

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 16, 2014 TIME: 7:00 PM

## AGENDA

- 6:00PM – AN ANTICIPATED “NON-MEETING’ WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

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

### PRESENTATIONS

1. Art-Speak Annual State of the Art Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy – Nancy Pearson

*(Sample motions – 1) move to adopt the attached Public Art Referral Policy, and, 2) move to authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015)*

2. Historic Cemeteries Update – David Moore

- V. ACCEPTANCE OF MINUTES – MARCH 17, 2014

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

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

- VIII. CONSENT AGENDA

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

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to the 2014 Bike MS NH Seacoast Escape on Saturday, August 23, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for Approval of Pole License to install 1 pole located on Court Street and Chestnut Street as part of the African Burial Ground Project ***(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. Request for Approval of Comcast License Agreement for Raines Avenue and Vaughn Street for underground conduit system as a part of the general upgrade of utilities associated with development in the area (***Anticipated action – move to authorize the City Manager to negotiate and execute a License Agreement to allow Comcast to place conduit for Raines Avenue and Vaughn Street as requested with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- D. Request for License from Rita Fabricatore, owner of Lady Pickwicks for property located at 56 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 Rita Fabricatore, owner of Lady Pickwicks for a projecting sign at property located at 56 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 Judith Lee, owner of Herringbones LLC for property located at 207 Market 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 Judith Lee, owner of Herringbones LLC for a projecting sign at property located at 207 Market 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***

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

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

**X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

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

1. Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger
2. Report Back from Planning Board Re: Proposed Zoning Amendments
3. Request to Dispose of Surplus Equipment and Vehicles

**Informational items**

1. Events Listing
2. Report Back Re: Design Review
3. City Council Work Session Re: Financial Disclosure
4. Adopt-a-Spot Volunteer Recognition
5. Worth Lot Paving Improvements
6. Parking Shuttle Statistics
7. Update of the Implementation Plan Section of the 2005 Master Plan

**B. MAYOR LISTER**

1. \*City Council Retreat

**C. ASSISTANT MAYOR SPLAINE**

1. \*North Cemetery Commemorative Event, Saturday, June 21<sup>st</sup>
2. "The Year-Round Budget Plan"
3. Worth Lot Improvement Suggestions
4. Financial Disclosure Memo

**D. COUNCILOR LOWN**

1. Medical Insurance Options

**E. COUNCILOR DWYER**

1. Update on African Burying Ground Memorial Park Construction (***Sample motion – move to authorize the City Manager to make available \$165,000.00 in Urban Development Action Grant (UDAG) Funds available as cash flow assistance for the completion of the African Burying Ground Memorial Park***)

- XI. MISCELLANEOUS/UNFINISHED BUSINESS
- XII. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

- 1. \*Notification that the minutes of the April 1, 2014 and April 29, 2014 Site Review Technical Advisory Committee meetings are now available on the City's website


*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:** June 10, 2014

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

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

**RE:** Art-Speak Annual State of the Art Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy

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At the June 16, 2014 City Council meeting under Presentations, Art-Speak will give its annual report on arts and culture in the City, request renewal of the Memorandum of Understanding (MOU) between the City and Art-Speak for the period July 1, 2014 through June 30, 2015 and request approval of a policy regarding public art requests.

State of the Art Report: Art-Speak's presentation will provide a summary of Portsmouth cultural community activity and address Art-Speak's work during the past year including efforts to satisfy the requirements outlined in the MOU such as:

- Assist the City in implementation of Cultural Plan for promotion appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- Convene an annual arts and cultural forum;
- Serve as an advisor to all departments of City government on arts and cultural issues;
- Perform a coordination function for local cultural organizations and advocate on their behalf at the local, state and national level;

Public Art Referral Policy: After the successful rollout of the American for the Arts organization Arts and Economic Prosperity Study last year, Art-Speak turned its focus to two major initiatives. The first is establishment of the new Piscataqua Arts and Cultural Alliance (PACA) and the second is two public art initiatives.

The new alliance is a formalized, member-driven arts and cultural association that will facilitate collaboration, coordination and communication among the Portsmouth's nonprofit arts, historical and cultural community. Art-Speak will elaborate on this exciting effort and provide a status update at Monday's presentation.

The public art initiatives are an effort to meet Art-Speak's charge of the promoting appreciation, awareness, and participation in the local cultural community. The first is development of a new Public Art Walk that will be described during the presentation. The other initiative was developed in the interest of streamlining and clarifying the process by which public art issues get addressed.

Working with the City's Legal Department, Art-Speak has proposed a simple policy which makes the process more streamlined and accessible for the public and which formalizes current practice and assures best practices in reviewing public art requests. I have attached a copy of the draft Policy Regarding Public Art for your review.

MOU Extension: In 2013/14 Art-Speak raised over \$5,000 through donations and other grants for the creation of the new Alliance. Art-Speak also continued implementation of the Cultural Plan and highlighted Portsmouth as a local and regional leader in advocating for the value of a strong cultural community in improving local quality of life and economic vitality. The efforts that Art-Speak has taken in the past year and the actions its plans to implement in the next fiscal will be key to promoting the cultural community through the newly established Alliance. Not only will the Piscataqua Arts and Cultural Alliance promote Portsmouth's creative economy on a broader scale than each organization can accomplish individually, but the membership and format and administrative function creates a sustainable revenue stream for Art-Speak to continue its mission. The FY 14/15 UDAG Budget includes \$15,000 for Art-Speak to continue the work outlined in the annual report.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a model for other communities. I have included a copy of the MOU extension for your information.

*I am requesting the following action regarding the aforementioned report:*

- 1) *The City Council adopt the attached Public Art Referral Policy, and,*
- 2) *Further, authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015.*



## CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2014 - \_\_\_\_\_

### POLICY REGARDING PUBLIC ART

**WHENEVER** from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to Art Speak for an advisory report.

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

Adopted by the Portsmouth City Council on \_\_\_\_\_, 2014.

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Kelli L. Barnaby, CMC/CNHMC  
City Clerk

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is by and between the City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth New Hampshire 03801 (hereinafter the City) and The City Cultural Commission d/b/a Art-Speak, a New Hampshire corporation with offices in City Hall at 1 Junkins Avenue, Portsmouth New Hampshire 03801.

This memorandum shall confirm that the Agreements between the City and Art-Speak which defines the relationship between the two entities shall be extended for one year and shall expire June 30, 2015. It is further understood that Art-Speak is a New Hampshire non-profit corporation; the City and Art-Speak have established a Arts and Cultural Trust to serve as a repository of funds raised by Art-Speak and the City; and that Art-Speak has received federal tax-exempt status, under Section 501 (c)(3) of the Internal Revenue Tax Code.

### **SIGNED:**

**City of Portsmouth**

**By:**

\_\_\_\_\_  
**John P. Bohenko**  
**City Manager**

**City Cultural Commission d/b/a/Art-Speak**

**By:**

\_\_\_\_\_  
**President**



## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 17, 2014

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

At 5:45 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2 I (c).

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

Mayor Lister called the meeting to order at 7:15 p.m.

### **II. ROLL CALL**

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

### **III. INVOCATION**

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

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

Councilor Dwyer led the Pledge of Allegiance to the flag.

### **PRESENTATION**

1. Proposed Interim Space for Senior Programming – Recreation Director Rus Wilson and Senior Services Coordinator Brinn Chute

City Manager Bohenko said that Recreation Director Wilson and Senior Services Coordinator Chute will present the Interim Senior Programming Space.

Recreation Director Wilson reported in January of this year the City was notified by the Mark Wentworth Home that they would be closing the senior space at the Community Campus.

Senior Services Coordinator Chute provided a description of the space at the Community Campus located at 100 Campus Drive. She reported it is 2,400 square feet with 2 program rooms with connecting kitchenette and a front lobby, 2 offices are on site with restrooms and the furniture will be included which consists of tables, chairs, kitchenette appliances, 2 TV's, piano, onsite storage cabinets (not including office furniture, washer and dryer). She discussed the amenity list which is as follows:

- Outdoor walking trails, Courtyard Patio
- Tennis Courts, Outdoor Basketball Court, Softball Field, Multipurpose field
- Greenhouse, Raised flower gardens
- Gym, Art Room, Test kitchen, Game room with ping pong & pool tables
- Intergenerational opportunities with childcare center and New Heights
- Health & wellness connection with Families First

- Green Bean Café (in-house catering & public café)
- Senior Transportation and COAST bus both go to Community Campus

Ms. Chute indicated that the proposed start date for a soft opening is May 6<sup>th</sup> with a grand opening July 7<sup>th</sup>. She also reviewed a sample of the programming which would be provided.

**Assistant Mayor Splaine moved that the Sub-Committee request the City Manager be authorized to enter into negotiations with Mark Wentworth Home and/or the Foundation for Seacoast Health for an interim senior programming space at the Community Campus location. Seconded by Councilor Lown.**

Councilor Dwyer inquired about the transportation. Ms. Chute indicated that the transportation already goes to the Community Campus and COAST has a stop there as well.

**Motion passed.**

#### **V. ACCEPTANCE OF MINUTES – JANUARY 6, 2014**

**Councilor Kennedy moved to approve and accept the minutes of the January 6, 2014 City Council meeting. Seconded by Councilor Shaheen and voted.**

#### **VI. PUBLIC COMMENT SESSION**

Tom Carroll thanked the City Council for taking interest in the scrap metal operation. He said that the scrap metal is dangerous and spoke to the web page he has created entitled “Save our Working Port” and urged people to review the page.

Rich DiPentima thanked Mayor Lister for sending a letter to the Town of Newington last week regarding the Sea-3 project. He also thanked City staff and City Manager for attending the meeting in Newington last week. Mr. DiPentima addressed the dangers of this project and if there was a derailment how that would impact the City.

Bob Shouse spoke regarding the Conditional Use Permit and said the permit should remain. He said in some areas there may be a 60 foot height limit that would be appropriate. He further stated there is no ability to have a penalty in place currently for ignoring our regulations.

Bob Gibbons thanked the City Council for their participation in relation to the Sea-3 project. He spoke to the economic and quality of life impact this project would have on the City and said the City needs to strongly consider installing new crossing gates. He indicated that the cross gates would cost any where from \$185,000.00 to \$400,000.00 each.

Barbara DeStefano said only 4,000+ resident voted at the last election and that is out of 15,000 residents. She said it is not a mandate against development that is not all residents. The City Council needs to vote what is in the best interest for the entire City. She said she would caution against Assistant Mayor Splaine’s recommendation for a fee penalty for violation of land use boards.

Arthur Clough said residents that choose to challenge land use boards the, City staff are ignoring or having hostile treatment. The land use boards have too many long term members and notices are not being sent on time and the leadership of the City no longer serves the residents of the City.

Mark Brighton spoke regarding the incentives for the retirement of teachers and administrators recommended by the School Board. He said we lose experience with the retirements and we should not offer incentives for retiring early.

Clare Kittredge stated residents are concerned the City is not enforcing regulations and there is a civility issue with HDC members. She said the government needs to be transparent.

Joe Caldarola stated the process on when the City found out the land use violations by Portwalk is in question. He stated that Portwalk said they notified the City in December of changes. City Attorney Sullivan said he learned of the violations in late February. The City staff received the changes on February 14<sup>th</sup>. He stated residents need to be better informed. He spoke on the Sea-3 project.

Rick Becksted said he would like to serve the City on a Board/Commission. He said Portwalk broke a rule and there are consequences. He asked if there are any other bonds on the property other than the \$500,000.00 one being requested by the City for the violations. He said he feels that the \$500,000.00 bond is a bribe.

Paul Mannle spoke regarding process. He said Portwalk has put the City in a difficult place. Improving the design is not absolution, the penalty should be enforced.

Peter Loughlin said the City is experiencing significant development from residents and everyone would not like to see everything going forward in the City. He spoke to the hard work by the staff and boards for the City. He said there is a thorough in-depth review and process of developments in the City and this is the best in the State of New Hampshire.

Anthony DiLorenzo said he agrees with Attorney Loughlin and would not support the ordinance to eliminate the Conditional Use Permit.

Cate Jones spoke regarding the Conditional Use Permit and supports the ordinance for elimination. Buildings over 45 feet will affect the City and is in favor of good development. She does not feel the Portwalk project will be good for the City. The City Council needs to ask what Dorothy Vaughn would want for the historic preservation of the City.

Erik Anderson spoke in support of Assistant Mayor Splaine's item on derelict buildings in the City.

## VII. PUBLIC HEARINGS

### A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.535 – EXCEPTIONS TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICT, WHICH WOULD ELIMINATE A CONDITIONAL USE PERMIT UNDER SECTION 10.535.13

Mayor Lister read the legal notice, declared the Public Hearing open and called for speakers. Planning Director Taintor spoke to a map and its affect of Character Base Zoning with Conditional Use Permit with the red boundaries for Character Based Zoning District. He spoke to the current height requirements for districts. He said the Planning Board is recommending amendments to the Conditional Use Permits.

Ralph DiBernardo spoke in support of the Ordinance and said he feels that there is a missing concept with Character Base Zoning. If Conditional Use Permit remains it would be outside the Form Based Zoning. The maximum height would become the norm over the two years of projects coming forward which is a partial list. Are any concessions worth the height of buildings? We need to be careful to maintain what we have.

Margaret O'Rourke spoke in favor of the Ordinance. She said that this is what the residents in the City want. The development in the City is enough and we need to be thoughtful with deciding what we want in the future.

Rick Chellman asked for caution, you are not voting for 45 feet or 60 feet. The City Council established the 45 feet limit. If the process needs to be rescinded you need to let designers know. He said the downtown all being 45 feet is not what we want for our downtown.

Doug Bates, Chamber of Commerce, said they are comprised of 80% small businesses and support the City. He said the Chamber wants to retain the Conditional Use Permit. There is a potential for a bad outcome if the Conditional Use Permit is eliminated. We would exclude many projects with the passing of the ordinance. He said the Conditional Use Permit needs to be a tool in our tool box.

Shari Donnermeyer thanked the City Council for their service and said the City Council is here to do what is best for the City. She spoke in opposition to the ordinance and the Conditional Use Permit needs to be allowed to work and there are many people that feel this way.

Kim Rogers said he owns Gary's Beverage and is looking at a redevelopment for the property. He said possibly for a parking garage. A restriction on building heights will have a negative impact on the City. In 2011 our downtown was voted best in the US. He stated this ordinance punishes developers for future properties.

Chris Thompson, HarborCorp developer, he read a letter to the City Council and discussed the development that HarborCorp is looking to do. He said they would like to build a conference center, parking garage, supermarket and 4 condos. The City supports the HarborCorp concept and HarborCorp feels the Conditional Use Permit is an excellent tool for projects. If the 45 feet is required there project cannot be built.

He said height is not a key concern but the quality of the building is more of a concern and HarborCorp has worked transparently with their project and they want to make this a great project. Mr. Thompson stated a vote in favor of the ordinance is a vote against the project.

Bob Marchewka, Economic Development Commission, submitted a letter from Chair Everett Eaton of the EDC, which indicates the EDC is in favor of keeping the Conditional Use Permit. The permit will allow for better design, higher quality buildings with potential for new parking. The EDC urged the City Council to keep the Conditional Use Permit. A great deal of discussion took place by the EDC on this matter and it was decided that the permit was in the best interest of the City.

Jeff Cassell said the younger generations are in favor of the Conditional Use Permit and developments. He said the northern tier is under utilized and bringing building heights under 45 feet will not help the City. He said the permit gives development opportunities for design.

Susan Denenberg asked developers to look at small projects. She spoke in support of eliminating the permit and said residents feel enough is enough. She stated that this is bidding wealthy residents against ordinary citizens.

Chris Hackett said he does not address the Council often and not all residents want to limit buildings to 45 feet. He would like to move closer to downtown this is not a majority of residents requesting the height limitation.

Jeff Mountjoy agrees with Mr. Hackett and Attorney Loughlin. He said land use boards in the City are second to none. He also supports comments made by Rick Chellman and owner of Gary's Beverages. The City Council and residents need to pay great attention to Chris Thompson of HarborCorp. Mr. Mountjoy said he is the type of developer we should work with. He said repeal the 45 foot limit and empower our land use boards. He feels we should jump on the train as there are people in other areas that would love to have the kind of development we have in the City.

Clare Kittredge spoke in support of the ordinance. She said that this would allow for a more pedestrian and bicycle friendly development in the City. The City is having trouble enforcing its own rules and she understands the Planning Board is recommending changes but feels it is too confusing.

Paul McEachern echoes comments of Attorney Loughlin and said he is here speaking for himself. He has lived here his entire life and the City is a place where people grow up and can come back to. He spent 40 years working downtown in the City and saw developments and changes throughout the years. He spoke to buildings in the City built years ago that are over 60 feet. He stated that this is not what majority of the City residents want.

Diane Gilbert would like to know more regarding the HarborCrop project. She would like to see a 3-D model of the project and feels it seems natural to want to limit height that could affect scale.

Joe Caldarola addressed HarborCorp and their vesting for the building the maximum out in all dimensions. HarborCorp has been vested with the design review process but there is a small possibility that it may not be vested. He spoke to the target number for a conference center and its potential impact on parking.

Jonathan Gilbert said he is shocked and horrified with the Portwalk project there is no comparison with the Popovers building. He stated he is in favor of the ordinance to repeal the Conditional Use Permit.

Dick Bagley said he has attended the last 2 Historic District Commission meetings and there are many opinions. He said the City Council needs to decide what they feel are right for the City of Portsmouth. He called into question the process not allowing input by residents before the land use boards or City Council members make decisions.

George Carlisle spoke strongly opposed to the ordinance and people are very concerned with development in the City. Residents are looking for buildings developed to look good, fit with the character of the City and increase the value for growth. He expressed concern of residents that some buildings might not be able to be built due to limiting the height to 45 feet. Mr. Carlisle indicated in the last 20 years every building built in downtown has brought tremendous public benefit to the City.

Kerry Vautrot said the problem is not height and repealing the Conditional Use Permit is not the solution. She supports the recommendation of the Planning Board and said significant scale items should be required. She feels that the Historic District Commission works hard and additional guidance is warranted.

Rick Becksted said the Conditional Use Permit will seriously close off 10 lots. The Central Business zone will change the City. We should extend the Central Business Zone outside what we have now. The City Council set in place 45 feet and Central Business Zone which began because of Portwalk. He feels the Conditional Use Permit is being taken advantage of.

Drew Shultis said the Conditional Use Permit should be retained limiting to 45 feet. He said 45 feet limits someone's creativity ability.

Steve Sanger – said height is irrational. McHenry Architects provided buildings can be higher than 45 feet with the development of Popovers. We could build something 75 feet that meets the vision of the City.

Gerry Zelin said there are many elements to the Conditional Use Permit. He feels the impact of the Conditional Use Permit has been over minimized. The current law defaults height in CBA and CBB districts. He spoke in support of the ordinance to eliminate the permit. He feels that the City is flying without instruments. The City Council should abolish the Conditional Use Permit with the understanding we would revisit after a reasonable period of time to address the Master Plan and come up with a vision for the northern tier and criteria to steer development in the north end.

Paul Mannle spoke in favor of the ordinance to eliminate Conditional Use Permit. He does not feel it was ever needed. He said with CB zone the Conditional Use Permit will become mute and only apply to a few lots. The repeal of the permit does not restrict building height. The permit just shifts the process from the Zoning Board of Adjustment to the Historic District Commission. He stated no one knows what the future holds and he feels the comments from Mr. Thompson that his project won't work with 45 feet; the Council could just exempt them from the ordinance. He questioned the amendments recommended by the Planning Board.

Susan Duprey, representing HarborCorp, said they are subject to a 4 point process. She stated the plans are not available but will be in the near future. She said HarborCorp is going to give you a quality project. She said some of the recommendations are trying to make the City Council a super Planning Board. The City needs to have respect for your boards. You cannot have a conference center on this side and make it profitable on this site at 45 feet it needs to be at 60 feet.

