construction this summer. We will be bidding and selecting the contractor based on price, tank style and proposed construction timeline. Demolition of the existing Hobbs Hill tank will occur after the new tank is completed and in service (see attached Resolution and attachments).

*I would recommend the City Council move to adopt a Bond Resolution of up to Three Million Five Hundred Thousand (\$3,500,000) Dollars for the replacement of the Hobbs Hill Landing Water Tank, as presented. (Please note that Bonding Resolutions require two readings and a public hearing and two-thirds vote of the City Council.) Action on this item should take place under Section VIII of the Agenda.*



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

1. **Proposed Purchase of 95 Mechanic Street (LaCava Property).** As you will recall, on February 3, 2014 the City Council had a non-meeting with Legal counsel to discuss the negotiation of the purchase of 95 Mechanic Street (LaCava Property). At this non-meeting staff briefed City Council on the importance and benefit of acquiring this property. The City Council then expressed interest that the City Manager negotiate the purchase of this property. The history of the negotiations is as follows:

- August 2011 – Property owner approached City, offering City sale of 95 Mechanic Street (LaCava Property) for approximately \$780,000
- September 6, 2011 - City Council Refers to Planning Board
- October 20, 2011 - Planning Board recommends moving forward with purchase of property
- November 21, 2011 - Council Authorizes City Manager to negotiate purchase of property
- November 2011 to Present – City continued negotiation of purchase
- City had Independent appraisal which valued the property at \$490,000 (see attached memo from City Attorney Robert Sullivan for additional details on negotiation history)
- Negotiated purchase price is \$450,000

Attached is a copy of a Purchase and Sales Agreement which requires City Council ratification (see paragraph 16 of agreement) which was drafted by the City Attorney. It should be noted that if the City Council fails to ratify this agreement, the agreement shall be null and void. The purchase price as stated above is \$450,000. (Please note that no funds have been expended regarding this proposed Purchase and Sales Agreement as of this date.) If approved by the City Council, funding for this purchase has been appropriated in the FY13 Sewer Enterprise Fund.

The 95 Mechanic Street property is adjacent to two City properties (see attached figure), the Mechanic Street Pumping Station and a small section of a City park. The Mechanic Street Pumping Station was built in 1963 as part of the original Peirce Island Wastewater Treatment Facility. The Station is an integral part of the City's wastewater system pumping all of the sewage flow to the Peirce Island Wastewater Treatment Facility with the exception of Pease International Tradeport. This pumping station will be a critical part of our new \$63M wastewater treatment plant. Acquiring the property adjacent to the pumping station would have the following benefits:

1. Significant cost savings during construction of the new pumping station by allowing the existing station to remain in service rather than requiring bypass pumping. The

Division's analysis of these cost savings range from \$400,000 to \$500,000 which is approximately the purchase price of the property. The additional space would allow more room for contractors to work and stage equipment and materials.

2. Creates opportunity to improve public access to the waterfront.
3. Creates an opportunity to improve overall aesthetics of the site as well as improved noise and odor control.
4. Leaves open the opportunity to relocate the pumping station to Peirce Island by allowing for the necessary space for piping and flow control systems to install a siphon under the river while operating the existing pump station. This alternative will be fully evaluated as part of any upgrade to the existing pumping station.

If someone else purchases this property, it would preclude all the benefits listed above and would restrict our options for future upgrades at this pumping station.

For the reasons stated, City Staff and I believe the purchase of this property adjacent to the existing pumping station is integral to the long-term operations of the City's new wastewater treatment facility on Peirce Island. At Monday evening's meeting, I have asked Peter Rice, Director of Public Works and Brian Goetz, Deputy Director of Public Works to make a presentation to further discuss the salient points of the importance of purchasing this property.

*I would recommend that the City Council move to ratify the Purchase and Sales Agreement dated February 21, 2014, and further, authorize the City Manager to complete the acquisition of the property at 95 Mechanic Street from the Estate of LaCava.*

2. **Request for Street and Sidewalk Obstruction License Re: 7 Islington Street, LLC., 40 Bridge Street.** On April 19, 2012, 7 Islington Street, LLC obtained site plan approval from the Planning Board for the construction of a building located at 40 Bridge Street, Tax Map 126, Lot 052. 7 Islington Street, LLC requests a license to encumber the sidewalk and four parking spaces abutting 40 Bridge Street to construct a four story mixed use building with associated site improvements. See attached License Plan and attached aerial photo showing the area to be encumbered. The applicant seeks to encumber the sidewalk and four parking spaces along Bridge Street to facilitate construction activities for the duration of the project from March of 2014 through April of 2015. The fee for the License will be for 4 parking spaces. The charge per space will be the construction permit meter bag daily fee of \$30 pursuant to Chapter 7, Article 1, Section 7.114A of the City Ordinance. Anticipated monthly license fee revenue will be \$3,600 per month.

*I would recommend the City Council move to authorize the City Manager to negotiate and enter into a license with 7 Islington Street, LLC to facilitate construction activities at 40 Bridge Street, which includes a license fee of \$30 per parking space per day.*



3. **Annual Renewal of Boarding House Permits.** As you are aware, annually, the City Council considers and takes action on the renewal of the following Boarding House Permits.

- a) **350-352 Hanover Street.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have attached a draft Permit for the boarding house located at 350-352 Hanover Street (12 rooms). This facility was inspected on February 4, 2014 by the Code Enforcement Officer and Health Officer. All deficiencies that were found during the inspection were corrected in the follow-up inspection conducted February 13, 2014 (see attached report).

*I would recommend that the City Council move to approve the Boarding House permit for 350-352 Hanover Street for a one year permit to expire March 3, 2015.*

- b) **278 Cabot Street.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have attached a draft Permit for the boarding house located at 278 Cabot Street (12 rooms). This facility was inspected on February 4, 2014 by the Code Enforcement Officer and Health Officer and recommended for the reissue of the permit (see attached report).

*I would recommend that the City Council move to approve the Boarding House permit for 278 Cabot Street for a one year permit to expire March 3, 2015.*

- c) **21 Brewster Street.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have attached a draft Permit for the boarding house located at 21 Brewster Street. This facility was inspected on February 4, 2014 by the Code Enforcement Officer and Health Officer (see attached report).

As you may recall, this facility has received five interim permits over the past year. Each of those permits included a series of conditions regarding the facility operations for the permit period. The most recent permit was issued on December 17, 2013. That permit included 2 provisions related to the management of the facility; the first titled "JOB DESCRIPTION FOR MANAGEMENT AT 21 BREWSTER STREET" and the second titled "CODE OF CONDUCT: 21 BREWSTER STREET, PORTSMOUTH, NH." These documents are attached to the draft permit in your packet.

The facility, in general continues to show improvement in the physical condition of the building. There are however two conditions in the permit where compliance is less clear.

The first is the condition of the management as described in the "job description" document. Based on a letter report provided by Richard Brabazon, dated February 22, 2014, attached, it was not clear that the hours worked fully meet all of the hours as defined in that "job description" document. It should also be noted that Mr. Brabazon included an entry in the log on 1-16-14 that "Brian expressed concern that he could no longer pay me for the time needed. He instructed me to go back to what I was initially doing when I first started in April 2012. I have since adjusted my time and schedule."



From that time forward there were no visits after 10 pm as described under Item A, Work Hours in the job description document.

Secondly, bedbugs were found during the inspection of the facility on February 4, 2014. The Health Officer has expressed concern about the effectiveness of the current system of pest management being performed on the facility. It is her recommendation that any permit renewal include the stipulation that full-building pest control treatment of all rooms and hallways be performed quarterly. That stipulation has been included on the draft permit in your packet.

The City Attorney has been involved in the on-going permit issues with this property and has provided a memo that outlines the three options for the City Council's consideration regarding this matter. Those options are "extend the permit for its full term of one year, deny the permit or extend the permit for some period less than a full year in order to allow for further discussions and negotiations between the parties in interest." The City Attorney further went on to advise that if the Council votes to deny the permit, that a non-meeting with counsel be scheduled in order to discuss the litigation goals and options.

The following are proposed motions on this issue:

- 1) Move to approve the Boarding House permit for 21 Brewster Street for one year to expire March 3, 2015; or*
- 2) Move to extend permit for 3 months in order to allow for further discussions and negotiation between the parties; or*
- 3) Move to deny and establish a non-meeting with counsel to discuss legal options.*

- A. **Proposed Easement Re: 1475 Lafayette Road.** On May 20, 2013, Cumberland Farms, Inc., obtained site plan approval from the Planning Board to redevelop the property at 1475 Lafayette Road (corner of Elwyn Road) as a gas station/convenience store. The site plan was approved by the Planning Board subject to certain stipulations, including the grant of easements to the City and the New Hampshire Department of Transportation for road widening and sidewalk improvements.

Attached are a plan and an aerial photograph showing the proposed easement areas.

*I would recommend the City Council move to authorize the City Manager to accept a right-of-way easement on Elwyn Road from Cumberland Farms, Inc.*

5. **Request to Establish a Work Session with General Services Administration Re: Federal McIntyre Building.** I have contacted Robert Zarnetske, Regional Administrator for the General Services Administration (GSA) regarding a work session with the City Council. He is available for a work session on Monday, March 31, 2014 at 6:30 p.m. I have also invited representatives from Senator Shaheen, Senator Ayotte, and Congresswoman Shea-Porter's offices. (See attached letters from Mayor Lister to GSA Regional Administrator Robert Zarnetske and the Congressional Delegation requesting additional information prior to the Work Session.)

*I would recommend the City Council move to establish a work session for Monday, March 31, 2014 at 6:30 p.m.*

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

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on February 18, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Design Review Regulations.** At its meeting on January 13, 2014, the City Council voted "to request that the Planning Board evaluate its design review regulations to investigate and further request a report back to the City Council at the March 3, 2014 City Council meeting."

During the January 7, 2013 City Council public hearing on a Zoning Ordinance amendment relating to building height, concerns were raised about the impact of proposed zoning amendments on development proposals that had been proceeding through the City's permitting process for many months. In response to these concerns, in March 2013, the Planning Board amended its Site Plan Review Regulations by establishing a "design review phase" as authorized by State statute (RSA 676:4,II). The purpose of the design review phase is to provide an opportunity for nonbinding review of a development proposal before it is finalized and submitted for formal review. However, because the design review phase requires formal public notice, it also provides an opportunity for an applicant to lock in the current zoning by submitting a fairly well developed set of engineered site plans.

To date, the Planning Board has held public hearings on design review requests for four proposed development projects: 111 Maplewood Avenue (June 20, 2013); 173-175 Market Street (July 18, 2013); the Harborcorp project on Russell Street, Deer Street and Maplewood Avenue (December 19, 2013); and a proposed second building at 30 Maplewood Avenue (also December 19, 2013). Of these, only the 30 Maplewood Avenue and Harborcorp design review requests were submitted at a stage at which Planning Board comments might influence the final application for site plan review.

On February 20, 2014, the Planning Board held a public hearing to consider the request by the City Council that the Board evaluate the design review process. Following the hearing, the Board postponed discussion of the issue to its next meeting on March 20, 2014.



3. **Report Back Re: Conditional Use Permit.** At its meeting on January 21, 2014, the City Council voted to pass first reading on a proposed amendment to the Zoning Ordinance to delete Section 10.535.13 – “Increased Building Height by Conditional Use Permit (Central Business A and B Districts).” The effect of this proposed amendment would be to reduce the allowable building height in the entire Central Business District to the lesser of 45 feet or 3½ stories. Any increase in building height above this level would require a variance from the Zoning Board of Adjustment.

Since 1982, the Zoning Ordinance has set the maximum allowable building heights in the downtown at 50 feet in the Central Business A (CBA) district and 60 feet in the Central Business B (CBB) district. In response to several existing and proposed development projects, the City Council in 2013 enacted two zoning amendments relating to these height limits:

- On January 22, 2013, the Council amended the Ordinance by inserting a new Section 10.535.12, establishing the maximum building elevation above street level as 50 feet in CBA and 60 feet in CBB. This amendment was intended to address a concern resulting from the method of determining building height as the average height around all sides of the building.
- On September 16, 2013, the Council further amended the Ordinance by establishing the lower of 45 feet or 3½ stories as the maximum height allowable by right, and by inserting a new Section 10.535.13 that allows buildings to reach the previously permitted heights by obtaining a Conditional Use Permit from the Historic District Commission.

To date, there has been only one application for a Conditional Use Permit under the provision adopted in September. This was for the proposed project at 173-175 Market Street, which had been under review by the Historic District Commission for many months.

The Planning Board held a public hearing on the proposed Zoning Ordinance amendment on February 20, 2014. As a result of that hearing the Planning Board voted 7-2 to recommend that the criteria Conditional Use Permit be retained but that the criteria for approval be modified to require that a proposed development address a total of four elements, two relating to building design and two relating to site planning. Attached is a memorandum from Planning Director Rick Taintor explaining the recommended amendments to the approval criteria.

This matter is scheduled for public hearing and second reading on March 17, 2014. No action is required at the March 3 City Council meeting.



4. **Proposed Additional Areas to Implement Character-Based Zoning.** In May 2013, the City Council requested that staff consider extending the form-based zoning study to additional areas around the periphery of the downtown. At that time, the Planning Department identified three potential areas for study, shown on the attached map and described as follows:

1. The “Northern Tier” area between the railroad tracks and North Mill Pond, currently zoned Central Business A, containing about 15 acres and 15 existing parcels;
2. A small area on the opposite side of the Maplewood Avenue bridge, currently zoned Mixed Residence Office, containing about 3 acres and 16 parcels; and
3. A corridor along Islington Street with expanded areas at the north end (Hanover and Hill Streets) and the south end (Brewery Lane, Chevrolet Ave., Plaza 800 and the Button Factory area), with various Business, Mixed Residential and Residential zoning designations. This area encompasses about 73 acres and contains 140 parcels.

The Planning Department requested the City’s current consultants for the Character-Based Zoning ordinance, Town Planning and Urban Design Collaborative (TPUDC), to submit a proposal for conducting the planning study and preparing form-based zoning standards for these three areas.

In order to allow for an efficient planning process and comprehensive outcome, TPUDC recommended that the public input process and work product for all three areas be conducted as one project. The project would be similar to the initial study, except that TPUDC would be completely responsible for survey work and would run a longer charrette, reflecting the broader scope of the expanded study. TPUDC has proposed to complete the planning and zoning services for these three areas for a fee of \$97,000 including expenses.

At this time, I feel that it would be premature to embark on a planning study of these additional areas until the City Council has voted to enact Character-Based Zoning in the initial downtown study area. If the proposed zoning ordinance is enacted for the initial study area, it is recommended that the City Council appropriate the funds necessary to implement Character-Based Zoning in the three areas identified above. This amount would include a contingency for local expenses and supplemental services that may be necessary.

5. **Sea-3 Update.** City staff continues to follow the progress of the SEA-3 terminal expansion and work with the various stakeholders to understand and mitigate the impacts that the proposed project would have on the City. To that end, City staff has been working with staff in the towns of Newington, Greenland and Stratham as well as the staff from the New Hampshire Department of Transportation. Information related to these efforts is can be found on the City of Portsmouth website at <http://www.cityofportsmouth.com/Sea-3.html>  
The following is a brief overview of work done on this issue and current project status:

- A staff meeting was held with the Town Administrators from Greenland, and Stratham, and Newington Town Planner along with the Chief of Design Services and the Railroad Inspector/Investigator to discuss DOT involvement in railroad operations



as well as coordinate efforts between the affected municipalities. An overview of that meeting is included on the webpage.

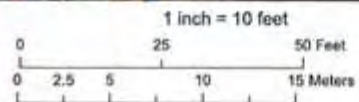
- A letter from Mayor Lister was sent to members of the Congressional Delegation including Senators Shaheen and Ayotte and Congresswoman Shea-Porter requesting inspection records from the Federal Rail Administration (FRA) and requesting that staff from the FRA come meet with communities in the region to outline how safety of the residences and businesses along the proposed rail corridor can be assured.
  - A joint news release was posted by Senators Shaheen, Ayotte and Congresswoman Shea-Porter and a letter was sent to the Administrator Szabo of the FRA requesting an inspection of the Portsmouth and Newington Industrial tracks of Pan Am railroad and that FRA staff convene a public forum to address community concerns.
  - The SEA-3 application has been postponed by the Newington Planning Board and will next be heard at their meeting on March 10, 2014.
  - Staff is working with a firm specializing in risk and vulnerability assessments to develop a scope to help the City better understand its vulnerabilities with the proposed expanded rail traffic.
  - Staff from the City along with Newington, Greenland, and Stratham will be meeting with Pan Am on March 5<sup>th</sup>.
6. **African Burying Ground Update.** As you are aware, the African Burying Ground Committee and a group of fundraising volunteers have made progress in raising funds for the construction of the African Burying Ground Memorial Park – We Stand in Honor of Those Forgotten. To date, over \$1 million dollars has been raised. At this time, in order to make preparations for eventual construction of the project, City staff is preparing to release a Request for Qualifications (RFQ) document that will begin the process of selecting a qualified construction contractor. After a group of two to three contractors are pre-qualified, they and their teams of subcontractors will be invited to submit a full proposal as part of a Request for Proposal (RFP) process, which will include interviews. We will continue to update you and members of the African Burying Ground Committee on developments associated with RFQ and RFP. At this time, no “ground breaking” has been determined and is largely dependent upon the timeline for ordering materials, including several custom granite and stone materials critical to the project. In the near future, I will be working with the City Council to take the necessary steps to authorize expenditures from the African Burying Ground Trust for construction of the park.





