

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 14, 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

PRESENTATION

1. Cynthia Scarano, Executive Vice President, Pan Am Railways Re: Sea-3 Terminal
NHDOT Chief of Design Services – Melodie Esterberg
NHDOT Rail and Transit Administrator – Michelle “Shelly” Winters
NHDOT Railroad Inspector – John Robinson
Peter Britiz, City’s Environmental Planner/Sustainability Coordinator

- V. ACCEPTANCE OF MINUTES – APRIL 7, 2014

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000.00 (***Sample motion – move to approve and accept the grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, as advised fund within the New Hampshire Charitable Foundation, as submitted***)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: 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

- B. First reading of Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits title "Areas Proposed To Be Rezoned to Character District 4 (CD4)", and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Amanda Morneault, The Harbor Agency, Re: Reserving Four Parking Spots for Wednesday, July 16, 2014 for Tour Bus and Trailer ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce, requesting permission to close Pleasant Street from State Street to Congress Street on Wednesday, August 6, 2014 for conducting the 2014 Greater Portsmouth Chamber of Commerce Annual Dinner: Street.life! ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Mary-Jo Monusky, Arts In Reach, requesting permission to hold a 5K Walk on Saturday, October 18, 2014 from 9:00 a.m. – 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Matthew Raffio, Arthritis Foundation, requesting permission to hold the Jingle Bell Run on Saturday, December 13, 2014 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. *Acceptance of Donations for Art-Speak
- 3S Artspace - \$150.00
 - Star Island Corporation - \$150.00
 - Proximity Lab LLC - \$150.00
 - The Portsmouth Music and Art Center - \$150.00
 - Players' Ring - \$125.00
 - Albacore Park - \$125.00
 - Pro Portsmouth - \$125.00
 - Barbara Jenny - \$25.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***

- F. *Acceptance of Donation to the Coalition Legal Fund
 - Town of Carroll for \$1,000.00***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***

- G. *Donation to Fire Department from Bruce J. and Victoria A. Kennedy two pieces of fitness equipment Elliptical Machine and BowFlex Ultimate ***(Sample motion – move to accept and approve the donation of equipment to the Fire Department, as presented)***

- H. Letter from Donna Hepp, Granite State Wheelmen, Inc. requesting permission to hold the Tri-State Seacoast Century Bicycle Ride on Saturday, September 20, 2014 – Sunday, September 21, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

- I. Request for Approval of Pole License to install 11 temporary poles located on Stark Street as part of the Stark Street Bridge Replacement Project over the Route 1 By-Pass ***(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)***

- J. Request for Approval of Pole License to install 2 temporary poles located on Woodbury Avenue as part of the Woodbury Avenue Bridge Replacement Project over the Route 1 By-Pass ***(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)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Josh Henry, Founder/Brewer, 7th Settlement Brewery, requesting permission for sales of beer in growlers at the Portsmouth Farmers' Market ***(Sample motion – to authorize the City Manager to negotiate and execute an amendment to the Farmer's Market agreement with Seacoast Growers Association to allow for the sale of beer in growlers by 7th Settlement Brewery)***

- B. Letter from Mark Hiza, Nottingham Orchard, requesting permission to sell hard cider at the Portsmouth Farmers' Market during the months of August through November 1st on Saturday during the hours of 8:00 a.m. to 1:00 p.m. ***(Sample motion – to authorize the City Manager to negotiate and execute an amendment to the Farmer's Market agreement with Seacoast Growers Association to allow for the sale of hard cider by Nottingham Orchard)***

- C. Letter from Peter Taylor, Property Manager, Anchor Property Management, requesting the Worth dumpster area be enlarged so it can accommodate two 10 year containers ***(Sample motion – move to refer to the City Manager for report back)***

- D. Letter from Peirce Island Committee in support of the Phase II Study of the Middens that have been discovered on the island (***Sample motion – move to refer to City Manager for report back***)
- E. Letter from The Concerned Stakeholders of Commercial Alley requesting enhanced lighting of Commercial Alley (***Sample motion – move to refer to the City Manager for report back***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

- 1. Request for Approval of a One-year Contract Extension between the Portsmouth School Department and the Association of School Administrators’
- 2. Resolution Re: Rescission of the Four Million Dollars (\$4,000,000.00) balance from the Borrowing Authorization for the construction of the Madbury Water Treatment Plant
- 3. Cemetery Improvement Trust and Cemetery Action Plan
- 4. Request from John G. Pappas for Restoration of Involuntarily Merged Lots at 1474 Islington Street under RSA 674:39-aa
- 5. Portsmouth Housing Authority Communication Re: Cottage Senior Housing
- 6. Request for a License Agreement Re: 75 Congress Street (Ben Franklin Block Buildings)
- 7. Request for License Agreement Re: 311 Marcy Street (Hunking Holdings LLC)
- 8. Request for First reading of Ordinance Re: Parking Omnibus
- 9. Request for License to Occupy a City Sidewalk for South Church Exterior Wood Louver Repair

Informational items

- 1. Events Listing
- 2. Report Back Re: Architectural Design Review Outside Historic District and Off-Street Parking Standards for Conference Centers
- 3. Report Back Re: Land Use Boards
- 4. Appointment, Number and Terms of Alternate Members
- 5. CDBG Program Budget FY 2014-2015
- 6. Certificate of Achievement for Excellence in Financial Reporting
- 7. Liberty Mutual Donation

B. MAYOR LISTER

1. Appointments to be Considered:
 - Robert Capone to the Cable Television and Communications Commission
 - Matthew Cardin to the Conservation Commission as an Alternate
 - Vincent Lombardi to the Historic District Commission
 - Mary Lou McElwain to the Parking and Traffic Safety
 - Lisa Louttit to the Recreation Board
 - Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment
2. Proposal to Allow the City Manager to Enroll in the NH Retirement System and Buy Back Years of Service and to Amend the City Manager's Employment Agreement Section 14, Paragraph B Re: NH Retirement System (see attached memorandum) ***(Sample motion – move to authorize the City Manager to be enrolled in the New Hampshire Retirement System effective immediately and to authorize him to petition the New Hampshire Retirement System for the employer oversight so he may buy back his years of service with the City of Portsmouth as outlined in the Mayor's memorandum dated July 10, 2014, attached hereto; and, further, to amend Section 14, Paragraph B of the City Manager's Employment Agreement as outlined in said memorandum; and, further, to authorize the Human Resources Director to take any and all reasonable and necessary action to implement the intent of this motion and that memorandum)***
3. Meeting with Port Advisory Committee on September 17, 2014 at 6:00 p.m. (see attached memorandum)
4. *Request to establish a date for a City Council Retreat – Saturday, October 4, 2014
5. Appointment of Howard Altschiller to the Portsmouth Public Media Television Board of Directors

C. ASSISTANT MAYOR SPLAINE

1. *Portwalk Status, Other Development Projects, and Compliance with Approved Requirements

D. COUNCILORS SHAHEEN AND THORSEN

1. Sound Barriers on I-95

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 12, 2014 meeting ***(Sample motion – move to approve and accept the action sheet and minutes of the June 12, 2014 Parking and Traffic Safety Committee meeting)***

F. COUNCILOR DWYER

1. African Burying Ground Updates

G. COUNCILOR MORGAN

1. Building and Development – Compliance with Land Use Board approved plans
2. *Request for a non-public meeting to discuss Contract negotiations and new Health Plan options
3. *Quality of life in our neighborhoods: helicopters, motorcycles and speeding

H. COUNCILOR THORSEN

1. Gambling Ordinance

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. *Notification that the minutes of the April 2, 2014, April 9, 2014, April 16, 2014, May 7, 2014, and May 14, 2014 Historic District Commission meetings are now available on the City's website
2. *Notification that the minutes of the December 17, 2013, January 22, 2014 and February 25, 2014 Zoning Board of Adjustment meetings are now available on the City's website
3. *Notification that the minutes of the February 20, 2014 Planning Board meeting 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.