Gerry Zelin said the City can do adjustments with plans. He said HarborCorp has been in CBA district for years but their lot was moved into the CBB district. He only knows that Historic District Commission said don't show the plans until step 1 is completed but the developer could have come forward with sketches with an outside of the envelope of the building.

After three calls and no further speakers, Mayor Lister closed the public hearing. The public hearing closed at 10:10 p.m.

- B. ORDINANCE AMENDING 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

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

**Councilor Kennedy moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Shaheen. Councilor Spear moved to amend the motion to continue the meeting to 11:00 p.m. which was agreed upon by the maker of the motion and passed.**

Planning Director Taintor provided an overview of the CB zone development issues which are more than height. He reviewed the CB zone area that is made up of 80 acres and the project started 1 year ago and there was a detailed survey of the area. He spoke to the changes since November 2013 draft. He reviewed the main elements of proposed ordinance and regulating plan.

Councilor Kennedy asked Planning Director Taintor about the Planning Board recommended amendments outlined in the City Manager's memorandum. She would like to know the number of other communities that use CB zone and is concerned that our current zoning ordinance is at 45 feet.

Planning Director Taintor said they would never extend this to other areas of the City. This reflects what we currently have in place. He said another study would need to be done.

Councilor Kennedy said in the MRO it is 45 feet and we are now recommending 95 percent. Planning Director Taintor said we are defining the development around the City. Planner Cracknell said the MRO is currently 40% and is being recommended to 60%. The 60% reflects most property in the MRO. He said in reference to the other communities that use the CB zone is Dover, NH, Milford, NH, Lowell, MA, etc.

Rick Becksted said the building height map – special requirement heights presented at the Library in January, all the pink areas with maximum height of 60 feet was in blue they are not now and we are talking about transparency.

Planner Cracknell said the reason the Portwalk section here as Mr. Becksted has pointed out was blue in January and is now magenta because in the Planning Board meeting there was public concern about the area that still remains magenta on Congress Street that we had in January and last November in front of the City Council a minimum height of 4 stories for that section of Congress Street and there was significant comment given both from City Council and Planning Board and even in the meeting at the Library which included Mr. Becksted. He was very concerned about having such a high floor on the number of stories one would need to have on Congress Street because there are some 2 to 3 story buildings there. There was concern that if we actually pegged it for 4 to 5 stories as was originally drafted it would some how induce developers to tear down some of these historic structures and put in other types of buildings there because we are saying we want it so we amended the magenta here in Market Square with the 2 to 4 stories, 60 feet to respond to the communities concern and as a result it equals the exact below color that was on the legend for the Portwalk project which was 2 to 4 stories with 60 feet so there was no need to have the same color represent the exact same 2 to 5 stories building so that is why it was colored on Portwalk from magenta to blue there was no changing. He stated the change was from Market Square to Congress Street to drop it down from 2 to 4 stories.

Mr. Becksted said he is in favor of the ordinance.

Bob Marchewka submitted a letter from Economic Development Commission from Chair Everett Eaton. He read the letter into the record.

Joe Caldarola spoke in support of the ordinance. He said he is concerned with Congress Street and uncomfortable with that being 60 feet. He said it works because there is a large sidewalk in front of the building. The other side of the street on Congress Street from Popovers the sidewalk is much narrower and he would not be uncomfortable with that side being 60 feet.

Paul Mannle said the Planning Department has done yeoman's work on this matter. He said it would give a great deal of information. He said Market Square has two separate heights which concerned him. He feels that a Kline's situation could happen on the 55 Congress Street. He feels all of Market Square should be orange.



Dick Bagley said congratulations the public hearing is having a dialogue. He said Planner Cracknell did a great job presenting. He said some changes were made on State Street from the discussions. He spoke in favor of the ordinance and a big step forward. He said the City Council needs to move forward on this ordinance with design qualities that are in place.

Susan Denenberg said she is concern that we only spent 30 minutes on this ordinance. She does not feel that you have had adequate public discussion input because it is St. Patrick's Day. She urged the City Council to oppose the ordinance.

Gerry Zelin said he would like to have a change made to the wood siding on page 5A0-4. He said he feels wood siding would need to be used on the waterfront area. He does not feel we have received duly notice of other communities using CB zone. He said the list of communities was placed on the website on Friday. He said between now and third reading the public should be able to provide input on the ordinance.

Clare Kittredge spoke in favor of adopting amendments for areas losing special requirements.

After three calls and no further speakers Mayor Lister declared the public hearing closed.

**Councilor Spear moved to suspend the rules in order to continue the meeting beyond 11:00 p.m. with action on the following agenda items and any other items that may require immediate action by the Council. The remaining items to be postponed to the April 7, 2014 City Council meeting:**

- **VII. C. – Public Hearing on Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning;**
- **VIII. A. - Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13;**
- **VIII. B. - Second 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;**
- **VIII. C. - Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning;**
- **IX. – Consent Agenda Items A-E:**
  - A. Request for Approval of Pole License to install 1 pole and 40' of underground conduit on Livermore Street for an electrical service to 32 Livermore Street;
  - B. Letter from Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold the 5k "Out of Hibernation" Road Race on Saturday, April 12, 2014 at 8:00 a.m.;
  - C. Letter from Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold a march for the observance of St. John's Sunday, June 22, 2014 at 9:00 a.m.;

- D. **2014 Omnibus Sidewalk Obstruction Renewals – See Attached Listings**
- E. **Letter from Matthew Raffio, Arthritis Foundation requesting permission to hold the Annual Jingle Bell Run on Saturday, December 13, 2014 at 10:00 a.m.**
- **X. - Letter from Chris Thompson, HarborCorp, LLC regarding Second Reading of Ordinance to Eliminate Conditional Use Permit**
- **XI. – City Manager’s Action Items:**
  - 1) **Proposed Release of Funds for African Burying Ground**
  - 2) **Proposed Borrowing Re: New Franklin School Energy Project**
  - 3) **Establish a Date and Time for Pan Am Railways to make a Presentation to the City Council**
  - 4) **Request for Approval on Teacher’s/Administrator’s Retirement Incentive**
  - 5) **Proposed Easement Re: Hill Street**
  - 6) **Request for Encumbrance License Re: 10 State Street**

**Seconded by Assistant Mayor Splaine and voted.**

- C. **ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, MISCELLANEOUS CONFORMING AMENDMENTS TO IMPLEMENT CHARACTER-BASED ZONING**

Mayor Lister read the legal notice, declared the public hearing open and called for speakers. With no speakers Mayor Lister closed the public hearing.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

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

- A. **Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13.**

**Mayor Lister moved to approve the Zoning Ordinance as proposed, by deleting Section 10.535.13, and schedule third and final reading for the April 7, 2014 City Council meeting. Seconded by Councilor Kennedy.**

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Dwyer said comments this evening were that the City cares about the peripheral areas as much as we care about the Form Based Zoning. In the mean time we protect the design and quality of the peripheral area. She said in other areas we continue the dialogue on design and quality.

Councilor Thorsen asked the City Manager if we will begin in other areas for Form Based Zoning after Form Based Zoning ordinance presented is adopted to get to the end point of the next process will end sooner. He asked what the time frame would be. Planning Director Taintor said approximately 9 months.

Councilor Thorsen said a 9 month period after we adopt Form Based Zoning. He said he was never in favor of the Conditional Use Permit from the beginning. He would like to develop the area with Form Based Zoning after the ordinance is in place. He would like to take away the Conditional Use Permit until we can get it better. He said he likes the idea for HarborCorp but does not want it developed under a height issue. Councilor Thorsen said he will vote in favor of the motion.

Councilor Lown thanked everyone that came forward to speak. In the end the City Council needs to do what is best for the City. He supports the Conditional Use Permit and provides discretion for land use boards. He said HarborCorp project will be a good thing for the City and feels we have not given the Conditional Use Permit a chance.

Councilor Shaheen said she would vote against the motion. She said we have a height limit for these areas already in place. The Conditional Use Permit is a tool to be used with great discretion. This is not about scale it is about a purpose and a tool for leverage of what is put in these places. She said this is not about HarborCorp or Gary's Beverage this tool allows us to work on a project and shape a purpose to benefit the entire City. A conference center has been part of the master plan for the last 10 years and we are risking turning a conference center into condos. She asked if we were willing to fight another 9 months for a location of a parking garage in the downtown.

Councilor Spear said we have right now a 45 foot building height. One speaker this evening said we need 45 foot buildings in the City with the occasional 60 foot building.

Councilor Morgan said the zoning ordinance should provide clarity and vision. She does not feel it has been qualified or quantified correctly or a strong criteria coming forward. She said repealing the Conditional Use Permit allows the dialogue of vision for the City. We need to move forward with a plan for the north area of the City.

Assistant Mayor Splaine said the dialogue has been great with discussions on the future of the City. He said we want to move forward and continue discuss over the next several months. He will support the motion with the intent to move forward with what kind of vision we want for the north end.

**On a roll call 5-4, voted to approve the Zoning Ordinance as proposed, by deleting Section 10.535.13, and schedule third and final reading for the April 7, 2014 City Council meeting. Assistant Mayor Splaine, Councilors Kennedy, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Shaheen, Lown, Dwyer and Spear voted opposed.**

- B. Second 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

**Assistant Mayor Splaine moved to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the April 7, 2014 City Council meeting. Seconded by Councilor Morgan.**

Councilor Dwyer said we have discussed this ordinance and the concepts are there. She said there are changes that should be discussed and we are at that time.

Councilor Shaheen said she will stay here until 3:00 a.m. or 4:00 a.m. She said she does not want to postpone this ordinance until April 17<sup>th</sup>.

Councilor Kennedy feels this is the most important matter being voted on this evening. She asked how the change brought forward by Attorney Zelin on the south side of Congress Street. She is concerned with the change in color on the map.

City Attorney Sullivan said Attorney Zelin's suggestion would require an amendment but Planning Director Taintor and Planner Cracknell need to review the proposal on the suggestions made.

Councilor Kennedy said she is uncomfortable moving forward on this ordinance. Councilor Spear said that this would not be the first time to allow the suspension of rules at third reading to make amendments.

Councilor Dwyer said if Attorney Zelin's change is really housekeeping the change could be made at third reading. She said she does not feel the documents were hard to find.

Councilor Lown said he agrees with Councilor Dwyer. We have debated the ordinance for a year and we know how we feel on this ordinance. He feels we should pass this tonight.

Assistant Mayor Splaine agrees Form Based Zoning should be passed. If we have support to suspend the rules to allow for an amendment at third reading he would withdraw his motion to post pone until April 17<sup>th</sup> we need to move forward.

*Assistant Mayor Splaine withdrew the motion and Councilor Morgan the second to the motion.*

Councilor Morgan said if Form Based Zoning is adopted could you tell how enforcement would be done.

Planner Cracknell said it is a different frame work. The process is similar as now. The Historic District Commission does not change. Planning Board and Site Review will continue. Staff will need to train land use board members and parking requirements remain but it will speed things up.

Councilor Morgan asked how much time it would take to train land use boards. Planner Cracknell said he does not have a training schedule now.

**Councilor Kennedy moved to amend Map 10.5A21B – Special Requirements: Special Building Height Requirement Areas from Congress Street to Market Square on the northerly side from the color magenta that allows 2-4 stories with a maximum building height of 60' to the color orange that allows 2-3 stories with a maximum building height of 50'. Seconded by Assistant Mayor Splaine.**

City Attorney Sullivan said he does not feel the motion is significant and amendments can be made.

Councilor Spear said that this is a low risk option to proceed with the Form Based Ordinance. He will vote against the motion.

Councilor Shaheen said she will vote opposed to the motion by Councilor Kennedy because she feels the amendment is significant.

Councilor Kennedy feels that this is enough of a concern and only effects one side of Congress Street and feels it is appropriate.

**On a voice vote 2-7, motion to amend Map 10.5A21B – Special Requirements: Special Building Height Requirement Areas from Congress Street to Market Square on the northerly side from the color magenta that allows 2-4 stories with a maximum building height of 60’ to the color orange that allows 2-3 stories with a maximum building height of 50’ *failed* to pass. Councilors Kennedy and Morgan voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.**

**On a unanimous roll call 9-0, voted to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the April 7, 2014 City Council meeting.**

- C. Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning

**Councilor Spear moved to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the April 7, 2014 City Council meeting. Seconded by Councilor Shaheen and voted.**

**Councilor Thorsen moved to suspend the rules in order to take up Items XI. A.2. – Proposed Borrowing Re: New Franklin School Energy Project and XI. A.4. – Request for Approval of Teacher’s/Administrator’s Retirement Incentive. Seconded by Councilor Shaheen and voted.**

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

### **A. CITY MANAGER**

2. Proposed Borrowing Re: New Franklin School Energy Project

City Manager Bohenko said this would allow to bring back a Resolution for bonding New Franklin School Energy Project. The Resolution allows the borrowing and first reading would take place on April 7<sup>th</sup>.

School Business Administrator Bartlett said the School Department had \$90,000.00 left to replace a failed boiler at the New Franklin School this would allow complete energy improvement for the New Franklin School.

**Councilor Lown moved to bring back for first reading the borrowing Resolution in an amount not to exceed \$400,000.00 for the New Franklin School Energy Project, as presented in the correspondence from Edward McDonough, Superintendent of Schools, dated March 5, 2014, at the April 7, 2014 City Council meeting. Seconded by Councilor Thorsen and voted.**

4. Request for Approval on Teacher's/Administrator's Retirement Incentive

City Manager Bohenko said this is a retirement incentive for teachers and administrators and this has been done in the past.

**Councilor Lown moved to approve the request to offer a retirement incentive to teacher's/administrator's, as presented. Seconded by Councilor Shaheen.**

Councilor Thorsen said he is concerned with the program as to whether the individual would have retired anyway and if this is really an incentive.

Councilor Morgan said we heard from speakers on the loss of experienced teachers and we can not leave the students out of the equation.

Councilor Shaheen said we should trust the recommendation of the School Board and if someone is ready to retire should we keep them in the classroom.

**Motion passed.**

**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 Livermore Street for an electrical service to 32 Livermore 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 Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold the 5k "Out of Hibernation" Road Race on Saturday, April 12, 2014 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold a march for the observance of St. John's Sunday, June 22, 2014 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. 2014 Omnibus Sidewalk Obstruction Renewals – See Attached Listings ***(Anticipated action – move to refer to the City Manager with power)***

- E. Letter from Matthew Raffia, Arthritis Foundation requesting permission to hold the Annual Jingle Bell Run on Saturday, December 13, 2014 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

**Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Lawn and voted.**

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

- A. Letter from Chris Thompson, HarborCorp, LLC regarding Second Reading of Ordinance to Eliminate Conditional Use Permit

**Councilor Spear moved to accept and place the letter on file. Seconded by Councilor Kennedy and voted.**

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

**A. CITY MANAGER**

1. Proposed Release of Funds for African Burying Ground

City Manager Bohenko said this is for funding of \$1.2 million for construction of the African Burying Ground Park.

David Moore said the trust requires the City Manager to authorize the spending.

**Councilor Lown moved to authorize the City Manager to expend funds from the Trust up to \$1,200,000.00 for the construction of the African Burying Ground Memorial Park. Seconded by Councilor Spear and voted.**

3. Establish a Date and Time for Pan Am Railways to make a Presentation to the City Council

**Councilor Kennedy moved to authorize the City Manager to schedule a date for this presentation. Seconded by Councilor Lown and voted.**

5. Proposed Easement Re: Hill Street

City Manager Bohenko outlined the request for the easement for utility on Hill Street.

**Councilor Lown moved to authorize the City Manager to accept a utility easement from Hill-Hanover Group LLC. Seconded by Assistant Mayor Splaine and voted.**

6. Request for Encumbrance License Re: 10 State Street

City Manager Bohenko asked the City Council to refer to the map. The City Manager outlined his comments and that there are 3 areas for the encumbrance.

**Councilor Lown moved to authorize the City Manager to enter into a license with Ten State Street, LLC to facilitate construction activities at 10 State Street, which will include improvements to City land by Owner after completion of the project. Seconded by Councilor Spear and voted.**

**B. MAYOR LISTER**

1. Appointments to be Considered:

- Judith Bunnell appointed to the Citizens Advisory Committee
- Steve Miller reappointment to the Conservation Commission
- Elissa Hill Stone reappointment to the Conservation Commission
- Allison Tanner reappointment to the Conservation Commission
- Amy Schwartz reappointment to the Portsmouth Housing Authority
- Stephen Philp reappointment to the Peirce Island Committee
- John Simon reappointment to the Peirce Island Committee
- Jackie Cali-Pitts reappointment to the Recreation Board
- Jason Boucher appointment to the Recreation Board
- Kathryn Lynch appointment to the Recreation Board

The City Council considered the appointment listed above and action will be taken at the April 7, 2014 City Council meeting.

2. Appointments to be Voted:

**Councilor Spear moved to appoint R. Bruce Boley to the Library Board of Trustees until October 1, 2016 and appoint Jack Jamison to the Library Board of Trustees until October 1, 2016. Seconded by Assistant Mayor Splaine and voted.**

Councilor Morgan requested the City Manager's Informational Item 3 – Informational Memorandum from Robert Sullivan, City Attorney Re: Portwalk be brought back for the April 7, 2014 City Council meeting.

The following items were postponed until the April 7, 2014 City Council meeting:

Assistant Mayor Splaine:

- Sea-3 Propone Proposal Update
- Creating A Fee Penalty Guideline for Violations of Land Use Board Approvals
- Status of Abandoned or Derelict Buildings

Councilor Morgan:

- Master Plan – Update of our Master Plan's Implementation Plan section, in anticipation of the 2015 Master Plan Review
- 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
- Civility by City Officials



Councilor Thorsen

2. Legal Analysis regarding Financial Disclosures received from NHMA and suggested amendment language to Administrative Code The following items were postponed until the April 7, 2014 City Council meeting:

Assistant Mayor Splaine:

- Sea-3 Propone Proposal Update
- Creating A Fee Penalty Guideline for Violations of Land Use Board Approvals
- Status of Abandoned or Derelict Buildings

Councilor Morgan:

- Master Plan – Update of our Master Plan’s Implementation Plan section, in anticipation of the 2015 Master Plan Review
- 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
- Civility by City Officials

Councilor Thorsen

- Legal Analysis regarding Financial Disclosures received from NHMA and suggested amendment language to Administrative Code

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

**At 12:35 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Shaheen and voted.**

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

May 29, 2014

Ms. Kelli L. Barnaby, City Clerk  
One Junkins Avenue  
Portsmouth, NH 03801



Dear Ms. Barnaby,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years.

Although summer is just beginning to arrive, I have begun planning for the 2014 Bike MS NH Seacoast Escape. This year's date is set for Saturday, August 23rd. The purpose of this letter is to ask for permission to use roads within Portsmouth and to inform you of the route through the city of Portsmouth. I have enclosed written riding directions for you. Our first cyclist (of approximately 250) should enter Portsmouth at 10:30am, and the last cyclist should depart at 1:00 PM.

Our routes feature safety stops every 10-15 miles, so that our cyclists remain hydrated and nourished. All cyclists agree to follow rules of the road, and are directed to ride single file. We issue one warning to cyclists not following the rules of the road. On the next infraction, we pull them from the ride and require they ride to the finish in one of our safety vehicles.

We mark our route with small cardboard signs attached to utility poles or stakes. We will begin marking the route on August 21st. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

Please let me know if you have any questions about the ride and/or our route. I can be reached at 781-693-5154.