**Mechanic Street Pump Station: Area Properties**  
**Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 25 February 2014  
 Map document: U:\Projects\0316 Mechanic Street Pump Station Property\MSPS Council\_24x36.mxd





**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: February 24, 2014  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: 95 MECHANIC STREET



This memorandum will respond to your request for a brief history of the City's interest in acquiring the former LaCava property at 95 Mechanic Street (see attached photo) for use in connection with operation of the Mechanic Street Sewer Pumping Station.

According to Legal Department files the City's discussions with the property owner commenced in August of 2011 when the property owner approached the City with the concept. At that time the property was assessed at a value of \$777,700.00. Discussions between the parties had proceeded to the point that on October 20, 2011 the Planning Board recommended that the City purchase the 95 Mechanic Street property from the LaCava family. Thereafter, there were numerous and substantial discussions between the City and the property owner. However, price was an issue. By May 15, 2012, the City was tentatively offering \$571,000.00 for the property. However, the LaCava family believed that the value was more in the \$700,000.00 range. During that period and continuing to the present time the LaCava family has actively sought to market the property to others. By June 27, 2012, the LaCava asking price was \$600,000.00 with certain other attached conditions. During the summer of 2012, there was virtually constant correspondence and discussion between the City and the LaCava family about acquisition of the property. The price remained an issue. The LaCava family continued to widely market the property,

By late summer 2012, it was deemed appropriate by the City that a formal appraisal of the property be secured. On September 13, 2012, appraiser Stephen Bergeron produced a narrative appraisal which valued the property at \$490,000.00. The LaCava family countered with a narrative appraisal prepared by Peter Stanhope in November of 2012 valuing the property at \$769,000.00. The difference in the appraisals was based upon the differing treatment by each appraiser of the property adjacent to the subject property which the LaCavas lease from the City (see attached photo). Because of the divergence of valuations produced by the appraisers discussions between the LaCavas and the City slowed down. The LaCavas continued to actively market the property to any interested potential purchaser. The City, in fact, assisted the LaCavas in that effort by helping potential buyers determine the extent to which local and state regulations would affect development prospects of the land and docks.



This situation was discussed by the City Council in a non-meeting with counsel on August 20, 2012. However, since no agreement on a purchase price was ever reached, no purchase and sale agreement was ever brought to the City Council for approval.

On April 25, 2013, this office was approached by Ms. Carol Hinton, the niece of the then deceased Tony LaCava and the Administratrix of his Estate. She indicated that the Estate retained an interest in selling the property to the City. I advised her that the City would probably still have an interest in acquiring the property for the \$490,000.00 indicated in the Bergeron Appraisal. She indicated to me that the property would not be sold for that amount but if the City was willing to agree with a number more in line with the Stanhope Appraisal of \$769,000.00 then the Estate would be interested. Because of this divergence in price, discussions between the City and the LaCava family did not progress.

On October 11, 2013, I was contacted by Attorney Michael Chubrich on behalf of the LaCava family. He indicated that the family was now willing to sell the property to the City for \$500,000.00, subject to certain terms and conditions. Discussions between the LaCavas and the City continued while the LaCavas also attempted to sell the property to others.

This office was contacted again by Carol Hinton on January 23, 2014. She indicated that the family was on the brink of accepting a private cash offer to acquire the property at an amount less than the \$490,000.00 indicated in the appraisal acquired by the City. After further negotiations the City was advised by Attorney Chubrich on January 27, 2014 that his client would accept a purchase price of \$450,000.00. The acquisition by the City of the property for that price would be subject to the negotiation and execution of a purchase and sale agreement acceptable to both parties. The purchase and sale agreement would contain a provision that final approval for the purchase of the property would occur only when the purchase and sale agreement was brought to the City Council for formal approval in public session.

Following the direction provided by the City Council on February 3, 2014, the City has subsequently negotiated a Purchase and Sale Agreement to allow for the acquisition of the property for the purchase price of \$450,000 (copy of which is attached). That Purchase and Sale Agreement is entirely conditional upon approval of the City Council of the purchase, see paragraph 16.

If the City Council wishes to acquire the property an appropriate motion would be:

**MOVED** to authorize the City Manager to complete the acquisition of the property at 95 Mechanic Street from the Estate of LaCava pursuant to the purchase and Sale agreement dated February 21, 2014

cc: Carol Hinton  
Michael Chubrich, Esq.

attachments

1. Aerial Photo of LaCava and adjacent property
2. Purchase and Sale Agreement

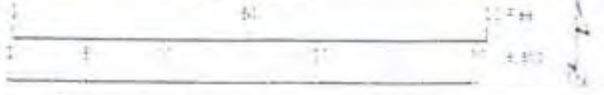
h:\rps\public works\mechanic street\memo to cm re-brief history follow-up





Mechanic Street Pump Station Ownership  
 Portsmouth, New Hampshire

1 inch = 40 feet





## PURCHASE AND SALE AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "City") and the Estate of Antonio a/k/a Tony D. LaCava formerly of 95 Mechanic Street, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "LaCava") hereby enter into this Agreement for the sale and purchase of certain real estate (hereinafter "Agreement") under the terms and conditions described herein.

1. **Premises:** This Agreement addresses all of the real estate and every collateral and subsidiary interest of any kind owned by LaCava in the property identified as 95 Mechanic Street, Portsmouth, Rockingham County and State of New Hampshire, generally described as City Tax Map 103, Lot 29 (hereinafter "Premises"). The Premises consists of all land, buildings, docks, wharfs, easement rights, leasehold rights and every interest in real estate of any kind held by LaCava in, around, under or adjacent to the property at 95 Mechanic Street. The Premises specifically includes any and all rights held by LaCava or any other party under a certain Agreement between the City and Grace LaCava dated April 10, 1947 by which the City demised and let to Grace LaCava property described therein as, "a certain strip of land, called mud flats, lying off and easterly of Mechanic Street in said Portsmouth. The said strip being twenty feet (20') feet in width and adjoining other property of said LaCava, lying northerly and northwesterly of the leased premises".
2. **Purchase Price:** The total purchase price for the Premises shall be in the full amount of \$450,000.00 payable by the City to LaCava as follows:
  - a. \$10,000 payable upon the approval of this Agreement by the Portsmouth City Council as described in item 3 below; and
  - b. \$440,000 payable in a single lump sum at the time of closing.
3. **Earnest Money:** Within seventy-two (72) hours of the approval of this Agreement by the Portsmouth City Council as required herein and more fully described in paragraph 16 below, the City agrees to place in escrow with an agent acceptable to both LaCava and the City the sum of \$10,000.00 to be held in the IOLTA Trust account of Attorney Michael Chubrich for disbursement in accordance with this Agreement. Said funds shall be available to LaCava, at its risk, to satisfy article 10 of this Agreement regarding making the Premises free and clear of renters, lessees and occupants. However, In the event that LaCava is required under this Agreement to return the escrowed funds, the entire \$10,000.00 shall be returned. Said funds shall be considered part of the purchase price described in paragraph 2a above and shall be retained by LaCava in the event that the Premises are transferred to the City consistent with the terms of this Agreement. In the event of the City's default in the purchase of the Premises, LaCava shall retain the escrowed funds and accumulated interest as complete and reasonable liquidated damages. The parties agree that



44



although potential damages are difficult to ascertain with any reasonable degree of certainty at the time of the execution of this Agreement, the Parties acknowledge and agree that the escrowed funds have been set by Agreement of the Parties to a level sufficient to compensate LaCava's full amount of damages in the event of the City's default.

4. **Title:** LaCava shall convey the Premises to the City in fee simple with good and marketable title, free and clear of all defects and encumbrances at the closing, the date, time and location of which will be set by Agreement of the Parties (hereinafter "Closing").
5. **Deed:** LaCava shall convey the premises to the City by Fiduciary Deed.
6. **Risk of Loss:** Until transfer of title to the City the risk of loss or damage to all or any part of the Premises by fire or otherwise shall remain with LaCava.
7. **Taxes and Utilities:** At closing, taxes and utilities shall be pro-rated between LaCava and the City as follows:
  - a. On the date of closing all unpaid taxes on the property shall be pro-rated by dividing responsibility for payment of those taxes equally between the parties. Unpaid taxes shall be calculated by adding to the full amount of any past unpaid bills an amount calculated on the assumption that the tax bill due on or about June 1, 2014 and every subsequently due tax bill applies to a period of time beginning three months before its due date and running to a date three months after its due date. Therefore, the tax bill due on or about June 1, 2014 shall cover a period commencing on March 1, 2014 to August 31, 2014.
  - b. All utilities, including municipal water and sewer, shall be pro-rated based upon the billing dates of the utilities through date of closing.
  - c. LaCava shall not file for abatement or refund of ad valorem taxes assessed and/or paid regarding 95 Mechanic Street.
8. **Transfer and Recording Fees:** The City shall pay recording fees for the deed to the Premises and the transfer taxes shall be paid as required by State law.
9. **Inspections:** Prior to the transfer of title to the premises the City shall have complete and unimpeded right to inspect any aspect of the Premises for any purpose deemed appropriate by the City. Such inspection shall include but not be limited to all environmental purposes. All inspections will be done by inspectors chosen and paid for by the City. If the result of any inspection is unsatisfactory to the City, the City may declare this Agreement null and void by notifying LaCava in writing within sixty (60) days of the approval of this Agreement by the City Council setting forth the reason that the result of such inspection is deemed unsatisfactory. In the event that the City determines the result of an inspection to be unsatisfactory, LaCava shall have a thirty (30) calendar day period to cure any unsatisfactory inspection result to meet the City's satisfaction. LaCava's failure to cooperate in the inspection process will be deemed a breach of this Agreement.



10. **Renters, Leasees and Occupants of Any Kind:** At least fourteen (14) days prior to the transfer of title of the Premises to the City, LaCava agrees to make the Premises free and clear of renters, leasees and occupants of any kind and the personal property of all such persons or entities. LaCava agrees to satisfy this obligation by means which are in compliance with all applicable law. LaCava shall provide written notification delivered to the Office of the City Manager of the City of Portsmouth certifying that his obligations under this provision have been satisfied. LaCava's failure to comply with this provision will be deemed a breach of this Agreement.
11. **Memorial:** The City agrees that upon redevelopment of the Premises it will place an appropriate memorial to honor the deceased parents of LaCava and their four (4) children.
12. **Prior statements:** This Agreement sets forth the entire Agreement between the City and LaCava and the Parties agree and stipulate that there are no other representations, agreements or understandings with respect to this Agreement other than those expressly set forth herein.
13. **Heirs and Assigns:** This Agreement shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the City and LaCava.
14. **Counterparts:** This Agreement shall be executed in duplicate original, with the City and LaCava each retaining one original.
15. **Closing Date:** The City and LaCava shall each exercise the best efforts to bring about a closing of this transaction at which the Premises will be conveyed to the City and the purchase money paid to LaCava no later than sixty (60) business days after the date of this agreement above and LaCava has in turn notified the City that the Premises are free and clear of all renters, leasees, occupants and personal property of any type or kind pursuant to item 12 above. However, time is not of the essence for this Agreement.
16. **City Council Vote:** Upon completed execution of this Purchase and Sale Agreement it will be submitted by the City Manager of the City of Portsmouth to the City Council of the City of Portsmouth for ratification. In the event that the City Council fails to ratify the execution of this Agreement this Agreement shall become null and void and the earnest money paid pursuant to item 3 above shall be returned to the City.
17. **Gift:** The City agrees that to the extent that LaCava can demonstrate to the satisfaction of the Internal Revenue Service that the actual market value of the Premises on the date of transfer of title to the City exceeds \$450,000, the City shall accept the difference as a gift from LaCava to the City. The City will cooperate with LaCava and execute any necessary documentation to allow LaCava to secure whatever tax benefit might be available to him by that determination.



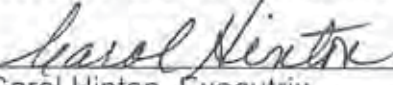
Dated: 2-18-14

CITY OF PORTSMOUTH

By:   
John P. Bohenko, City Manager

Dated: 02/21/2014

ESTATE OF ANTONIO aka TONY D. LACAVA

By:   
Carol Hinton, Executrix  
10th Circuit, Probate Division, Brentwood  
Docket #318-2013-ET-0400



**Stephen J. Patterson, General Counsel  
Key Auto Group  
549 Route 1 Bypass  
Portsmouth, NH 03801**

February 19, 2014

FFA 10 2014

John P. Bohenko, City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

**Re: Request for Street and Sidewalk Obstruction License by 7 Islington Street, LLC**

Dear Mr. Bohenko:

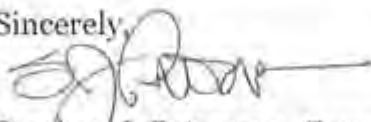
This request for a street and sidewalk obstruction license is submitted for the consideration of the City Council of the City of Portsmouth at its earliest opportunity.

7 Islington Street, LLC (the "Applicant") is the owner of the properties at 40 Bridge Street and 29 Tanner Street in Portsmouth. The Applicant has previously received Site Plan Approval from the City of Portsmouth Planning Board for the construction on the Bridge Street property of a four story, 5,450 square foot (footprint) mixed use building, with related paving, lighting, utilities, landscaping, drainage, and associated site improvements. The property is shown on Assessors Map 126 as Lot 52 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

During construction, the Applicant will need to close the public sidewalk in front of the property at 40 Bridge Street. Four (4) parking spaces along Bridge Street will also temporarily be taken out of service during construction. In that regard, I have enclosed seventeen (17) sets of plans showing, among other things, the areas to be obstructed, and the fencing and signage that will facilitate the public's use of the sidewalk across the street from the project for the project duration that is expected to be from March 2014 through August 2015.

Please let me know if I can provide any additional information and when the City Council will take this application under advisement. My office phone is (603) 319-0446. In the meantime, thank you for your assistance in this matter.

Sincerely,



Stephen J. Patterson, General Counsel  
Key Auto Group and 17 Islington Street, LLC



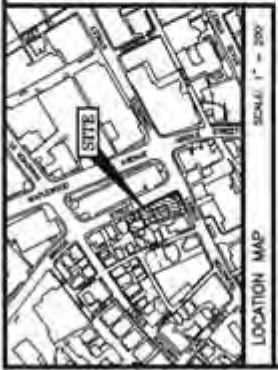
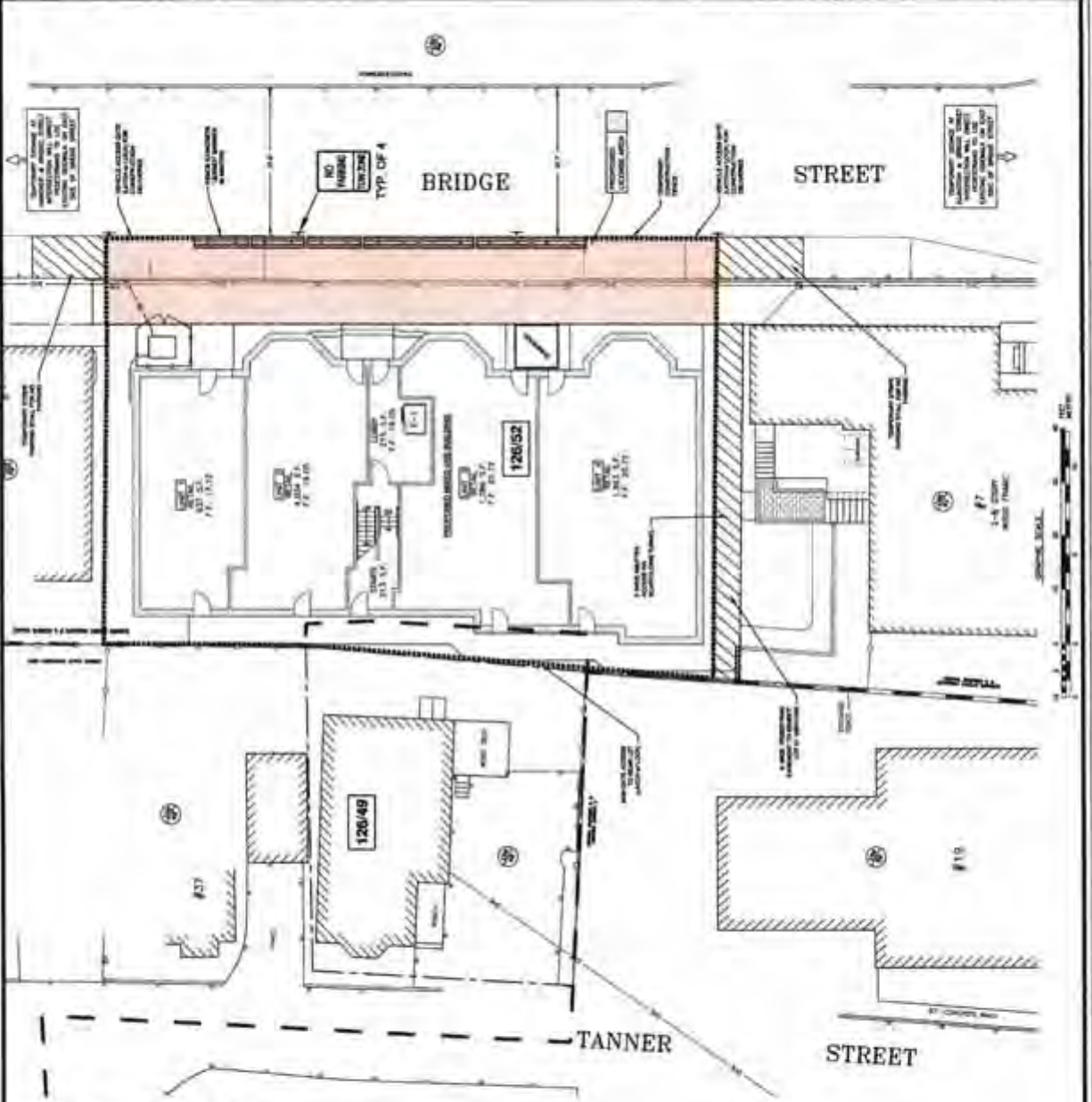
**NOTES**