Photos of Portsmouth at-grade rail crossings



Gosling Road



Michael Succi



Market Street



Green Street



Maplewood Avenue



Barberry Lane

At-Grade Rail Crossings in Portsmouth



2,000 1,000 0 2,000 Feet



CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 7, 2014

PORTSMOUTH, NH
TIME: 6:30PM [thereafter]

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

PRESENTATION

1. PORTSMOUTH LISTENS STUDY CIRCLES RE: TRANSPORTATION DIALOGUE

At 6:30 p.m., a Presentation by Portsmouth Listens Study Circles was held regarding Transportation Dialogue.

Jeff Cooper provided an overview of Phase 2 of the Sustainable Transportation Studies – “What Has Worked Elsewhere And How Was It Funded?” He acknowledged the peer communities that were looked at in the study. He said it is recommended to look at where people are coming from and where their destination is. He also indicated the Committee supports referring this report to the Planning Department for their review and reference. The issue of Transportation Centers were discussed and reviewed.

Councilor Spear said he is impressed with the thoroughness of the report. He stated that the City Council and Staff are in alignment with what the Committee is discussing. He also spoke to the pilot program for the summer of a downtown shuttle.

Mr. Cooper said the City should consider possibly eliminating free downtown parking as did Newburyport, MA. The City Council may need help in the political process of getting some of the ideas of Portsmouth Listens put in place. He said the Planning Department should review this entire report and provide a comprehensive report back to the City Council.

Councilor Lown thanked everyone who participated. He looked at 14 cities to see what they have for parking garages and most of the cities had more than 1 garage.

Councilor Dwyer asked about on demand senior transportation. Mr. Cooper said you would need to contact some communities to find out about that. Peter Somssich said that Portland, ME has a good on demand senior transportation program.

Councilor Kennedy asked where the public can find this report to review. Mr. Cooper said it was in the paper today. The City Council asked that the report be placed on the City’s website.

Mayor Lister thanked everyone for their work on this report.

At 7:15 p.m., Mayor Lister declared a brief recess.

I. CALL TO ORDER

Mayor Lister called the meeting to order at 7:25 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

Harold Whitehouse led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – *There are no minutes on for acceptance.*

VI. PUBLIC COMMENT SESSION

Rich DiPentima requested the City Council vote to oppose Sea-3 as listed under Assistant Mayor Splaine on the agenda. He stated the Town of Newington needs to know that the City of Portsmouth is opposed to the Sea-3.

Gerry Zelin spoke regarding the Conditional Use Permit and asked those that are in favor of the motion to stand and give up their spot to speak at the microphone this evening. He stated after the Master Plan is completed the City can take a vote on the Conditional Use Permit. He does not feel the repeal of the Conditional Use Permit is about HarborCorp. Mr. Zelin stated the list of those that stood will be provided prior to the end of the meeting.

Bob Shouse asked if Councilor Kennedy would have a conflict of interest with the Conditional Use Permit where she serves on the Historic District Commission. He stated she should recuse herself from voting on any of these matters. He also spoke opposed to the elimination of the Conditional Use Permit.

Margaret O'Rourke thanked the City Council for their work. She also thanked Assistant Mayor Splaine for his neighborhood walk and for listening to the Islington Street residents concerns.

Doug Roberts said he attended the Charrette and looked at a picture of the park on Daniel Street under the Formed Based Zoning. He said there is a provision in the Formed-Based Zoning that 2 acres would be required for a park on Daniel Street and the park is under the 2 acre requirement and he would like the City Council to take a look at this matter.

George Carlisle asked the City Council not to repeal the Conditional Use Permit. He said people are pitting one another against the other and the decision this evening will have high ramifications for the future. He said HarborCorp's Chris Thompson has done a tremendous job in reaching out to the community.

Jeff Mountjoy spoke in favor of keeping the Conditional Use Permit in place. He said there are 110 homes and condos on the market. He stated that the HarborCorp project is a win win for everyone. He also stated only several sections will go above the 45 feet to 60 feet.

Sarah LaChance said she feels the Conditional Use Permit is to stifle development in the City. We need to look at negotiations with our development groups and each City Councilor was elected to make the best decision for the City of Portsmouth as a whole.

Lawrence Cataldo spoke in support of the Islington Street development.

Jeff Cooper said the City is focusing too much on height and needs to look at the big picture, design and how it fits. He said a variation of heights is needed.

Doug Bates, Chamber of Commerce, spoke in support of retaining the Conditional Use Permit. The City Council needs to trust the judgment of our land use boards.

Jay McSharry asked the City Council not to repeal the Conditional Use Permit. He said only allowing 45 foot buildings would make for an ugly City and it is more what is built than the height.

David Hill, Durham, NH resident but business owner in Portsmouth, said he is embarrassed what is going on with this City Council. He said if you put the Conditional Use Permit in place and a business came forward and went through the process now you could say you are going to take it away.

Shari Donnermeyer asked the City Council to support the land use boards and the Economic Development Commission to not repeal the Conditional Use Permit. You need to listen to the people you put on the boards.

David LaFevers said something needs to be done with the noise created by motorcycles. He said crosswalks are unsafe and people go through stop signs.

Peter Somssich spoke in support of repealing the Conditional Use Permit. He said people need to see how a conference center would support the residents. He also stated it will cause more congestion downtown.

Peter Weeks, Newcastle, NH, said he is moving back to the City this year. He asked the City not to eliminate the Conditional Use Permit and postpone action on it at this time. He would like the City Attorney to come back in 60 days with what it means to be vested and what the significant changes are. If the City loses the HarborCorp project it would be a sorry time for the City of Portsmouth.

Shari Young, partner with HarborCorp, said HarborCorp has made a concerted effort to reach out to residents and businesses. She said residents have expressed positive comments. The project will bring in \$754,000.00 in tax revenues and would bring 465 new jobs to the City. She said the opposition has been from the Portsmouth Now group.

Chris Thompson with the use of a tape measure, demonstrated what 15 feet would mean. He said the project is in jeopardy and could be killed if they are limited to 45 feet and the Conditional Use Permit is repealed. He asked the City Council not to kill this project.

Ralph DiBernardo asked the City Council to eliminate the Conditional Use Permit. He said 60 foot buildings are not just about the HarborCorp project. He stated some residents have lost faith in our land use boards.

Harold Whitehouse said a building moratorium should be put in place. We can't keep sending more sewerage through our system.

Michael Frandzel spoke in favor of repealing the Conditional Use Permit because we need a rest from development in the City.

Nancy Vawter spoke to the process that the City Council put in place not that long ago and when you pull the plug on the process you are destroying the faith of the people in the City. She said a conference center is needed and the Council needs to do the right thing and make a hard decision.

Barbara Ward expressed support to repeal the Conditional Use Permit and feels the ordinance puts the land use boards in a difficult position. She stated there are flaws with the ordinance and we need to put a real plan in place for the north end and do it right.

Catherine DiPentima spoke opposed to Sea-3 coming to the Town of Newington. She said the Town of Newington Planning Board will not do a study on the project. She asked the City Council to go on record to not support the project and to look seriously for an alternate route around these populated areas.