Sincerely,

Emily Christian  
Logistics Associate  
[Emily.Christian@nmss.org](mailto:Emily.Christian@nmss.org)

# 2014 Bike MS NH Seacoast Escape - 60 mile

NET CONTROL - 781-697-9058

Miles	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		<b>Caution: Narrow wooden bridge</b>	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	<b>Sharp R</b>	onto Bay Road	0.40	
6.10	BL	to stay on Bay Road	7.00	Durham
13.10	BR	onto Route 108	0.30	
13.40		<b>REST STOP -- Durham Town Offices --Route 108</b>		
13.40	BR	out of rest stopn <b>ROUTE SPLITS</b>	0.10	
13.50	R	at traffic light to continue on Route 108	0.60	
14.10		pass under Route 4	2.30	Madbury
16.40	S	through light	1.00	Dover
17.40	S	through light on Route 108 <b>Caution: busy area</b>	0.10	
17.50	S	through 2 lights, passing under Spaulding Turnpike	0.30	
17.80	BL	to stay on Route 108	0.40	
18.20	S	through light, continue on Route 108	0.30	
18.50	BR	at traffic light, following signs for Routes 4,9 and 108	0.10	
18.60	BL	staying on path for Routes 4,9 and 108	0.10	
18.70	R	onto Portland Avenue	0.10	
18.80	BR	onto unmarked Cocheco Street (towards water)	0.30	
19.10	S	through stop sign	0.40	
19.50	BR	at yield sign onto Gulf Road	1.80	
21.30	X	bridge over water	1.20	Eliot, ME
22.50	R	at light onto Route 236 South	0.40	
22.90	R	onto Route 103 South	1.50	
24.40	R	onto River Road	2.90	
27.30	BR	at yield sign onto Old Road	0.70	
28.00	S	after stop sign onto Route 103 East	0.30	
28.30		<b>REST STOP -- Eliot Elementary School - 1298 State Road</b>		
28.30	L	out of rest stop, staying on Route 103	0.10	
29.35	R	staying on Route 103 East	0.90	
30.25	S	through yellow blinking light	1.70	Kittery, ME
31.95		Pass under I-95	0.30	
32.25	R	staying on Route 103 East	0.40	
32.65	L	onto Government Street	0.10	
32.75	BR	up hill on Government Street	0.20	
32.95	R	onto Route 1 South	0.10	
33.05		Cross bridge back to New Hampshire (stay on sidewalk)	0.50	Portsmouth
33.55	R	onto Harbour Place which becomes State Street	0.10	
33.65		<b>*Follow signs for Strawberry Banke*</b>		
33.45	L	onto Marcy Street	0.30	
33.75	L	onto Route 1B South	1.50	
35.25		<b>Caution: crossing bridge</b>		

L=Left, R=Right, X=Cross, S=Straight, B=Bear, @=at

**2014 Bike MS NH Seacoast Escape - 60 mile**

**NET CONTROL - 781-697-9058**

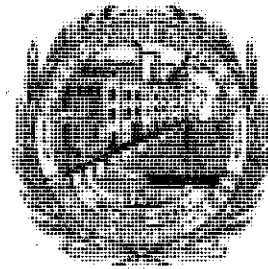
<b>Miles</b>	<b>Direction</b>	<b>Description</b>	<b>Go</b>	<b>Town:</b>
35.25		<b>Caution: crossing bridge</b>		Newcastle
35.25	<b>BL</b>	to stay on Route 1B South	1.60	Rye
36.85		Walk bike over bridge on wooden walkway	1.10	Portsmouth
37.95	<b>L</b>	at stop sign onto Route 1A South	0.50	
38.45	<b>L</b>	at rotary to stay on Route 1A South	1.80	
40.25		<b>REST STOP - Odiorne State Park -- Route 1A</b>		
40.25	<b>L</b>	out of rest stop, pass Rye Harbor St.Park	7.50	North Hampton
47.75	<b>R</b>	onto Route 111	3.20	
51.85	<b>S</b>	thru traffic light, continue onto Route 111	0.50	
52.35	<b>L</b>	at stop sign	0.10	
52.45	<b>R</b>	at stop sign onto Route 151N	0.10	
52.55	<b>L</b>	onto Walnut Ave.	1.70	
54.25	<b>R</b>	onto Lovering Road	1.40	
55.65	<b>L</b>	onto Post Road	0.10	
55.75	<b>L</b>	onto Winnicut Road	1.70	Stratham
57.45	<b>X</b>	Union Road	2.20	
59.65	<b>R</b>	Onto Route 33/Portsmouth Ave.	1.00	
60.65	<b>S</b>	through stop light	0.30	
60.95	<b>R</b>	into Stratham Hill Park		
	<b>FINISH</b>	<b>Finish Line - Congratulations! You made it!</b>		
<b>Route closes at 4:00PM</b>				

# 2014 Bike MS NH Seacoast Escape - 25 mile

NET CONTROL - 781-697-9058

Miles	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		<b>Caution: Narrow wooden bridge</b>	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	<b>Sharp R</b>	onto Bay Road	0.40	
6.10	<b>BL</b>	to stay on Bay Road	7.00	Durham
13.10	<b>BR</b>	onto Route 108	0.30	
13.40		<b>REST STOP -- Durham Town Offices - Route 108</b>		
13.40	<b>BR</b>	out of rest stop <b>ROUTE SPLITS</b>	0.10	
13.50	L	at stop sign to continue on Route 108	1.30	Newmarket
14.80	R	Bennet Rd	1.60	
		<b>Caution: Narrow wooden bridge</b>		
16.40	L	Packers Falls	2.00	
		<b>Caution: Look right</b>		
18.40	R	S. Main St	0.50	
18.90	L	Grant	1.10	
20.00	L	Ash Swamp	2.00	
22.00	L	Ash Swamp	0.10	
22.10	R	Rt. 108 South	1.30	
23.40	L	Squamscott Road	1.10	Stratham
24.50	L	Onto Route 33/Portsmouth Ave.	0.60	
25.1	R	Finish Chute		
	<b>FINISH</b>	<b>Finish Line - Congratulations! You made it!</b>		
<b>Route closes at 4:00PM</b>				

City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Tom Richter, Engineering Technician  
**DATE:** June 3, 2014  
**SUBJECT:** PSNH License Agreement 63-0576

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I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0576.

This request is to license 1 pole as a part of the African Burial Ground Project.

The installation of this pole poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

Attached is a picture of the new pole. Please call with any questions you may have.

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



**Public Service  
of New Hampshire**

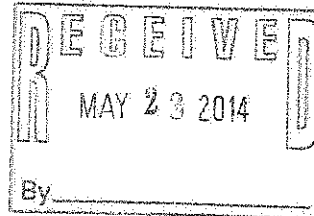
60 W. Pennacook Street, Manchester, NH 03101

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

The Northeast Utilities System

May 27, 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 three copies of PSNH Petition and Pole License number 63-0576 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

May 15, 2014

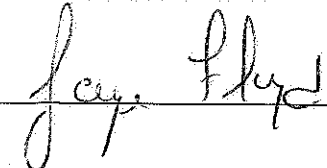
To the City Council of the City of Portsmouth New Hampshire.

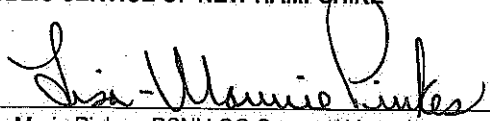
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one ( 1) pole(s), 4/18Y located on Court/Chestnut Street in the City of Portsmouth.

Northern New England Telephone Operations LLC  
d/b/a FairPoint Communications-NNE

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

BY:   
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 15th day of May, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0576, dated 5/15/2014, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

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

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

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

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

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

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

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

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

ATTEST: \_\_\_\_\_

Town Clerk



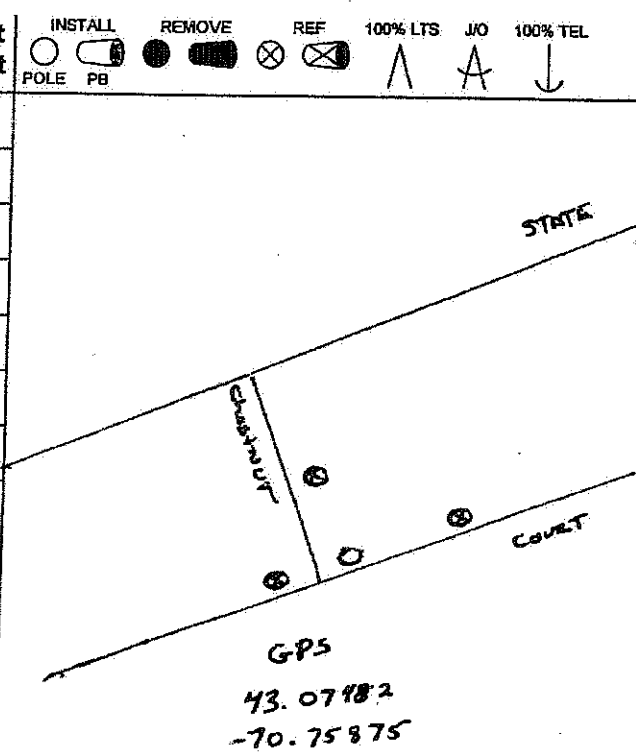
# POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and  
Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE

DATE 05/15/2014  
MUNICIPALITY: Portsmouth  
STREET / ROAD: Court/Chestnut Street  
PSNH OFFICE: Portsmouth  
PSNH ENGINEER: Richard St Cyr  
TELCO ENGINEER: \_\_\_\_\_

LICENSE NO. 63-0576  
STATE HWY. DIV. NO. 6  
STATE LICENSE NO. \_\_\_\_\_  
WORK REQUEST# 2299196  
WORK FINANCIAL # 9P420127  
TELCO PROJECT # \_\_\_\_\_

Pole Numbers		Pole Sz-CI	Ext Hgt	INSTALL		REMOVE		REF		100% LTS	J/O	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL			POLE	PB	⊗	⊗	⊗	⊗	∧	A	↓				
	21/2														RE: POLE	M
															RE: POLE	M
	4/18												75'	4/19	NEW POLE	M
	4/19Y		45/2												RE: POLE	M
	4/19															

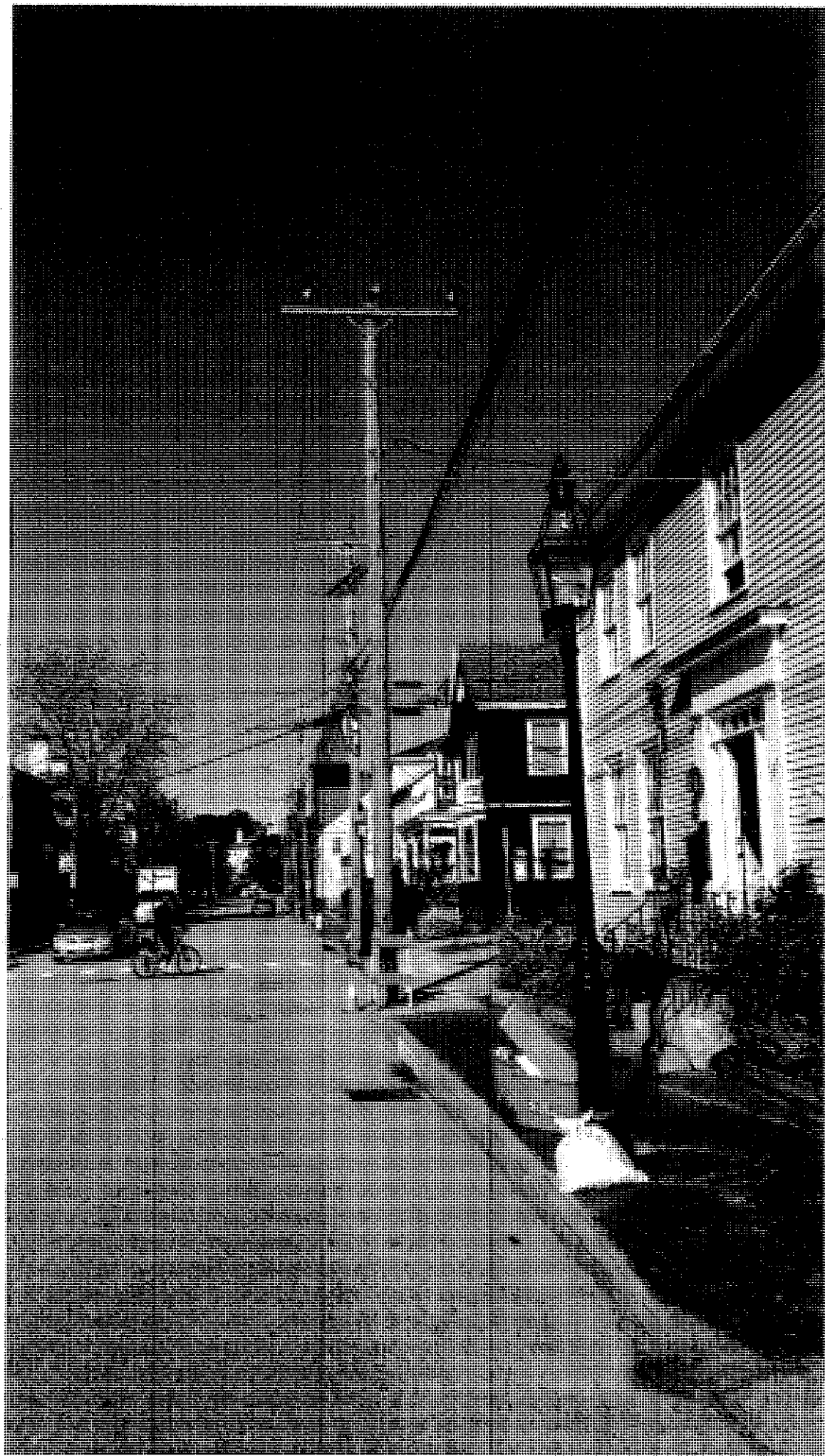


ADDENDUM PER RSA 231:163

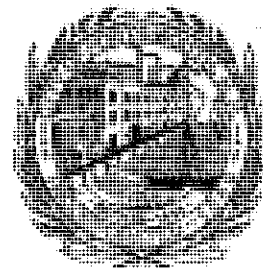
- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All 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:**



City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

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**TO:** John P. Bohenko, City Manager  
**FROM:** Tom Richter, Engineering Technician  
**DATE:** May 22, 2014  
**SUBJECT:** Comcast License Agreement for Raines Avenue and Vaughn Street

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I have reviewed the underground location information provided by Comcast for a License Agreement for underground utilities for Raines Avenue and Vaughn Street.

This request is to license 1 underground conduit system as a part of the general upgrade of utilities associated with development in the area.

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

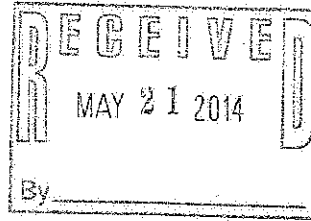
Attached are pictures of the utility corridor and a location plan depiction of the site. Please call with any questions you may have.

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



May 21/2014

Office of City Clerk  
One Junkins Ave  
Portsmouth NH



Dear City Clerk

On behalf of Comcast Please find enclosed an Petition for Underground Conduit License to place conduit from our current conduit location To the side of Raines Ave and Vaughn St. additionally you will find a set of plans depicting the work proposed on Raines and Vaughn St.

I have discussed this work with the City's Public Works Department.

Should you have any questions please contact me at 603-679-5695 X 1037 Cell 617-279-6360

Sincerely,

Comcast

Michael Collins  
Project Coordinator

334B Calef Highway  
Epping NH 03042

# PETITION AND CONDUIT LICENSE

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## PETITION

Portsmouth New Hampshire

May 21, 2014

To the City Council of the City of Portsmouth New Hampshire

Comcast of New Hampshire requests a license to install and maintain underground conduits, cables and maintain structures with cables conduits and devices thereon, together with such sustaining strengthening and protecting fixtures as may be necessary along and under the following public way

Raines Ave & Vaughn St — one (1), 3" PVC conduit at an approximate depth of twenty four inches from The pedestal located on Maplewood Ave trench 30" in sidewalk off curb to Raines Ave to feed customers at 1 Raines Ave and More particularly shown on the associated plans prepared by Comcast dated May 21 2014 Should it become as issue, Comcast will move the conduit at our expense in the event of any development in the Worth Parking area. Work shall be complete within 60 days of said notice

## ORDERED

This        day of        2010 that Comcast be and hereby is granted a license to install and maintain underground conduits and devices thereon together with such sustaining strengthening and protecting fixtures in the public way covered by said petition. All conduits shall be installed in accordance with the city's Public Works Departments specifications

**City of Portsmouth New Hampshire**

**BY:**

**BY:**

**BY:**

**BY:**

**BY:**

**BY:**

Received and entered in the records of the City of Portsmouth New Hampshire

Book        Page

Date

Attest

City 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:**

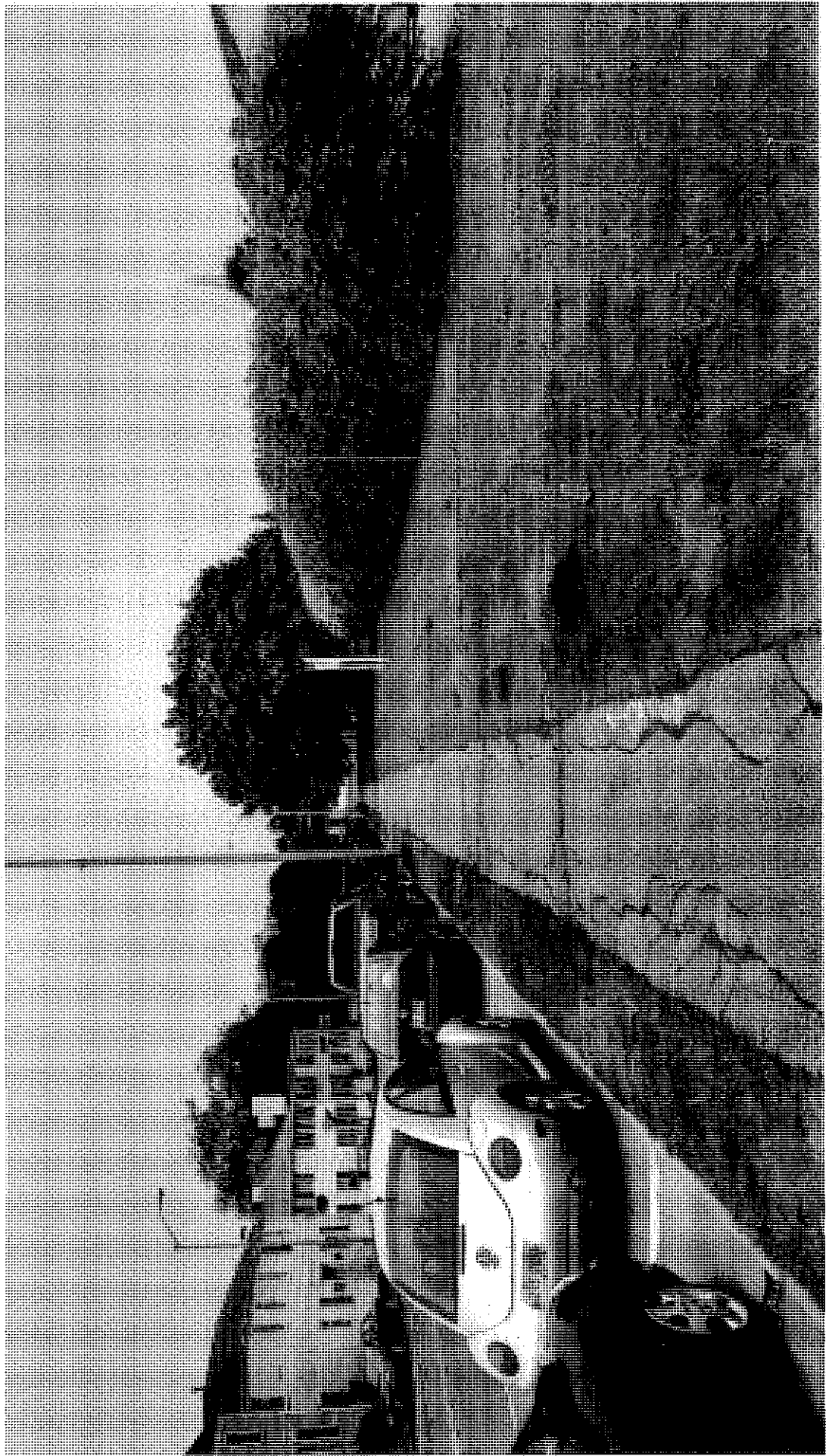
Total footage 920'