- 1) PROJECT HAS BEEN IN THE CITY OF PORTSMOUTH ASSESSOR'S MAP 126 AS LOT 48 & 51.
- 2) ISSUES OF RECORD:
  - 1) 126/52
  - 2) 126/49
  - 3) 126/51
  - 4) 126/50
  - 5) 126/48
  - 6) 126/47
  - 7) 126/46
  - 8) 126/45
  - 9) 126/44
  - 10) 126/43
  - 11) 126/42
  - 12) 126/41
  - 13) 126/40
  - 14) 126/39
  - 15) 126/38
  - 16) 126/37
  - 17) 126/36
  - 18) 126/35
  - 19) 126/34
  - 20) 126/33
  - 21) 126/32
  - 22) 126/31
  - 23) 126/30
  - 24) 126/29
  - 25) 126/28
  - 26) 126/27
  - 27) 126/26
  - 28) 126/25
  - 29) 126/24
  - 30) 126/23
  - 31) 126/22
  - 32) 126/21
  - 33) 126/20
  - 34) 126/19
  - 35) 126/18
  - 36) 126/17
  - 37) 126/16
  - 38) 126/15
  - 39) 126/14
  - 40) 126/13
  - 41) 126/12
  - 42) 126/11
  - 43) 126/10
  - 44) 126/9
  - 45) 126/8
  - 46) 126/7
  - 47) 126/6
  - 48) 126/5
  - 49) 126/4
  - 50) 126/3
  - 51) 126/2
  - 52) 126/1
- 3) THE NUMBER OF THE PLAN IS TO BE APPROVED LOCATED HERE FOR THE CONSTRUCTION.

**PROPOSED MIXED USE BUILDING  
40 BRIDGE STREET  
PORTSMOUTH, N.H.**

NO.	REVISIONS	DATE
1	ISSUED FOR CITY	02/26/14
2	ISSUED FOR PERMITS	02/27/14
3	ISSUED FOR PERMITS	02/27/14
4	ISSUED FOR PERMITS	02/27/14
5	ISSUED FOR PERMITS	02/27/14
6	ISSUED FOR PERMITS	02/27/14
7	ISSUED FOR PERMITS	02/27/14
8	ISSUED FOR PERMITS	02/27/14
9	ISSUED FOR PERMITS	02/27/14
10	ISSUED FOR PERMITS	02/27/14
11	ISSUED FOR PERMITS	02/27/14
12	ISSUED FOR PERMITS	02/27/14
13	ISSUED FOR PERMITS	02/27/14
14	ISSUED FOR PERMITS	02/27/14
15	ISSUED FOR PERMITS	02/27/14
16	ISSUED FOR PERMITS	02/27/14
17	ISSUED FOR PERMITS	02/27/14
18	ISSUED FOR PERMITS	02/27/14
19	ISSUED FOR PERMITS	02/27/14
20	ISSUED FOR PERMITS	02/27/14
21	ISSUED FOR PERMITS	02/27/14
22	ISSUED FOR PERMITS	02/27/14
23	ISSUED FOR PERMITS	02/27/14
24	ISSUED FOR PERMITS	02/27/14
25	ISSUED FOR PERMITS	02/27/14
26	ISSUED FOR PERMITS	02/27/14
27	ISSUED FOR PERMITS	02/27/14
28	ISSUED FOR PERMITS	02/27/14
29	ISSUED FOR PERMITS	02/27/14
30	ISSUED FOR PERMITS	02/27/14
31	ISSUED FOR PERMITS	02/27/14
32	ISSUED FOR PERMITS	02/27/14
33	ISSUED FOR PERMITS	02/27/14
34	ISSUED FOR PERMITS	02/27/14
35	ISSUED FOR PERMITS	02/27/14
36	ISSUED FOR PERMITS	02/27/14
37	ISSUED FOR PERMITS	02/27/14
38	ISSUED FOR PERMITS	02/27/14
39	ISSUED FOR PERMITS	02/27/14
40	ISSUED FOR PERMITS	02/27/14
41	ISSUED FOR PERMITS	02/27/14
42	ISSUED FOR PERMITS	02/27/14
43	ISSUED FOR PERMITS	02/27/14
44	ISSUED FOR PERMITS	02/27/14
45	ISSUED FOR PERMITS	02/27/14
46	ISSUED FOR PERMITS	02/27/14
47	ISSUED FOR PERMITS	02/27/14
48	ISSUED FOR PERMITS	02/27/14
49	ISSUED FOR PERMITS	02/27/14
50	ISSUED FOR PERMITS	02/27/14
51	ISSUED FOR PERMITS	02/27/14
52	ISSUED FOR PERMITS	02/27/14
53	ISSUED FOR PERMITS	02/27/14
54	ISSUED FOR PERMITS	02/27/14
55	ISSUED FOR PERMITS	02/27/14
56	ISSUED FOR PERMITS	02/27/14
57	ISSUED FOR PERMITS	02/27/14
58	ISSUED FOR PERMITS	02/27/14
59	ISSUED FOR PERMITS	02/27/14
60	ISSUED FOR PERMITS	02/27/14
61	ISSUED FOR PERMITS	02/27/14
62	ISSUED FOR PERMITS	02/27/14
63	ISSUED FOR PERMITS	02/27/14
64	ISSUED FOR PERMITS	02/27/14
65	ISSUED FOR PERMITS	02/27/14
66	ISSUED FOR PERMITS	02/27/14
67	ISSUED FOR PERMITS	02/27/14
68	ISSUED FOR PERMITS	02/27/14
69	ISSUED FOR PERMITS	02/27/14
70	ISSUED FOR PERMITS	02/27/14
71	ISSUED FOR PERMITS	02/27/14
72	ISSUED FOR PERMITS	02/27/14
73	ISSUED FOR PERMITS	02/27/14
74	ISSUED FOR PERMITS	02/27/14
75	ISSUED FOR PERMITS	02/27/14
76	ISSUED FOR PERMITS	02/27/14
77	ISSUED FOR PERMITS	02/27/14
78	ISSUED FOR PERMITS	02/27/14
79	ISSUED FOR PERMITS	02/27/14
80	ISSUED FOR PERMITS	02/27/14
81	ISSUED FOR PERMITS	02/27/14
82	ISSUED FOR PERMITS	02/27/14
83	ISSUED FOR PERMITS	02/27/14
84	ISSUED FOR PERMITS	02/27/14
85	ISSUED FOR PERMITS	02/27/14
86	ISSUED FOR PERMITS	02/27/14
87	ISSUED FOR PERMITS	02/27/14
88	ISSUED FOR PERMITS	02/27/14
89	ISSUED FOR PERMITS	02/27/14
90	ISSUED FOR PERMITS	02/27/14
91	ISSUED FOR PERMITS	02/27/14
92	ISSUED FOR PERMITS	02/27/14
93	ISSUED FOR PERMITS	02/27/14
94	ISSUED FOR PERMITS	02/27/14
95	ISSUED FOR PERMITS	02/27/14
96	ISSUED FOR PERMITS	02/27/14
97	ISSUED FOR PERMITS	02/27/14
98	ISSUED FOR PERMITS	02/27/14
99	ISSUED FOR PERMITS	02/27/14
100	ISSUED FOR PERMITS	02/27/14

SCALE: 1" = 10'  
CITY LICENSE PLAN  
CI

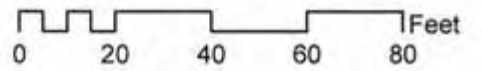






Proposed  
License  
Area

40 Bridge Street



# City of Portsmouth

## Legal Department

### Memorandum

Date: February 24, 2014

To: John P. Bohenko, City Manager

From: Jason C. Page, Zoning Officer

Re: Boarding House renewal for 350-352 Hanover Street

---



Pursuant to Article VIII: **Boarding Houses**, Section 9.804: **Permit Renewal**, I have concluded the inspection for 350-352 Hanover Street and recommend renewal.

Room	Items that need to be addressed	In compliance by recheck of 2/12/14
# 2	Paint window sills  Old lead paint must be encapsulated so as not to produce lead dust, which can then be inhaled/ingested. Additionally, surfaces must maintain a finish to be washable.	Yes
350 side	Clean hallway walls, railing and 2nd floor door casing.  Heavy buildup of grime will impart grime and potential pathogens to others using these touch surfaces.	Yes



 **DRAFT**

# BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

---

Permit Number: 2014-01

Date: March 3, 2014

BE KNOWN, that G. Edward Gowen, Jr., 355 Great Bay Road Greenland, NH 03840 is licensed to operate a boarding house located at 350-352 Hanover Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 12

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following condition shall be met:

1. Correction of all deficiencies from the annual inspection prior to permit issuance.

This permit will expire: March 3, 2015

Attest:

Kelli L. Barnaby, City Clerk  
OFFICE OF THE CITY CLERK



# City of Portsmouth

## Legal Department

### Memorandum

Date: February 24, 2014

To: John P. Bohenko, City Manager

From: Jason C. Page, Zoning Officer



Re: Boarding House renewal for 278 Cabot Street

---

Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have concluded the inspection for 278 Cabot Street and recommend renewal.

Room	Items that need to be addressed	recheck in
# 1 & 3	Paint doors  Raw wood is not cleanable. Finish newly installed doors to maintain cleanability.	In progress 3 month timeline
#2 & 5	Paint window sills  Old lead paint must be encapsulated so as not to produce lead dust, which can then be inhaled/ingested. Additionally, surfaces must maintain a finish to be washable.	In progress 3 month timeline
¼ bath 2cd floor	Paint the wood around the floor.  Floors must maintain a washable surface.	In progress 3 month timeline
Hallways walls	Cleaned and sealed  Common areas with heavy traffic require cleanable surfaces that stand up to heavy wear and tear.	In progress 3 month timeline
¼ bath 3rd floor	Clean and paint  Painted surfaces in good repair will assist in mold control and allow for cleaning.	In progress 3 month timeline
#10	Repair/replace skylight  Due to recent weather conditions, work done on skylights may create more damage and loss of heat if done in winter.	6 months timeline

 **DRAFT**

# BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

---

Permit Number: 2014-02

Date: March 3, 2014

BE KNOWN, that Janet L. White-Nay and Paul H. White, Trustee, P.O. Box 1325 Portsmouth, NH 03802-1325 is licensed to operate a boarding house located at 278 Cabot Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 12

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following condition shall be met:

1. Correction of all deficiencies from the annual inspection prior to permit issuance.

This permit will expire: March 3, 2015

Attest:

Kelli L. Barnaby, City Clerk  
OFFICE OF THE CITY CLERK



## City of Portsmouth Memorandum

To: Dave Allen, Deputy City Manager  
 Robert Sullivan, City Attorney

From: Kim McNamara, Health Officer *KM JCP*  
 Jason Page, Housing Code Enforcement

Re: Inspection of 21 Brewster Street Rooming House

Date: February 24, 2014

On Friday, February 21, 2014, Kim McNamara, Health Officer and Jason Page, Housing Code Enforcement Officer conducted a follow up inspection of 21 Brewster Street Boarding House to ensure issues from the February 4, 2014 inspection had been addressed. Attending the inspection representing Brewster Rooms were, Rich Brabazon, Neighborhood Liaison and Michael Cahalane, Mr. Hogan's Carpenter.

The following items were found at the inspection of February 4 and noted as in compliance (Yes) or out of compliance (No) at the reinspection on February 21, 2014.

Room	Items that need to be addressed	In compliance by recheck of 2/21
1B ¾ bath	Needs more lighting, (100 w quick acting or equivalent)	Yes
3B 1 ¾ bath	Bathroom lighting must be adequate for safety and to be able to see cleanliness of surfaces	
7	Paint floor.  Floors must maintain a washable surface	Yes
12	Paint door and add room number  Raw wood is uncleanable	Yes
2B	Seal flush vanity front  Broken or incomplete permanently secured vanity fronts will trap splash and spills, are uncleanable and provide harborage for pests.	No
17	Paint floor and clean walls  Walls and floors must have finished washable surfaces. Floor was painted, walls were not cleaned	No



21	Replace sink, seal floors, clean/and or replace refrigerator, clean walls, and radiators.  Floor was painted, other items were not completed	No
30, & 31	Paint floors	Yes
32	Replace blinds	Yes
19, 20, 21, 22, & 34 and Throughout Building	Have Bed Bugs  Pest control throughout the building has been ineffective. Effective pest control requires the room affected and all adjacent rooms, beside, above and below, also be treated to avoid the migration of bugs into these rooms in response to treatment. Regardless of the number of rooms that bed bugs are detected in and against the recommendations of the pest control company that Mr. Hogan hired, Mr. Hogan will only pay for a maximum of five (5) rooms to be treated on a monthly basis in response to pest detection. Therefore there is a constant low level of infestation in the building. As of this inspection there is still an active bedbug infestation in the building.	No
Throughout Building	Remove any broken, unfinished furniture where the finish is so worn that it cannot be cleaned and harbors bed bugs, cockroaches and other pests.	No
Throughout Building	Submit all pest control treatment reports to the Health Department on a monthly basis  Some reports submitted in response to a request letter sent to Mr. Hogan, however, records are incomplete. It is not possible for the Health Department to monitor the efficacy of pest control without receiving these reports on a monthly basis.	No
Throughout Building	Many microwaves and refrigerators were in poor condition and could not be properly inspected. Have all microwaves and refrigerators cleaned for re-inspection.  Mr. Hogan advertises and supplies a bed, a bureau, a microwave, refrigerator and cable. Appliances in rooms ready to rent were unclean and in poor repair.	No

### Recommendations

If the City Council decides to extend the permit, quarterly full-building pest control treatment of all rooms and hallways is recommended. The chemicals used for treatment include insecticide and growth regulators with an effective 90 day residual. Given the transient nature of the population residing at Brewster Street and the 90 day chemical residual of treatment, this is likely the only way to gain effective pest control. In the event that an outbreak occurs in

between the routine full building treatments, the room affected and all the adjacent rooms shall be treated. In this treatment protocol, even if residents move in and bring bed bugs with them, control should be achieved and maintained.

Additionally, a full reinspection on broken, unclean, and uncleanable furniture and appliances, and any of the above mentioned items that were not corrected by the reinspection of February 21 should occur within two weeks.

 **DRAFT**  
**BOARDING HOUSE  
PERMIT**

CITY OF PORTSMOUTH, NEW HAMPSHIRE

---

Permit Number: 2014-03

Date: March 4, 2014

BE KNOWN, that Brian D. Hogan, 21 Brewster Street Portsmouth, NH 03801 is licensed to operate a boarding house located at 21 Brewster Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 34

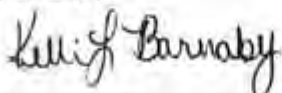
The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following conditions shall be met:

1. Extend the current permit through \_\_\_\_\_ with an inspection and report back prior to further extension.
2. Maintain professional management of the facility; in accordance with the attached document titled "Job Description for Management at 21 Brewster Street".
3. Integrated pest management (IPM) to be maintained on monthly basis with follow-up inspection and applicable treatment in accordance with applicable treatment protocol in the event of pest detection. Monthly reports and follow-ups shall be delivered to the Health Department. Treat full building, including common hallways, every 90 days for bed bugs.
4. Require all common floors to remain non-porous and non-absorbent with cleanable surfaces.
5. Soiled or infested bedding shall be disposed of and not re-used.
6. Correction of all deficiencies from the annual inspection prior to permit issuance.
7. Permittee agrees to allow unannounced inspections of all common areas of the property and to allow similar inspections of tenant rooms with the permission of the tenants.
8. Permittee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit.
9. The attached document titled "Code of Conduct: 21 Brewster Street, Portsmouth, NH" be adhered to by all tenants.

