

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, APRIL 21, 2014 TIME: 7:00 PM

## AGENDA

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

### PROCLAMATION

- 1. Earth Day – April 22, 2014

### PRESENTATION

- 1. Seacoast Science Center – Marine Mammal Rescue by Wendy Lull

- V. ACCEPTANCE OF MINUTES – JANUARY 13, 2014; JANUARY 21, 2014 AND FEBRUARY 3, 2014

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. BORROWING RESOLUTION IN AN AMOUNT OF UP TO FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE NEW FRANKLIN SCHOOL BOILER REPLACEMENT AND OTHER IDENTIFIED ENERGY CONSERVATION MEASURES

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendment to Chapter 7, Article I, Section 7.103 – Parking and Traffic Safety Committee by the addition of one (1) alternate Committee Member ***(Sample motion – move to pass first reading of the proposed Ordinance amendment, as presented, and schedule a public hearing and second reading at the May 5, 2014 City Council meeting)***
- B. Adoption of Proposed Borrowing Resolution Re: New Franklin School Energy Project. ***(Sample motion – move to adopt the attached borrowing Resolution in an amount of up to Four Hundred Thousand Dollars (\$400,000.00) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures, as presented) Please Note: requires a two-thirds vote for passage.***

- C. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps referenced in Section 10.5A14.10 of Article 5A  
**(Sample Motions:**  
**1) Move to suspend the rules to allow for amendments to the proposed ordinance;**  
**2) The City Council has the option to adopt any of the 6 amendments in the City Manager’s comments on a case by case basis which requires separate motions:**  
**3) Move to pass third and final reading of the proposed Ordinance, as amended)**
- D. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning  
**(Sample motion – move to pass third and final reading of the proposed ordinance, as presented)**

**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 on Spinney Road set in conjunction with the Sanderson Field Subdivision **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**
- B. Request for Approval of Pole License to install 1 pole and 90 feet of underground conduit on Vaughan Street and 330 feet of underground conduit on Green 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)**
- C. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce requesting permission to use property owned by the City located behind Portsmouth High School for an athletic event for the Portsmouth Challenge on Saturday, June 7, 2014 from 9:00 a.m. – Noon **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the Annual Portsmouth Maritime Folk Festival on Saturday, September 27, 2014 and Sunday, September 28, 2014 and further the closure of 3 parking spaces immediately in front of the RiRa Pub and Breaking New Grounds from 12:00 a.m. until 6:00 p.m. on September 28, 2014 **(Anticipated action – move to refer to the City Manager with power)**

- E. Letter from Josh Pierce, Seacoast Area Bicycle Routes, requesting permission to allow SABR to host a commuter breakfast from 7:00 a.m. – 10:00 a.m. on Friday, May 16, 2014 at Popovers in Market Square and further request that the City Council recognize May 16<sup>th</sup> as Bike/Walk to Work Day in Portsmouth (**Anticipated action – move to refer to the City Manager with power**)
- F. 2014 Second Omnibus Sidewalk Obstruction Renewals (**Anticipated action – move to refer to the City Manager with power**)

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

*(There are no items under this section of the agenda this evening)*

**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 Resolutions and Ordinances:
  - 1.1. First Reading for Proposed Amendment to Chapter 7, Article I of the Ordinances Re: Parking and Traffic Safety Committee (**Action on this matter should take place under Section VIII of the Agenda**)
- 2. Public Hearing and Adoption of Proposed Resolution:
  - 2.1 Public Hearing and Adoption of Proposed Borrowing Resolution of up to Four Hundred Thousand Dollars (\$400,000.00) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures (**Action on this item should take place under Section VIII of the Agenda**)
- 3. Third and Final Reading of Proposed Resolutions and Ordinances:
  - 3.1. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps reference in Section 10.5A14.10 of Article 5A (**Action on this item should take place under Section VIII of the Agenda**)
  - 3.2 Third and Final 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**)

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

1. Interim Senior Programming Space
2. Proposed Additional Areas to Implement Character-Based Zoning (Form-Based Zoning)
3. Involuntarily Merged Lots Re: 194 Wibird Street