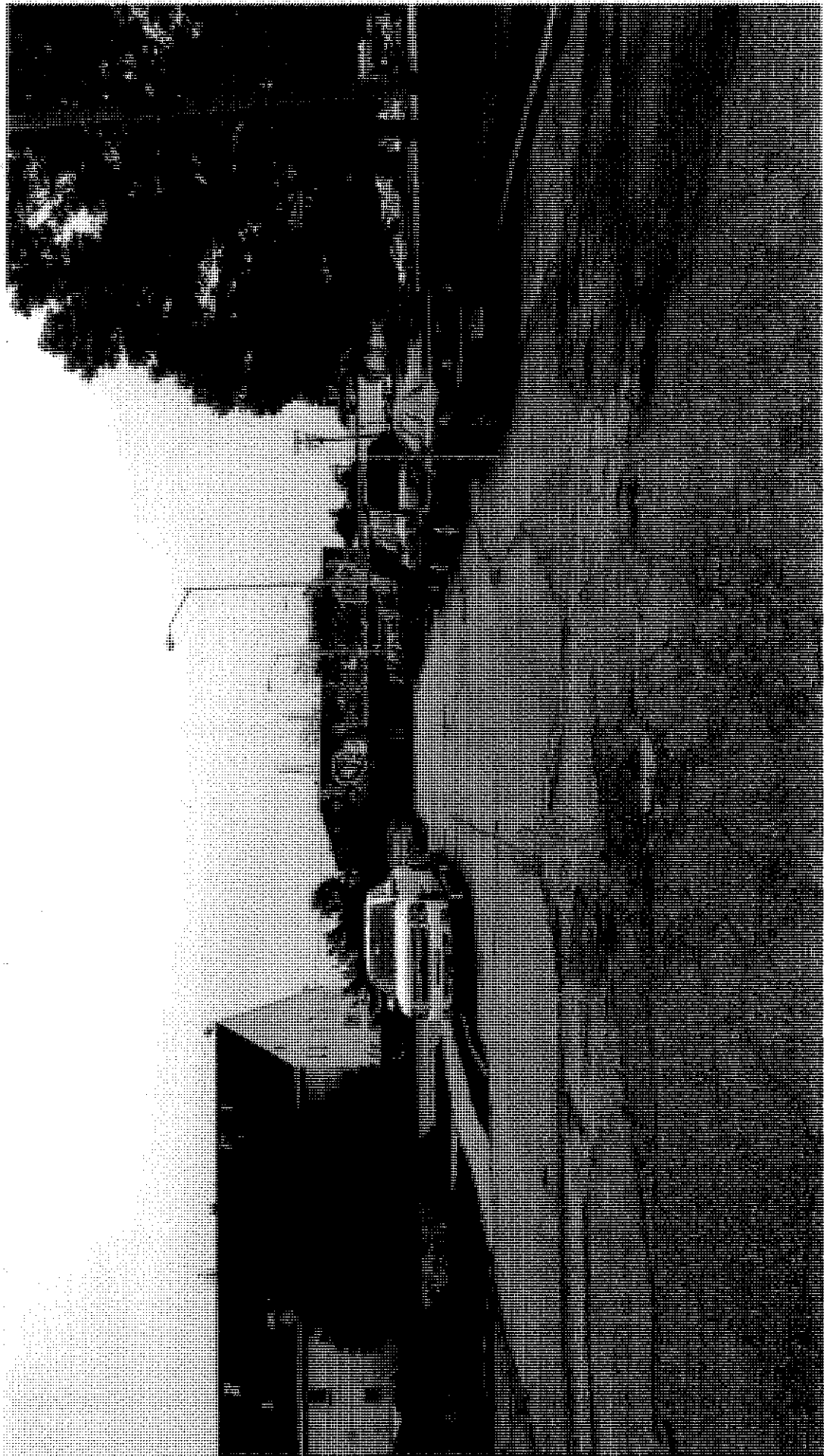


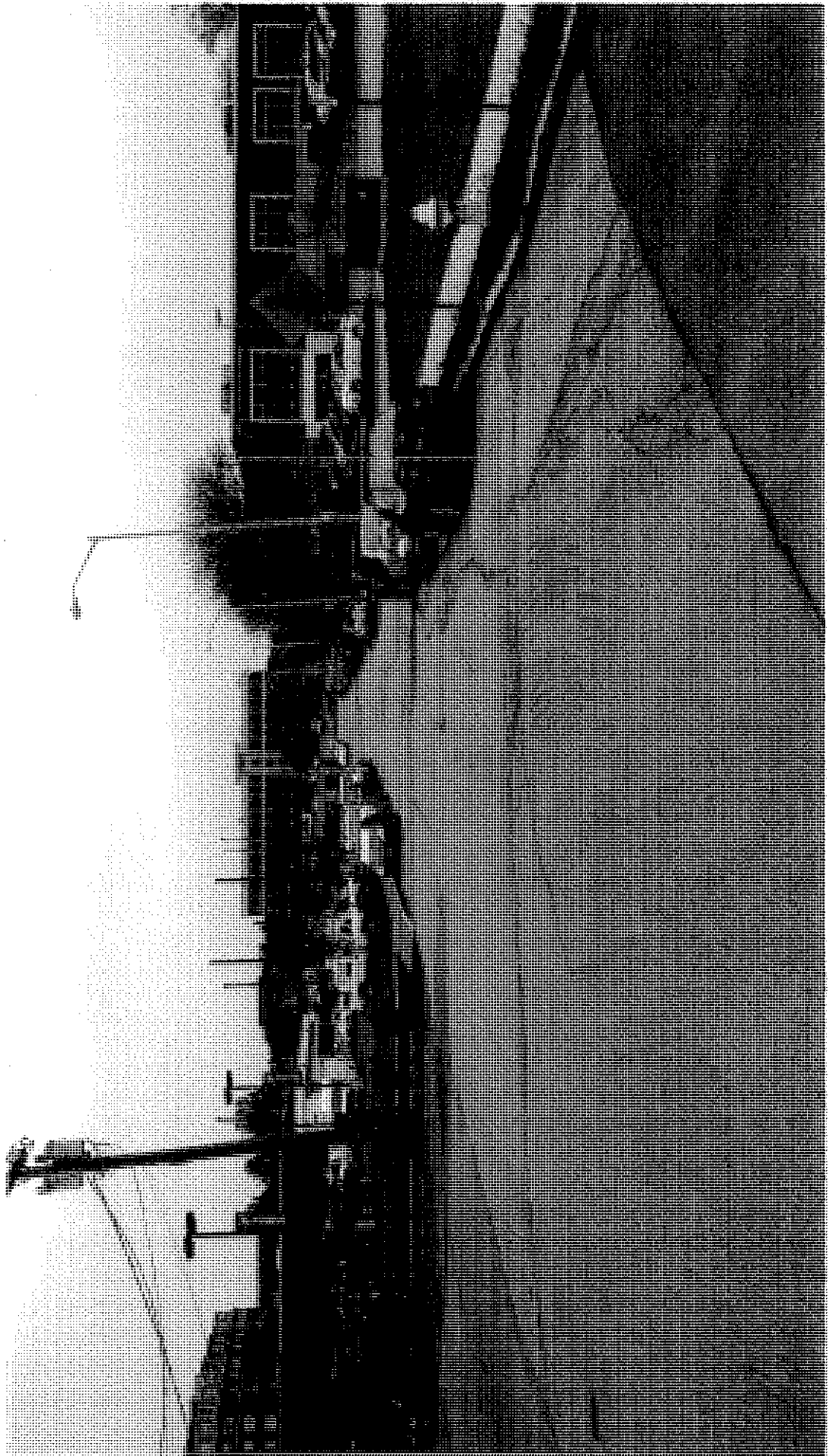
Vancouver, British Columbia

PH 1002    UNIT 1000-4/2/113    145-27 W 70th St W. VAN. B.C. V2N 1C0










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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director  
**DATE:** June 9, 2014   
**RE:** City Council Referral – Projecting Sign  
Address: 56 State Street  
Business Name: Lady Pickwicks  
Business Owner: Rita Fabricatore

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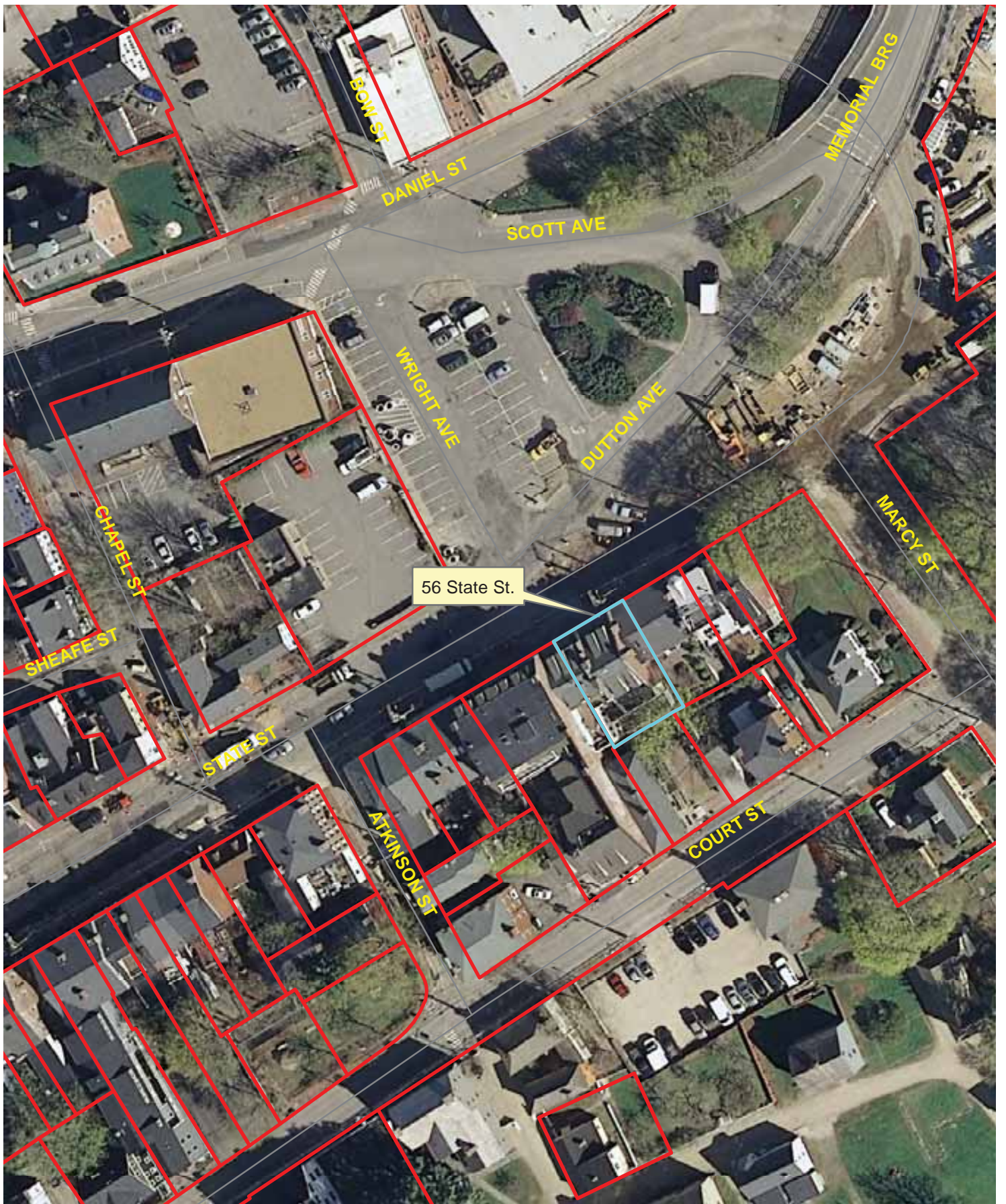
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 35" x 44"  
Sign area: 8.4 sq. ft.  
Height from sidewalk to bottom of sign: 10.5"

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

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





# Request for Projecting Sign License 56 State Street





35" x 44"

(ROD IS 34" wide)


Lady Pickwick's  
56 State Street  
1 Projecting Sign



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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** May 22, 2014  
**RE:** City Council Referral – Projecting Sign  
Address: 27 Market Street  
Business Name: Herringbones LLC  
Business Owner: Judith Lee

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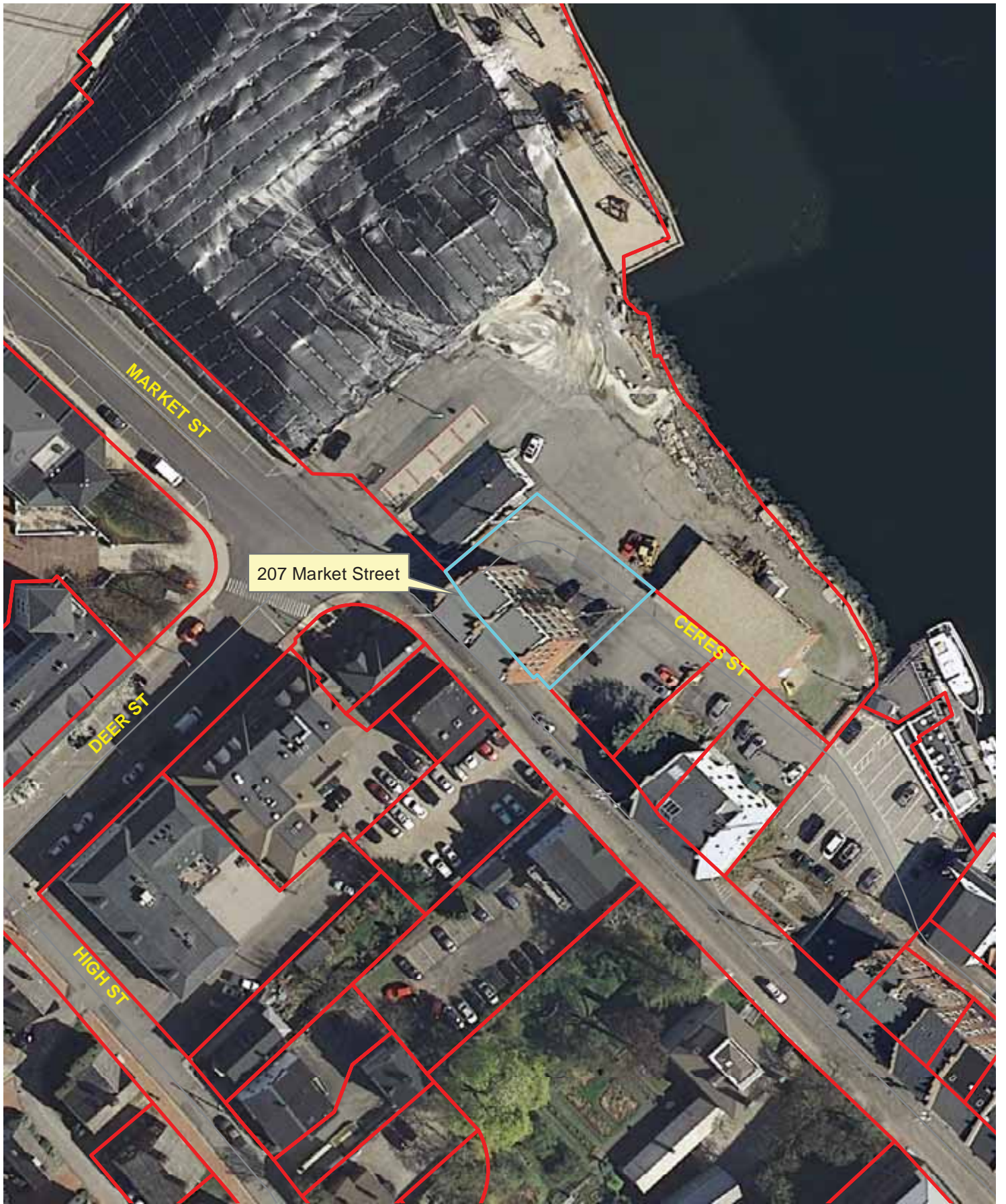
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 30" x 48"  
Sign area: 10.0 sq. ft.  
Height from sidewalk to bottom of sign: 13.0"  
Maximum protrusion from building: 35 in.

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

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





# Request for Projecting Sign License 207 Market Street



Herringbones  
207 Market Street  
1 Projecting Sign



207




ANTIQUES  
&  
ART GALLERY

30"

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** June 12, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on June 16, 2014 City Council Agenda

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**6:00 p.m. – Non-meeting with counsel.**

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

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***Presentations:***

1. **Art-Speak Annual State of the Arts Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy.** In accordance with Art-Speak's Memorandum of Understanding, on Monday evening, Nancy Pearson, President of Art-Speak, will present the State of the Arts Report to the City Council.

[Attached is a memorandum from the City Manager](#) regarding the Art-Speak State of the Arts Report, the Memorandum of Understanding Renewal Request, and the Public Art Referral Policy. Also, [attached are copies of the MOU and Policy.](#)

*I am requesting the following action regarding the aforementioned report:*

- 1) *The City Council adopt the attached Public Art Referral Policy, and,*  
2) *Further, authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015.*
2. **Historic Cemeteries Update.** On Monday evening, David Moore, Community Development Director, will make a presentation to the City Council, regarding historic cemeteries.

## ***Consent Agenda:***

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

- Rita Fabricatore, owner of Lady Pickwicks for property located at 56 State Street.
- Judith Lee, owner of Herringbones LLC for property located at 27 Market Street.

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

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

1. **Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger.** The Fire Commission has approved the attached Tentative Employment Agreement with Carl Roediger, Deputy Fire Chief, for a three (3) year contract which expires June 30, 2017. The only change to this Agreement is to extend the term, all other aspects remain the same including the ten year rolling average of the Boston Based CPI for wage increases.

*I recommend the City Council move to approve the three (3) year Employment Agreement for Deputy Fire Chief Carl Roediger to expire June 30, 2017 as recommended by the Fire Commission.*

2. **Report Back from Planning Board Re: Proposed Zoning Amendments.** As you will recall, at the January 13, 2014 City Council meeting, the Council referred a set of six proposed zoning amendments to the Planning Board for report back. Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.

As the memorandum indicates, at the April 3, 2014 Planning Board meeting, the Board voted to recommend that the City Council amend the Zoning Ordinance, Section 10.1530 – Terms of General Applicability, by inserting a new definition of “building footprint” as proposed:

### **Building footprint**

The horizontal area of a lot covered by the building, excluding  
(a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

*I recommend the City Council move to schedule a first reading on the proposed Ordinance amendment at the July 14, 2014 City Council meeting, as presented.*



3. **Request to Dispose of Surplus Equipment and Vehicles.** The City currently has numerous pieces of equipment and vehicles for disposal, 24 from Public Works, 2 from the Fire Department, and 8 from the Police Department ([see attached](#)). As in the past, we have disposed the surplus equipment and vehicles through a sealed bid process in which the item is sold to the highest bidder.

According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

*I would recommend the City Council move to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 2, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Design Review.** [Attached for your information is a memorandum from Rick Taintor, Planning Director,](#) regarding a request that the Planning Board evaluate the design review provisions established in Section 2.4 of the Site Plan Review Regulations.
3. **City Council Work Session Re: Financial Disclosure.** Just a reminder that the City Council Work Session is on Tuesday, June 17, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Financial Disclosure ([see attached Agenda](#)).
4. **Adopt-a-Spot Volunteer Recognition.** The City has had an Adopt-A-Spot Program since 1995. The intent of the program is to involve members of our community in helping to beautify our City through volunteer efforts, and to offset the workload of municipal employees who are unable to start new garden areas throughout the City. The program has evolved over the years gaining and losing spots. Currently, the City has over 90 spots and 155 volunteers.

Starting in July of 2013, Department of Public Works staff reached out to Adopt-A-Spot Program volunteers to confirm their continued interest in participation. In addition, staff reviewed green spaces throughout the City and identified an additional 30 potential spots. These efforts along with public outreach via social media, the City's Website and press releases have resulted in adoption of an additional nine spots.