This permit will expire:

Attest:



Kelli L. Barnaby, City Clerk  
OFFICE OF THE CITY CLERK



## JOB DESCRIPTION

### FOR MANAGEMENT AT 21 BREWSTER STREET

The role of the manager is to maintain acceptable living conditions in terms of compliance with building codes, ensuring the cleanliness of rooms and common areas, and to enforce the Code of Conduct. In addition, the manager will proactively manage any issues as they occur, and maintain a positive influence. This position requires full time professional management (definition and responsibilities defined below) of the facility; such management firm must respond to municipal inquiries and requests 24/7.

#### A. Work Hours.

Manager to be on-site at least 2 hours per day, 7 days a week. Manager must also be onsite 11 additional unscheduled hours each week, with at least two visits after 10pm, with one being on a Friday or a Saturday night.

#### B. General.

- Perform periodic checks on the health and well-being of all tenants.
- Perform daily walk-throughs of all public areas on all floors including outside and around the building to ensure good conditions.
- Provide timely response to tenant concerns.
- Correspond with City officials, including code inspection, health department, etc. as required.
- Enforce the Code of Conduct and ensure compliance with all city ordinances including but not limited to noise, disturbance of the peace, fire, safety, and public health.
- Attain written police logs for the property weekly and address concerns therein.

#### C. New Tenant Processing

- Interview tenants.
- Check references.
- Present and review lease with tenant.
- Present and review Codes of Conduct with tenant to initial each.

D. Evictions.

- Act as agent for Lessor under any applicable statutes regarding evictions.
- Execute evictions that may be for non-payment of rent, violation of the Code of Conduct, or for any other reason or purpose allowed under law and in accordance with the lease agreement

E. Property Maintenance.

- Maintain the property in accordance with City and State requirements.
- Solicit vendors for snow removal, lawn care and trash removal.
- Schedule quarterly pest control services.
- Any other acts deemed necessary.

F. Log Book.

- Maintain daily log book, listing dates and times of day that manager is on-site.
- Maintain daily log book, documenting the condition of the building including bathrooms and washing area and any actions taken.
- Log and identify any issues with tenants.
- Log book must be available to the City upon request and must be presented to the City Council one week prior to any license renewal.

**CODE OF CONDUCT: 21 BREWSTER STREET, PORTSMOUTH, NH**

1. No illegal drugs allowed on the property, or in the building.
2. No illicit behavior.
3. NON-Excessive use of alcohol is permitted within your individual room.
4. No Alcohol consumption in the common area, parking lot or front steps.
5. Maintain a neat, clean, habitable living environment. No excessive trash, dirty dishes, laundry, etc.
6. Excessive noise is prohibited. Be respectful of other tenants and outside neighbors.
7. Be respectful to other tenants and property management. Ne verbal or physical abuse will be tolerated.
8. Report any unsafe, illegal or unsanitary behavior to Richard Brabizon at 603-817-2608.

Violation of any of the above code of conduct shall result in eviction.



Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801

February 22, 2014

Re: 21 Brewster Street, Portsmouth, NH

Dear Mayor Lister and Members of the Portsmouth City Council:

I have been employed by the owner of Brewster Street Rooming House since April 2013 as property manager with specific duties to act as liaison for the general public and the City of Portsmouth with regard to the Rooming House. I last reported to you on December 16, 2013. Since that date, I have received no calls or other contact from the Islington Creek Neighborhood Association or any other member of the general public concerning the Rooming House. I have had no calls from the Portsmouth Police Department nor have I received any information from them.

Since the renewal of the Rooming House Permit, which occurred on December 17, 2013 Permit Number 2013-05; along with a Property Manager Agreement reached between Brian Hogan and the Islington Creek Neighborhood Association; I have assumed and shared many of the responsibilities outlined in the agreement. I have attached a Daily Log for your review.

During this time frame, for the most part the Rooming House was orderly, kept clean and functioned well under the guidance of Bob the "in house manager". Some of the issues included violating the rules, such as non-payment of rent and disruptive behavior. These matters were dealt with and resulted in the tenants leaving on their own or being evicted. I continue to remain available 24 hours a day, seven days a week to respond to and address any issues that may arise at or concern the Rooming House. In addition, there is an on-site building manager Bob who handles room rentals and minor tenant and building issues and who lets me know how things are going at the Rooming House.

In the event the Council renews the current permit and my services were continued, it would only continue if Brian Hogan and I reached an agreement as to the terms of my employ.

Please let me know if you need further information.

Sincerely,



Richard Brabazon

## 21 Brewster Street

### Daily Log

#### December 2013

12-17-13

- 10:00AM - Checked on the house all seemed quiet. Spoke with Bob the in-house property manager. Completed a walk thru, no issues noted
- 4:30PM - Second snow storm of the season hitting the seacoast. Checked on the house and the surrounding area. The house appeared very quiet. No issues noted.

12-18-13

- 8:30AM - Checked on building and surrounding area. Area had been shoveled and plowed. No other issues noted.
- 3:00PM - Checked in with Bob, talked with some of the residents who were very pleasant. Checked the out area, all was quiet with no issues.
- 9:30PM - Received a telephone call from Bob. He was dealing with two tenants who had a visitor in the building. This violates the rules of the building. Advised that all parties had left the building. I will follow-up on this in the AM.

12-19-13

- 8:00AM - Spoke with Bob, building was quiet. Spoke with tenant in room 28 (new tenant), we discussed the rules of the building he understood and apologized for the trouble. We will continue to monitor.
- 3:45PM - Checked on building and surrounding area, no issues noted.

12-20-13

- 8:30AM - Checked on the building and the area. Completed a walk thru and conversed with a few of the tenants. Building was quiet, no issues noted.
- 4:45PM - Friday evening and all appeared quiet. Checked the outer area, no issues noted.
- 10:30PM - Stopped in to check on the tenants. All appeared quiet, no issues noted.

12-21-13



- 9:30AM - Checked in with Bob, completed a walk thru and all seemed quiet. Talked with a few of the tenants. Noted that some of the tenants had decorated some of the inner doors for "Christmas". No other issues noted.
- 2:00PM - Checked on building and the outer area. All seemed quiet.
- 9:30PM - Received a telephone call from Bob advising that he thinks someone who does not live in the building tried to get in thru the back door. Bob told me he checked the area and the subject was gone.
- 9:50PM - I responded and talked with Bob. I checked the building inside and out and all seemed quiet.

12-22-13

- 11:45AM – Checked on the building and the area, all seemed quiet, no issues noted.

12-23-13

- 8:15AM - Checked in with Bob, the walkways and driveway seemed icy, Bob had spread some ice melt. Checked the inner and outer areas, all seemed quiet. Talked with a few of the tenants. No other issues noted.
- 3:45PM - Checked in with Bob, checked the building which appeared very quiet. Bob advised of one of the tenants who has some mental health issues. We checked on the tenant who appeared okay. Bob will keep a check and call the PD if needed.
- 9:30PM - Received a telephone call from Bob, he up-dated me on the mental health issue with a tenant. Seacoast Mental Health was contacted and would be following up on this matter.

12-24-13

- 8:30AM – Checked on building, completed walk thru and checked in with Bob about the mental health issue. Seacoast Mental would be sending a case worker to check. This was going to be completed during the day.
- 3:00PM – Received telephone call from Bob. The mental health issue/tenant was taken to PRH by the local police for treatment. Bob did a great job handling and assuring that the tenant was taken care of. No other issues

12-25-13 - Merry Christmas

- 10:00AM – Checked on building, all appeared quiet.
- 9:00PM – Checked on property. No issues noted

12-26-13



- 8:30AM - Checked on building and completed a walk thru. Stopped in and talked with Bob and one of the tenants. All appeared okay.
- 6:00PM - Checked on the building and the surrounding area. All appeared okay.

12-27-13

- 8:45AM - Completed a walk thru and checked on the outer area of the building. All seemed okay.
- 4:45PM - Checked in with Bob and picked up some mail. Checked the building completed a walk thru. All seemed okay. Spoke with a tenant about house rules.
- 10:10PM - Checked on the property, completed a walk thru, all seemed quiet.

12-28-13

- 10:00AM - Checked on the property, completed a walk thru and spoke with some of the tenants. Checked in with Bob and all seemed OK.
- 5:00PM - Completed a spot check of the building and conversed with Bob about a tenant issue on visitors in the building and in the rooms. Spoke with some of the possible rooms involved and explained the house policy.

12-29-13

- 12:00PM - Checked on the building, all seemed quiet.
- 8:00PM - Completed a spot check of the building including the immediate outer area. All seemed okay.

12-30-13

- 8:30AM - Checked in with Bob and completed a walk thru, all seemed quiet.
- 5:00PM - Checked in with Bob all was quiet. Completed a walk thru.

12-31-31

- 9:30AM - Checked in on the building all seemed quiet.
- 1:00PM - Checked in on the property, completed a walk thru.
- 7:00PM - Checked in with Bob all seemed quiet. Completed a walk thru and wished Happy New Year to some of the tenants. All seemed OK.

# 21 Brewster Street

## Daily Log

### January 2014

1-1-14

- 10:00AM - Checked in on the building, no issues noted
- 4:00PM - Checked on building and the surrounding area. No issues noted.

1-2-14

- 11:45AM - Checked in with Bob and completed a walk thru. No issues noted
- 6:00PM - Checked on the building and the outer area. No issues noted.

1-3-14

- 1:00PM - Checked in with Bob and completed a walk thru. Bob advised that the next city inspection is on Feb. 3<sup>rd</sup> @ 11:00AM. Spoke with a few of the tenants. No issues noted.
- 8:30PM - Received telephone call from Bob. Some of the tenants were getting loud and allowing visitors into the building. I responded and spoke with Bob; he advised that the visitors had been gone. I spoke with some of the tenants who were involved and explained the rules. We will continue to monitor and take appropriate action if necessary. Snowing pretty heavy at this time, heat in the building was okay.

1-4-14

- 9:00AM - Checked on the property. Spoke with Bob; he advised that the next city inspection is on Feb. 3<sup>rd</sup> @ 11:00AM. It seemed all survived the storm. Completed a walk thru and noted a chirpings noise on the 3<sup>rd</sup> floor. Spoke with a few of the tenants, all appeared quiet. I told Bob about the possible smoke detector problem.
- 6:00PM - Checked on the property and the surrounding area. Completed a walk thru, spoke with some of the tenants. All appeared okay.
- 10:20PM - Checked in and spoke with Bob. He advised that the chirpings was a smoke detector on the third floor, the battery was changed. Completed a walk thru, all quiet.

1-5-14

- 9:30AM - Checked on the property, all quiet



- 5:00PM - Checked on building completed a walk thru. No issues noted.

1-6-14

- 9:30AM - Checked in on the building and the outer area. All seemed quiet and okay.
- 7:45PM - Completed a walk thru, spoke with a few of the tenants. No issues noted.

1-7-14

- 7:30AM - Checked in and spoke with Bob, completed a walk thru and checked the outer area. No issues noted.
- 8:30PM - Checked in, completed a walk thru, no issues noted.

1-8-14

- 7:40AM - Checked the building and the outer area. Talked with Bob who was fixing a clogged toilet on the third floor. We discussed calling plumber if he could not fix it. No other issues noted.
- 8:00PM - Stopped in to check on the building. All appeared quiet, no issues noted.

1-9-14

- 9:00AM - Checked in and chatted with Bob. He advised that the water/toilet problem was fixed. He was able to do that no plumber needed. Completed a walk thru, picked up some mail. All appeared quiet and okay.
- 5:30PM - Checked on the outer area, completed a walk-thru and spoke with one of the tenants in the building. No issues noted.

1-10-14

- 7:00AM - Arrived, checked in on the building and the outer area. All seemed quiet, no issues noted. Some of the tenants were heading out for the day.
- 4:30PM - Checked on the building completed a walk thru, spoke with some of the tenants. No issues noted.

1-11-14

- 11:00AM - Arrived and chatted with Bob, talked about some tenant issues. Completed a walk thru. All seemed quiet.
- 3:00PM - Checked in on the property, completed a walk thru, stopped in to see Bob, no issues noted.
- 6:30PM - Received a phone call from Bob. A fight in the building between some of the tenants. The PD was responding, I responded and spoke with one of the officers present, I was told two possibly more of the tenants got into an argument and one of



the tenants was punched. Door to room 12 was damaged, no transports to the hospital no arrests. Bob and I were able to secure and temporarily lock the door. I will be addressing possible evictions on this incident. No other issues noted.

- 10:00PM – Arrived at the building to check in on Bob. All seemed quiet, no new or other issues noted.

1-12-14

- 11:00AM - Checked in on the area and building. No issues noted.
- 3:00PM – Checked on the property, completed a walk thru, all seemed quiet no issues noted.

1-13-14

- 7:00AM - Stopped in to check on the building and the outer area. No issues noted.
- 8:00PM - Checked on the property, completed a walk thru, spoke with a few of the tenants, no issues noted.

1-14-14

- 8:30AM - Arrived and checked the outer area, completed a walk thru. Stopped in and chatted with Bob. We discussed the assault incident which occurred on Saturday evening. As a result two tenants will be leaving this Saturday. I attempted to reach out to the other tenants involved, they were not in. Bob and I then discussed an issue over bed bugs. Apparently there are about 3 to 5 rooms affected. I advised Bob to get the treatment done ASAP. He would be calling to schedule for tomorrow. This scheduling is consistent with scheduled treatments.

- 6:00PM - Checked on building, completed a walk thru. No issues noted.

1-15-14

- 7:00AM - Arrived and completed a walk thru, checked the outer area, no issues noted.
- 8:00PM - Checked on the property, stopped in to check on Bob. No issues noted.

1-16-14

-8:00AM - Arrived and completed a walk thru, stopped in the office to chat with Bob. Bob advised me that Brian was coming in with Mike to do some repairs to the building. While I was there Brian arrived. Brian was advised that the tenants in room #24 were being evicted and were leaving on Saturday. Brian and I talked about my duties and time needed. Brian expressed concern that he could no longer pay me for the time needed. He instructed me to go back to what I was initially doing when I first started in April 2013. I have since adjusted my time and schedule.

- 6:00PM - Checked in with Bob and completed a walk thru. Bob advised that the tenants in room 24 were served a protective order; as a result they needed to vacate the building immediately. The PD accomplished that task. No other issues noted.

1-17-14

-8:30AM - Received a telephone call from Brian Hogan. Brian advised that he wanted to keep me on. He again reiterated my duties would change to what I was doing back in April 2013.

-9:00AM - Stopped in and spoke with Bob, checked on the property no issues noted.

- 5:00PM - Drove by and checked on the property and the outer area, no issues noted.

1-18-14

-11:00AM - Stopped in and checked on the building and the property. No issues noted.

1-19-14

-12:00PM - Arrived at the building, completed a walk thru, spoke with some of the tenants. No issues noted.

1-20-14

-8:30AM - Arrived to check on the property, completed a walk thru, chatted with Bob about some of the pending issues.

1-21-14

- 9:30AM - Completed a walk thru, dropped off a set of keys that were taken from the previous tenants in room#24. No other issues noted.

1-22-14

- 9:00AM - Received a telephone call from Jason Page in regards to 21 Brewster Street. I will be reaching out to Jason.

1-23-14

- 9:00AM - Arrived at the building, stopped in to see Bob, Brian was there and were making some repairs to the building. We discussed preparations for the up-coming City inspection.
- 2:00PM - Spoke with Jason Page on the status of my position within the permit agreement. I advised Jason that I am still doing some of the responsibilities which are outlined. Brian Hogan is using others to fulfill some of the other duties. We also



discussed some concerns Jason received on bed bugs and the recent assault incident. I advised Jason that matters are being addressed; the bug guy has been into the building to spray and treat affected areas. Two of the tenants involved in the assault have vacated the premises.

1-24-14

- 9:00AM - Checked in on property and the surrounding area. No issues noted

1-25-14

- 10:00AM - Arrived at the building, completed a walk-thru. No issues noted.
- 5:00PM - Checked on the area and the property, no issues noted.

1-26-14

- 3:00PM - Checked in on the building, all seemed quiet, no issues noted.

1-27-14

- 11:00AM - Stopped in and checked on the property, completed a walk thru, no issues noted.

1-28-14

- 9:00AM - Checked in on the property and the surrounding area, no issues noted.

1-30-14

- 8:30AM - Stopped in and spoke briefly with Bob, checked the building, no issues noted.

1-31-14

- 7:00PM - Checked in on the building, all seemed quiet, no issues noted.



# 21 Brewster Street

## Daily Log

2-2-14

- 2:00PM - Stopped in to check on the building and the surrounding area, no issues noted.