### **Informational Items**

1. Presentation and Discussion with Cynthia Scarano, Executive Vice President of Pan Am Railways
2. Reminder Re: FY15 Budget Schedule
3. Report Back Re: Various Proposed Zoning Ordinance Amendments
4. Update on Isles of Shoals Employee Parking Program
5. Strategic Marketing Plan for Downtown Parking Shuttle
6. Events Listing

### **B. MAYOR LISTER**

1. Appointments to be Voted:
  - Barbara McMillan reappointment to the Conservation Commission
  - Kimberly Meuse appointment to the Conservation Commission (Alternate)
  - Samuel "Wes" Tator appointment to the Sustainable Practices Blue Ribbon Committee
  - Lawrence Cataldo appointment to the Taxi Commission
  - Stephen Dunfey appointment to the Taxi Commission
2. Resignation – Nate Alger from the Sustainable Practices Blue Ribbon Committee

### **C. ASSISTANT MAYOR SPLAINE**

1. Creating A Fee Penalty Guideline for Violations of Land Use Board Approvals (*Postponed from the April 7<sup>th</sup> City Council meeting*)
2. Status of Abandoned or Derelict Buildings (*Postponed from the April 7<sup>th</sup> City Council meeting*)

### **D. COUNCILOR KENNEDY**

1. \*Transportation Center (*Postponed from the April 7<sup>th</sup> City Council meeting*)
2. \*Establish Transportation Committee (Discussion Purposes Only) (*Postponed from the April 7<sup>th</sup> City Council meeting*)

### **E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Minutes of the March 13, 2014 meeting (***Sample motion – move to approve and accept the minutes of the March 13, 2014 Parking & Traffic Safety Committee meeting***) (*Postponed from the April 7<sup>th</sup> City Council meeting*)

## **F. COUNCILOR MORGAN**

1. \*Master Plan – Update of our Master Plan’s Implementation Plan section, in anticipation of the 2015 Master Plan Review (**Sample motion – move to request the City Manager to coordinate with staff the update of the Implementation Plan in our current Master Plan, to be made available to the public and City Council by end of May 2014**) (Postponed from the April 7<sup>th</sup> City Council meeting)
2. \*Portwalk – Request for Work Session to review:
  - a) enforcement
  - b) penalties
  - c) process and path forward: how we got here and what is the plan/process to prevent this from happening again  
(Postponed from the April 7<sup>th</sup> City Council meeting)
3. \*Civility by City Officials (Postponed from the April 7<sup>th</sup> City Council meeting)

## **G. COUNCILOR SPEAR**

1. \*Metering of Parrott Avenue Parking Lot (**Sample Motion – move to refer to the Fee Committee for a Report Back**)

## **H. COUNCILOR THORSEN**

1. Legal Analysis regarding Financial Disclosures received from NHMA and suggested amendment language to Administrative Code (Postponed from the April 7<sup>th</sup> City Council meeting)
2. \*New Ordinance – Prohibit the establishment of commercial gambling operations within the City of Portsmouth (**Sample motion – move to request to bring back for first reading when written by the Legal Department**)

## **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 September 11, 2013 and October 9, 2013 meetings are available on the City’s website for your review
2. Notification that the Historic District Commission Minutes of the October 2, 2013 and October 9, 2013 meetings are available on the City’s website for your review


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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** April 17, 2014

**To:** Honorable Mayor Robert J. Lister and City Council Members

**From:** John P. Bohenko, City Manager 

**Re:** City Manager's Comments on April 21, 2014 City Council Agenda

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***Presentation:***

1. **Presentation by Wendy Lull of the Seacoast Science Center.** Wendy Lull, President of the Seacoast Science Center, will make a presentation about the Marine Mammal Stranding Network. The purpose of the presentation is to introduce the Seacoast Science Center's new response effort to the City. Wendy will be presenting an overview of what the new rescue response team does which includes: staffing a 24/7 hotline, providing response to calls about marine mammals, and conducting triage on marine mammals. In addition, a request is being made to install two signs in the City. City staff has discussed locations for signs in the City with Wendy Lull and with the Peirce Island Committee. Two locations have been proposed; one sign would go on the building at the Peirce Island Boat Ramp and one sign would be mounted at the end of the Little Harbor Road right-of-way past the gate down near the water's edge. The Seacoast Science Center is hoping to build good relationships and seek to create open lines of communication with local municipalities regarding this work.