Adopt-a-Spot Volunteers agree to weed, pick up litter, mow, and trim their spot as needed. There is no requirement to plant flowers, but plantings are allowed. The Public Works Department will provide volunteers with safety vests and goggles as requested. Mulch, loam, and trash bags are provided upon request and Public Works will collect yard waste and trash as needed.

The City is pleased to recognize the service of the volunteers who are responsible for adopting the spot with a sign at each location. Interested parties may obtain additional information about the Adopt-a-Spot program by contacting Roberta Orsini at 603-766-1422 or by visiting <http://cityofportsmouth.com/publicworks/adopt.htm>.

In recognition of our existing and new Adopt-A-Spot Program volunteers the Department of Public Works is planning an appreciation picnic in August at Four Tree Island. An invitation with the time and date of the picnic will be sent to volunteers as well as City Council members once the date is finalized.

5. **Worth Lot Paving Improvements.** During the budget process, various City Council members and citizens asked when the Worth Lot upgrades would take place if approved in the FY15 Budget. For your information, the improvements are scheduled for the fall of 2014. These upgrades will include: reclaiming and paving of the entire parking lot; the addition of a four-foot wide raised granite curbed island in the center of the lot where the concrete planters were previously located; the replacement of buried electrical wire and parking lot lights; parking lot striping and minor adjustment to the parking space layout. The proposed changes will have a net zero impact on the number of parking spaces available at the lot.

With the exception of the removal of a section of brick wall, improvements to the Vaughan Mall are not included with this effort.

6. **Parking Shuttle Statistics.** For your information, the [attached spreadsheet](#) shows the parking shuttle statistics beginning May 2<sup>nd</sup> through June 8<sup>th</sup>.
7. **Update of the Implementation Plan Section of the 2005 Master Plan.** As requested by the City Council, [attached is a report](#) listing the current status of all implementation strategies recommended in the 2005 Master Plan.

## EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into between the Fire Commission, City of Portsmouth, New Hampshire, (hereinafter called "Commission/Board") and Carl F. Roediger (hereinafter called "Employee"). This Agreement is null and void unless approved by the Portsmouth City Council.

Deleted: ,

2. Employment and Term

The Commission/Board agrees to employ the Employee and the Employee agrees to accept employment in the position of Deputy Fire Chief for a 3-year term commencing on July 1, 2014 and ending on June 30, 2017. The Commission/Board and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on week-ends. The Employee agrees to devote all of his professional efforts to the successful fulfillment of the responsibilities to the Commission/Board and the City.

Deleted: described in Paragraph 4 below

3. Salary

Effective July 1, 2014, the Employee shall be placed on Grade 22, step D of the City of Portsmouth Non-union Salary Schedule which is Eighty Nine Thousand Five Hundred and Seventy Three Dollars (\$89,573.00) per annum, payable in no fewer than twenty-six installments and subject to such deductions as may be authorized or as may be required by law. Except as expressly described herein, the Employee shall not be entitled to any salary enhancements except as specifically provided herein.

Effective July 1 of 2015 and 2016 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. The COLA Adjustment percentage shall be determined by taking the 10 year average of the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

Effective July 1, 2015 the Employee will follow the wage schedule established through the Non-Union Wage schedule.

Deleted: Step Increments.

4. Certification

This Section is not applicable to the Deputy Fire Chief position.



5. Termination for Cause

This Agreement may be terminated by the Commission/Board at any time for cause, i.e., failure on the part of the Employee to comply with any term or condition of this Agreement, the laws, rules and regulations of the State of New Hampshire, or the rules and regulations of the Commission/Board, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the position as specified in the Municipal Charter of the City of Portsmouth or as directed by the Commission/Board.

Termination for Cause shall take place only following written notification specifying the reasons for termination. Unless the Employee submits to the Commission/Board, within twenty (20) days of receipt of such notification, a written request for a hearing before the Commission/Board, the Agreement shall be considered terminated as of the date which falls thirty (30) days after the Employee's receipt of notification. If the Employee requests a hearing, the Commission/Board shall hold this hearing within twenty (20) days after receipt of such request. The Commission/Board shall render a written decision to the Employee within ten (10) days of the hearing. In the event of a Termination for Cause, the Employee shall receive no severance and no further compensation beyond the last day worked.

6. Termination with Severance Payment

If at any time the Commission/Board in its discretion shall so determine, the Commission/Board may, without cause and with or without prior notice, relieve the Employee of duties under this Agreement. In such event, the Employee shall be entitled to severance benefits. Such severance benefits shall be six month's salary or the balance of the contract, whichever is less. As is set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee.

7. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the Commission/Board and the Employee or by voluntary resignation of the Employee. In the event the Employee voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Employee shall give the Commission/Board sixty (60) days written notice in advance of such resignation. In the event of voluntary resignation, the Employee shall not be eligible for severance benefits pursuant to Section 6 of this Agreement.

Deleted: 7

8. Severance Constitutes Release

The acceptance by the Employee of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action, whether in law, equity or otherwise, that the Employee may have against the Commission/Board, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities.

Deleted: 1

Deleted: COMMISSION/BOARD

9. Benefits

Deleted: ¶

Except as otherwise provided herein, the Employee's fringe benefits shall be established by the collective bargaining agreement currently in place between the City of Portsmouth and the Professional Management Association. The exceptions shall be described in detail in Section 10 below.

10. Exception to Benefits in Section 9.

In lieu of or in addition to the compensation enumerated above, the Employee shall also be entitled to the following:

- a. The Deputy Fire Chief shall be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Deputy Chief is on-call at all times, it is understood that the automobile may also be used for personal business; and
- b. Subject to budgetary constraints, the City agrees to cover the cost of tuition and textbooks for courses and/or other classes that would provide for improved job performance as part of a career development program. Prior approval by the Fire Commission of any and all courses is required. If the Employee fails to successfully complete the course and/or class with a final passing grade, the Employee will be required to reimburse the City for the entire cost of tuition and textbooks.

**AGREED: The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.**

For the Commission/Board:

Employee:

\_\_\_\_\_

\_\_\_\_\_

Date:

Date:

\_\_\_\_\_

\_\_\_\_\_

Approved by the Portsmouth City Council:

\_\_\_\_\_ Date

Certified by the City Clerk

\_\_\_\_\_ City Clerk

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** June 10, 2014  
**RE:** City Council Referral – Proposed Zoning Ordinance Amendments  
- Central Business C (CBC) District  
- Central Business Piscataqua (CBP) District  
- Maximum Building Footprints

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On January 13, 2014, the City Council voted to refer a set of six proposed zoning amendments to the Planning Board for a report back. At its special meeting on April 3, 2014, the Planning Board voted to make recommendations on two of the six proposed amendments as follows:

<b>Proposed Amendment</b>	<b>Planning Board Recommendation</b>
Delete Section 10.535.13 – Increased Building Height by Conditional Use Permit	Voted to reaffirm the Planning Board’s vote of February 20, 2014, recommending that the City Council amend the Conditional Use Permit in Section 10.535.13 of the Zoning Ordinance rather than deleting this section.
Add a definition for the term “building footprint”:	Voted to recommend that the City Council amend the Zoning Ordinance, Section 10.1530 – Terms of General Applicability, by inserting a new definition of “building footprint” as proposed:  <b>Building footprint</b> The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

A memo transmitting the above recommendations was included in the packet for the City Council meeting on April 21, 2014.

The remaining four proposed Zoning Ordinance amendments are as follows:

- (1) Create a new Central Business C (CBC) district, encompassing the area currently zoned Central Business B west of Maplewood Avenue and Middle Street;
- (2) Create a new Central Business Piscataqua (CBP) district, encompassing the area currently zoned Central Business A north and east of Market Street and Bow Street;
- (3) Amend Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, to establish dimensional standards for the proposed CBC and CBP districts

(including reducing maximum building height in the CBC district to 35 feet); and to establish maximum building footprints of 4,000 sq. ft. in the CBA district, 30,000 sq. ft. in the CBB district, 3,000 sq. ft. in the proposed CBC district, and 4,000 in the proposed CBP district;

- (4) Amend Section 10.440 – Table of Uses, to assign the same permitted uses and restrictions to the proposed CBC district as currently designated for the CBB district; and to assign the same permitted uses and restrictions to the proposed CBP district as currently designated for the CBA district.

Most of these proposed amendments either conflict or overlap with the Character-Based Zoning ordinance that was under consideration by the City Council at the same time. Because of this, the Planning Board postponed consideration of these four amendments pending Council action on the proposed Character-Based Zoning. On April 21st the City Council passed third reading on the Character-Based Zoning ordinance and voted to appropriate funding to develop character-based zoning for the North End and the Islington Street corridor. Therefore, the Planning Board again took up the remaining amendments at its next regular meeting on May 15, 2014.

As a result of the Council's votes to adopt the Character-Based Zoning ordinance and to authorize funding for expanding the Character Districts into the North End and along Islington Street, the proposed Zoning Ordinance amendments in this referral were largely superseded:

- The only remaining areas zoned CBA or CBB are as follows:
  - CBA
    - 15 parcels between the railroad tracks and North Mill Pond (Maplewood Avenue, Vaughan Street, Raynes Avenue and Green Street)
    - Noble's Island (7 buildings) and an adjacent parcel on Market Street
  - CBB
    - 25 parcels on Islington Street between Tanner Street and Rockingham Street
    - 2 parcels on Bridge Street (Redlon & Johnson) and Deer Street (Gary's Beverages/ Wells Fargo)
    - 2 parcels on State Street (adjacent to the Keefe House and Fairpoint parcels)

All of these parcels are in areas that have been approved by the Council for expanding Character-Based Zoning.

- The private properties proposed to be rezoned into a new Central Business Piscataqua (CBP) district are now included in the CD4 and CD5 Character Districts, with specific height and use requirements.
- The properties proposed to be rezoned to a new Central Business C (CBC) district are part of a much larger study area for extending the character-based zoning down Islington Street and further into the North End.
- Maximum permitted building footprints are now specified for the CD4 and CD5 districts.

#### Proposed CBC District

Although Islington Street between Tanner and Rockingham Streets is zoned Central Business B, parcels in this area are also subject to "transitional requirements" that were instituted in 2009 to protect the adjacent residential neighborhoods. These special requirements include reduced

building height and coverage, and increased building setbacks and open space. As a result, the proposed replacement of the CBB district along Islington Street with a new CBC district would actually relax several existing dimensional standards:

- Allowable building coverage would increase from 60% to 95% of lot area.
- Existing setback and open space requirements would be eliminated, allowing building up to the lot line adjacent to residential districts.

Overall, the proposed CBC district would allow an intensification of development along Islington Street compared to the current CBB district, which does not seem to be appropriate given the current concerns about impacts on residential neighborhoods.

The only aspect in which the proposed CBC standards are more restrictive than the existing standards for Islington Street properties would be a 5-foot reduction in allowable building height, from 40 feet to 35 feet (further limited to 3½ stories in both cases). However, the City is about to embark on a study to expand character-based zoning to include this area, and the zoning recommendations that will result from this study will be more thorough and precise than just changing one building dimension. For these reasons, it does not seem appropriate to make a quick zoning change that will likely be amended again in a few months.

#### Maximum Building Footprints

Another proposed amendment would establish maximum building footprints in the CBA and CBB districts as well as the proposed CBC and CBP districts. For the CBB district, the proposal is to allow building footprints of up to 30,000 sq. ft., which could be excessive in many areas. By comparison, the building at 51 Islington Street (the former Kline's Furniture) has a footprint of approximately 12,000 sq. ft., less than half of the maximum footprint envisioned by this proposed amendment. In contrast, the proposed 3,000 sq. ft. maximum footprint for the Islington Street corridor (and two parcels on Bridge and Deer Streets) would be the most restrictive building coverage standard in the City, which is not necessarily appropriate for an area designated as Central Business.

The recently adopted Character-Based Zoning ordinance includes maximum building footprint standards for two of the character districts: 10,000 sq. ft. in the General Urban (CD4) district and 15,000 sq. ft. in the Urban Center (CD5) district. The next phase of character-based zoning will include the remainder of the CBA and CBB districts as well as parcels in the Mixed Residential Office (MRO), Mixed Residential Business (MRB) and Business (B) districts. As was the case with the first phase of Character-Based Zoning, the standards developed in the next phase will include building footprint limits for each area based on the input from the community. Again, rather than implement interim standards for a small geographic area, it is recommended that this issue be dealt with in the character zoning study for Islington Street.

#### Planning Board Recommendations

At its meeting on May 15, 2014, the Planning Board voted to recommend against all four of the proposed zoning amendments because (a) the net effect of the proposed dimensional standards would be to increase the potential development intensity on Islington Street, and (b) all the areas proposed to be rezoned are under consideration for Character-Based Zoning.



Department of Public Works

Sewer Division

Department	Former City ID #	Description	Make	Comments	Mileage/Hrs	Year of Mfg.	Mfg. Identification
COLLECTIONS	12	K-2500 4X4 3/4 ton Pick-up (yellow)	Chevrolet	w/plow, not inspected, out of service	109,770 / 4,411 hrs	2002	1GBHK24UX2E283846
HIGHWAY	134	Blazer	Chevrolet	not inspected for one year, out of service	93,433	2002	1GNDD13W82K208592
COLLECTIONS	135	Old Camera Truck (former ambulance)	Ford	not inspected 2 yrs., out of service	105,308	1995	1FDKF37FXSEA29994
SEWER		Rodder		not running, out of service	n/a		

Water Division

WTP	W-27	4 x4 1-ton pick-up HD CK36006	Chevrolet	not inspected	111,944	2003	1GBJK34G03E206213
DISTRIBUTION	109	1/2 ton Pick-up (yellow)	Chevrolet	not inspected, one year	97,785	1999	1GCEC14W0XZ168762
DISTRIBUTION		Wheel Horse Mower (red) Model 73545	Toro	needs work	n/a		8901263

Highway Division

HIGHWAY	8	Silverado 4 x 4 PU	Chevy	not inspected	64,068	2003	1GCHK24UX3E191066
HIGHWAY	11	4700 Flatbed Dump (yellow)/lowpro	International	w/plow running, inspectable	84,770 mi/ 9,040 hrs	1999	1HTSCAAL0XH656714
HIGHWAY	37	4900 DUMP	International	w/plow & wing, not inspected	56,185 / 6,820 hrs	1999	1HTSDAAR0XH656715
HIGHWAY	38	4600 Flatbed Dump (yellow)/lowpro	International	w/plow, not inspected	105,701 / 9,556 hrs	1999	1HTSCAAL9XH666447
HIGHWAY	67	Pelican Street Sweeper	Elgin	very used, one year out of service	23,289 / 4,588 hrs	1999	P-3002-D
HIGHWAY	72	Sidewalk Sweeper	Tennant	very used	1,715 hrs	1999	HAWK-1039
HIGHWAY	76	Compressor	Lindsay	1 year out of service	1,040 hrs	1989	31651
HIGHWAY	113	Gas power sweeper (parking)	Tennant	not inspected, out of service	436 hrs	1992	01105G22RB
HIGHWAY	115	Silverado 4X4 Utility (white)	Chevrolet		118,944	2003	1GBHK24U03E109074
HIGHWAY	121	C3500 4x4 1-ton Dump (yellow)	Chevrolet	w/plow, not inspected	94,376	2002	1GBJK34G82E283054
HIGHWAY	137	Electric Pickup	Miles	out of service	n/a	2008	LECPT22BX8T000029
HIGHWAY	142	Mobile Message Board	3M	out of service	n/a	2003	139UP081X3A003197
HIGHWAY	145	GEM Long-back LSV/NEV/ZEV Elect. Car	Gem	out of service	n/a	2002	5ASAK27402F031151
HIGHWAY	146	Recycling Truck (yellow)	International	working, not inspected	104,576 / 16,221 hrs	2000	1HTSHADT0YH247854
HIGHWAY	147	Recycling Truck (yellow)	International	blown transmission	140,255 / 21,080 hrs	2000	1HTSHADT2YH247855
HIGHWAY	150	Recycling Truck (white)	CCC	new fuel injectors, bad body panel	73,454 / 12,621 hrs	2000	1CYCAA480YT044394
HIGHWAY	n/a	9,200 Gal Polyethylene Tank		cracked	n/a	n/a	none

Fire Dept.

Fire		Type III Ambulance	Ford E450 Road Rescue	at City yard/some frame rot was repaired but could be an issue	101,295	2001	1FDXE45F81HB05453
Fire		4 door sedan	Ford Crown Vic	at City yard/ good shape except for hole in the roof from the light	97,870	2003	2FAFP71W03X135511

Police Dept.

Police	2	4 door sedan	Ford Crown Vic	Air bag light on, front end suspension very loose, minor body damage, paint peeling and scratched up	106,117	2008	2FAHP71V38X131024
Police	3	4 door sedan	Ford Crown Vic	AC compressor making noise and miles	100,191	2008	2FAHP71V88X131021
Police	5	4 door sedan	Ford Crown Vic	Steering stiff	104,701	2010	2FABP7BV4X101993
Police	9	4 door sedan	Ford Crown Vic	Blown head gasket	94,488	2006	2FAHP71W56X113419
Police	14	4 door sedan	Ford Crown Vic	Paint in bad shape	109,162	2009	2FAHP71V49X100043
Police	18	4 door sedan	Ford Crown Vic	Was used for drivers training and is pretty beat up	109,801	2009	2FAHP71V29X114930
Police	21	4 door sedan	Ford Crown Vic	Floor boards rusting above catalytic converters.	95,726	2006	2FAHP71W66X106527
Police	19	4 door sedan/color tan	Buick Century	Needs front brakes, exhaust system from CAT back	99,509	2003	2G4WS52J831291505
				Rocker panels and bottom of doors are rused, needs paint job			
Note: All police vehicles are parked in the far lower lot at City Hall.							

## Event Listing by Date

Starting Date: 6/ 2/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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
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 Run Portsmouth 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
6/22/2014 6/22/2014	MARCH Robert L. Sutherland is the contact for this event. (603) 828-5246	Miller Avenue	St. John's Lodge	3/17/2014
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	FUND The contact for this event is Tim Dame - (603) 834-1896 This event is for two days - July 12 and August 9 in Market Square	Market Square	Portsmouth Professional Fire F	6/ 2/2014
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

## Event Listing by Date

Starting Date: 6/ 2/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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	BIKE TOUR Thomas MacLennan, Logistics Specialist is the contact for this event. This event goes through downtown to Kittery and then back through.	Through Downton	Cystic Fibrosis Foundation	4/ 7/2014
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
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/ 9/2014 8/ 9/2014	FUND Tim Dame is the contact for this event - (603) 834-1896. This event is for two days July 12th and August 9th in Market Square.	Market Square	Portsmouth Professional Fire F	6/ 2/2014
8/23/2014 8/23/2014	ROAD RACE Thunder Chicken Community Road Race Series This race begins at 9:00 a.m.  Contact: Justin Finn - 433-5515	Pierce Island	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 McCooole		My Breast Cancer Support	11/18/2013
9/19/2014 9/21/2014	FILM EXPO Chris Curtis is the contact for this event. Contact Number: 766-2199 ccurtis@themusicHall.org This event begins on Friday, September 19th at 5:00 p.m. and runs to Sunday, September 21, 2014 until 6:30 p.m.	Congress Street to Porter Street	Music Hall	/ /
9/20/2014 9/21/2014	FAIR Caroline Ampert Piper (603) 686-4338 This event is for two days.	South End	Friends of the South End	5/19/2014



## Event Listing by Date

Starting Date: 6/ 2/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
9/20/2014 9/20/2014	ROAD RACE 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.	Pease Tradeport	Bottomline Technologies	2/18/2014
9/27/2014 9/27/2014	ROAD RACE 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.	Portsmouth High School	Project Safety Association	11/18/2013
9/27/2014 9/27/2014	WALK Ken La Valley is the contact for this event. This event begins and ends at Peirce Island . Registration being at 8:30 a.m.	Peirce Island	American Foundation for Suicid	4/ 7/2014
9/28/2014 9/28/2014	WALK 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.	Strawbery Banke	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

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** June 9, 2014  
**RE:** City Council Referral – Request that the Planning Board evaluate the design review provisions established in Section 2.4 of the Site Plan Review Regulations

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At its meeting on January 21, 2014, the City Council voted as follows:

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.