John Lyons said there is an overwhelming current with us against them with the Conditional Use Permit. He said if you are in favor of keeping the Conditional Use Permit you give the City Manager the tools to maintain the tax rate. He said a vote to repeal the Conditional Use Permit means you are opposed to development.

Bob Gibbons said he has no vested interest in the Conditional Use Permit and feels that HarborCorp has presented a worthwhile project for the downtown. He also addressed the Sea-3 matter in the Town of Newington. He would like the City of Portsmouth to oppose Sea-3 by attending the meetings at the Town of Newington.

Pat Ford spoke regarding rerouting the train route for the Sea-3 through the Tradeport. She said hazardous cargos needs to be kept from neighborhoods and downtown Portsmouth. She referred to Map 1 to realign the route and asked to get the Pease Development Authority involved.

Joe Almeida said the current and past Historic District Commission has made mistakes. He said the Historic District Commission is working very hard for the City. He stated the Historic District Commission is committed to improving where ever they can. Mr. Almeida said he does not know why anyone would vote to eliminate the Conditional Use Permit and that there is a lack of discussion from the City Council with the Historic District Commission. Mr. Almeida said there needs to be more collaboration and communication with the Council and the Historic District Commission.

Jennifer Almeida said the repealing of the Conditional Use Permit has been a negative reaction. She has opened a small landscaping business and said they lost their view with 100 Market Street and the City has changed over the years. She urged the Council to not eliminate the Conditional Use Permit.

Nancy Brown spoke in support of repealing the Conditional Use Permit. We need open discussion to represent all the people in the City and smart balanced growth.

Duncan MacCallum said he does not feel the City needs a Whole Foods store and believes it would destroy the City. He supports the repeal of the Conditional Use Permit and said he does not have faith in the land use boards.

George Dempsey said the 3 minute rules are not being followed with the public comment session this evening. He said he has no faith in the land use boards.

Paul Mannle asked the City Council to protect Congress Street and add an amendment to the Conditional Use Permit.

Rick Becksted said he met with Mr. Cracknell this morning and the Conditional Use Permit has nothing to do with 60 feet. He said Mr. Cracknell supports 50 feet and feels it would work.

David Adams feels repealing the Conditional Use Permit now is like using a blunt tool when you have a sharp tool in the back room with Form-Based Zoning. He said vote now to repeal the Conditional Use Permit.

Drew Schulthess said residents are not listening to the young people of the City. He said they are looking for a Whole Foods Store and parking. The Conditional Use Permit should not be repealed and feels it is a step back to vote to repeal it.

Jeff Kisiel spoke in favor of the Conditional Use Permit and the land use boards. He said the land use board members are volunteers and to vote to repeal this is showing a lack of trust and faith in them and what they do.

Colby Gamester said he is invested in this City and the elimination of the Conditional Use Permit will not affect height, it would affect quality. He said the Planning Board came to an amazing compromise and the City now has a great tool and it is all about give and take. He said by voting to pass the third reading, think about what you our accomplishing.

Andrew Bagley spoke in support of repealing the Conditional Use Permit. We need to have a better developer and said he does not see a need for Whole Foods. He does not feel that the new jobs reported are really new jobs.

Chuck Raye requested the City not repeal the Conditional Use Permit. He does not feel the City should eliminate a tool that provides options.

Ned Raynolds stated the City Council has the fundamental requirement to resist rush judgment. He feels to eliminate the Conditional Use Permit is the wrong decision and urged the Council to demonstrate judgment.

Lee Roberts spoke in support of retaining the Conditional Use Permit. She thanked all that have worked on the boards/commissions and City staff.

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

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Asset Management Planning Grant from the New Hampshire Department of Environmental Services

Councilor Spear moved to accept and expend an Asset Management Planning Grant from the New Hampshire Department of Environmental Services in an amount up to \$15,000. Seconded by Councilor Shaheen and voted.

- B. Acceptance of Community Development Block Grant Funds

Councilor Kennedy moved to accept and expend a Community Development Block Grant (CDBG) in the amount of \$507,379 from the U.S. Department of Housing and Urban Development. Seconded by Councilor Morgan and voted.

City Manager Bohenko announced on April 17th a Public Hearing will be held on the Community Development Block Grant.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Borrowing Resolution Re: New Franklin School Energy Project.

Councilor Lown moved to pass first reading and authorize the City Manager to bring back for public hearing and second reading a borrowing Resolution in an amount of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures, at the April 21, 2014 City Council meeting, as presented. Seconded by Councilor Kennedy and voted.

- B. Third and Final 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

Councilor Kennedy moved to pass third and final reading of the proposed ordinance, as presented. Seconded by Councilor Morgan.

Councilor Lown moved suspend the rules in order to allow for an amendment to the ordinance. Seconded by Councilor Spear.

Councilor Lown said the amendment would be to exempt the HarborCorp from the Conditional Use Permit repeal.

Councilor Spear spoke on the Conditional Use Permit. He said in September 1998 the City voted on an historic study and the Economic Development Commission held several public meetings. There was public engagement on what we want our northern tier to look like. He said the downtown group voted the northern tier study. He said HarborCorp needs to have the building at 60 feet. Councilor Spear spoke to the public hearing at the time where there were 30 speakers to increase the height to 60 feet. He said residents voted for 60 feet and a conference center. It is not a lack of vision and now the City Council is in danger of high jacking the vision. He spoke in favor of suspending the rules and passing the amendment.

Councilor Lown said the City Attorney has publicly stated the HarborCorp project is vested and the Planning Board feels the HarborCrop is vested as well. By suspending the rules, it says it is vested now.

On a roll call vote 5-4, motion to suspend the rules in order to allow for an amendment to the ordinance failed to pass. Councilor Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Mayor Lister voted opposed. (Six votes required for a suspension of the rules).

Councilor Dwyer said if we had Form-Based Zoning we would not be here this evening.

Councilor Dwyer moved to postpone third reading of the ordinance until we have the results of Form-Based Zoning in the expanded study areas which include the Northern Tier, Maplewood Avenue MRO and the Islington Street corridor area. Seconded by Councilor Spear.

Councilor Shaheen feels the motion does not go far enough. She stated we could not get two-thirds of the City Council to vote to debate amendments to the ordinance. She said she would have postponed an amendment and feels that Form-Based Zoning is the answer and that it is not about height.

City Attorney Sullivan said a motion to suspend the rules on a different amendment could be made.

Councilor Dwyer withdrew her motion and Councilor Spear withdrew his second to the motion.

Councilor Shaheen moved to suspend the rules that the Conditional Use Permit would remain in effect for the CBB District with a more stringent criteria that has been recommended to the City Council by the Planning Board and to sunset as soon as Form-Based Zoning is implemented for the Northern Tier. Seconded by Councilor Spear.

At 10:00 p.m., Mayor Lister declared a brief recess. At 10:10 p.m., Mayor Lister called the meeting back to order.

Assistant Mayor Splaine said he would vote against the suspension of the rules because he would ask for reconsideration of the original motion to suspend the rules to leave out HarborCorp from the Conditional Use Permit. He said there is a question on vesting. He stated he feels HarborCorp is vested.

Councilor Shaheen withdrew her motion and Councilor Spear withdrew his second to the motion.

City Attorney Sullivan advised the City Council that a motion to reconsider requires 5 votes.

Councilor Thorsen said according to Roberts Rules he does not believe we can bring back Councilor Shaheen's motion.