2-4-14

- 1:00PM for the City inspection - Arrived at building, present were Bob, Mike and I. For the City were Kim and Jason. The inspection commenced and lasted approx. 1.5hrs. During this time issues were noted and a list of corrections/tasks were noted. The city inspectors left, I discussed the issues further with Bob and Mike. Mike advised that he would be getting in touch with Brian to update him. I secured for the day.

2-8-14

- 8:30PM - Drove by the area to check, no issues noted

2-10-14

- 11:00AM - Telephoned Bob, he advised all is quiet, no outstanding issues. He is working to complete the corrections that were noted on the City Inspection. Some of the issues he is waiting on a plumber.
- 3:00PM - Returned a telephone call from Brian Hogan. He was inquiring about the status of the inspection and progress made with getting the issues corrected. I told him that Bob has most of the issues completed. The outstanding issues will be addressed by Brian.

2-13-14

- 9:00 AM - Drove by checked on the building and the surrounding area. No issues were noted. As this winter has progressed, another snow storm is hitting us.

2-16-14

- 8:00PM - Stopped by, completed a walk through. No issues noted.

2-17-14

- Received several phone calls during this week from property owner Brian Hogan in preparing for the city re-inspection which will occur on the 21<sup>st</sup>, as well as discussions on the upcoming city council meeting.

2-21-14


- 11:00AM - follow up inspection with the city.

**CITY OF PORTSMOUTH**

**LEGAL DEPARTMENT**

**MEMORANDUM**

DATE: February 26, 2014  
TO: ROBERT P. SULLIVAN, CITY ATTORNEY  
FROM: JOHN P. BOHENKO, CITY MANAGER  
RE: 21 BREWSTER STREET BOARDING HOUSE PERMIT



---

This memorandum is written in light of the fact that the further extension of the boarding house permit for 21 Brewster Street will be on the agenda for the City Council meeting of Monday, March 3, 2014. The history of the operation of the boarding house at 21 Brewster Street has been tortuous as presented elsewhere in the agenda packet for the March 3, 2014 meeting. That situation continues.

The Council will be faced on March 3, 2014 with the question of whether or not to extend the permit under the foregoing circumstances. Options for the Council would seem to be that the Council might extend the permit for its full term of one year, deny the permit or extend the permit for some period less than a full year in order to allow for further discussions and negotiations between the parties in interest.

If the permit is denied, then litigation will be a certainty due to the fact that the boarding house will be operating in violation of City Ordinance. I would recommend under that circumstance, the City Council schedule a non-meeting with counsel in order to discuss the litigation goals and options.

FRANCIS X. BRUTON, III  
CATHERINE A. BERUBE

**Bruton & Berube, PLLC**  
ATTORNEYS AT LAW

798 Central Avenue  
Dover, NH 03820  
TEL (603) 749-4147 (4529)  
FAX (603) 343-2986  
[www.brutonlaw.com](http://www.brutonlaw.com)

February 25, 2014

**VIA FACSIMILE (603) 427-1526**

John P. Bohenko, City Manager  
City of Portsmouth  
1 Jenkins Avenue  
Portsmouth, New Hampshire 03801

FEB 25 2014

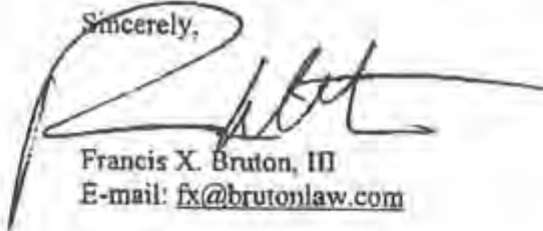
**RE: Cumberland Farms, Inc.**  
**1475 Lafayette Road, Portsmouth, NH**

Dear Mr. Bohenko:

Please be advised that this office represents Cumberland Farms, Inc. with respect to its raze and rebuild of the above referenced site. As part of the approval for this project, Cumberland Farms, Inc. is required to provide the City with an easement. As such, enclosed please find a proposed easement that we ask be placed on the agenda for the March 3<sup>rd</sup>, City Council meeting for the City Council's consideration.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



Francis X. Bruton, III  
E-mail: [fx@brutonlaw.com](mailto:fx@brutonlaw.com)

FXB/mas  
Enclosure

cc: Cumberland Farms, Inc.  
Rick Taintor, Planning Director  
Robert P. Sullivan, Esquire, City Attorney  
DuBois & King, Inc.  
Vanasse & Associates, Inc.



Return to:

---

---

---

---

**RIGHT OF WAY EASEMENT DEED**

The **CUMBERLAND FARMS, Inc.**, having an address of 100 Crossing Boulevard, Framingham, Massachusetts 01702, hereinafter "Grantor," for consideration paid, grants to **THE CITY OF PORTSMOUTH**, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter "Grantee," with QUITCLAIM COVENANTS, the following easement:

A right-of-way easement over a portion of land of Grantor situated southerly of Elwyn Road in the City of Portsmouth, County of Rockingham, State of New Hampshire, being shown as Right of Way Easement on a plan entitled "Right of Way Easement, 1475 Lafayette Road, Portsmouth, New Hampshire, Tax Map 251, Lot 124, showing lands being conveyed to the State of New Hampshire Department of Transportation and the City of Portsmouth, NH. From VSH Realty Corp. dba Cumberland Farms, Inc. prepared by DuBois & King, Inc. Ronald Gauthier, L.S. dated November 11, 2013, with revisions to a Lot Line Revision Plan dated October 30, 2013, recorded as Plan D-38049 in the Rockingham County Registry of Deeds (the "Plan"), which easement area is more particularly described as follows:

Beginning at a point in the southerly sideline of Elwyn Road at the Northwest corner of the lands being conveyed to The State of New Hampshire Department of Transportation. then proceeding along the southerly sideline of Elwyn Road South 68°13'09" East a distance of 105.16 feet to an existing 4x4 concrete monument in the southerly sideline of Elwyn Road. Then proceeding along the southerly sideline of Elwyn Road South 68°14'30" East, a distance of 167.40 feet to an existing 4x4 concrete monument in the southerly sideline of Elwyn Road at the lands of Beaudoin. Then proceeding along the Beaudoin line South 19°15'54" West a distance of 3.29 feet to a Concrete Monument (to be set). Then proceeding along the new sideline of Elwyn Road North 69°39'04" West a distance of 237.07 feet to a Concrete Monument (to be set) at its intersection with a non-tangent curve bearing to the left. Then proceeding along the curve bearing to the left with a Length of 39.82 feet and a Radius of 40.00 feet along a chord bearing of South 81°49'45" West, a chord length of 38.20 feet to a Concrete Monument (to be set) in the new sideline of Lafayette Road. Then proceeding along the new sideline of Lafayette Road North 16°30'00" East a distance of 28.34 feet to the Point of

Beginning. This parcel of land contains 2,005 square feet of land and is a part of the land obtained by Cumberland Farms, Inc. in Volume 4162, Page 2501 and Volume 5500, Page 2193 in the Rockingham County Land Records.

The foregoing easement runs contiguous to the present right of way line of said Elwyn Road and is granted for the purpose of increasing the width of the present roadway.

The Grantor hereby grants to the Grantee, the following easement rights, subject to the terms hereinafter set forth:

- 1. The right to occupy and use the easement area for public highway and utility purposes;
- 2. The right to construct improvements to Elwyn Road within the easement area;
- 3. The right to maintain and repair Elwyn Road; and

This conveyance is subject to all easements, restrictions, rights, and encumbrances existing as of the date hereof, whether or not shown by the public records.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**CUMBERLAND FARMS, Inc.**

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Duly Authorized

STATE OF NEW HAMPSHIRE  
 COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ personally appeared \_\_\_\_\_ and acknowledged that \_\_\_\_\_, the \_\_\_\_\_ of Cumberland Farms, Inc. being authorized to do so, executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

\_\_\_\_\_  
 Justice of the Peace/Notary Public  
 My commission expires: \_\_\_\_\_





**LEGEND**

PROPERTY LINE  
 CONCRETE BOUNDARY ADJUMENT  
 IRON PIPE  
 CALCULATED POINT

**NOTES**

- ALL DIMENSIONS SHOWN BY DIMENSION LINES UNLESS OTHERWISE NOTED.
- SPACING SHALL BE BASED ON 1/4" = 1'-0".
- THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE CITY OF PORTSMOUTH.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION.

**PLANS REFERENCED**

- PLAN OF LOT 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**PROPOSED ROAD OF WAY EASEMENT TO THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORTSMOUTH, NH**

FROM (OWNER OF RECORD)  
**VSH REALTY CORP, DBA CUMBERLAND FARMS, INC.**  
 DATE: OCTOBER 11, 2013

**STORY #024427**  
**RIGHT OF WAY EASEMENT**  
**TAX MAP 251, LOT 124**  
**PORTSMOUTH, NH**



NO.	DATE	BY	FOR
1	10/11/13	JK	ISSUE
2	10/11/13	JK	REVISION
3	10/11/13	JK	REVISION
4	10/11/13	JK	REVISION
5	10/11/13	JK	REVISION
6	10/11/13	JK	REVISION
7	10/11/13	JK	REVISION
8	10/11/13	JK	REVISION
9	10/11/13	JK	REVISION
10	10/11/13	JK	REVISION

**DUBOIS SKANS**  
 PLANNING ENGINEERING ARCHITECTURE  
 1000 W. MAIN ST., SUITE 200  
 PORTSMOUTH, NH 03801  
 TEL: 603.883.1111  
 WWW.DUBOIS-SKANS.COM

**ROAD RIGHT OF WAY EASEMENT PLAN**  
**1475 LAFAYETTE ROAD**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**  
**AND THE**  
**CITY OF PORTSMOUTH, NH**  
**(FROM OWNER OF RECORD)**  
**VSH REALTY CORP, DBA**  
**CUMBERLAND FARMS, INC.**  
**DATE: OCTOBER 11, 2013**

**STORY #024427**  
**RIGHT OF WAY EASEMENT**  
**TAX MAP 251, LOT 124**  
**PORTSMOUTH, NH**

**DUBOIS SKANS**  
 PLANNING ENGINEERING ARCHITECTURE  
 1000 W. MAIN ST., SUITE 200  
 PORTSMOUTH, NH 03801  
 TEL: 603.883.1111  
 WWW.DUBOIS-SKANS.COM

**ROAD RIGHT OF WAY EASEMENT PLAN**  
**1475 LAFAYETTE ROAD**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**  
**AND THE**  
**CITY OF PORTSMOUTH, NH**  
**(FROM OWNER OF RECORD)**  
**VSH REALTY CORP, DBA**  
**CUMBERLAND FARMS, INC.**  
**DATE: OCTOBER 11, 2013**

**STORY #024427**  
**RIGHT OF WAY EASEMENT**  
**TAX MAP 251, LOT 124**  
**PORTSMOUTH, NH**

**DUBOIS SKANS**  
 PLANNING ENGINEERING ARCHITECTURE  
 1000 W. MAIN ST., SUITE 200  
 PORTSMOUTH, NH 03801  
 TEL: 603.883.1111  
 WWW.DUBOIS-SKANS.COM

**ROAD RIGHT OF WAY EASEMENT PLAN**  
**1475 LAFAYETTE ROAD**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**  
**AND THE**  
**CITY OF PORTSMOUTH, NH**  
**(FROM OWNER OF RECORD)**  
**VSH REALTY CORP, DBA**  
**CUMBERLAND FARMS, INC.**  
**DATE: OCTOBER 11, 2013**

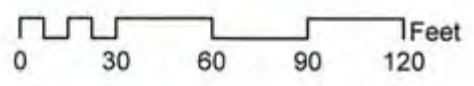




Easement to  
NHDOT

Easement to  
City of Portsmouth

1475 Lafayette Road







## CITY OF PORTSMOUTH

---

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 610-7200  
Fax (603) 427-1526

Robert J. Lister  
Mayor

February 25, 2014

Robert Zarnetske  
Regional Administrator  
U.S. General Services Administration  
Thomas P. O'Neill Federal Building  
10 Causeway Street  
Boston, MA 02222

Dear Mr. Zarnetske:

As a follow up to the February 18, 2014 City Council work session on the McIntyre Building, I am writing to thank you and your staff for participating in the meeting and for agreeing to continue the discussion at a follow-up work session on March 31<sup>st</sup>.

I also wanted to inform you that I have contacted our Congressional delegation to assist us in understanding the GSA rationale for its inability to comply with the 2004 federal legislation authorizing the relocation of the federal tenants to the property secured at Pease International Tradeport and as outlined in the 2004 legislation. I am requesting that the GSA provide the City Council with a written explanation clarifying exactly why the GSA is not able to comply with the original legislation mandating the move and the subsequent transfer of the downtown McIntyre property to the City. We would very much appreciate having a response to this request prior to the March 31<sup>st</sup> meeting.

I have attached a copy of a recent editorial on the work session that ran in the February 24, 2014 *Portsmouth Herald* of which I thought that you should be aware.

I will look forward to the written explanation and the continued discussion on the McIntyre property.

Sincerely,

Robert J. Lister  
Mayor

c.: Portsmouth City Council Members  
John P. Bohenko, City Manager

## GSA has 'mistreated and betrayed' Portsmouth

February 24, 2014 2:00 AM

The arrogance and bad faith of the federal General Services Administration in its dealings with city officials regarding the transfer of the T.J. McIntyre Building in the heart of downtown Portsmouth simply boggles the mind.

For more than 10 years, the city has been working in good faith with the federal government to gain control of the 2.16 acre site to replace the building (a classic example of the 1960s giant cheese grater style), with a development that will benefit the city's economy both in its function and its form.

A brief history reveals the extent of the GSA's double dealing.

Jan. 23, 2004, Congress authorized and President George W. Bush signed legislation to transfer the 108,000-square-foot federal building, located at 80 Daniel St., to the city of Portsmouth "for economic development purposes."

Nov. 20, 2006, the GSA purchased from the Pease Development Authority 11.57 acres at 234 Corporate Drive for \$1.48 million to relocate the federal services now housed at the McIntyre Building. Since then it has spent an additional \$2.3 million on architectural design, according to a memo from the GSA to City Manager John Bohenko.

Aug. 3, 2010, the GSA indicates that the project has been delayed because of changing space needs and that it now plans to occupy its new building at Pease in the spring of 2014.

Sept. 26, 2012, GSA again indicates the project must be delayed and that occupancy in the Pease building is now scheduled for spring of 2015.

April 2013, "GSA regional administrator calls city manager and indicates president's budget eliminates funding for relocation of federal building to Pease International Tradeport," according to city memo.

April 16, 2013, Mayor Eric Spear writes to the congressional delegation expressing the city's deep disappointment at its mistreatment at the hands of the federal government. "The consequences of the city putting its trust into the federal government's assurances of imminent relocation are the loss of significant economic redevelopment opportunities and years of wasted effort to comply with the relocation process," Spear wrote. "Most importantly, many residents' hopes and desires for a landmark development at the site will be unfairly dashed."

Not only is the GSA hurting the local economy by hogging up prime downtown real estate with untaxed government services that could be accessed far easier at a Pease site with ample parking, it has also paralyzed a prime development parcel at Pease Tradeport, which is quickly running out of commercial space and thus the federal government is also hurting state tax revenues.

Now the GSA is claiming it wants to work with the city under the "good neighbor" program

GSA Regional Administrator Robert Zarnetske has told the Herald he's willing to work with the city to increase parking opportunities, including a potential garage.

This reminds us of the schoolyard bully who steals your lunch and then tries to make you feel better by giving you a bite of your own sandwich.

We share the sentiment expressed by City Councilor Brad Lown who said the GSA has "mistreated and betrayed" Portsmouth.

It is time for our congressional delegation to stop delegating this matter to staff members and to step in personally to right this wrong.

In recent years, our senators and representatives have been able to save the Portsmouth Naval Shipyard, win funds to replace the Memorial Bridge and get Pease placed at the top of the list to receive the Air Force's next generation of refueling tankers. We're confident they are more than up to the task of getting GSA bureaucrats to keep the promise Congress and the president made to the city in 2004.





## CITY OF PORTSMOUTH

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 610-7200  
Fax (603) 427-1526

Robert J. Lister  
Mayor

February 25, 2014

The Honorable Jeanne Shaheen  
U.S. Senator  
1589 Elm Street, Suite 3  
Manchester, NH 03101

Dear Senator Shaheen:

As you are aware, on February 18, 2014, the Portsmouth City Council, representatives of the General Services Administration (GSA) and Congressional Delegation met at City Hall to discuss the status of the federal McIntyre Building in downtown Portsmouth.

First, I wish to thank you for the attention your respective staff have paid to this issue and for their participation in the work session. Although the work session served as a starting point to discuss future utilization of the federal building, many City Councilors and others left the meeting frustrated by the inability of the GSA to provide an adequate explanation as to why the federal tenants cannot move to the property secured at Pease International Tradeport as outlined in the 2004 legislation.