*I recommend the City Council move to authorize the City Manager to work with the Seacoast Science Center to install a sign on Peirce Island and a sign at the end of Little Harbor Road.*

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

1. **First Reading of Proposed Resolutions and Ordinances.**
  - 1.1 **First Reading for Proposed Amendment to Chapter 7, Article I of the Ordinances Re: Parking and Traffic Safety Committee.** As a result of the April 7<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the [attached proposed Ordinance amending Chapter 7, Article I, Section 7.103 Parking and Traffic Safety Committee.](#)

As you are aware, the Parking and Traffic Safety Committee recommended this proposed Ordinance amendment in their minutes of February 13, 2014, which the City Council accepted at their meeting of March 3, 2014. This amendment to the Ordinance adds one (1) alternate Committee Member appointed by the Mayor and City Council.

*I would recommend the City Council move to pass first reading of the proposed Ordinance amendment, as presented, and schedule a public hearing and second reading at the May 5, 2014 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.*

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

- 2.1 **Public Hearing and Adoption of Proposed Borrowing Resolution of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures.** As a result of the April 7th City Council meeting, I am bringing back for public hearing and adoption the [attached proposed Resolution](#) authorizing the borrowing of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures. [Attached is a letter from Superintendent of Schools Edward McDonough](#) requesting approval for the borrowing of up to \$400,000 for the New Franklin School Energy Project. Please note that this project has been approved by the School Board. Business Administrator Stephen Bartlett will make a short presentation, regarding this matter.

*I recommend that the City Council move to adopt the attached borrowing Resolution in an amount of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures, as presented. (Resolutions require two-thirds vote for passage.) Action on this item should take place under Section VIII of the Agenda.*

3. **Third and Final Reading of Proposed Resolutions and Ordinances.**

- 3.1 **Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps Referenced in Section 10:5A14.10 of Article 5A.** At the March 17th City Council meeting, the Council held a public hearing and second reading on a 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. These new standards are designed to promote new developments that are more consistent with the downtown’s historic character than has resulted under the existing zoning regulations.

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 that fit in well with the surrounding context. The goal of this effort is to ensure that redevelopment and infill projects respect and reinforce the historic character of the downtown.

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 18th meeting, the Council voted to postpone the ordinance until January 2014, in order to provide for additional review and input.

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 City Council held a first reading on the proposed Character-Based Zoning on March 3, 2014, and a public hearing and second reading on March 17, 2014. At the second reading, it was recommended that Sections 10.5A21.21 and 10.5A21.22 of the proposed Ordinance be amended to clarify the intent, and the Planning Department has drafted these amendments as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded** and underlined; remaining language unchanged from existing):

*(1) Amend Section 10.5A21.21 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 **and no less than the designated minimum number of stories.**

(2) Amend Section 10.5A21.22 as follows:

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 require 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.~~

**(b) For designated properties along the waterfront, buildings shall occupy no more than 50% of the frontage of the lot, and shall have a wood-sided appearance.**

(c) Special uses apply to ~~some~~ **designated** properties along the waterfront area.

At the City Council meeting on April 7, 2014, several Councilors indicated that they would like to propose additional amendments to the proposed Character-Based Zoning Ordinance. In order to allow for drafting and review of such amendments by the Legal and Planning Departments, the Council voted to postpone Third Reading on the Ordinance to the April 21st City Council meeting. Subsequently, proposed amendments were submitted by Councilors Thorsen and Morgan, and City staff have drafted appropriate motions to implement these amendments. Councilor Thorsen's proposed amendments are as follows:

(3) Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots on Congress Street between the east side of Fleet Street and the west side of High Street / Church Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories (short 4th) / 50' [orange].

(4) Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots at the northwest

and southwest corners of Congress Street and Fleet Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories / 45' [green].