City Attorney Sullivan said it is a different suspension of the rules for a different reason.

Assistant Mayor Splaine moved to reconsider the suspension of the rules to deal with considering a motion to add HarborCorp to the exemptions under the repeal. Seconded by Councilor Lown.

Councilor Kennedy said she is confused and uncomfortable with spot zoning. City Attorney Sullivan provided a definition of spot zoning. He stated he feels the project is vested and this could support the motion and it is not spot zoning.

On a unanimous roll call 9-0, voted to reconsider the suspension of the rules to deal with considering a motion to add HarborCorp to the exemptions under the repeal.

Councilor Lown moved to "carve out" the HarborCorp lot from any repeal of the Conditional Use Permit. Seconded by Councilor Spear.

Councilor Spear said there is a value to do this and carve out HarborCrop.

Councilor Dwyer said we need to talk through the implications of the motion. She said by carving out HarborCrop they would still need to make a Conditional Use case.

Councilor Shaheen said she supports the motion and the heart of the debate is the trust in the process.

Councilor Morgan said we did not bring HarborCorp into the discussion of the Conditional Use Permit because they are vested. She said this community needs a vision for the north end and does not feel uncomfortable carving out a property.

Discussion followed.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister acknowledged those that volunteer for the boards and commissions. He said we need to remember this is a work in process. He supports a Master Plan for the Northern Tier and Form-Based Zoning which will get rid of the Conditional Use Permit. He said he feels badly that this has divided the community and we should not come to meetings and decide which side of the room you're going to sit on. Mayor Lister said we all vote what we feel is best for the City.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a unanimous roll call 9-0, voted to "carve out" the HarborCorp lot from any repeal of the Conditional Use Permit.

Councilor Dwyer moved to postpone third reading for the rest of the area until we have the results of Form-Based Zoning. Seconded by Councilor Spear.

On a roll call vote 3-6, motion to postpone third reading for the rest of the area until we have the results of Form-Based Zoning failed to pass. Councilors Lown, Dwyer and Spear voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan, Thorsen and Mayor Lister voted opposed.

On a roll call 6-3, voted to pass third and final reading of the proposed ordinance, as amended which "carved out" the Harborcorp lot from any repeal of the Conditional Use Permit. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Lown, Dwyer and Spear voted opposed.

- C. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps reference in Section 10.5A14.10 of Article 5A

Councilor Dwyer moved to pass third and final reading of the proposed Ordinance, as amended. Seconded by Councilor Lown.

Councilor Spear moved to suspend the rules to allow for amendments outlined in the City Manager's memorandum. *Councilor Spear withdrew his motion and Councilor Shaheen withdrew her second to the motion.*

Councilor Spear moved to postpone third reading of the ordinance until the April 21, 2014 City Council meeting. Seconded by Councilor Kennedy and voted.

- D. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning

Councilor Spear moved to postpone third reading of the ordinance until the April 21, 2014 City Council meeting. Seconded by Councilor Dwyer and voted.

IX. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda, as presented. Seconded by Councilor Morgan and voted.

- A. Request for Approval of Pole License to install 2 poles off of Rock Street to provide street lighting to the new Rock Street parking lot. ***(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 Ken La Valley, Chair, Portsmouth Chapter of the AFSP Out of the Darkness Walk, requesting permission to conduct the annual Out of the Darkness Community Walk on Saturday, September 27, 2014 10.00 a.m. – 12:00 noon ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Ben Anderson, Executive Director Prescott Park Arts Festival, requesting permission to close the Prescott Park North parking lot (corner of State Street and Marcy Street) during the 30th Annual WOKQ Chowder Festival being held Saturday, June 7, 2014. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Chris Vlangas, Development Director Northern New England Chapter of the Cystic Fibrosis Foundation, requesting permission to travel through the City of Portsmouth in conjunction with the 2014 Cycle for Life Event being held Saturday, July 19, 2014 and Sunday July 20, 2014. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Ryan Fleming, Events Manager, Redhook Brewery, requesting permission to conduct 17th annual Redhook/Runner's Alley 5k on Pease Tradeport to support the Krempel's Center for Brain Injury on Sunday, May 25, 2014. ***(Anticipated action – move to refer to the City Manager with power)***
- F. Request for License from Susan, Calina and Paul Hood, owners of Studio on 90 Fleet for property located at 90 Fleet 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 Susan, Calina and Paul Hood, owners of Studio on 90 Fleet for a projecting sign at property located at 90 Fleet 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***

- G. Request for License from Andre Van Oss, owner of Buff & File Nail Bar for property located at 92 Pleasant Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Andre Van Oss, owner of Buff & File Nail Bar for a projecting sign at property located at 92 Pleasant Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- H. Request for License from Richard Cyr, owner of Federal Cigar for property located at 36 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 Richard Cyr, owner of Federal Cigar for a projecting sign at property located at 36 Market Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Christopher P. Mulligan, Attorney, Bosen & Associates, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa (194 Wibird Street/Tax Map 148, Lot 1)

Councilor Lown moved to refer to City staff for review and report back at April 21, 2014 City Council meeting. Seconded by Councilor Kennedy and voted.

- B. Letter from Sandra Yarne, Tax Day Coordinator, Seacoast Peace Response, requesting permission to utilize a plywood structure in conjunction with annual Penny Poll in Market Square on Tuesday, April 15, 2014.

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for First Reading for Proposed Amendment to Chapter 7, Article I of the Ordinances Re: Parking and Traffic Safety Committee

City Manager Bohenko said that this would add an alternate member to the Parking and Traffic Safety Committee.

Councilor Lown moved to schedule a first reading of the proposed Ordinance amendment, as presented, at the April 21, 2014 City Council meeting. Seconded by Councilor Shaheen and voted.

2. Applications for Sidewalk Cafés Providing Alcohol Service – city-owned sidewalks:
- a) Popovers on the Square
 - b) Ri Ra Portsmouth
 - c) State Street Saloon
 - d) Surf
 - e) The District

Deputy City Manager Allen said that these are renewals for Sidewalk Cafes' providing alcohol service. He stated that these are the same set up as last year.

Councilor Shaheen moved to authorize the City Manager to enter into an Area Service Agreements with Popovers on the Square, Ri Ra Portsmouth, State Street Saloon, Surf and The District for outdoor Alcohol service on City land for the 2014 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Lown.

Councilor Kennedy said she would not support the motion because she feels the charge for State Street Saloon is not appropriate for the amount of sidewalk they are using.

City Manager Bohenko said we have a Fee Committee and it could be referred to them next year for review.

Motion passed with Councilor Kennedy voting opposed.

3. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalks
 - a) British Beer Company
 - b) The BRGR Bar

City Manager Bohenko stated that these are cafes on private sidewalks.

Councilor Spear moved to authorize the City Manager to enter into an Area Service Agreements with British Beer Company and The BRGR Company for outdoor Alcohol service for the 2014 season subject to City Council Policy No. 2012-02. Seconded by Councilor Shaheen and voted.

4. Utility and Sidewalk Easements at 129 Aldrich Road, 185 Cottage Street and 65-67 Mark Street

City Manager Bohenko outlined the request for utility and sidewalk easements.

Councilor Kennedy moved to authorize the City Manager to accept the easements, as presented. Seconded by Councilor Lown and voted.

5. Establish a Work Session Re: Peirce Island Wastewater Treatment Facility

City Manager Bohenko said there would be a work session on April 14th at 7:00 p.m. and there will be a “Non-Meeting” prior at 6:30 p.m. regarding Negotiations.