Therefore, I am requesting your personal intervention in asking the GSA to provide the City Council with a written explanation clarifying exactly why the GSA is not able to comply with the original legislation mandating the move and the subsequent transfer of the downtown McIntyre property to the City.

Finally, please note that the February 24, 2014 work session is continued to March 31, 2014 at 6:30 PM and it we would very much appreciate having a response to this request prior to that meeting. For your information, I have attached a copy of an editorial that ran in the February 24, 2014 *Portsmouth Herald* on the work session.

Thank you. I look forward to your response.

Sincerely,



Robert J. Lister  
Mayor

c.: Sarah Holmes, Office of Senator Shaheen  
Bud Fitch, Office of Senator Ayotte  
Josh Denton, Office of Representative Shea-Porter  
Portsmouth City Council Members  
John P. Bohenko, City Manager

Run: 2/27/14  
8:21AM

## Event Listing by Date

Page: 1

Starting Date: 2/18/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
3/15/2014 3/15/2014	ROAD RACE Jill McFarland is the contact for this event. Telephone contact number: 501-9029.	125 Austin Street	St. Patrick School	8/ 5/2013
3/31/2014 3/31/2014	ROAD RACE Donald Allison is the contact for this event. This event begins at the Portsmouth High School. His number: 617-835-2378	Starts at Portsmouth High School	Eastern States 20 Mile	10/21/2013
4/12/2014 4/12/2014	WALK Kim Blanchard is the contact for this event. She can be reached at 836-4758. This event begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/18/2013
5/ 4/2014 5/ 4/2014	BIKE TOUR Christina O'Grady is the contact for this event. This event begins and ends at Redhook Brewery. This race has three different routes and length.	Begins and ends at Redhook Brewery	American Lung Association	12/16/2013
5/ 4/2014 5/ 4/2014	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square No Parking on Market Street-Bow Street to Isle of Shoals Steamship Company entrance.	Downtown	Pro Portsmouth - Children's Da	9/ 3/2013
5/ 4/2014 5/ 4/2014	WALK Richard B. Wagner, Executive Director is the contact for this event. This event is from 10:00 a.m. to 5:00 p.m. The walk will begin at 2:00 p.m. and end around 5:00 p.m. in the lower parking lot of Portsmouth Municipal Complex.	Portsmouth Municipal Complex - Lower Lot	AIDS Response Seacoast	2/ 3/2014
5/10/2014 5/10/2014	ROAD RACE 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.	Marcy Street	Susan G. Komen New Hampshire R	8/19/2013
5/17/2014 5/18/2014	BIKE TOUR Contact: Kelly Sicard, Director of Special Events and Volunteers.	Will begin and end at Pease Tradeport includes Mem	Breathe New Hampshire	12/16/2013
5/17/2014 5/17/2014	RACE Pack & Boots 5K Community Road Race Series Contact: Doug Bates, Portsmouth Chamber - <a href="mailto:President@portsmouthchamber.org">President@portsmouthchamber.org</a>		Easter Seals Veteran's Count	11/18/2013
5/25/2014 5/25/2014	RACE Contact: Jeanine Sylvester, Proprietor, Runner's Alley, LLC (603) 430-1212. This is a 5K start and finish at Redhook Brewery.	Pease	Runner's Alley/Redhook Brewery	1/21/2014
6/ 7/2014 6/ 7/2014	ROAD RACE Jennifer Hubbell, Executive Director is the contact for this event. She can be reached at (603) 512-2799 The road race would being at 9:00 a.m.	Pease Tradeport	Girls on the Run New Hampshire	2/ 3/2014



## Event Listing by Date

Starting Date: 2/18/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
6/ 8/2014 6/ 8/2014	BIKE TOUR Mary M. Condella, is the organizer of this event. This event begins and ends at Little Harbour School. Reigstration is from 7:30 to 8:00 a.m. Start time of the ride is 8:30 a.m.	Little Harbour School	Seacoast Ride for PKD	2/ 3/2014
6/ 8/2014 6/ 8/2014	RACE 5K to Keep Kids Safe Community Road Race Series Contact: Christiana Amesquita (603) 437-4107 or Cristiana@sassnh.org	Pease Tradeport	Sexual Assault Support Service	11/18/2013
6/14/2014 6/14/2014	FAIR This is the 37th Annual Market Square Day from 4:00 a.m. to 6:00 p.m. Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 3/2013
6/14/2014 6/14/2014	ROAD RACE This is the 37th Annual 10K Road Race. The race begins at 9:00 a.m. in Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
6/21/2014 6/21/2014	RACE Alyssa Salmon is the contact on this event. She can be reached at 430-1140 ex: 14 The event is from 3:00 p.m. to 6:00 p.m. Rain date of June 22, 2014.	Pleasant Street	Big Brother Big Sister	9/ 3/2013
6/28/2014 6/28/2014	MUSIC This is Summer in the Street event. It begins at 5:00 p.m. to 9:30 p.m. Street closurers - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/ 5/2014 7/ 5/2014	MUSIC This is Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closurers - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/12/2014 7/12/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/19/2014 7/19/2014	ART EXH Katharine A. Muth, Executive Director is the contact for this event. The rain date of this event is Saturday, July 26, 2014.	Various Locations	NH Art Association	2/18/2014
7/19/2014 7/19/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/26/2014 7/26/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013



## Event Listing by Date

Starting Date: 2/18/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
8/ 2/2014 8/ 2/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
8/23/2014 8/23/2014	ROAD RACE Thunder Chicken Community Road Race Series  Contact: Justin Finn		Portsmouth Rotary Club	11/18/2013
9/ 7/2014 9/ 7/2014	BIKE TOUR Contact: Thomas Martin, Race Director	Downtown Portsmouth	Portsmouth Criterium	12/16/2013
9/13/2014 9/13/2014	ROAD RACE Celebrate Pink Community Road Race Series  Contact: Wendy McCoolle		My Breast Cancer Support	11/18/2013
9/20/2014 9/20/2014	ROAD RACE Pease Tradeport Holly Davis and Melissa Mikulski are the contacts for this event. hdavis@bottomline.com or mmikulski@bottomline.com This event is being held at Pease.		Bottomline Technologies	2/18/2014
9/27/2014 9/27/2014	ROAD RACE Portsmouth High School Karen Butz Webb is the contact for this event. She can be reached at projectsafetyassociation@gmail.com, This race begins and ends at Portsmouth High School at 8:30 a.m.		Project Safety Association	11/18/2013
9/28/2014 9/28/2014	WALK Strawberry Banke Becky Coliandris, Development Officer is the contact for this event. This event begins and ends at Strawberry Banke. Walk site opens at 8:30 a.m., the walk kicks off at 10:00 a.m.		Alzheimer's Association	1/21/2014
10/11/2014 10/11/2014	RACE Contacts: Catherine Edison, Community Child Care Center (603) 422-8223 Ben Anderson and Hannah Comeau, Prescott Park Arts Festival (603) 436-2848 or hannah@prescottpark.org  Community Road Race Series		Prescott PAF/Community Child C	11/18/2013
11/27/2014 11/27/2014	ROAD RACE Contact: Matt Junkin		Seacoast Rotary Club	11/18/2013

---

## M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** February 26, 2014  
**RE:** City Council Referral – Proposed Amendment to Zoning Ordinance Deleting Section 10.535.13 – Increased Building Height by Conditional Use Permit (Central Business A and B Districts)

---

At its meeting on January 21, 2014, the City Council voted to pass first reading on a proposed amendment to the Zoning Ordinance to delete Section 10.535.13 – "Increased Building Height by Conditional Use Permit (Central Business A and B Districts)." The effect of this proposed amendment would be to reduce the allowable building height in the entire Central Business District to the lesser of 45 feet or 3½ stories. Any increase in building height above this level would require a variance from the Zoning Board of Adjustment.

The provision which is proposed for deletion was enacted by the City Council on September 16, 2013. Prior to this amendment, the maximum allowable building heights in the downtown were 50 feet in the Central Business A (CBA) district and 60 feet in the Central Business B (CBB) district.

To date there has been only one application for a Conditional Use Permit under the provision adopted in September. This was for the proposed project at 173-175 Market Street, which had been under review by the Historic District Commission for many months.

The Planning Board held a public hearing on the proposed Zoning Ordinance amendment on February 20, 2014. As a result of that hearing the Planning Board voted 7-2 to recommend that the Conditional Use Permit be retained but that the criteria for approval be modified to require that a proposed development address a total of four elements, two relating to building design and two relating to site planning. The proposed revisions are set forth on the attached page.



## Recommended Amendment to the Zoning Ordinance, Section 10.535.13

Voted by the Planning Board – February 20, 2014

### 10.535.13 Increased Building Height by Conditional Use Permit

Within the CBA and CBB districts, the Historic District Commission 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 both the following conditions are met for the building and site design:

(a) The proposed building design positively contributes to the surrounding context and the overall historic character of the district and includes at least 2 of the following elements:

- 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 storefront windows along the façade elevation;
- Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint(s) and building volume(s), varied building heights, pitched roof forms, projections, banding, and other massing techniques;
- A significant restoration or reconstruction of a “focal” or “contributing” building; or
- Underground or structured parking (except within 24 feet of a public street on the street-level floor) in lieu of surface parking.

(b) The proposed site plan includes at least 2 of the following elements:

- New publicly accessible open space area such as a greenway, pedestrian alleys, plazas, pocket parks, playgrounds or other significant public open space areas;
- A significant contribution to the redesign or improvement of an existing public open space located on a surrounding property;
- Permanent protection of a significant view corridor to a historic building or riverfront area; or
- A significant contribution to the restoration of an existing public historic resource located on a surrounding property.

---

Note: Underlined words are new additions to the ordinance.





Form-Based Zoning Project:  
Potential Expanded Study Areas

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: Economic Development Commission Renewing applicant

Name: Dana S. Levenson Telephone: 603/431-8261

Could you be contacted at work?  YES/ NO - If so, telephone # 603/498-9261

Street address: 6 Currier Cove, Portsmouth, NH 03801

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

Email address (for clerk's office communication): dstevenson@aol.com

How long have you been a resident of Portsmouth? 55 years

Occupational background:

Owner/Operator and President: Arden Apparel Group,  
a 35 store specialty apparel retail chain.  
1976 - 1996

TD Bank Director: 1993 to present

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

Reasons for wishing to continue serving: As a long time Portsmouth resident  
and former business owner, I am committed to insuring  
Portsmouth retains its leadership role as the cultural,  
economic, + historical center of our region. Preservation

and Progress are not mutually exclusive. I look forward  
to continuing to work with the EDC on  
parking solutions, bringing a conference center  
to Portsmouth, and promoting affordable housing  
and live/work space if appropriate.

6/27/2012

OVER



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

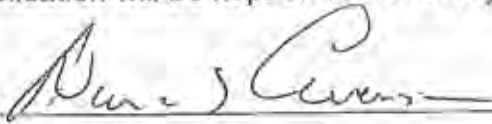
Temple Israel; Rabbi Search Committee co-chair  
Portsmouth Rotary  
Trustee; Portsmouth Trust Funds

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

- 1) Tim Allison 180 Grant Ave, Portsmouth 502-4450 (603)  
Name, address, telephone number
- 2) Bill Schefer South St, Portsmouth 828-8605 (603)  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 11/4/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2017  
Annual Number of Meetings: 10 Number of Meetings Absent: 0  
Date of Original Appointment: 10-2-2000

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



**Dana S. Levenson**  
6 Currier Cove  
Portsmouth, NH 03801  
603.431.8261  
[danaslevenson@gmail.com](mailto:danaslevenson@gmail.com)

---

**Interest** Retail management and consumer products distribution

**Experience** 1976-1996 Artisan Apparel Group Portsmouth, NH

**President**

- Responsible for performance of a 35 store apparel retail operation
- Actively engaged in all aspects of merchandising and administration
- Directed all marketing and advertising functions
- Successfully negotiated sale of company in October, 1996

**General Merchandise Manager**

- Responsible for selection of 10 buyers and merchandise planners
- Developed merchandise plans and budgets to achieve sales objectives
- Initiated successful private label programs to improve gross margins

**Operations Manager**

- Responsible for selection of all computer systems
- Developed employee handbook and human resource policies
- Upgraded capacity and productivity of distribution center

**Buyer**

- Developed and planned expansion into menswear
- Selected appropriate vendors to maximize performance.
- Responsible for pricing and allocation decisions.

2000-Present Portsmouth High School Boys Tennis Coach

- Responsible for team administration and team supervision.
- Two time state finalist, one time champion.

**Board Service** 1993-Present TD Bank and its predecessors. Cherry Hill, NJ

- Risk Committee Chair and Audit Committee member.
- Served on Independent Director Committee.

**Community Service**

Portsmouth Rotary Club Member

Chair of the Portsmouth Economic Development Commission

Volunteer Soccer and Basketball Coach

**Education** 1972-1976 Dartmouth College Hanover, NH

- B.S., Government and Economics major.
- Graduated Magna Cum Laude

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: Peirce Island Renewing applicant

Name: FRANCESCA MARCONI FERNANDEZ Telephone: 603 930 9700

Could you be contacted at work?  YES /  NO - If so, telephone # 429-2070

Street address: 1000 Maplewood Ave Portsmouth

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

Email address (for clerk's office communication): francesca177@comcast.net

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

Occupational background:

owner/operator Geno's Chowder & Sandwich Shop 25 yrs

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

Reasons for wishing to continue serving: just started getting my feet wet,  
Want to continue to keep the island going in the  
direction it's headed.

OVER  
➔



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

Italian American Heritage Association - Portsmouth

Friends of the South FWP - Past board member

\_\_\_\_\_

\_\_\_\_\_

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

1) Ruth Griffen, 479 Richard Ave, Portsmouth 436-5272  
Name, address, telephone number

2) Tracy R. Shattuck 2 Boyan, Portsmouth 436-0947  
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: Francesca Marconi Fenard Date: 1/6/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15

Annual Number of Meetings: 6 (2013) Number of Meetings Absent: 3

Date of Original Appointment: 10/22/2012

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Peirce Island **Renewing applicant**

Name: Christopher Hubbard Telephone: 603-738-3332

Could you be contacted at work?  YES/NO - If so, telephone # 978-936-4205

Street address: 139 D South Street

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

Email address (for clerk's office communication): chrishub@cisco.com

How long have you been a resident of Portsmouth? 6 years

Occupational background:

Supply chain management

Manufacturing logistics

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

Reasons for wishing to continue serving: Continue with progress

made thus far.

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

Friends of the South End

NH Food Bank

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

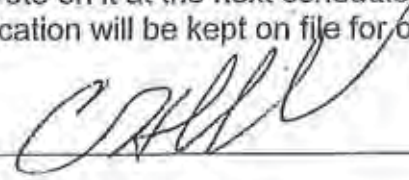
1) David Ronka, 21 South St. Portsmouth, NH 03801 603-501-0016  
Name, address, telephone number

2) Michael Lannon, 139 A South St., Portsmouth, NH 03801 603-373-0944  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: \_\_\_\_\_



Date: 12/20/13

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 12/31/15

Annual Number of Meetings: 6 Number of Meetings Absent: 2  
2013

Date of Original Appointment: 9/6/2011

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Peirce Island Renewing applicant

Name: LISA LOUITT IT Telephone: 501-0278

Could you be contacted at work? YES/NO - If so, telephone # \_\_\_\_\_

Street address: 113 3A BOW ST PORTSMOUTH NH 03801

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

Email address (for clerk's office communication): Lisaglecomcast.net

How long have you been a resident of Portsmouth? 2 years

Occupational background:

Real Estate Sales

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

Reasons for wishing to continue serving: \_\_\_\_\_

looking forward to new challenges with water treatment plant  
and improving facilities at park

OVER  
➔



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

CASA

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

1) Pat Bertrand 427-2413  
Name, address, telephone number

2) Suzanne Danforth 674-4026  
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: Wor. Louette Date: 12/30/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15

Annual Number of Meetings: 6 Number of Meetings Absent: 3  
2013

Date of Original Appointment: 2/9/13

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

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: PEIRCE ISLAND COM Renewing applicant

Name: STEVEN MARISON Telephone: 603-969-6446

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

Street address: 38 PICKERING ST.

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

Email address (for clerk's office communication): KURTIEKASH@COMCAST.NET

How long have you been a resident of Portsmouth? 35 YEARS

Occupational background:

CIVIL ENGR / ARCH DESIGNER

MASTER CARPENTER & ARBORIST

\_\_\_\_\_  
\_\_\_\_\_

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

Reasons for wishing to continue serving: WANT TO SEE

COMPLISCON OF WATSE WATER'S

SEWER UPGRADES

\_\_\_\_\_  
\_\_\_\_\_









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: Peirce Island Renewing applicant

Name: JOHN F McVAY Telephone: 603-430-9888

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

Street address: 42 Hunking St Portsmouth NH 03801

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

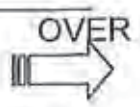
Email address (for clerk's office communication): McVAYJF@comcast.net

How long have you been a resident of Portsmouth? 13 years

Occupational background:  
31 years Travelers Ins Co Senior Vice President

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

Reasons for wishing to continue serving: Enjoy the work + Helping the City



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

Ducks Unlimited.