## Background

In March 2013 the Planning Board amended its Site Plan Review Regulations to provide for “preapplication review” as authorized by RSA 676:4,II. The statute provides for two types of preapplication review:

- A “preliminary conceptual consultation phase” to provide for review of the basic concept of the proposal; and
- A “design review phase” addressing more specific design and engineering details than the preliminary conceptual consultation phase.

The purpose of both preapplication review phases 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 complete set of engineered site plans.

The March 2013 amendment adopted both types of preapplication review authorized by the statute, although the primary interest was in the “design review phase.”

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 St., Deer St. and Maplewood Ave. (December 19, 2013); and a proposed second building at 30 Maplewood Ave. (also December 19, 2013). No requests have yet been submitted for the preliminary conceptual consultation phase.

### Public Hearing and Review

The Planning Board held a public hearing on the City Council's request on February 20, 2014, at which several residents spoke on the design review process and made the following points:

- The Board should define what constitutes a completed request for design review.
- The regulations should state what happens if the Board feels that a request is not complete.
- A request for design review should be based on preliminary engineering.
- The design review phase should not be offered to developers independently of the preliminary conceptual consultation phase.

The Planning Board took up the issue again at its special meeting on April 3, 2014. At that meeting a consensus emerged that the Site Plan Review Regulations should be revised to insert a new step into the process before advertising a public hearing for design review. The purpose of this step would be for the Planning Board to review the request for design review and accept it for consideration prior to scheduling a public hearing. The Board requested staff to draft the amendment for action at the Board's May meeting.

### Planning Board Action

At its meeting on May 15, 2014, the Planning Board voted unanimously to amend the Site Plan Review Regulations, Section 2.4.3 – Design Review, as follows:

(A) Amend Section 2.4.3(3) as follows:

3. The request for design review shall include all enough of the information listed in Section 2.5.3(1) and plans displaying all enough of the information listed in Section 2.5.4(3) so that the Board is able to review the project. Detailed engineering of infrastructure and utilities are not required at the design review phase, but the information listed in Section 2.5.4(3) should be displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues and concerns.

(B) Insert a new paragraph 2.4.3(4) as follows:

4. At a regular meeting of the Planning Board, the Board shall determine if the request for Design Review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and shall vote on whether to accept the request for Design Review and to schedule a public hearing. If the Board determines that the request does not describe the proposed project in sufficient detail, it shall notify the applicant of the specific deficiencies that need to be addressed.

These changes clarify that a final engineered plan is not expected at the design review stage, and allow for a completeness review by the Planning Board before a project is advertised for a design review public hearing.



# CITY OF PORTSMOUTH

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 431-2000

## CITY COUNCIL WORK SESSION

### Code of Ethics / Conflict of Interest / Mandatory Financial Disclosure

**DATE:** TUESDAY, JUNE 17, 2014  
**LOCATION:** CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
**TIME:** 6:30PM

## **A G E N D A**

- I. Call to Order – Robert J. Lister, Mayor
- II. Introduction – John P. Bohenko, City Manager
- III. Presentation – Robert P. Sullivan, City Attorney
- IV. Discussion by City Council
- V. Adjournment

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

**NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED:** If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.

	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>	<b>Wknd Total</b>	<b>Comment</b>
#1 2-4 May	35	113	123	271	
#2 9-11 May	28	127	225	380	Mother's Day
#3 16-18 May	56	382	42	480	Children's Day
#4 23-25 May	49	150	87	286	
#5 30 May – 1 Jun	84	163	85	332	
#6 6-8 Jun	74	514	147	735	Chowder Fest
Total	326	1448	709		
Average Day	54	241	118		

Note: Hours of Operation are:

- Friday: 4 PM – 1:30 PM (9.5 hours)
- Saturday: noon- 1:30 PM (13.5 hours)
- Sunday: noon- 10 PM (10 hours)

## 2005 Master Plan – Status of Recommended Implementation Strategies

June 11, 2014

Strategy #	Strategy Description	Status
<b>LAND USE</b>		
LU-1.1	Amend the zoning ordinance to promote continuity of pedestrian-oriented uses in street level spaces in the CBD.	Completed (Downtown Overlay Districts - 2004)
LU-1.2	Review the design standards in the Historic District Ordinance that address façade elements that promote vitality, such as building entries and display windows and revise as necessary to clarify.	In progress: <ul style="list-style-type: none"> <li>◆ Interim guidelines for Character Districts</li> <li>◆ Historic District standards to be developed in FY 2015</li> </ul>
LU-1.3	Consider zoning changes to allow/promote shared parking facilities for uses with complementary demands (e.g., residential and commercial).	Related: <ul style="list-style-type: none"> <li>◆ “Reserve parking” area provision in 2010 Zoning Ordinance</li> </ul>
LU-1.4	Consider zoning changes to encourage upper-story design that is compatible with existing building character.	Character-Based Zoning, including interim architectural design guidelines
LU-1.5	Integrate commercial uses into street frontage of off-street parking facilities in order to preserve continuity and vitality of the CBD.	Not applicable (no new City parking structures have been designed)
LU-1.6	Review CBD zoning regulations to encourage placement of parking areas behind or beside buildings rather than between buildings and the street.	Completed (2010 Zoning Ordinance)
LU-1.7	Conduct a broad-based visioning process to guide redevelopment of the McIntyre Federal Building site and additional redevelopment opportunities.	Included in CIP, but on hold pending site disposition
LU-1.8	Restrict or prohibit drive-throughs in the CBD to improve pedestrian safety and maintain the quality of streetscapes.	Completed (2010 Zoning Ordinance)
LU-1.9	Provide zoning and other incentives in the downtown for developers to provide exhibit, rehearsal and performance spaces.	No action
LU-1.10	Review and revise the sign regulations in the Central Business District to recognize the downtown’s special character.	Completed (2010 Zoning Ordinance)
LU-2.1	Implement the Streetscape Improvement Plan for the Islington Street corridor.	In progress on DPW project list for 2014/2015

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
LU-2.2	Strengthen site and building design standards and review processes and establish design standards for business areas outside designated historic districts.	Partially Complete: <ul style="list-style-type: none"> <li>◆ Gateway Planned Development (2010)</li> <li>◆ Revised Site Plan Review Regulations (2010)</li> <li>◆ Standards for Drive-Through Facilities (2010)</li> </ul>
LU-2.3	Review zoning regulations in designated business districts and corridors and revise as appropriate to promote improvements in the streetscape, including encouraging the placement of parking areas behind or beside buildings rather than between buildings and the street.	Completed (2010 Zoning Ordinance)
LU-2.4	Review standards in the sign ordinance and revise to clarify and facilitate administration and enforcement. Consider design standards for specific areas.	Completed (2010 Zoning Ordinance)
LU-3.1	Encourage the Pease Development Authority to consider regulatory changes to promote higher densities and a greater mix of non-residential uses in the Tradeport.	No action
LU-3.2	Encourage shared parking and parking structures in the Tradeport to promote more efficient land use and transportation options.	No action
LU-4.1	Carry out a study to identify potential locations and appropriate uses, and accompanying development standards, for neighborhood commercial areas.	Proposed Zoning revision for Neighborhood Commercial Uses recommended by Planning Board, no action by City Council (2013)
LU-4.2	Identify locations and conditions under which live/work units can be safely and appropriately allowed.	No action
LU-5.1	Carry out corridor studies for Woodbury Avenue, Lafayette Road, Route 1, and Route 1 Bypass.  Corridor studies should address land use, urban design, vehicular, bicycle, transit and pedestrian circulation, and natural resources, and should consider opportunities for development and redevelopment that promote economic development and housing, and help build and strengthen community.	No action
LU-5.2	Designate locations along major corridors for redevelopment as mixed-use, transit-oriented development centers.	No action

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
LU-5.3	Identify strategic locations for landscaping improvements along corridors to improve the aesthetics and increase pedestrian-friendliness of the corridors.	Islington Street Corridor Improvement Strategy (2009) Market Street Gateway Corridor Plan (2008)
LU-6.1	Require new commercial development and redevelopment to provide direct and high quality pedestrian connections from street frontage to entrances.	Completed (2010 – Site Plan Review Regulations)
LU-6.2	Revise subdivision regulations to require new commercial and residential development to contain a more interconnected street network to facilitate vehicular and non-vehicular movement to and through development.	No action
LU-6.3	Revise Site Plan Review regulations to allow for a fuller consideration of off-site and neighborhood impacts (e.g., traffic, stormwater, lighting).	Completed (2010 – Site Plan Review Regulations)
LU-6.4	Continue to implement appropriate policies and mechanisms for private sector financing of capital improvements required to support new development and redevelopment.	Ongoing
LU-6.5	Consider fiscal impacts when reviewing proposals for zoning changes or zoning map updates.	Ongoing
LU-6.6	Promote continuity of waterfront access when reviewing proposals for new development or redevelopment along waterfronts.	Ongoing
LU-6.7	Work with developers to place utilities underground where appropriate.	Ongoing
LU-7.1	Conduct further review to determine if multi-family workforce housing is appropriate for the Kearsarge Way location.	No action
LU-7.2	Consider rezoning the Wentworth School site from Municipal to Business or Mixed Residential Business, to foster reuse for economic development purposes.	No longer applicable, new Memorial Field has been constructed here
LU-7.3	Review zoning along the Route 1 Bypass between the Portsmouth Traffic Circle and Maplewood Avenue to promote redevelopment that will enhance and will be compatible with adjoining residential neighborhoods.	City Council referral to Planning Board (2014)



2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
LU-7.4	Consider options for reconfiguring the I-95 off-ramp to the Route 1 Bypass to accommodate highway-oriented uses, and appropriate rezoning to support such uses.	No action
LU-7.5	Review zoning for the Route 1 Bypass between the Portsmouth Traffic Circle and the railroad overpass in the context of improvements to the Traffic Circle and a potential new street link from Borthwick Avenue to Cate Street.	No action
LU-7.6	Carry out a comprehensive planning study of the existing Office Research district located between Islington Street and Borthwick Avenue to determine the appropriate long-range policy and zoning for this area. The study should address the environmental carrying capacity of the site (including impacts on upstream flooding, wildlife habitat, and municipal water supplies), potential reactivation of passenger rail service, the potential for expansion of office campus development from Borthwick Avenue, and traffic circulation and access.	No action
LU-7.7	Review the zoning along Islington Street between Maplewood Avenue/Middle Street and Bartlett Street, and amend to support appropriate redevelopment.	Will be considered during the next phase of the Character District zoning process
LU-7.8	Change the zoning on the northeasterly side of Peverly Hill Road from Industrial to General Business, in order to facilitate coordinated or complementary redevelopment of this site with the adjacent Yoken’s property; and review GB use and site planning regulations in order to promote improved development patterns.	Rezoned to Gateway
LU-7.9	Maintain the existing Office Research zoning district opposite Elwyn Park (including the vacant lots opposite McKinley Road), and review OR zoning regulations, including permitted uses and dimensional requirements, to facilitate appropriate development in this district.	OR zoning amendments recommended by Planning Board, no action by City Council (2012)
LU-7.10	Review the zoning on Lafayette Road between the Rye town line and the NRP district, including areas now zoned GB, I, and SRA, and revise as needed for consistency with existing and desired uses.	Rezoned to Gateway

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
<b>HOUSING</b>		
H-1.1	Consider an overlay district in residentially-zoned areas that would promote housing affordable to households earning incomes in the middle ranges.	No action
H-1.2	Promote the development of mixed-income multifamily housing at appropriate locations along major corridors.	Adopted Planned Unit Development and Gateway Planned Development Zoning
H-1.3	Explore the use of flexible zoning techniques to negotiate creative mixed use housing in association with commercial development and redevelopment.	Adopted Planned Unit Development and Gateway Planned Development Zoning
H-1.4	Where opportunities arise, consider the use of inclusionary zoning provisions to create mixed income housing.	Adopted Planned Unit Development and Gateway Planned Development Zoning
H-1.5	Continue to work in partnership with housing agencies to apply subsidies (such as low income or historic preservation tax credits as used for the renovation of the 1895 Building) to support the development of workforce housing.	Ongoing
H-1.6	Continue to encourage the creation of small apartments in upper floors of downtown buildings.	Ongoing
H-1.7	Review existing regulations and development definitions affecting senior accessory apartments.	No action
H-1.8	Continue City programs that provide incentives for low to moderate income first-time homebuyers to purchase homes in Portsmouth.	Ongoing
H-2.1	Explore mechanisms to increase housing in proportion to newly generated demands through provisions requiring development of workforce housing or contribution to an affordable housing fund.	Created Work Force Housing Trust Fund
H-2.2	Work with area businesses to evaluate the feasibility of employer-assisted housing programs, such as contributions to an affordable housing trust, donations of land for housing sites, provision of down payment assistance to employees, and other techniques.	No action

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
H-2.3	Explore the potential for financial institutions to implement creative underwriting such as Location Efficient Mortgages that provide income “credit” on mortgage eligibility to households that live in proximity to work or transit, requiring less of their household income for transportation costs.	No action
H-2.4	Encourage continuing discussion of the jobs-housing relationship and the wage-housing cost balance among area businesses and housing providers.	Ongoing
H-3.1	Participate in regional partnerships to inform community members about housing issues and to develop regional solutions.	Ongoing
H-3.2	Participate actively in the development and updating of the Regional Housing Need Assessments prepared by the Rockingham Planning Commission.	Ongoing
H-3.3	Support research by area housing agencies to study the feasibility of a regional housing trust fund to accept property, raise capital, and otherwise promote the development of affordable housing in the Portsmouth area.	Ongoing
H-3.4	Work with a multi-jurisdictional affordable housing developer such as The Housing Partnership to establish lower cost rental housing developments in abutting communities.	No action
H-4.1	Evaluate the potential for zoning ordinance provisions that support the preservation or replacement of affordable housing affected by redevelopment.	No action
H-4.2	Work to preserve affordability in existing subsidized rental housing by monitoring the potential expiration of subsidy commitments and income or rent limitations in the developments. Assisted by agencies such as the Portsmouth Housing Authority and the New Hampshire Housing Finance Authority, work to facilitate agreements, incentives, or refinancing packages to preserve affordability in affected projects.	Ongoing
H-4.3	Continue the City’s housing rehabilitation efforts using CDBG and other funds to improve housing stock serving low to moderate income homeowners and renters.	Ongoing

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
<b>ECONOMIC DEVELOPMENT</b>		
ED-1.1	Promote redevelopment of existing retail and commercial areas into mixed-use retail/office and research & development/ office/industrial centers through zoning and infrastructure planning.	Ongoing
ED-1.2	Support the “eCoast” initiative to promote the Seacoast area for entrepreneurial businesses.	Ongoing
ED-1.3	Identify locations for flexible, low-cost space for business startups (such as incubator spaces at Pease), and support their development through appropriate zoning.	Ongoing
ED-1.4	Identify appropriate development or redevelopment sites capable of supporting establishment or relocation of large corporations.	Ongoing
ED-2.1	Support through zoning the creation of additional areas for outdoor sitting (both public and private) to enhance the liveliness of the downtown.	Character District zoning adopted (2014)
ED-2.2	Promote the establishment of retail and entertainment uses in the existing central business district and in the Northern Tier.	Ongoing
ED-2.3	Continue planning and implementation of the Riverwalk project.	Ceres St portion completed, Harborwalk Park nearly complete (2014)
ED-2.4	Make improvements to Ceres Street as a gateway to the Riverwalk project.	Completed
ED-3.1	Explore the possibility of assuming City control of the New Hampshire State Fishing Pier at Peirce Island to improve its utilization, should it become surplus property.	No action
ED-3.2	Provide docking facility for passenger vessels closer to the downtown.	No action
ED-5.1	Support the use of historic house museums for arts and cultural activities.	Ongoing
ED-5.2	Explore the benefits of making the city a Certified Local Government to offer commercial historic property owners federal tax benefits.	No action

Strategy #	Strategy Description	Status
<b>TRANSPORTATION AND CIRCULATION</b>		
T-1.1	Provide subtotals for alternative modes and other transportation projects in the CIP to monitor spending across modes.	Ongoing
T-1.2	Broaden the responsibilities and mandate of the City’s Traffic and Safety Committee to include all travel modes.	No Action
T-1.3	Review the past effectiveness of ordinances and policies and their application in the development review process with regard to bicycle-pedestrian circulation and safety, and transit.	See T-4.6
T-1.4	Undertake a public relations and marketing effort with other public and private partners (Seacoast MPO, Greater Portsmouth Transportation Management Association, large employers, etc.) to inform and motivate residents about transportation options to the automobile throughout the City.	CommuteSMART Seacoast (TMA) reformed in 2013. City is an active member
T-1.5	Develop a comprehensive Traffic Review Policy for the City that establishes consistent criteria for the implementation of traffic calming programs in Portsmouth.	No action
T-1.6	Update the City’s Street Standards to reflect current design practices and conditions.	No action
T-2.1	Undertake a City-wide traffic circulation plan that also includes full consideration of other transportation modes (bicycle, pedestrian, bus transit).	Bicycle and Pedestrian Master Plan in process
T-2.2	Work with the Rockingham Planning Commission to undertake a comprehensive regional truck routing study that identifies preferred through-truck routes through the City and to major destinations within the City from each major roadway access point. These preferred routes would supplement the roads from which through-trucks are currently banned or regulated.	No Action
T-2.3	Work with the Seacoast Metropolitan Planning Organization to annually compile and review with the City a list of High Crash Locations to prioritize actions to improve identified safety issues. These actions may include safety studies and funding projects to correct deficiencies.	Ongoing

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
T-2.4	Undertake a comprehensive review with the NHDOT and the Seacoast MPO of the role of limited access highways (Spaulding Turnpike, Route 1 Bypass) in Portsmouth and potential changes to beautify them and better integrate them into the community.	<ul style="list-style-type: none"> <li>• Working with NH DOT on Route 1 Bypass bridge improvements and integration of Complete Streets components</li> </ul>
T-2.5	Undertake a comprehensive review of the Islington Street Corridor to better integrate vehicular, bicycle, and pedestrian traffic and land use.	<ul style="list-style-type: none"> <li>• <i>Islington Street Corridor Improvement Action Plan 2009</i></li> <li>• Design / Construction 2014/2015</li> </ul>
T-2.6	Conduct a Wayfinding Study to determine preferred access routes to major destinations within Portsmouth. Develop a signage program to implement these routes.	<ul style="list-style-type: none"> <li>• Phase 1 (plan) 2013</li> <li>• Phase 2 (implementation) 2014</li> </ul>
T-2.7	Review the past effectiveness of ordinances and policies and their application with regard to street interconnections in residential subdivisions and inter-parcel connections between adjacent commercial developments.	No action
T-2.8	<p>In conjunction with the Seacoast MPO, develop a systematic traffic congestion monitoring program for arterial roadways in Portsmouth. The monitoring program might include:</p> <ul style="list-style-type: none"> <li>◆ Data collection (turning movements, travel-delay studies)</li> <li>◆ Congestion and delay monitoring and analysis</li> <li>◆ Follow-up actions such as further study and CIP projects.</li> </ul>	Ongoing
T-2.9	Continue the systematic upgrade of traffic signal systems (replacement of equipment, coordination of signal systems) to make the most efficient use of roadway capacity such as Woodbury Avenue.	Woodbury Ave traffic signal coordination process underway
T-2.10	Ensure access management is a major consideration in all corridor studies and is incorporated into roadway construction projects, as appropriate.	Ongoing
T-3.1	Create a system of multimodal transportation centers that will facilitate use of public transit and other modes.	<ul style="list-style-type: none"> <li>• Added multi-modal improvements to High Hanover Parking Facility.</li> </ul>
T-3.2	Continue and promote expanded public transit options for evening activities and special events.	<ul style="list-style-type: none"> <li>• Parking Shuttle (Summer)</li> <li>• Vintage Christmas Trolley (December)</li> </ul>
T-3.3	Consult regularly with potential public transportation user groups.	Planning staff sit on COAST Board of Directors