Councilor Spear moved to establish a Work Session on Monday, April 14, 2014 at 7:00 p.m. regarding the Peirce Island Wastewater Treatment Facility. Seconded by Assistant Mayor Splaine.

Councilor Morgan requested that the City Council receive the Presentation two days prior to the Work Session for review.

Motion passed.

Informational Items

2. Information Memorandum from Robert Sullivan, City Attorney Re: Portwalk
3. Architectural Services Associated with Review of the Portwalk Project

City Attorney Sullivan advised the City Council that we have an agreement with Portwalk and the architect stating they will comply with whatever the Historic District Commission requires them to do.

Councilor Morgan asked if Portwalk has submitted their final review plan and certified plans. Planning Director Taintor said the Site Review plan has been reviewed by the Technical Advisory Committee but not yet by the Planning Board

4. Pilot Program Re: Parking Shuttle

City Manager Bohenko spoke to the pilot program for the Parking Shuttle. The shuttle will start on May 2nd and run through August 31st.

Councilor Kennedy asked if anyone will be working with the small downtown businesses on this. She also stated she would like to see the shuttle run through 2:30 a.m.

5. Proposed Additional Areas to Implement Character-Based Zoning (Form-Based Zoning)

City Manager Bohenko said there was a proposal to expand Form-Based Zoning and he provided a map on this matter. He said we estimate \$100,000.00 for the project.

Councilor Kennedy said she would like to have a work session on this matter and discuss some areas that are not included.

City Manager Bohenko said lets get CBZ passed and set up a work session when we can get to it.

Councilor Dwyer said she does not know if we need to get CBZ passed.

City Manager Bohenko said he would do what the City Council wants him to do. He would come back on April 21st to request an appropriation to use \$100,000.00 and the funding source.

6. Report Back Presentation from Cynthia Scarano, Executive Vice President, Pan Am Railways Re: Sea-3 Project

City Manager Bohenko reported that he contacted Cynthia Scarano and she would be available on May 5th. He said no matter what the Planning Board in the Town of Newington does we need to bring her forward May 5th for a presentation.

Councilor Kennedy moved to suspend the rules in order to take up Item XI. C.1. – Sea-3 Propane Proposal Update. Seconded by Councilor Morgan and voted.

C. ASSISTANT MAYOR SPLAINE

Sea-3 Propane Proposal Update

Assistant Mayor Splaine moved that the City Council opposes the Sea-3 expansion project currently before the Newington Planning Board; that we reiterate to the Newington Planning Board our support for the Mayor's request that appropriate comprehensive safety and environmental studies be conducted prior to approval of the Sea-3 proposal; and that we encourage the Pease Development Authority to examine the building of a track route for the trains through Pease. Seconded by Councilor Morgan.

City Manager Bohenko said he would work with the Planning Department staff to put language in and will ask for Rick DiPentima's assistance.

Motion passed.

B. MAYOR LISTER

1. Appointments to be Considered:

- Barbara McMillan reappointment to the Conservation Commission
- Kimberly Meuse appointment to the Conservation Commission (alternate)
- Samuel "Wes" Tator appointment to the Sustainable Practices Blue Ribbon Committee
- Lawrence Cataldo appointment to the Taxi Commission
- Stephen Dunfey appointment to the Taxi Commission

The City Council considered the appointments listed above which will be voted on at the April 21, 2014 City Council meeting.

2. Appointments to be Voted:

- 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
- Stephen Philp reappointment to the Peirce Island Committee
- John Simon reappointment to the Peirce Island Committee
- Jackie Cali-Pitts reappointment to the Recreation Board
- Kathryn Lynch appointment to the Recreation Board

Councilor Spear moved to appoint Judith Bunnell to the Citizens Advisory Committee; reappointments of Steve Miller, Elissa Hill Stone, and Allison Tanner to the Conservation Commission until April 1, 2017; reappointments of Stephen Philp and John Simon to the Peirce Island Committee until December 31, 2015; reappointment of Jackie Cali-Pitts to the Recreation Board until April 1, 2017; and appointment of Kathryn Lynch to the Recreation Board until April 1, 2015. Ms. Lynch is filling the unexpired term of Ed DelValle. Seconded by Councilor Kennedy and voted.

Councilor Kennedy moved the reappointment of Amy Schwartz to the Portsmouth Housing Authority until April 1, 2019. Seconded by Councilor Spear and voted. Councilor Shaheen abstained from voting on this matter.

3. Resignation:

- John Palreiro from Taxi Commission

Assistant Mayor Splaine moved to accept with regret the resignation of John Palreiro from the Taxi Commission with a letter of thanks for his service to the City. Seconded by Councilor Kennedy and voted.

At 12:15 a.m., Councilor Spear moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Assistant Mayor Splaine and voted.

Mayor Lister stated that this motion should have been made at 10:00 p.m. and the Council should not be conducting business at midnight.

The following items were postponed until the April 21, 2014 City Council meeting:

Assistant Mayor Splaine:

- Creating A Fee Penalty Guideline for Violations of Land Use Board Approvals
- Status of Abandoned or Derelict Buildings

Councilor Kennedy:

- Transportation Center
- Establish Transportation Committee (Discussion Purposes Only)

Councilor Lown:

- Parking & Traffic Safety Committee Minutes of the March 13, 2014 meeting

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 of 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 12:25 a.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.

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

Kelli L. Barnaby, CNHMC/CMC
City Clerk



NEW HAMPSHIRE
CHARITABLE FOUNDATION

June 23, 2014



Dr. Robert J. Lister
Mayor
City of Portsmouth, NH
City Hall
One Junkins Avenue
Portsmouth, NH 03801

Grant ID#: 91810

Dear Dr. Lister:

I am pleased to inform you that a \$15,000.00 grant has been approved to your organization from the Our New Hampshire Heritage - a fund of Northeast Auctions, one of the Foundation's advised funds. The grant is for the restoration of the Portsmouth Kearsarge Fire Pump.

Payment of your award may be included with this letter or sent separately. Your check will reference the grant ID number as shown above. A Terms of Award information sheet which explains the terms and conditions of the grant accompanies this letter. Please review this document carefully. Deposit of the grant award check signifies your acceptance and intent to comply with the terms of the award; it also serves as our receipt for this payment.

We ask that publicity for your program make reference to the support provided by the Our New Hampshire Heritage - a fund of Northeast Auctions of the New Hampshire Charitable Foundation. If you would like additional information about the Foundation's publicity guidelines, including logos, please visit our website at <http://www.nhcf.org/page.aspx?pid=807>.

If you have any questions, please contact Phyllis Abbey at the Foundation.

Our best wishes for the success of your programs.

Sincerely,

Judith T. Burrows
Director of Program Operations

PLEASE NOTE: By accepting this gift, the grant recipient acknowledges that the entire value of this contribution is for charitable purposes and no goods, services or benefits were provided to any individuals affiliated with said donor advised fund.



NEW HAMPSHIRE
CHARITABLE FOUNDATION

LAKES MANCHESTER MONADNOCK NASHUA NORTH COUNTRY PISCATAQUA UPPER VALLEY

TERMS OF AWARD

Grant awards are made only for the purpose(s) specified in the enclosed award letter. Deposit of the grant award check signifies your intent to comply with the terms and conditions of the award as outlined below, and serves as our receipt for the enclosed grant award payment.

1. **Expenditure of Grant Funds** - The grant award is made only for the purpose(s) specified in the award letter, and subject to any conditions included therein.