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

1) Bob Pollard  
Name, address, telephone number

2) Joe C  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 12/18/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15

Annual Number of Meetings: 6  
2013 Number of Meetings Absent: 2

Date of Original Appointment: 11/16/2009

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Peirce Island Renewing applicant

Name: Robert POLLARD Telephone: 373-9477

Could you be contacted at work? YES  NO  If so, telephone # \_\_\_\_\_

Street address: 294 Nancy St Portsmouth NH 03801

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

Email address (for clerk's office communication): Pol9515@comcast.net

How long have you been a resident of Portsmouth? 9 years

Occupational background:

Ins Agency Owner  
Real Estate comm & res

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

Reasons for wishing to continue serving: \_\_\_\_\_

I want to protect one of  
the city's best Assats which  
bring joy and vistsors to  
the city

OVER  
➔



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

UW H Marine Records  
Great Bay Instruction (Volunteer)  
\_\_\_\_\_  
\_\_\_\_\_

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

1) David Ewing 603-433-6278  
Name, address, telephone number

2) John M'Vay 603-430-9888  
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: Robert A. Collier Date: 12/30

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15

Annual Number of Meetings: 6 Number of Meetings Absent: 3  
<sub>2013</sub>

Date of Original Appointment: 7/20/2009

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

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Pierce Island **Renewing applicant**

502-0570 cell  
436-8895 home

Name: RICHARD A. SMITH Telephone: 436-8895

Could you be contacted at work?  YES  NO - If so, telephone # 436-8596 x102

Street address: 93 Hill St #1 Portsmouth NH

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

Email address (for clerk's office communication): RICHARD @ CUZIN RICHARD @ COM

How long have you been a resident of Portsmouth? 1976

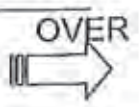
Occupational background:

1976- present Cuzin Richard Entertainment Associates

2010- present SWS Teacher Portsmouth, Exeter, Hampton  
Schools

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

Reasons for wishing to continue serving: I love Pierce Island & Portsmouth





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

SIERRA Club

NH Folk Festival

NH Jazz + Blues Festival

HARBOR ARTS museum

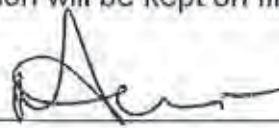
Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) BOB m... 327 Seagrave Ave Portsmouth NH 03801  
436-9222  
Name, address, telephone number

2) HAROLD Whitehouse Humphreys Ct Portsmouth NH 03801  
436-8485  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 12-17-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15  
Annual Number of Meetings: 6 Number of Meetings Absent: 1  
2013  
Date of Original Appointment: 1/22/2007

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



CITY OF PORTSMOUTH CONSIDERATION  
BOARDS AND COMMITTEES XI. B. 1.

APPOINTMENT APPLICATION

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

Committee: Peirce Island Committee **Renewing applicant**

Name: Marc Stettner Telephone: 605-431-2577

Could you be contacted at work?  YES/ NO - If so, telephone # 207-458-3989

Street address: 91 Fairview Ave

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

Email address (for clerk's office communication): PIFSCOP@mindspring.com

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

Occupational background:

Senior Naval Architect, Portsmouth Naval  
Shipyard

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

Reasons for wishing to continue serving: I care about preservation  
& maintaining Peirce Island for the residents  
and other visitors who wish to visit this  
Island.

OVER  
➔

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) MIKE RUSSO, 445 Shapleigh Rd Lebanon ME 04027 (207) 651-0987  
Name, address, telephone number
- 2) Kamila Zlotosch, Fairview Ave, Portsmouth (603) 373-0831  
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: *Marie Helme* Date: 11/26/2013

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15  
 Annual Number of Meetings: 6 Number of Meetings Absent: 2  
 Date of Original Appointment: 12/3/12

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

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: PEIRCE ISLAND COMMITTEE Renewing applicant

Name: HAROLD WHITEHOUSE Telephone: 436-8485

Could you be contacted at work? YES/NO - If so, telephone # (RETIRED) 436-8485

Street address: 50 HUMPHREY CT.

Mailing address (if different): (SAME)

Email address (for clerk's office communication): (NONE)

How long have you been a resident of Portsmouth? LIFE

Occupational background:

RETIRED PORTSMOUTH NAVAL SHIPYARD

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

Reasons for wishing to continue serving: TO CONTINUE OUR MISSION

WHICH IS TO ARTICULATE OUR VISION TO THE CITIZENS  
OF PORTSMOUTH AND TO THE CITY OFFICIALS, SUCH AS THE  
RECREATION BOARD, WHO ARE RESPONSIBLE FOR  
IMPLEMENTING PUBLIC POLICY - 5/11.

OVER  
➔



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

MANY (TOO NUMEROUS TO MENTION)

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

1) JOHN RUSSO - WALKER BUNGOCOW RD. 436-8290  
Name, address, telephone number PORTSMOUTH, N.H.

2) RICHARD SMITH P.O. BOX 4585 PORTSMOUTH, N.H. 436-8546  
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: Harold Whitehouse Date: 12/18/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/15

Annual Number of Meetings: 6 Number of Meetings Absent: 0  
2013

Date of Original Appointment: 3/3/2008

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

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

JAN 6 2014

Committee: TAXI

Renewing applicant

Name: PETER P BRESCIANO Telephone: 603 498 3122

Could you be contacted at work? YES/NO - If so, telephone # N/A

Street address: 101 O'LEARY PL PORTSMOUTH, NH

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

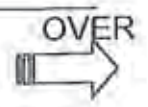
Email address (for clerk's office communication): PPBCHIEF@YAHOO.COM

How long have you been a resident of Portsmouth? 33 YEARS

Occupational background:  
USMC/USAF - 30 YEARS

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

Reasons for wishing to continue serving: CONTINUE TO SERVE  
OUR COMMUNITY.





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

PEASE NOISE COMMITTEE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


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

1) JOE WILKER 9 FAIRVIEW DR PORTSMOUTH 603 427 1380  
Name, address, telephone number

2) DIANE MCGEE 303 O'LEARY PL PORTSMOUTH 603 431 6667  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 1 JAN 2014

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 12-31-2015

Annual Number of Meetings: 9 Number of Meetings Absent: Ø  
2013

Date of Original Appointment: 2/23/1998

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Trustee of the Trust Funds Renewing applicant

Name: Dana S. Levenson Telephone: 603/498-9261

Could you be contacted at work?  YES/ NO - If so, telephone # 603/431-8261 or 498-9261

Street address: 6 Currier Cove, Portsmouth, N.H.

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

Email address (for clerk's office communication): dslevenson@aol.com

How long have you been a resident of Portsmouth? 55 years

Occupational background:

President - Artisan Apparel Group, a 35 store  
apparel retail specialty chain

Director - TD Bank, NA since 1996

PHS Tennis Coach - 2005 - 2012

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

Reasons for wishing to continue serving: \_\_\_\_\_

See attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

Portsmouth Rotary Club  
Dartmouth Club of The Seacoast  
Temple Israel Rabbi Search Committee Co-Chair  
EDC

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

- 1) Everett Eaton 155 Pinhurst Rd, Portsmouth 431-6205  
Name, address, telephone number
- 2) Shari Donnermeyer 113 Gosport Rd, Portsmouth 498-5788  
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: Diana [Signature] Date: 1/30/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 1-1-2017  
Annual Number of Meetings: 23 Number of Meetings Absent: 1  
Date of Original Appointment: 9/6/2011

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



January 30, 2014

**Reasons for wishing to continue serving:**

I very much value the opportunity to serve the Portsmouth community in a capacity that matches well with my interests and skill set. I have found during my first term as a Trustee of the Trust Funds that the role is not only more encompassing than I originally thought, but it is also much more complex and involved than I ever imagined.

I am comfortable with the role as a Trustee of the Trust Funds and the related fiduciary responsibility. The Trustees are currently in the process of reviewing RFP's from an array of investment managers to assess the best available talent to work with us going forward. I would like to continue to serve so that I can assist in finalizing our investment advisor selection. My prior work experience and current role as a Director at TD Bank has helped me develop a certain comfort and familiarity with investment managers, their role, performance metrics, and asset allocations.....all important to responsible management of the many endowed funds entrusted to the City.

During my first term, I have learned a great deal about the breadth of responsibility the Trustees are charged with relative to the operational management of Prescott Park, development of an annual budget, and managing the myriad of Park uses and requests. Of particular note is the annual oversight of the annual operating agreement with the Prescott Park Arts Festival. My hope is to continue my service as a Trustee to work toward having a successful Arts Festival while at the same time recognizing the needs and demands of the only waterfront public access park. I have come to appreciate the community jewel that is Prescott Park. I want to work with the Trustees and the City to insure the long term viability of the Park so that future generations may benefit from this wonderful community asset just as we do today.

Thank you for your consideration.

Dana S. Levenson  
603-498-9261





# 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: CITYWIDE NEIGHBORHOOD STEERING Initial applicant

Name: CLIFF LAZENBY Telephone: 603-978-4725

Could you be contacted at work?  YES  NO If so, telephone# ~~603-559-2295~~  
(BUT PREFER CELL #)

Street address: 303 MCKINLEY RD, PORTSMOUTH, NH 03801

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

Email address (for clerk's office communication): cliff.lazenby@gmail.com

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

Occupational background:

IT DIRECTOR AT OCEAN PROPERTIES (HOTEL INDUSTRY)  
WORKED IN IT FOR 15 YEARS; PRIOR TO THAT  
IN MUSIC INDUSTRY (MANAGER).

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

I HAVE ATTENDED NEIGHBORHOOD COMM. MTGS FOR  
3-4 YEARS, AS REPRESENTATIVE OF ELWYN PARK.  
I HAVE ALSO BEEN ACTIVE IN OTHER COMMITTEES IN  
PORTSMOUTH, AS WELL AS OTHER ENDEAVORS INVOLVING  
GRASSROOTS ORGANIZING. (POLITICAL, DONDERO PTA VP, ETC)





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 SEE A NEED FOR OUTREACH TO, AND PARTICIPATION WITH THE NEIGHBORHOODS, I HAVE SOME IDEAS ON HOW TO ENGAGE WITH THE NEIGHBORHOODS AND LIKE THE IDEA OF HELPING FACILITATE MORE INVOLVENT WITH CITY GOVERNMENT,

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

EXEC. COMMITTEE - WENTWORTH CHARITIES (ENTERTAINMENT CHAIR FOR ANNUAL GOLF TOURNNEY; RELATED TO CLEAN PROPERTIES) FORMERLY (NOT ACTIVE CURRENTLY); TECHNOLOGY ADVISORY COMM., PORTSMOUTH SCHOOLS; ELEMENTARY EDUCATIONAL FACILITIES COMM, V.P. DONORO PTA 2011-13

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

1) TOM FERRENI, TAFT RD, PORTSMOUTH 603-312-5882  
Name, address, telephone number

2) RANDY HOLT, FW HARTFORD DR, PORTSMOUTH 603-436-8899  
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: [Signature] Date: 2/6/14

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No PERHAPS, DEPENDS ON WHAT  
Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Conservation Commision Renewing applican

Name: Shelley Saunders Telephone: 603-812-3335

Could you be contacted at work? YES/NO - If so, telephone # \_\_\_\_\_

Street address: 15 Oak st Portsmouth, NH 03801

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

Email address (for clerk's office communication): Lyla.peach@comcast.net

How long have you been a resident of Portsmouth? 17 years

Occupational background:

Regional Sales Manager - Consumer good.  
15 months sitting as Alt #1 on conservation  
commission

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

Reasons for wishing to continue serving: I have loved sitting  
on the conservation commission for 15 months  
and now that Rich DiPietro would like  
to resign, I would like to take his  
seat and open up my Alt #1 seat

OVER  
➔



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) Brenna Cavanaugh 603-501-9920  
Name, address, telephone number

2) Shaine Murphy 603-475-3165  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 11-19-20

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: \_\_\_\_\_

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: COMMITTEE ON SUSTAINABLE PRACTICES Initial applicant

Name: JOSH DENON Telephone: (603) 553-1810

Could you be contacted at work? YES/NO If so, telephone # (603) 851-3594

Street address: 116 MIDDLE ST

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

Email address (for clerk's office communication): JOSHUADENON@HOTMAIL.COM

How long have you been a resident of Portsmouth? 4 + YEARS

Occupational background:

AFTER SERVING FOUR PLUS YEARS AS AN ARMY OFFICER, I  
WENT ON TO GET MY MPA AND THEN BECAME AN ATTORNEY.  
I AM NOW SERVING AS THE CONGRESSIONAL DISTRICT OUTREACH  
COORDINATOR WHERE I AM RESPONSIBLE FOR INTERACTING WITH  
NUMEROUS ORGANIZATIONS ON NUMEROUS ISSUE AREAS.

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

HAVING FOUGHT IN IRAQ, ENERGY INDEPENDENCE IS  
VERY IMPORTANT TO ME. ON THE LOCAL LEVEL, ONE  
OF THE BEST WAYS TO ACHIEVE ENERGY INDEPENDENCE  
IS TO PROMOTE SUSTAINABLE PRACTICES. I HAVE  
LEARNED OF MANY SUCH PRACTICES AT MY CURRENT JOB  
AND WOULD LIKE TO SEE THEM IMPLEMENTED.





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 ALWAYS BELIEVED IN PUBLIC SERVICE AND WANT TO SERVE THE COMMUNITY THAT I LOVE.

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

PORTSMOUTH DEMOCRATS

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

1) JOE PLAIN, 93 SPINNAKER WAY, (603) 498-0459  
Name, address, telephone number

2) JUSTIN NADBAU, 507 STATE ST, (603) 498-2324  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 11/25/13

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



## **Josh Denton**

116 Middle Street, Apartment 2, Portsmouth, NH 03801  
(603) 553 – 1810 ~ Joshuadenton@hotmail.com

---

### **EDUCATION**

**University of New Hampshire School of Law, Concord, NH**  
Juris Doctor, May 2012; GPA 3.11

**University of New Hampshire, Manchester, NH**  
Master of Public Administration, May 2009; GPA 3.66

**University of New Hampshire, Durham, NH**  
Bachelor of Arts, with a dual major in History and Political Science, May 2003; GPA 3.05

### **WORK EXPERIENCE**

**United States Congress, Manchester, NH**

Outreach Coordinator / Veterans Liaison, September 2013 – Present

- Managed the district office's participation with the military, veterans, disaster relief, transportation, energy, and housing
- Oversaw military academy nomination process

Veterans Liaison / Constituent Services, January – September 2013

- Coordinated the district office's involvement with the military and veterans
- Assisted constituents seeking relief with federal administrative agencies

**Office of the Strafford County Attorney, Dover, NH**

Rule 36 Student Attorney, January 2012 – April 2012

- As co-counsel at four jury trials did jury selections, an opening statement, three direct examinations and jury instructions
- Did a probable cause hearing, video and in-person arraignments, bail hearings and diversion agreements in District Court
- Presented indictments to a grand jury, did a restitution hearing, participated in sentencings, reviewed numerous cases and wrote numerous motions

**University of New Hampshire School of Law, Criminal Practice Clinic, Concord, NH**

Rule 36 Student Attorney, May – December 2011

- As co-counsel at two jury trials did jury selections, an opening statement, four cross-examinations, a motion to dismiss, jury instructions and a closing
- Did plea negotiations and plea and sentencings in both District and Superior Court and argued two capped pleas in Superior Court
- Conducted initial interviews with and advised clients

**Office of the Merrimack County Attorney, Concord, NH**

Intern, May - August 2010

- Wrote numerous indictments, informations, plea letters and motions
- Attended multiple hearings and trials

## **United States Army**

**Captain, Combat Advisor, Baghdad, Iraq 2006 - 2007**

- Advised Iraqi intelligence officer and his fully combat operational eight hundred-man mechanized Iraqi infantry battalion
- Established effective intelligence driven counter insurgency operations, Improvised Explosive Device predictive analysis and detainee tactical questioning
- Awarded Bronze Star Award and Combat Action Badge

**First Lieutenant, Executive Officer, Fort Bragg, NC, 2005 - 2006**

- Second in command of an eighty-person airborne artillery battery
- Administered human resource management, developed long-term training schedules and supervised a multimillion-dollar budget

**Second Lieutenant, Platoon Leader, Fort Bragg, NC, 2003 - 2005**

- Led twenty-four noncommissioned officers and enlisted soldiers
- First Platoon Leader in Battalion to certify a High Mobility Artillery Rocket System (HIMARS) Platoon

## **OTHER EXPERIENCE**

**Portsmouth City Council Election, Portsmouth, NH**

**Candidate, May - November 2013**

- Became educated on issues, knocked on almost two thousand doors, authored numerous letters to the editor, and made arguments at public forums
- Developed a strategy, raised funds and executed the campaign plan

**"Welcome Home" End of the Iraq War Parade Steering Committee, Portsmouth, NH**

**President, March - June 2012**

- Organized New England's first such parade that featured over three hundred participants including the Governor, Gold Star Families, dozens of veterans organizations and three bands
- Organized a Jobs and Service Fair for returning veterans that coincided with the parade



Wednesday, February 26, 2014

To the City Council,

I have asked that the following item be placed on the Monday, March 3rd City Council Agenda:

**Alternatives To Repealing The Conditional Use Permit.**

The Planning Board has weighed in on this issue, and groups have held discussions. There have been a number of letters that we have read, but we haven't as a Council re-visited the topic since we passed 1st reading by a 5 to 4 vote a month ago on repealing the Conditional Use Permit under Section 10.535.13.