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
T-3.4	Work with the Seacoast MPO on studies to reintroduce passenger rail service to Portsmouth on the Hampton Branch or other viable routes such as the Rockingham Branch, and for the siting of passenger rail stations with links to the downtown (if not located downtown).	Hampton Branch in process of abandonment, NHDOT to purchase for conversion to multi-use path
T-3.5	Continue the City’s participation with the Greater Portsmouth Transportation Management Association. Make the City government a model for alternative commuting through employee incentives and policies to reduce single occupant automobile commuting.	CommuteSMART Seacoast (TMA) reformed in 2013. City is an active member.
T-3.6	Continue and expand the enhancement of fixed route bus service (route frequency, bus routing, types of buses) to meet new demands and opportunities.	Ongoing participation in COAST Board of Directors
T-3.7	Promote the expansion of intercity bus service by private providers to better connect Portsmouth to other cities and major destinations such as Manchester Airport.	Ongoing participation in regional transportation planning facilitated through Rockingham Planning Commission and COAST
T-3.8	Work with the NHDOT to preserve the utility of existing rail rights of way.	Working with NH Seacoast Greenway and NHDOT to preserve Hampton Branch corridor as potential rail trail (added to CIP)
T-3.9	Conduct a study of all public transit services within the City to eliminate service redundancies, increase public transit ridership and improve overall efficiencies.  Include services provided by, and policies of, COAST, Wildcat Transit, Portsmouth Housing Authority, Portsmouth School Department and human service agencies.	In process
T-4.1	Review the current policies and standards regarding the requirement for sidewalks along public streets for new streets and for the addition of sidewalks along existing streets.	<ul style="list-style-type: none"> <li>• Planned component of subdivision bylaw revisions</li> <li>• Adopted sidewalk policy</li> </ul>



2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
T-4.2	<p>Develop a city-wide bicycle and pedestrian plan. The Plan should be fully integrated with traffic, roadway planning and transit by the City, Rockingham Planning Commission, and State; should be developed by an Advisory Committee; and should:</p> <ul style="list-style-type: none"> <li>◆ identify bicycle and pedestrian needs and deficiencies,</li> <li>◆ identify and prioritize facility improvements (on-road facilities, sidewalks, crosswalks, shared use paths and bicycle parking),</li> <li>◆ develop bicycle and pedestrian facility guidelines/standards, including bicycle parking,</li> <li>◆ develop standards for bicycle signage on roadways such as Share the Road,</li> <li>◆ estimate implementation costs and identify funding sources, responsibilities and phasing.</li> </ul>	<ul style="list-style-type: none"> <li>● In process</li> <li>● City Council adopted Bicycle and Walk Friendly Communities Policies</li> </ul>
T-4.3	<p>Install additional bicycle parking in the downtown and study the feasibility of a Bike Station with secure bicycle parking and support facilities.</p>	<ul style="list-style-type: none"> <li>● COAST funded new bike racks throughout downtown</li> <li>● New bike racks added as part of street improvement projects on Daniel St and State St</li> <li>● Bicycle parking area expanded in Parking Garage</li> </ul>
T-4.4	<p>Continue to seek funding for bicycle projects already designed.</p>	<p>Ongoing</p>
T-4.5	<p>Fully consider bicycle facilities in all roadway and bridge projects (resurfacing, retrofit, rehabilitation, reconstruction and replacement projects) including the Sagamore and Memorial Bridges and the Route 1 Bypass Bridge.</p>	<p>Ongoing coordination with NHDOT and Maine DOT</p>
T-4.6	<p>Review site plan, zoning and subdivision ordinances to make them more bicycle-friendly including bicycle parking requirements, roadway design standards, and easements/right-of-way for bicycle and pathway projects.</p>	<ul style="list-style-type: none"> <li>● Zoning Revisions implemented</li> <li>● Site Plan review changes implemented</li> <li>● More changes in progress / under review</li> </ul>
T-4.7	<p>Incorporate bicycle, pedestrian and transit accommodations into site planning standards.</p>	<p>See T-4.6</p>
T-5.1	<p>Conduct a Wayfinding Study to determine priority access routes to major destinations within Portsmouth from the Interstate System and arterial roadways.</p>	<p>See T-2.6</p>
T-5.2	<p>Develop a signage program to implement these routes.</p>	<p>See T-2.6</p>

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
T-5.3	Implement a Gateway Signage program which includes welcome signs, landscaping, and other design treatments at primary gateways to the community.	Part of Wayfinding Program
T-5.4	Commit CIP funds to Ongoing program support (maintenance, expansion, management).	Ongoing
T-5.5	Develop policies and procedures to coordinate public sector and private/nonprofit sector signage programs within the public right of way.	See T-2.6
T-6.1	Regularly monitor the inventory and turnover of public and private downtown parking, the number of residential housing units, the square footage of commercial buildings, and assess vacancy rates in order to monitor parking supply and demand.	<ul style="list-style-type: none"> <li>• November 2006 - Parking Service Enhancements Consultant Report</li> <li>• July 2010 - A Report on Parking Impacts and Downtown Vitality</li> <li>• March 2011 - Downtown Parking Omnibus</li> <li>• December 2011 - Report on Downtown Parking Supply and Demand</li> <li>• January 2012 - Parking Supply and Demand Analysis Final Report</li> </ul>
T-6.2	Enhance (supply, aesthetics, infrastructure) parking facilities on the periphery of the downtown with high frequency public transit.	Parking Shuttle pilot (2014) Ongoing coordination with COAST and Wildcat Transit
T-6.3	Work with the RPC, NHDOT and MPO to implement the system of planned satellite Park and Ride lots (outside of Portsmouth) and Commuter Express Buses to intercept commuters bound for Portsmouth to mitigate traffic and improve air quality.	No action
T-6.4	Consider the recommended upgrade of the Worth Lot from surface lot to parking garage.	Parking Garage Site Selection Committee
T-6.5	Identify and expand shared parking opportunities between land uses (such as currently provided by the City and the St. John’s Masonic Parking Lot) to use the current supply efficiently and reduce demand for additional downtown parking.	Ongoing
T-6.6	Periodically review the current amount and appropriateness of the parking impact fee (intermodal transportation credit) that developers pay in lieu of providing parking downtown. The review will assess when the rates need to be changed to bring them up to date and in line with the public and private cost to provide off-street parking.	Parking fee eliminated

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
T-6.7	Consider implementing Resident Permit Parking to prevent downtown parking from encroaching into residential neighborhoods and encourage use of peripheral parking lots or downtown structured parking.	Study completed (2005)
T-6.8	Review the existing off-street parking requirements for new development and parking generation rates in the zoning ordinance.	Ongoing
T-6.9	Review the current pricing structure of public on and off-street parking.	City Council has adopted changes effective 1/2013
T-6.10	Review new technology to more cost-effectively and conveniently collect parking payments for on-street and off-street parking.	Ongoing
T-7.1	Participate in a strategic planning process with the Tradeport that reviews the mission of the Airport and considers alternatives to current operations, functions, and management structure.	No action
T-7.2	Evaluate parking policies on the Pease Tradeport including the potential for improved shared parking and consolidation of parking areas.	No action
T-7.3	Preserve rail access to the Pease Tradeport.	No action
T-8.1	Maintain funding in the CIP to ensure adequate preservation of roadway pavement, bridge and sidewalk conditions throughout the City and transit vehicle maintenance/replacement.	Ongoing
T-8.2	Work with the NHDOT to identify and prioritize major infrastructure needs: <ul style="list-style-type: none"> <li>◆ Roadway-rail grade crossings</li> <li>◆ Roadway-rail grade separated crossings (Maplewood Avenue, Route 16, etc.)</li> <li>◆ Rehabilitation replacement of the Sagamore and Memorial Bridges</li> <li>◆ General Sullivan Bridge</li> <li>◆ Portsmouth Traffic Circle</li> </ul>	Ongoing
T-9.1	Implement the recommendations of the Port Master Plan.	See Port Master Plan
T-9.2	Identify additional ways to facilitate usage of the Port.	See Port Master Plan
T-9.3	Review current zoning and other City policies to ensure that operation of the Port remains viable.	Ongoing

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
T-9.4	Maintain and improve intermodal freight connections between the Port, Tradeport, and the region.	Ongoing
<b>COMMUNITY FACILITIES AND SERVICES</b>		
FS-1.1	Continue to provide community information on a regular basis in a variety of media formats.	Ongoing
FS-1.2	Annually assess and report on progress on Master Plan implementation and update residents on major City initiatives.	Ongoing
FS-2.1	Address capital improvement needs of the Fire Department, including feasibility studies and potential replacement of Station #2 and #3, and repairs to the exterior envelope of the Central Station.	Completed
FS-2.2	Complete renovation of the Police Department’s Indoor Training Range.	Completed
FS-3.1	Complete an assessment of the Middle School to determine its adequacy for future needs consistent with educational programming, and complete renovation/new construction project.	Completed
FS-3.1	Conduct an engineering and educational space needs review for the three elementary schools and implement recommended improvements.	Completed
FS-3.3	Continue to expand inter-generational learning, shared resources and programs, and self-directed learning in a modern, convenient manner.	Ongoing
FS-4.1	Design and construct a new library building that meets community needs and supports best practices.	Completed
FS-4.2	Evaluate community needs, compare services/collections against findings, and assign resources accordingly.	Ongoing
FS-5.1	Protect reservoir watershed areas and wellhead zones of contribution through land acquisition, regulation, and other available means as appropriate.	Ongoing
FS-5.2	Identify, acquire, permit, and implement additional water sources to ensure adequate supply for current and future needs.	Ongoing
FS-5.3	Promote water conservation and increase public awareness of best practices in watershed management near the Bellamy Reservoir.	Ongoing

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
FS-5.4	Implement recommendations made in Phases 1 and 2 of the Water System Master Plan.	Ongoing
FS-6.1	Continue to implement Phase II and Phase III of the Sewerage Improvement Program.	Ongoing
FS-6.2	Review Site Plan Review regulations with respect to stormwater management and upgrade to current best practices.	Completed
FS-6.3	Implement the Combined Sewer Overflow Long Term Control Plan (LTCP).	On-going in compliance with EPA Consent Decree
FS-6.4	Consider implementing a stormwater enterprise fund to provide for and fund the construction, operation, improvement, and maintenance of stormwater facilities.	Studies have been completed. Implementation is pending EPA issuance of Stormwater permit and City Council approval
FS-6.5	Participate in regional outflow study.	Completed
FS-7.1	Conduct planning for the reuse of public facilities, with input from stakeholders and the general public as appropriate.	Ongoing
FS-8.1	Increase diversion rates of recycling and hazardous waste options for all City departments and neighborhoods.	Ongoing
FS-8.2	Improve efficiency of recycling collection methods.	Ongoing
FS-8.3	Publicize to the community the City’s solid waste program and services and provide guidance on proper hazardous waste disposal methods.	Ongoing
FS-8.4	Acquire property adjacent to DPW or applicable site to expand and develop an appropriate recycling center.	Initial negotiations have not been successful
FS-9.1	Consider feasibility of conversion of City vehicles to alternative fuels and the associated impacts to operations and facilities.	Ongoing
FS-9.2	Expand vehicle storage and administrative areas.	Completed
FS-9.3	Enhance the fleet maintenance facility and incorporate spray booth technology.	Ongoing

Strategy #	Strategy Description	Status
<b>NATURAL RESOURCES</b>		
NR-1.1	Create an Open Space Plan that prioritizes parcels for acquisition and preservation, assesses the most appropriate uses for City-owned parcels, and explores greenway linkage opportunities between these parcels.	<ul style="list-style-type: none"> <li>• Completed Public Undeveloped Lands Assessment (PULA) - 2010</li> <li>• Ongoing work on open space prioritization</li> </ul>
NR-1.2	Expand the use of innovative financing tools to facilitate open-space acquisition and management.	Ongoing; grants received for acquisition.
NR-1.3	Establish an acceptable use policy for conservation lands to guide public access and management planning.	Ongoing
NR-1.4	Implement the recommendations of the Hodgson Brook Watershed Restoration Plan where appropriate to work towards water quality improvement and habitat protection in the Hodgson Brook Watershed.	Ongoing: water quality monitoring, green infrastructure installations
NR-2.1	Develop an urban forestry management plan for the protection and care of existing trees, native vegetation and woodlands, and for identifying areas for new plantings.	Ongoing: data collection for street trees complete working on additional forestry inventory work throughout City.
NR-2.2	Incorporate appropriate construction standards for public and private buildings and facilities that seek to improve energy efficiency, use alternatives to fossil fuels, reduce noise and light pollution, incorporate natural landscaping practices, or preserve open spaces.	Ongoing. Revised Site Plan Review Regulations (2010) strengthen stormwater protection, reduce light pollution, improve landscaping
NR-2.3	Identify goals for reducing water consumption, limiting waste production, improving energy efficiency, reducing fossil fuel consumption, implementing natural landscaping techniques, and improving workplace air quality.	Ongoing: new water meters, leak reduction/prevention efforts, water conservation kits, rain barrels New LEED Silver drinking water treatment plant Improved landscaping standards in Site Plan Review Regulations (2010)
NR-2.4	Designate a representative from the Planning Board to attend Conservation Commission meetings to increase communication, improve decision-making processes, and streamline permitting.	Several work sessions between Planning Board and Conservation Commission have taken place to improve coordination
NR-3.1	Revise and update City wetlands regulations and enforcement procedures.	Revised Zoning Ordinance (2010) strengthened wetlands protection with vegetation management, vernal pool protections, pesticide and herbicide restrictions
NR-3.2	Develop a wetlands protection action plan.	Completed a Prime Wetlands study and adopted prime wetlands protection

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
NR-3.3	Require the design of stormwater management systems to maximize habitat value.	Site Plan Review regulations have improved stormwater management
NR-3.4	Minimize runoff by clustering development on the least porous soils and using infiltration devices and permeable pavements.	Increase in use of porous pavement Revised Site Plan Review Regulations (2010) require on-site infiltration of stormwater where possible
NR-3.5	Limit impervious surfaces and add green spaces.	Ongoing
NR-3.6	Evaluate and take steps to restore salt marshes where appropriate.	Ongoing
NR-3.7	Continue efforts to achieve a wetland protection ordinance at Pease consistent with the City’s regulations.	Completed
NR-4.1	Incorporate noise barriers where warranted as part of major road construction projects.	Ongoing
NR-4.2	Develop design standards for outdoor lighting that minimize night-time glare	Completed
NR-4.3	Promote the use of low-emission vehicles within the City, as alternatives to conventional gas-powered vehicles.	Ongoing
NR-4.4	Strengthen enforcement of the existing noise ordinance, particularly in the downtown.	Ongoing
NR-5.1	Cultivate relationships with schools to educate the school community about natural resources and engage children in conservation projects, and involve school students in public awareness campaign.	Ongoing: <ul style="list-style-type: none"> <li>• North Mill Pond salt marsh project completed</li> <li>• Ongoing project at New Franklin School nature trail</li> <li>• Working with eco-club at High School: eel grass project, water monitoring</li> <li>• Japanese Cherry Tree planning with Middle School students</li> </ul>
NR-5.2	Work with the media to disseminate information on City policies and projects related to natural resource protection and environmental sustainability.	Ongoing, flyers have gone out describing the wetland buffer regulations, providing design ideas for work in wetland buffer, educating public about importance of wetlands.
NR-5.3	Provide training to all City board members on the City’s environmental regulations, conservation practices and policies.	Ongoing, presented to City Council on wetlands outreach material. Provided staff training on The Natural Step.



2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
NR-5.4	Publicize and recognize private and public development projects in the City that incorporate exceptional best management practices for natural resource protection.	Ongoing; public and private green infrastructure highlighted
NR-5.5	Publicize public access areas to City open space lands through maps and the City’s web site	Ongoing
<b>EMERGENCY MANAGEMENT</b>		
EM-1.1	Conduct an analysis of likely natural and technological hazards by risk level and geographic areas.	Hazard Mitigation Plan updated in November 2011
EM-1.2	Revise response scenarios pursuant to risk level assessments and geographic conditions; update existing mutual aid agreements to include newly-identified elements.	Hazard Mitigation Plan updated in November 2011
EM-1.3	Participate in regional emergency water interconnections feasibility study to evaluate the impediments to short-term emergency interconnections to improve water system security.	Hazard Mitigation Plan updated in November 2011
EM-2.1	Obtain resources necessary to carry out post-emergency damage assessments, and to address damage through such measures as stabilization and rehabilitation.	Hazard Mitigation Plan updated in November 2011
<b>RECREATION</b>		
R-1.1	Fund and support ongoing implementation of the Peirce Island Master Plan.	Ongoing
R-1.2	Develop and expand recreational areas at North and South Mill Ponds.	<ul style="list-style-type: none"> <li>• South Mill Pond completed</li> <li>• North Mill Pond under consideration for Market St Gateway Project</li> </ul>
R-1.3	Identify and secure long-term leases at sites at Pease International Tradeport suitable for recreation.	No action
R-1.4	Convert former stump dump to recreational use.	In process

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
R-1.5	Identify available land for expansion of existing recreation facilities and for development of additional facilities to serve school and broader community needs.	Ongoing
R-1.6	Pursue opportunities to create and enhance neighborhood parks and green spaces.	Ongoing
R-2.1	Expand programs and activities suitable for seniors and teens.	Ongoing
R-2.2	Upgrade and enhance parks, playgrounds, athletic fields, trails and other recreational facilities, including compliance with Americans with Disabilities Act (ADA) standards.	Ongoing
<b>CULTURAL AND HISTORIC RESOURCES</b>		
CH-1.1	Strengthen the City’s role in protecting historic resources, and bearing responsibility for preservation planning efforts.	Ongoing
CH-1.2	Develop a Historic Preservation Plan for the entire City that prioritizes issues of inventory, regulatory protection, and identifies structures under threat of neglect.	No action
CH-1.3	Consider the creation of neighborhood overlay districts to protect the character of the City’s neighborhoods.	See related zoning initiatives under Land Use section
CH-1.4	Increase public awareness of the Historic District and appropriate treatments of historic structures.	Ongoing
CH-1.5	Encourage the HDC to work with City officials to develop a post-approval inspection process to ensure adherence to HDC approvals, and to assist the Commission in evaluating and enhancing its decision-making.	In process
CH-1.6	Continue to explore and obtain grant funding to protect Portsmouth’s historic resources.	Ongoing
CH-2.1	Increase public art through a local “1% for the Arts” program which would dedicate a portion of construction costs for new and substantially-renovated public buildings towards the production of public art.	Completed

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
CH-2.2	Identify and plan landscape/streetscape improvements in conjunction with existing street improvement projects for historic “common squares” in Portsmouth (e.g., Court & State, State & Middle –“Haymarket Square”, State & Pleasant, Congress/Islington/Middle, and entrance to Memorial Bridge).	Ongoing
CH-2.3	Inventory, photograph and map existing waterway and mill pond views that should be preserved, and incorporate this information into Historic District guidelines and/or a scenic view corridor overlay district.	No action
CH-2.4	Consider protection of scenic road corridors.	Participating in Rockingham Planning Commission Corridor Management Plan Update for the New Hampshire Coastal Scenic Byway
CH-2.5	Strengthen neighborhood identity through cultural programming.	Ongoing
CH-3.1	Consider arts and culture uses to be a part of redevelopment of the Lafayette School.	No action
CH-3.2	Incorporate public art and community space into the redevelopment of the site of the Federal Building.	On hold pending site disposition
CH-3.3	Explore the possibility of making neighborhood school space available to artists for practice, performance and/or work space (despite the obvious drawback of being transient space).	No action
CH-4.1	Encourage and support the goals of historic and cultural organizations (such as ArtSpeak) to solicit input and involvement from all levels of the community.	Ongoing – new Piscataqua Arts & Culture Alliance established
CH-6.1	Encourage historic and cultural groups to organize biannual or quarterly meetings between downtown businesses and historic property stewards to raise awareness of events and identify opportunities for collaboration.	No action
CH-6.2	Introduce new City leaders and elected officials to existing resources through “familiarization tours.”	2014 rollout of Public Art Walk
CH-6.3	Continue to provide information regarding cultural and artistic venues through various media.	Ongoing – new Art Speak website and social media

2005 Master Plan – Status of Recommended Implementation Strategies

Strategy #	Strategy Description	Status
<b>SOCIAL SERVICES</b>		
SS-1.1	Evaluate shortcomings in referral network, identify ways to improve access to social service providers and to keep information current, and provide assistance in implementing improvements.	Ongoing
SS-1.2	Use available grant funding sources to expand affordable child care and elder care for residents who earn low and moderate incomes.	Ongoing
SS-1.3	Continue to support local funding for social service providers.	Ongoing
SS-1.4	Address the critical shortage in child care facilities by offering zoning incentives (by right development, flexible parking requirements, flexibility in dimensional regulations) to encourage the development of new facilities.	No action
SS-1.5	Encourage Coast and other public and non-profit services to provide transportation to and from work for low and moderate income residents.	Ongoing
SS-2.1	Educate board members and city staff as needed regarding social service resources and needs.	Ongoing
SS-2.2	Provide social service information on the City’s web site and link directly to agency information	Ongoing
SS-2.3	Continue to support the efforts of networks such as the Continuum of Care and the Community Resource Network, which offer collaborative information sharing meetings on a regular basis.	Ongoing
SS-2.4	Consider the need for an ombudsman or referral clearinghouse for social service providers in Portsmouth and its region.	No action

Wednesday, June 11, 2014

To: Portsmouth City Councilors

Re: "The Year-Round Budgeting Plan"

I asked that the topic "The Year-Round Budgeting Plan" be placed on the City Council Agenda of Monday, June 16th.