Grants may be used to support attempts to influence legislation of any governmental body when both specifically allowed in the Resolution, and under certain circumstances. These circumstances include either (i) the grant recipient has made the election to lobby referred to in Section 501(h) of the Internal Revenue Code and a copy of Form 5168 is forwarded to the Foundation or (ii) no substantial part of the activities of the grant recipient is carrying on propaganda or otherwise attempting to influence legislation.

In any case, no part of any grant may be used for a political campaign. Grants may, however, be used to make available the result of nonpartisan analysis, study and research.

2. **Return of Grant Funds to New Hampshire Charitable Foundation and its Regions**
 - (a) Grants will be returned if the Foundation determines that the grant recipient has not performed in accordance with the **Terms of Award**, or met the conditions described in the award letter.
 - (b) Unexpended grant balances should be returned to the Foundation if the grant recipient loses its exemption from federal income taxation as provided for under Section 501(c)(3) of the Internal Revenue Code.

John,

I traveled to Fire Fly Restorations in Maine in early June. Attached are images of the engine from that visit. The plan was to paint the seat, coal box, and frame (vermillion red like the axels and springs) before the end of July. They will then ship the seat and coal box to the decorator for embellishments and gold leaf.

We discussed the future of the restoration. The priority items include the boiler that will need to be jacketed in a blue sheet metal and the steel and brass will require nickel-plating. The frame will also require embellishments . There will be a number of smaller items that will follow. An estimate to complete the restoration fully is about \$70,000 to \$90,000.00. (With the most recent donation we have @ \$34,000.00 towards the amount). We are looking at reducing the amount of nickel-plating (which is the most expensive) and restoring more of the brass and copper. We hope that all painting and a large amount of embellishments will be completed by the end of the summer.

I realize that the project costs are more than initially estimated. My plan has been to restore the engine only to the level of funding available. With that said, I have reached out to previous supporters to raise more funds. It appears that we may receive additional donations from private and anonymous supporters close to the level required to complete the project. We will not be looking for any additional city funds for the restoration.

I am available to discuss this further if needed.

Steve

Steven E. Achilles
Fire Chief - EM Coordinator
City Portsmouth Fire Department





ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition:

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.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY THE CITY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

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

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:

Proposed Amendment	Planning Board Recommendation
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: 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.

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.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):

- Assessors Map 163, Lots 33, 34 and 37;
- Assessors Map 165, Lots 1, 2 and 14;
- Assessors Map 172, Lots 1 and 2; and
- Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits titled "Areas Proposed To Be Rezoned to Character District 4 (CD4)", dated 6-23-2014;

And that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly.

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

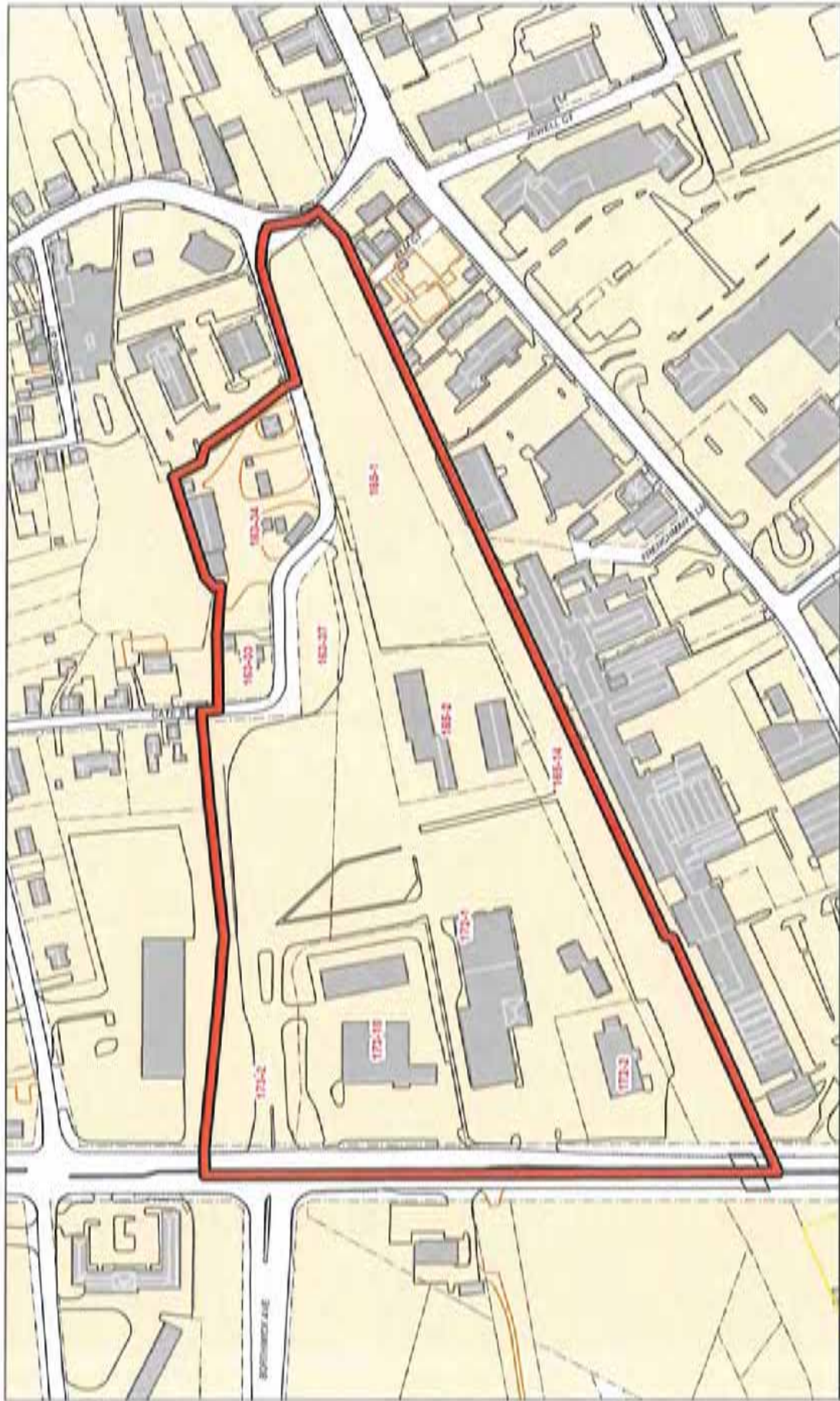
Kelli L. Barnaby, City Clerk



Area Proposed To Be Rezoned to Character District 4 (CD4)

Proposed CD4 District

0 50 100 200 300 Feet
 Planning Department | 8/20/2014



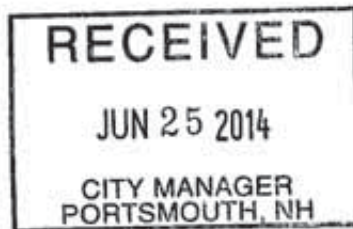
Area Proposed To Be Rezoned to Character District 4 (CD4)



Proposed CD4 District



Polk County Planning Department | 6-22-2014



The Harbor Agency
PO Box 4207
Portsmouth, NH 03802
(603)770-6584

June 24, 2014

City Hall
1 Junkins Avenue
Portsmouth, NH 03801
(603)431-2000

Dear City Council Members,

Parking Request for a Tour Bus and Trailer

My name is Amanda Morneault, owner of The Harbor Agency. I am writing on behalf of myself and the Thirsty Moose Tap House of Portsmouth. We have Big Machine Recording Artist, "The Cadillac Three" coming to town with a tour bus and trailer and we are requesting to reserve and pay for four parking spots for Wednesday, July 16th. We are looking to reserve the four spots closest to the loading zone on Congress Street – directly across from the Thirsty Moose. I spoke with Parking and they have informed me that movers and construction companies are charged \$30 per space. We are prepared to pay a total of \$120 upon this request being approved. Please feel free to contact me directly with questions.