I just wanted to offer a couple of observations myself, and a Council meeting seemed to be an appropriate time for that.

In just a couple of weeks, we're holding a public hearing -- a good idea, I think, because the hearing process is democracy at its best. Like many people, I'm struggling with the "big picture" issue of how to most properly address the challenge of encouraging smart and balanced growth in our community with the overriding need to make sure that we don't lose what has made Portsmouth unique and historic throughout our history.

The question of how big, how tall, how "full" our community should become is important for our future -- both short and long term. And every decision about zoning, building heights and density, construction materials and design, and locations for development affect that future.

At the public hearing to be held at the Monday, March 17th meeting, we will hear from citizens about whether they favor or oppose repeal of the Conditional Use Permit, OR may have other suggestions and approaches.

Leading to that hearing -- and realizing that there are 14 days between our March 3rd and March 17th meetings -- I'm hopeful that instead of just two conflicting, confrontational viewpoints of "up" or "down" on the 2nd reading motion, that we will receive input, and share among ourselves, alternatives and options to repeal.

Between now and March 17th, I think we need to open the discussion to more than just repeal, or not, more than just "yes," or "no." We shouldn't wait until that night to consider our choices. I don't pretend to have an answer, but I'd like to do more searching.

We should be thinking about achieving two goals: limiting excessively large and tall buildings, while growing Portsmouth with prosperous development that "fits" Portsmouth's historic ambience. Perhaps we can do both.

Thank You,

*Jim Splaine*  
City Councilor



Wednesday, February 26, 2014

To the City Council,

I have asked that the **Portsmouth Transgender Anti-Discrimination Policy Resolution** be placed on the City Council Agenda for Monday, March 3rd.

The Resolution I am proposing, included in this agenda packet, is similar to what I originally wrote as I first suggested it a month ago.

**The intent is twofold:**

- (1) To ask the City Manager to develop a policy of non-discrimination for transgender municipal employees;**
- (2) To express support for statewide anti-discrimination protections for transgender individuals.**

Based on discussion at the previous Council meeting, this Resolution has reference to a generally-accepted definition of transgender individuals, as well as a mention of the Portsmouth School Board policy.

I believe there is nothing, absolutely nothing more important than the way we treat one another, and we should always seek to put a welcome mat in front of the City of the Open Door.

It is also my feeling that discrimination exists whenever and wherever discrimination is not actively opposed, and discrimination that isn't opposed is discrimination that does indeed exist.

It is important for us to make a clear statement of support and acceptance for all of our residents and those who visit our good community. By adopting this Resolution, we make that commitment.

Thank You,

***Jim Splaine***  
City Councilor

**THE CITY OF PORTSMOUTH  
TWO THOUSAND THIRTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # \_\_\_\_\_**

**A RESOLUTION DIRECTING THE CITY MANAGER TO ADOPT A POLICY  
OF NON-DISCRIMINATION REGARDING TRANSGENDER MUNICIPAL  
EMPLOYEES AND SUPPORTING STATEWIDE ANTI-DISCRIMINATION  
PROTECTIONS FOR TRANSGENDER INDIVIDUALS.**

**WHEREAS,**

Transgender<sup>1</sup> individuals are valuable members of the Portsmouth community and contribute to the strength and success of our city.

Many transgender individuals do not have full and equal opportunities to achieve their potential and contribute to their communities given the extraordinary discrimination, harassment, and violence that they face in areas such as employment, housing, and public accommodations.

47% of transgender people report having been fired, not hired, or denied a promotion because of being transgender. 90% of transgender people report having experienced harassment, mistreatment, or discrimination in a job. As a result, they are twice more likely than the national rate to be unemployed and four times more like to earn less than \$10,000 a year.

53% of transgender people report having been verbally harassed or disrespected in a place of public accommodation, such as a restaurant, bank, or store.

17 states (California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Massachusetts, Maine, Minnesota, New Jersey, New Mexico, Nevada, Oregon, Rhode Island, Vermont and Washington), the District of Columbia, the federal government, and close to 200 municipalities across the country have adopted anti-discrimination protections for transgender individuals.

While New Hampshire has statewide protections against discrimination based upon age, sex, sexual orientation, race, creed, color, marital status, familial status, physical or mental disability or national origin in the areas of employment, housing, and public accommodations, it

---

<sup>1</sup> A person who is transgender is someone whose gender identity and/or expression differs from the sex they were assigned at birth. Gender identity is one's internal, personal sense of their gender. For a transgender person, one's assigned sex at birth is typically different than one's gender identity. Gender expression is the external manifestation of one's gender identity, usually expressed through "masculine," "feminine," or other gendered behavior, appearance, or other characteristics. It could include one's clothing, hair style, and voice. Typically, transgender people seek to make their gender expression match their gender identity, rather than their birth-assigned sex.



does not have similar prohibitions against discrimination against transgender individuals. New Hampshire is the last state in New England not to have adopted these protections.

The Portsmouth School Department has adopted policies to prevent discrimination against transgender students.

Portsmouth has a long tradition and reputation of being a welcoming and accepting community that supports all of its citizens to live their lives free of discrimination and harassment, including transgender citizens.

**THEREFORE, BE IT RESOLVED:**

"THAT the City of Portsmouth asks the City Manager to adopt a formal policy of non-discrimination regarding transgender municipal employees by forbidding discrimination based upon a person's gender identity and/or expression and communicating that policy to its employees and within its employee policies and manuals."

"THAT the City of Portsmouth supports enactment of statewide anti-discrimination protections and equal treatment, respect, and dignity for transgender individuals in the areas of employment, housing, and public accommodations."

"FURTHER, THAT the City of Portsmouth expresses acceptance of the great diversity of the people of our community, or state, our nation, and our world, realizing that all humans have the right to live with respect, and in dignity and peace."

**It also be provided that:**

A copy of this Resolution be sent to the Governor of the State of New Hampshire, the Speaker of the New Hampshire House of Representatives, and the President of the New Hampshire State Senate.

APPROVED:

\_\_\_\_\_  
ROBERT LISTER, MAYOR

ADOPTED BY THE CITY COUNCIL:  
[DATE]

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



**ACTION SHEET**  
**PARKING and TRAFFIC SAFETY COMMITTEE**

Councilor Brad Lown, Chairman

To: City Council Meeting of March 3, 2014

Re: Parking and Traffic Safety Committee Meeting held **February 13, 2014**

---

**ACTIONS:**

- [1] **Election of Chair and Vice Chair** – **VOTED** to elect Council Representative Brad Lown as Chairman and member Ted Gray as Vice Chairman.
- [2] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held December 12, 2013.
- [3] Accepted and placed on file the Financial Report.
- [4] **Action Item – Citizen request for a solution to dangerous parking situation near 381 Middle Street** – **VOTED** to refer to the Public Works Department to evaluate and determine if a handicap space is appropriate in that area and also to review the situation of the parking spaces/loading zone area near the Woman’s Club and report back.
- [5] **Discussion Item – Status on Hanover Street (vicinity Rock Street) changes** – Update given by Parking Division Director Nelson. **No action required.**
- [6] **Discussion Item – Status on pedestrian-activated crosswalk sign acquisition**– Update given by Parking Division Director Nelson. **No action required.**
- [7] **Action Item – Not on Agenda) Old Business – ordinance change to add 2 non-voting alternate members to Parking and Traffic Safety Committee**- Per the request of Mr. Whitehouse to follow up on action taken at November 14, 2013 meeting, committee revisited the action. **VOTED** to amend the original motion by adding 1 voting alternate member to the committee and ask the legal department to **draft an ordinance** accordingly.
- [8] **Informational Item – Gosling Road/PSNH Truck Management Plan Annual Report** – Report placed on file, **no action required.**
- [9] **Informational Items – Complete Streets Award and Grant and Bike Corrals – The Concept and Sighting Criteria** – Transportation Planner Walker updated the Committee with a brief slide show presentation. **No action required.**

**MINUTES**  
**PARKING AND TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – Thursday, February 13, 2014  
City Hall – Eileen Dondero Foley Council Chambers

---

I. CALL TO ORDER:

Chairman Pro Tem Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

**Members Present:**

Councilor Brad Lown  
John Bohenko, City Manager  
James Heinz, Deputy Fire Chief  
Frank Warchol, Police Captain  
Peter Rice, Public Works Director  
Ronald Cypher, Member  
Ted Gray, Member  
Harold Whitehouse, Member

**Members Absent:**

Shari Donnermeyer, Member

**Staff Advisors Present:**

Mark Nelson, Parking Division Director  
Tom Cocchiaro, Parking Operations Manager  
Juliet Walker, Transportation Planner

III. ELECTION OF CHAIR AND VICE-CHAIR

**Mr. Whitehouse moved to nominate and elect Council Representative Lown as the Chair of the Parking and Traffic Safety Committee. Seconded by City Manager Bohenko and voted unanimously.**

**Public Works Director Rice moved to nominate and election current Vice Chair Ted Gray to continue as Vice Chair. Seconded by City Manager Bohenko and voted unanimously.**

IV. ACCEPTANCE OF THE MINUTES:

**Mr. Gray moved to accept the minutes of December 12, 2013, seconded by Public Works Director Rice. Motion passed.**

V. FINANCIAL REPORT:

**Mr. Whitehouse moved to accept the Financial Report and place on file, seconded by Mr. Cypher. Motion passed.**

## VI. NEW BUSINESS:

- A. Action Item: Citizen request for solution to dangerous parking situation near 381 Middle Street

Parking Division Director Nelson stated a site walk was held to view the situation and there is a reason for concern. He continued that there are no stand-off requirements in the ordinance regarding parking near driveways as there is for intersections. He stated that if there was that requirement for driveways, then it would take away a lot of parking spaces. He concluded that there will be major work being done on Middle Street in the future which may help slow things down on the road.

Public Works Director Rice stated that there is a Safe Routes to School grant being pursued by Juliet Walker and Dave Desfosses which will include requirements for reduced speed in that area. He stated we should allow the process to continue and revisit the situation after the project is completed.

Chairman Lown stated he talked with the property owner on-site and agrees that it is a dangerous situation.

City Manager Bohenko asked if there are handicapped parking spaces in that area of the street or if there is a need for any. Public Works Director Rice stated not presently, but there are businesses in the area that may warrant handicap spaces. City Manager Bohenko suggested looking into that possibility in the future.

**Public Works Director Rice moved to refer to the Public Works Department to evaluate and determine if a handicap space is appropriate in that area, seconded by Mr. Gray.**

Chairman Lown stated that there are 2 signs prohibiting parking in front of the Woman's Club walkway and other abutters wonder why they can do that and not themselves.

Public Works Director Rice explained that those signs have been investigated and there is some historic agreement with the Woman's Club that needs further investigation. He stated he will review that as well and deem if it is appropriate to remove those signs.

Mr. Gray stated that there used to be a loading zone there but does not feel there is a formal agreement.

**Restated motion: refer to the Public Works Department to evaluate and determine if a handicap space is appropriate in that area and also to review the situation of the parking spaces/loading zone area near the Woman's Club and report back.**

**Motion passed.**



## VII. OLD BUSINESS:

### A. Discussion Item – Status on Hanover Street (vicinity Rock St) changes

Parking Division Director Nelson explained that the flyers have been distributed, signs are being installed, as well as directions to the Rock Street Lot.

Chairman Lown asked how the new lot is working out. Parking Division Director Nelson stated that it is at least half full on business days, but is unsure of the weekends. He stated it will pick up during snow storms.

Public Works Director Rice stated is well used during snow storms as well.

Mr. Whitehouse stated that this area will need to be monitored carefully as this is the only street in Portsmouth that will have a one-way section as well as a two-way section.

### B. Discussion Item - Status on pedestrian-activated crosswalk acquisition

Parking Division Director Nelson stated that the first pedestrian-activated crosswalk will be installed on Lafayette Road near Willard Avenue.

### C. Action Item – (*Not on agenda*) – follow up of 11/14/2013 Action Item – add 2 non voting alternate members to Parking and Traffic Safety Committee

Mr. Whitehouse stated that at the November 14, 2013 Parking and Traffic Safety Committee meeting a motion was made and voted as follows:

***“VOTED to authorize the Chairman of the Parking and Traffic Safety Committee, in the minutes presented to the City Council for approval, request an amendment to the membership of the Parking and Traffic Safety Committee with the addition of 2 alternative (non-voting) members from the public.”***

He stated that nothing has been done to enact this change and wants it addressed.

City Manager Bohenko explained that there was not enough meetings left in 2013 for the City Council to have passed an ordinance which requires 3 readings, and therefore, it needed to be brought before the current Council.

Discussion ensued regarding if there was a need of adding alternate members and whether they should be voting members.

Mr. Whitehouse amended his original motion as follows:

**Move to authorize the Chairman of the Parking and Traffic Safety Committee, in the minutes presented to the City Council for approval, request an amendment to the Parking and Traffic Safety Committee with the addition of 1 (one) alternate (voting) member of the public, seconded by Mr. Cypher. Motion passed.**

## **VIII. PUBLIC COMMENT:**

There were no speakers for Public Comment.

## **IX. INFORMATIONAL:**

- A. Gosling Road/PSNH Truck Management Plan Annual Report

Public Works Director Rice stated this was an informational item and will be placed on file.

- B. Complete Streets Award and Grant
- C. Bike Corrals – The Concept and Sighting Criteria

Transportation Planner Juliet Walker updated the Committee on the Complete Streets Award and Grant and Bike Corrals, concept and sighting criteria with a brief slide show presentation.

City Manager Bohenko stated that the pilot program on Bow Street with the Bike Corral was not successful because people didn't know what it was.

Transportation Planner Walker stated the same thing was true with the bike corral at the South Playground. She stated that there needs to be more education as to what they are and perhaps be more conveniently located as well. She stated they are looking for better locations as well as signage options etc. and will come back with these ideas.

Chairman Lown stated that Bow Street was not a good location because it was on an angle, but he feels that bicyclists know how the corrals are meant to be used. Public Works Director Rice stated that non-bicyclists view it as an infringement of space and feels that better signage would help it make sense to everyone.

Mr. Gray stated they should be installed near the areas where the "sharrows" are located.

Mr. Whitehouse stated that there needs to be a better emphasis on safety and for bicyclists to follow the rules of traveling with the flow of traffic, using reflectors, etc. Public Works Director Rice stated that the Safe Routes to School Grant has an outreach provision for safety training for adults and children.


Transportation Planner Walker stated that there will be workshops in the Spring.

## **X. ADJOURNMENT**

**Mr. Cypher moved to adjourn at 8:45 a.m. Seconded by Mr. Whitehouse and voted unanimously.**

## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department   
**SUBJECT:** Conservation Commission Minutes  
**DATE:** February 13, 2014


---

Please be advised that the approved minutes from the June 12, 2013 Conservation Commission meeting are now available on the City's website for your review.



## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department   
**SUBJECT:** Historic District Commission Minutes  
**DATE:** February 18, 2014

---

Please be advised that the approved minutes from the May 8, 2013 Historic District Commission meeting are now available on the City's website for your review.

## MEMORANDUM

---


**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department *lg*  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** February 18, 2014

---

Please be advised that the approved minutes from the May 22, 2013 Historic District Commission meeting are now available on the City's website for your review.

## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department   
**SUBJECT:** Historic District Commission Minutes  
**DATE:** February 18, 2014

---

Please be advised that the approved minutes from the June 5, 2013 Historic District Commission meeting are now available on the City's website for your review.



## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** February 18, 2014

---

Please be advised that the approved minutes from the June 12, 2013 Historic District Commission meeting are now available on the City's website for your review.

## MEMORANDUM

---

TO: John P. Bohenko, City Manager  
FROM: Liz Good, Planning Department *lg*  
SUBJECT: Historic District Commission Minutes  
DATE: February 19, 2014

---

Please be advised that the approved minutes from the June 19, 2013 Historic District Commission meeting are now available on the City's website for your review.

---

## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department  
**SUBJECT:** Planning Board Minutes  
**DATE:** February 24, 2014

---

Please be advised that the approved minutes from the following Planning Board meetings are now available on the City's website for your review:

July 18, 2013

August 15, 2013

September 12, 2013

September 19, 2013

October 10, 2013

Thank you.  
jms



---

## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department (JSH)  
**SUBJECT:** Site Review Technical Advisory Committee Minutes  
**DATE:** February 10, 2014

---

Please be advised that the approved minutes from the February 4, 2014 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.