- (5) Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the double asterisk note as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded** and underlined; remaining language unchanged from existing):

~~\*\* In instances of consolidation of two or more lots that cause the new lot to fall within~~ **When a lot is assigned to** more than one building Height Requirement **Area**, the lot shall be permitted to **may** use **the assigned height requirements as shown on the map or may use the higher lower** height requirement **for all portions of the lot, except that a through lot shall be required to meet the assigned building height requirements on each street frontage.**

[Attached](#) is an exhibit showing the intent of the map changes described in Councilor Thorsen’s amendments (3) and (4).

Councilor Morgan’s proposed amendment is as follows:

- (6) Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the double asterisk note as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded** and underlined; remaining language unchanged from existing):

~~\*\* In instances of consolidation of two or more lots that cause the new lot to fall within more than one building height requirement, the lot shall be permitted to use the higher~~ **lower** height requirement.

Councilor Morgan’s proposed amendment is similar to Councilor Thorsen’s third amendment, without the last phrase. Therefore, if Councilor Thorsen’s proposed amendment (5) above is adopted, the Council will not need to act on Councilor Morgan’s proposal.

In order to make any of the above amendments the City Council needs to suspend the rules to allow amendments to be made at third reading. There should be a single action to suspend the rules, requiring a two-thirds vote. After the suspension of rules, each of the proposed amendments should be voted on individually.

The revised proposed ordinance as passed at second reading on March 17, 2014 (but not including any of the aforementioned proposed amendments) is [attached](#) (dated April 7, 2014).

Action required by the City Council:

- 1) Suspend the rules to allow for amendments to the proposed ordinance;
- 2) The City Council has the option to adopt any of the 6 amendments in the City Manager's comments on a case by case basis which requires separate motions:

- (1) Amend Section 10.5A21.21 as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded** and underlined; remaining language unchanged from existing):

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 **and no less than the designated minimum number of stories.**

- (2) Amend Section 10.5A21.22 as follows:

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 require 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.~~

- (b) For designated properties along the waterfront, buildings shall occupy no more than 50% of the frontage of the lot, and shall have a wood-sided appearance.**

- (c) Special uses apply to some designated properties along the waterfront area.**

- (3) Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots on Congress

*Street between the east side of Fleet Street and the west side of High Street / Church Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories (short 4th) / 50' [orange].*

- (4) *Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots at the northwest and southwest corners of Congress Street and Fleet Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories / 45' [green].*
- (5) *Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the double asterisk note as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded** and underlined; remaining language unchanged from existing):*

~~\*\* In instances of consolidation of two or more lots that cause the new lot to fall within~~ **When a lot is assigned to** more than one building Height Requirement **Area**, the lot shall be permitted to **may** use **the assigned height requirements as shown on the map or may use the** ~~higher~~ **lower** height requirement **for all portions of the lot, except that a through lot shall be required to meet the assigned building height requirements on each street frontage.**

- (6) *Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the double asterisk note as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded** and underlined; remaining language unchanged from existing):*

\*\* In instances of consolidation of two or more lots that cause the new lot to fall within more than one building height requirement, the lot shall be permitted to use the ~~higher~~ **lower** height requirement.

*[NOTE: Amendment (6) should not be acted on if amendment (5) is adopted.]*

- 3) *Move to pass third and final reading of the proposed Ordinance, as amended.*

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

3.2 **Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments.** At its meeting on March 17<sup>th</sup>, the City Council held a public hearing and second reading passed on 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.

*I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this item should take place under Section VIII of the Agenda.*

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

1. **Interim Senior Programming Space.** On March 17, 2014 the City Council voted to authorize the City Manager to enter into negotiations with the Mark Wentworth Home and/or the Foundation for Seacoast Health for an interim senior programming space at the Community Campus, 100 Campus Drive. This action was in follow-up to a recommendation from the Senior Subcommittee of the Recreation Board to move forward with the interim space as recommended by the Blue Ribbon Senior Committee Report.

Since that time, City staff has worked with representatives from both the Mark Wentworth Home and the Foundation and have arrived at a [draft sub-lease agreement \(see attached\)](#). A summary of key sub-lease terms is below:

- The sub-lease will be between the City of Portsmouth and the Mark Wentworth Home.
- The Recreation Department/Senior Services will operate an interim senior programming space.
- The Mark Wentworth Home agrees to continue to pay rent for the space through the remainder of the lease term which runs through October 19, 2015. This includes utilities and maintenance service.
- The City will be a tenant of the Foundation for Seacoast Health and have access to the Campus amenities.