Thank you for your time and consideration,

Amanda Morneault

GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

JUN 18 2014

June 18, 2014


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

Re: Greater Portsmouth Chamber of Commerce – 2014 Annual Dinner

Dear City Manager Bohenko & Portsmouth City Council Members,

The Greater Portsmouth Chamber of Commerce requests a permit and permission to close Pleasant Street from State Street to Congress Street for one day on Wednesday, August 6, 2014 for the purpose of setting up and conducting our 2014 Greater Portsmouth Chamber of Commerce Annual Dinner: Steet.life! In 2012 we held our first Street.life! to "Celebrate Portsmouth Business" which was fully attended and has become an historic event. Our member businesses and others continue to request that we return to that venue to celebrate our business community. We have succumbed to their wishes and therefore are making this request. The 2014 Street.life! Annual Dinner will be unique and in character with the great city in which we live work and play.

Respectfully Submitted,



Doug Bates
President

received
Ce 23/14



June 19th, 2014

Mayor Robert Lister
Portsmouth City Council
City Hall, 1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and City Council Members,

Arts In Reach (AIR), a nonprofit organization, provides mentoring through the arts to teenage girls in the Greater Seacoast of New Hampshire. AIR empowers teenage girls through innovative teaching and mentoring, utilizing accessible arts programming as the platform for success. Arts In Reach respectfully requests permission to hold our third annual AIRWalk fundraiser on Saturday, October 18th, 2014.

The 5K walk will be held from 9am to 11am, starting and finishing at 11 Jewell Court. We will be using the same route as the AIRWalk in 2013, which would run through downtown Portsmouth and back to Jewell Court. AIR staff and volunteers will be accompanying the participants.

Upon approval for October 18th, we will submit the permit, \$20 fee, and a Certificate of Insurance for this event to the City Clerk in the amount of one million dollars, naming the City of Portsmouth as certificate holder as well as additional insured.

Thank you for your consideration of our request.

Sincerely,

Mary-Jo Monusky
Executive Director



NEW ENGLAND REGION

Connecticut Office
35 Cold Spring Rd, Suite 411
Rocky Hill, CT 06067
860-563-1177
800-541-8350
Fax 860-563-6018

Massachusetts Office
29 Crafts St, Suite 450
Newton, MA 02458
617-244-1800
800-766-9449
Fax 617-558-7686

New Hampshire Office
6 Chenell Dr, Suite 260
Concord, NH 03301
603-224-9322
800-639-2113
Fax 603-224-3778

Rhode Island Office
2348 Post Rd, Suite 104
Warwick, RI 02886
401-739-3773
Fax 401-739-8990

received
6/26/14

Robert Lister
Mayer
1 Junkins Avenue
Portsmouth, NH 03801

June 24, 2014

Dear Mayor Lister:

I am writing to you to support the Arthritis Foundation New England Region 2014 Portsmouth Jingle Bell Run by granting the requisite event permits and street closure to host a road race in the city of Portsmouth.

The Arthritis Foundation hosts Jingle Bell Run events nationwide in the Foundation's attempt to reach a world free of arthritis pain as the proceeds fund research, advocacy and public policy initiatives. That is, the event seeks to generate funds and help those 265,000 adults and 1,200 children who are impacted by arthritis in New Hampshire.

The Portsmouth Jingle Bell Run is to be taking place on Saturday, December 13th at the Little Harbour School on 50 Clough Drive (registration begins at 9:00 am; race begins at 10:00 am). The expected number of runners is consistent to the industry trend growth rate; 370 participants (compared to 170 runners in 2013).

Please advise the enclosed document containing a depiction of the 5k route [and the corresponding streets] we intend to use.

Thank you for your consideration.

Sincerely,

Matthew Raffio
Regional Development Director
Office: (603) 724-6080
Email: mraffio@arthritis.org

www.arthritis.org



Please remember the Arthritis Foundation in your will.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/28/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 1-678-393-5200 Arthur J. Gallagher Risk Management Services, Inc. 1040 Crown Pointe Parkway Suite 700 Atlanta, GA 30338 Joseph Caruso/James Linn	CONTACT NAME: Richard Meyer PHONE (A/C, No, Ext): 678-393-5289 E-MAIL ADDRESS: Richard Meyer@ajg.com FAX (A/C, No): 678-393-5276														
INSURED Arthritis Foundation New England Region, Inc. 35 Cold Spring Road, Suite 411 Rocky Hill, CT 06067	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: MASSACHUSETTS BAY INS CO</td> <td>22306</td> </tr> <tr> <td>INSURER B: ALLMERICA FIN BENEFIT INS CO</td> <td>41840</td> </tr> <tr> <td>INSURER C: HANOVER INS CO</td> <td>22292</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: MASSACHUSETTS BAY INS CO	22306	INSURER B: ALLMERICA FIN BENEFIT INS CO	41840	INSURER C: HANOVER INS CO	22292	INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: MASSACHUSETTS BAY INS CO	22306														
INSURER B: ALLMERICA FIN BENEFIT INS CO	41840														
INSURER C: HANOVER INS CO	22292														
INSURER D:															
INSURER E:															
INSURER F:															


COVERAGES **CERTIFICATE NUMBER:** 38617386 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			ZDA 9115350-03	06/01/13	06/01/14	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/PROP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			AWA 9157701-03	06/01/13	06/01/14	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			UHA 9115355-03	06/01/13	06/01/14	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WHA 9115352-03 WDA 9144426-03 WMA 9344304-03	06/01/13	06/01/14	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Certificate Holder is shown as Additional Insured solely with respect to General Liability coverage as evidenced herein as required by written contract.
 Event/Date/Location:

 Portsmouth Jingle Bell Run/December 13, 2014/50 Clough Dr., Portsmouth, NH 03801
 with Portsmouth School Department is additional insured as required by contract