This is follow-up to what I mentioned during the budget deliberations we had on Monday, June 9th, when I suggested that in the coming year we should have an earlier start -- at least by September -- concerning budget expectations and process.

At that time I mentioned that in 1989 I had written "The Year-Round Budgeting Plan," which encompassed some 27 pages and offered 50+ ideas concerning budget planning on a more year-round basis.

I know we will get more into this topic in September as we discuss early budget planning for Fiscal 2016 and beyond, but I wanted to encourage you to consider those ideas in what I had written -- some outdated, certainly, but most still able to generate some out-of-the-box discussion about our options and possibilities as we study future budgets.

I don't pretend to be an expert on budgeting, although I have worked on quite a few through the years in my involvement in local, county, and state government, and in private business and non-profit organizations. What I wrote -- and offer -- is an overall assessment of how the budgeting process can be improved by the involvement of more people, and more thorough discussion.

At the Council meeting I will offer one of my remaining copies of "The Year-Round Budgeting Plan" to the City Manager for his consideration, and so that he can make it available for any Council members who wish to review it during the next few weeks.

As way of introduction, here is an overview of the Table of Contents:

- **Page 1: Letter To The Budget-Maker.**
- **Page 2: Introduction -- The Year-Round Budgeting Plan Defined.**
- **Page 2: Quote from Senator Hubert Humphrey**
- **Page 4: How The Year-Round Budgeting Plan Works**
- **Page 4: A Problem-Solder**
- **Page 4: Creative Problem-Solving**
- **Page 5: STEP ONE: The Department Budget-Discussion Work Session**
- **Page 5: Quote: Thriving On Chaos.**
- **Page 6: Questions To Be Reviewed.**
- **Page 6: STEP TWO: The Department Head and Manager Budget Meeting.**
- **Page 6: Quote: The Manager's Handbook**
- **Page 7: STEP THREE: The Manager and Department Head Meeting with the Governing Body.**
- **Page 7: Bottom-Based Budgeting.**
- **Page 8: STEP FOUR: The Public Hearing Process.**

- **Page 8: Quote: Time Management.**
- **Page 9: STEP FIVE: Governing Body Decision-Making.**
- **Page 9: Quote: Output Management.**
- **Page 10: Action On The Budget.**
- **Page 11: STEP SIX: Follow-Up During The Budget Fiscal Year.**
- **Page 11: Department Follow-Up Meeting.**
- **Page 11: Beginning Next Year's Budget Planning.**
- **Page 11: A Suggestion/Incentive Award/Reward Program.**
- **Page 11: Quote: Millennium Management: Last Chance For American Business.**
- **Page 12: STEP SEVEN: Next Year's Budget Preparation.**
- **Page 12: Involvement Of Unions Is Essential.**
- **Page 12: Management-Employee Relations.**
- **Page 12: Quote: How To Talk So People Listen.**
- **Page 13: STEP EIGHT: On-Going Budget Analysis.**
- **Page 13: Budget Oversight Task Force.**
- **Page 13: Management Review.**
- **Page 13: Quote: The Manager's Handbook.**
- **Page 14: Employee Performance Review Work Session.**
- **Page 14: The "State Of The Community" Workshop.**
- **Page 14: Auditing Functions: An Annual Auditing Committee.**
- **Page 14: Quote: Business Age: How To Motivate Your Employees.**
- **Page 15: Continuous Improvement.**
- **Page 15: Efficiency Assessment.**
- **Page 15: Quote: USA Today Story.**
- **Page 16: Employee-Exchange Program.**
- **Page 16: Supplemental Budget Control Techniques.**
- **Page 16: Central Purchasing Procedures.**
- **Page 16: Bidding Procedures.**
- **Page 16: Quote: A Passion For Excellence.**
- **Page 17: Earmarking Income From Growth.**
- **Page 17: Consultant Hiring.**
- **Page 17: Reward For Both Merit And Length Of Service.**
- **Page 17: Insurance Purchases.**
- **Page 17: Equipment Maintenance Contracts.**
- **Page 17: Joint Spending Budgeting And Building Committees.**
- **Page 17: Hiring And Training.**
- **Page 17: Quote: The Madison Quality & Productivity Program Story.**
- **Page 18: Bonding Versus Pay-As-You-Go.**
- **Page 18: Productivity Review/Time Management.**
- **Page 18: Cooperative Construction Planning.**
- **Page 18: Inter-Level Government Committee.**
- **Page 18: Investment Income.**
- **Page 18: Re-Negotiation Of Debt Service Contracts.**
- **Page 18: Quote: Lamuel Bouleware, 1946.**
- **Page 19: Union-Governmental Relationships.**
- **Page 19: Effective Property Tax Valuation And Collection.**

- **Page 19: Effective Fee Assessment And Collection.**
- **page 19: The "Team Concept" At Work.**
- **Page 19: Quote: Thriving On Chaos, Handbook For A Management Revolution.**
- **Page 20: The Telephone As A Tool.**
- **Page 20: The Power Of "Thank You."**
- **Page 20: Benefits Of The Year-Round Budgeting Plan.**
- **Page 20: Quote: Communication Concepts And Skills.**
- **Page 21: Quote: The Greatest Management Principle In The World.**
- **Page 22: Quote: The Renewal Factor.**
- **Page 23: Better Budget Preparation: Positive Instead of Negative.**
- **Page 24: Appendix One: Summary Of New Committee Under The Year-Round Budgeting Plan.**
- **Page 24: Budget Oversight Task Force**
- **Page 24: Management Review Teams.**
- **Page 24: Annual Auditing Committee.**
- **Page 24: Intra-Level Government Committee.**
- **Page 25: Appendix Two: Tax Caps, Spending Caps, & Freezes.**
- **Page 25: The Year-Round Budgeting Plan is Year-Round Community Improvement And Involvement.**
- **Page 26: Appendix Three: Personnel & Contracts.**
- **Page 27: About Taxpayers, Public Hearings, and Decision-Making.**

Since I first presented it long ago when I served on the Council in the early 1990s, some of the suggestions have actually become part of our budget process, and other suggestions that I wrote might not be any longer relevant or applicable. But just taking a read-through and considering some of the research and quotes I included, along with the questions I raise, might help our future process a bit.

I'm not asking for "adoption" of what I wrote -- just that it be considered part of the idea-generating we need to consider how we can do things better.

I am distinctly aware of our City Charter's restriction on how deeply the City Council can become involved in the obligations and work of our City Manager. However, the budgeting process itself is clearly a joint task by the Council and the Manager, so the ideas offered in The Year-Round Budgeting Plan are presented with the intent of encouraging more thought to how we can improve the process for next year.

And while today, some 25 years later, I might be somewhat embarrassed at a few of the things I wrote so long ago (the publication is an early effort of my DeskTop Publishing techniques -- I later became a bit more capable as I created more professional publications and designed Websites), I'm offering my little booklet with the expectation that although it will elicit a few chuckles here and there, it might also cause some critical-thinking about what we can do better.

Also, be forewarned that the addresses and telephone numbers I mention in it have mostly long ago changed. This was prepared before the wider use of "dot.coms" and cell phones!

Jim Splaine - City Councilor



To: The City Council

From: Jim Splaine

Worth Lot Improvement Suggestions

I have asked this topic be placed on the City Council Agenda for the Monday, June 16th meeting.

City Councils past have discussed the "Worth Lot" as a potential location for a parking garage. It became, as we know, a central issue in last year's discussion about where a parking garage should be built.

Now that this City Council has specifically by vote requested the Economic Development Commission to identify locations other than Worth or Parrott Avenue lots for a parking garage, I think it's clear that we have chosen not to place a garage at Worth Lot.

However, the Worth Lot remains in substantial disrepair. I can understand that repairs and fix-up might have been delayed in recent years because it was considered to be potentially part of a re-build, but now that it is not I think we have an obligation to substantially improve it.

Right now, Worth Lot looks bad. It's kind of pieced together, with potholes filled here or there, but little signage indicating entrance or exit, and very little in the way of beautification. It's just "there." Yet as an important lot in our central Downtown -- and in fact an important element of "open space" in our Downtown, we can do better.

I have recently met on two occasions with business and property owners, and come up with a partial list of suggested improvements. As we consider what can be done this year, and next year what can be included in the budgets for future improvement, here are some to think about which people came up with:

- 1. An entrance that is both welcoming and informative, as to where drivers enter, and a bit of an indication that it is, indeed, "Worth Lot" in case visitors are looking for that.**
- 2. Improved fixing of potholes and cracks, which exist just about everywhere throughout the lot. Short of a re-pave, we should certainly do catch-up on basic maintenance this year.**
- 3. A little more city attention to the plantings and greenery located in Worth Lot, though limited, would go a long way toward making it more appreciated by residents and visitors alike. Added greenery would be a great longer-term idea.**

**4. The adjacent sidewalk and sort-of "retaining wall," which is in disrepair, could surely be the center of attention for maintenance enhancement.**

**5. The suggestion was made that it would be useful and productive if city staff were to hold a meeting with nearby business and land owners and residents to consider ways to improve Worth Lot. That could be done rather easily, and should be done soon.**

I know that a number of the area businesses and land owners would be pleased to work as volunteers with the city on improving Worth Lot. I know our city staff is capable of good creative work that could improve Worth Lot and be cost-effective as well.

I'm hopeful that Worth Lot won't get on the garage-building list in the future, because making a larger "block" out of that part of our Downtown, in addition to Portwalk and the eventual Harborcorp build-up and other nearby development, would fill up a remaining open-air open-space spot. Attention to Worth Lot now will help beautify and highlight this important asset.

I offer these ideas as suggestions from those who use and are near the Worth Lot. We can do better than we have done.

Jim Splaine

City Councilor

To: Portsmouth City Council

## Financial Disclosure Memo

I have asked that this item be placed on the City Council Agenda of Monday, June 16th because I wish to offer some thoughts concerning what the Council will discuss at a work session on June 17th.

Some time ago we had approved a June meeting schedule which indicated that our meetings in June would be June 2nd and 16th. Because of the budget process, we had to amend that to include June 9th for a budget vote meeting, and since we re-scheduled meetings the discussion concerning financial disclosure provisions was re-set for June 18th. However, I had made a firm commitment to be elsewhere on that evening, so I cannot attend that work session -- the first meeting/work session of the Council this term that I have to be absent.

I was Chair of the 1987 Charter Commission, which resulted from the public election of six members, and the appointment by the Council of three others. We spent most of a year totally reviewing the Charter, making numerous major changes in the re-write.

There were some special considerations that were set aside from the core of the Charter, and offered to the voters in the November 3, 1987 election referendum to be decided separately. One of those was the Conflict of Interest provision. What was approved by the voters is very clear, I believe, in intent. Here it is:

### **AMENDMENT C - CONFLICT OF INTEREST**

**The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:**

- *Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.*
- *Mandatory review boards and procedures to determine violation of the ordinance.*
- *Mandatory penalties for violations of the ordinance.*
- *Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.*

### **(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)**

That's it. It's part of our City Charter. We MUST follow it, because we have taken an oath to do so. The "...sixty (60) days after passage..." referred to in the Conflict of Interest provision of the Charter has long passed. While an ordinance and form was agreed to by the 1988 City Council, it clearly doesn't fully do the job.

The issue of financial disclosure was a substantial one during our deliberations on the Charter Commission and during that era of city government, when there were controversies regarding decisions made in city government.

Obviously the decision of the voters in approving the language included in our current Charter highlighted their concerns of more than a quarter of a century ago. While some may disagree today with the essential intent of the financial disclosure provision of our Charter, it is what as a community we must follow, unless and until a change by voters is allowed.

Through this memo, I wish to offer three thoughts:

1. I commend Councilors Jack Thorsen and Esther Kennedy in particular for their efforts to pursue discussion about how to have our city adhere to the City Charter requirements -- those which currently exist, and have since 1987. In line with that, I thank those involved with Portsmouth Now!, and others, who have long advocated for more financial disclosure by all of our elected and appointed officials. To do otherwise is unwise if we want a city government that puts integrity first and foremost.
2. By advocating for more full adherence to the City Charter provisions on financial disclosure, we are fulfilling our prime duty as City Councilors -- that to which each of us individual swore to in January upon assuming office. The City Charter is our city's "constitution," and we have to stand with its purpose and meaning. While some of its provisions are open to interpretation, I don't think that the 1987 citizens' vote concerning the financial disclosure provision for our city's elected and appointed members leaves much to interpretation. It is what it says -- the intent of the voters some 27 years ago was clear. I think if there is any disbelief in that, having another vote on the issue in the next city election is an option. But I can't believe our voters would want LESS disclosure, rather than more.
3. Though I won't be present to participate in the discussion on this issue at the Council's work session on June 18th, I want it known that I will come down on the side of expanded, fair, reasonable, and appropriate financial disclosure -- following the guidelines required by our City Charter -- for all of our city's elected and appointed officials.

We don't need to be unnecessarily invasive in requiring adherence to the City Charter, or to make the process of filing such information difficult. I think it should be limited to those sources of income -- not amounts, but sources -- and capital assets only as a person's decision-making capacity in city government might be affected. But the City Charter provisions of "Amendment C -- Conflict Of Interest" must be followed in good faith by us. The public deserves the assurance that indeed the prime and exclusive interest in serving as an elected or appointed Portsmouth official is for the public service, nothing else.

We have no option.

Thank You,

Jim Splaine

City Councilor

Memorandum

To: Honorable Mayor and City Council Members

From: Bradley M. Lown, Councilor

Re: Health Insurance Options

Date: June 2, 2014

The City of Portsmouth proposed 2015 budget includes \$14.1 Million in health insurance premiums. \$11.6 Million of this, or 15% of the total operating budget, is funded by the taxpayers. 18% of the total costs is paid by the City employees. The budget proposal includes a contribution from the Health Insurance Stabilization Fund to offset those costs. The City currently has 15 collective bargaining units that include a total of 687 full time and 285 part time employees, all insured through the City.

The existing contracts require that any change in health insurance coverage from one plan to another be “equal and comparable” to existing coverage.

On May 5, 2014 the City Council authorized me to look into possibilities that may exist to provide comparable health insurance coverage to City employees at a lower cost. Options may include full or partial self insurance, health savings accounts and purchasing catastrophic coverage with very high deductibles.

Under the Affordable Care Act, the City must by 2015 provide an “affordable” plan, which the City is prepared to do. If any City employee wanted to purchase insurance under the State exchange pursuant to the ACA, their premium would be capped at 10% of their income. However, any insurance purchased through the exchange would have a high deductible (\$5,000) and a very limited physician network. At this time, there is only one insurer that is providing health insurance through the “exchange” – Anthem Blue Cross. Beginning in 2018 the ACA will impose a so called “Cadillac tax” that would tax 40% of any premium paid for “high end” coverage. The City’s current plan would be considered a “Cadillac” plan subject to the tax. The ACA specifies that any plan that has a premium in excess of \$850 per month, or \$20,000 per year per family, the excess would be subject to the tax. Obviously, such tax would increase the total amount the City and its employees pay since the insurance company would pay the tax and simply pass it on to the insureds.

The City is currently suggesting to the unions that they purchase “consumer driven health care”. This refers in general to health insurance plans that allow members to use health savings accounts (HSAs), Health Reimbursement Accounts (HRAs), or similar medical payment products to pay routine health care expenses directly, while a high-deductible health plan (HDHP) protects them from catastrophic medical expenses. High-deductible policies cost less, but the user pays routine medical claims using a pre-funded spending account. If the balance on the account runs out, the user then pays claims just like under a regular deductible. Users keep

any unused balance or "rollover" at the end of the year to increase future balances, or any excess at year end can be saved for future expenses. This gives patients greater control over their own health budgets – hence the term “consumer driven”.

Currently, School Care, which is the administrator for Cigna, is offering a plan that costs 12% less than the current HMO Cigna plan. The plan would provide for a \$1250 deductible for a single person and after that the individual insured would pay 20% and the plan would pay 80% of the bills up to \$2,000. For a family, the total deductible would be \$2500 and with respect to the 80/20 payment, a cap of \$4,000 on the out of pocket payments. In addition, the plan would include a health reimbursement account where the SchoolCare would put aside \$1,000 for single and \$2,000 for family to be set aside and used by the person to pay the deductibles. The language the City is currently suggesting in the event that the unions stay on their current plan is that if the “Cadillac tax” were to apply beginning in 2018, the employee would have to pay the entire 40% increase.

City employees currently pay approximately 20% of the “premium share” - the cost of the premium. If a union were to accept the proposal by School Care for consumer driven healthcare, the City would save a substantial sum. For example, if just the 11 administrators in the administrators union went on the plan, the City would save \$36,000.

c. John P. Bohenko, City Manager

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## M E M O R A N D U M

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**TO:** Honorable Mayor Lister and Members of the City Council  
**FROM:** M. Christine Dwyer, City Councilor  
**DATE:** June 11, 2014  
**RE:** Update on African Burying Ground Memorial Park Construction

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On Monday June 16<sup>th</sup>, I look forward to providing you an important update on the status of the African Burying Ground Memorial Park Project. As you know, since the 2003 rediscovery of this important piece of our history found beneath Chestnut Street between State and Court Streets, the community has responded in a number of positive ways to explore its meaning, recognize the contributions of these early residents, and determine a way forward to return the site to sacred space.

To date, the African Burying Ground Committee and a group of dedicated fundraising volunteers have raised over \$1,014,000 towards the \$1.2 million goal. At this time, in order to permit the project to move forward, I am requesting the City Council authorize the City Manager to assist the project construction by providing a cash flow advance from the Urban Development Action Grant (UDAG) fund to permit signing of contracts while additional fundraising efforts continue. A total of \$165,000 is needed in cash flow assistance in order to sign contracts on the project. These funds will be returned to the UDAG account as additional fundraising takes place. In coordination with a project ground breaking, we anticipate moving forward with a broad community appeal to assist us in raising the remaining funds in order to achieve this long held community goal of honoring those beneath Chestnut Street.

Anticipated Motion: **To authorize the City Manager to make available \$165,000 in Urban Development Action Grant (UDAG) Funds as cash flow assistance for the completion of the African Burying Ground Memorial Park.**

cc: City Manager, John P. Bohenko