At present, we are still on track to proceed with a soft opening starting May 6 that offers a 3-day per week schedule followed by the grand opening in July with a 5-day per week schedule.

*I recommend the City Council move to authorize the City Manager to enter into an agreement with the Mark Wentworth Home and the Foundation for Seacoast Health for an interim senior programming space at the Community Campus.*

2. **Proposed Additional Areas to Implement Character-Based Zoning (Form-Based Zoning).** As requested by the City Council, staff considered 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 approximately \$100,000 including expenses.

It would be appropriate to embark on a planning study of these additional areas once Character-Based Zoning is enacted in the initial downtown study area. Therefore, I recommend that the City Council authorize the City Manager to expend \$50,000 from contingency and \$50,000 from the Urban Development Action Grant to implement Character-Based Zoning in the three areas identified on the [attached map](#).

*I recommend the City Council move to authorize the City Manager to expend \$50,000 from contingency and \$50,000 from the Urban Development Action Grant for the program.*

3. **Involuntarily Merged Lots Re: 194 Wibird Street.** [Attached is a memorandum from Rick Taintor, Planning Director](#), regarding a request from Brian Shannon for restoration of involuntarily merged lots at 194 Wibird Street under RSA 674:39-aa. Also [attached is a copy of the original letter from Attorney Christopher Mulligan](#), regarding this matter.

*Action on this matter is required.*

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

1. **Presentation and Discussion with Cynthia Scarano, Executive Vice President of Pan Am Railways.** At the April 7<sup>th</sup> City Council meeting, the City Council requested that I ask Cynthia Scarano, Executive Vice President of Pan Am Railways to attend the May 5, 2014 City Council meeting to discuss railroad issues in the City of Portsmouth.

I have been advised that the Newington Planning Board at their last meeting established a date of May 5, 2014 to discuss the Sea-3 Project, which conflicts with the Portsmouth City Council meeting. Cynthia Scarano needs to be at the meeting of May 5<sup>th</sup> in Newington but advised me she will be available for the May 19, 2014 City Council meeting.

2. **Reminder Re: FY15 Budget Schedule.** Just a reminder of the following key budget dates for the FY15 Budget:

- 1) On or about May 1<sup>st</sup>, I will have the FY15 Budget delivered to you.
- 2) Saturday, May 10<sup>th</sup> from 8:00 a.m. to 2:30 p.m., in the Levenson Room, at the Library – An “All Day” Work Session with Departments (e.g., Police, Fire, Schools and General Government). Agenda to follow.
- 3) Monday, May 12<sup>th</sup> at 7:00 p.m., City Council Chambers – Budget Public Hearing.
- 4) Wednesday, May 14<sup>th</sup> at 6:30 p.m., City Council Chambers – Review of Water/Sewer Budget.
- 5) Tuesday, May 27<sup>th</sup> at 6:30 p.m., City Council Chambers – An additional work session for the final budget review.
- 6) Monday, June 2<sup>nd</sup> at 7:00 p.m., City Council Chambers – Proposed Adoption of FY15 Budget.

The goal is to get the FY15 Budget adopted at your June 2<sup>nd</sup> meeting. Just a reminder that the City Council has until the end of June in accordance with the Charter to adopt the budget. If the City Council needs more time, other meetings can be scheduled, if deemed appropriate by the Mayor, keeping in mind that the budget needs to be adopted by June 30<sup>th</sup>.

3. **Report Back Re: Various Proposed Zoning Ordinance Amendments.** [Attached is a memorandum from Rick Taintor, Planning Director](#), regarding various proposed Zoning Ordinance amendments.
4. **Update on Isles of Shoals Employee Parking Program.** [Attached is a memorandum from Mark Nelson, Director of Parking & Transportation](#), regarding an update on the Isles of Shoals Employee Parking Program.
5. **Strategic Marketing Plan for Downtown Parking Shuttle.** [Attached is a memorandum from Juliet Walker, Transportation Planner](#), regarding a strategic marketing plan for a downtown parking shuttle.
6. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on April 7, 2014. In addition, this can be found on the City’s website.