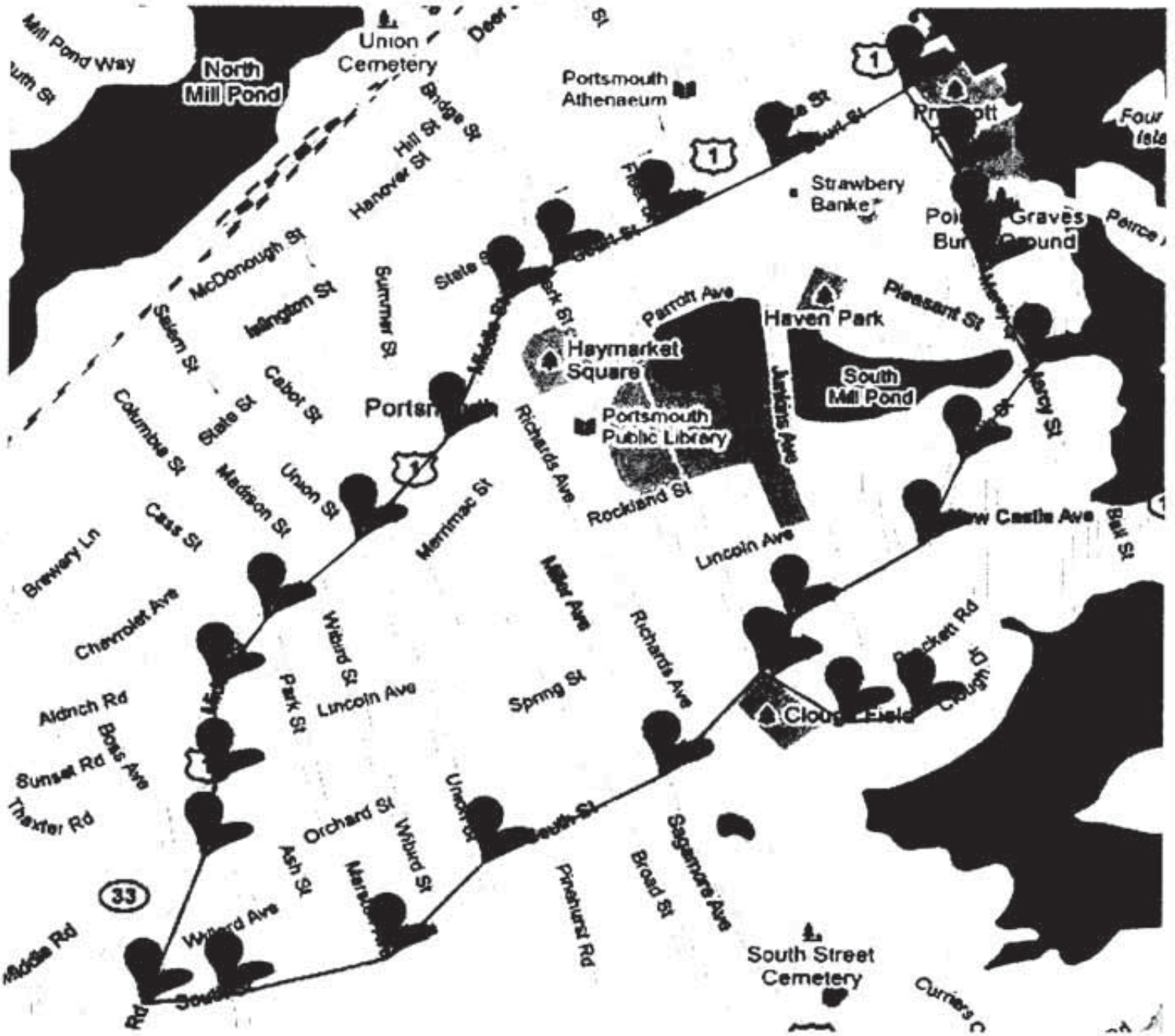
CERTIFICATE HOLDER City of Portsmouth Kelli Barnaby One Junkins Ave City Clerk's Office Portsmouth, NH 03801 USA	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

Portsmouth



5K Route

Nationally Sponsored By
abbvie



Start at telephone pole at Little Harbour School ~ LEFT onto South St ~ RIGHT onto Middle St ~ RIGHT onto Court St ~ RIGHT onto Marcy St ~ RIGHT onto South St ~ LEFT onto Clough Drive – finish chute by storm drain.



Granite State Wheelmen, Inc.

181 Leavitt Road
Belmont, New Hampshire 03220

June 27, 2014



Mayor Robert Lister

Portsmouth City Council

Town of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and City Council Members:

On September 20-21, 2014, the Granite State Wheelmen are planning to conduct our 41st annual Tri-State Seacoast Century bicycle ride. We request your approval to travel through Portsmouth. This is a bicycle ride not a race. Riders will be traveling 25, 50, 63 and 100 mile routes starting at Hampton Beach and then cycle into Massachusetts and Maine. Over the weekend approximately 1400 cyclists will participate. Riders will be traveling individually or in small groups since the starts are staggered and they are traveling at different speeds. For many this is an annual vacation. We draw experienced cyclists with most doing the full distance and returning year after year. Rider fees are used to cover the event expenses and also contribute to promoting cycling in New Hampshire.

Enclosed are a draft map and cue sheet for our proposed Seacoast Century route through Portsmouth and a copy of the insurance rider covering Portsmouth. As in the past, we will work closely with your Police Department and hire a police detail to monitor the bicycle and motor traffic for both Saturday and Sunday at key intersections.

Please let me know if you need any additional information. I look forward to working with your Town staff on this event.

Sincerely yours,

Donna L. Hepp
GSW Century Chair
P414-258-3287/414-837-8976 (c)
dhepp3@gmail.com
www.GraniteStateWheelmen.org

File: Police detail request-P14.doc



Granite State Wheelmen, Inc.

Tri-State Seacoast Century Overview Maps ~~40th Annual~~, September 20 & 21, 2014



South loop to Newburyport Harbor, MA.
16.9 miles round trip



North to Rye Harbor, NH and inland
return loop for Full Century only.



Rye, NH to Kittery, ME and inland
loop for Metric & Full Centuries only.



Kittery to York, ME including Nubble Light.
for Metric and Full Centuries only.

Note: Maps not to scale. See cue sheet and GPS files for details.

Straight	Continue onto New Hampshire 1A N/Ocean Blvd	14.87	2.06
Right	Turn right into Hampton Beach State Park	16.75	1.88
End	End south route of full Century at HBSP	16.88	0.13

Total mileage of Full Century route: 100.4 miles

Reference notes:

Hours: 7:00 am to 5:00 pm, September 21 & 22, 2013

Notes: Follow the orange "arrow heads" painted on the road.
When on a numbered route, follow it until the next cue.



Point-to-Point mileage FAQs:

- South loop to Massachusetts: 16.9 miles
- HBSP to Fort McClary Picnic Area rest stop: 23.4 miles
- Fort McClary rest stop to Nubble Light: 11.2 miles
- Fort McClary to Cape Neddick and return: 27.1 miles
- Fort McClary to HBSP via Full Century route: 33.0 miles

General: GSW Office: 603.898.5479 www.GraniteStateWheelmen.org

Sag: Headquarters: ~~603-898-3784~~, cell ~~603-400-8116~~, emergencies 911
updated numbers to be provided
HELMETS REQUIRED TO AVOID SERIOUS HEAD INJURIES



Granite State Wheelmen, Inc.

*Some route proposed
as last year*

Tri-State Seacoast Century Cue Sheet ~~10th~~ Annual, September 20 & 21, 2014

All rides start and end at Hampton Beach State Park each day.

Turn	Notes	Miles	Leg
Start	Start north route of full Century, Quarter, Half, and Metric	0.00	0.00
Right	Leave HBSP, turn right onto New Hampshire 1A N/Ocean Blvd	0.14	0.14
(U-Turn)	Quarter Century Turn-Around point, Odiome State Park	12.90	12.76
Straight	Enter the traffic circle	14.73	1.83
Right	Take first exit from traffic circle onto NH 1A N/Sagamore Rd	14.74	0.01
Right	Turn right onto New Hampshire 1B N/Wentworth Rd	15.21	0.47
Left	Wentworth Rd turns slightly left and becomes Walbach St	17.60	2.39
Right	Turn right onto Piscataqua St	17.71	0.11
Straight	Continue onto Cranfield St	17.95	0.24
Right	Turn right onto New Hampshire 1B N/Cranfield St	18.05	0.10
Right	Turn right onto River Rd	18.11	0.06
Left	Turn left onto Oliver St	18.28	0.17
Right	Turn right onto New Hampshire 1B N/Portsmouth Ave	18.43	0.15
Right	Slight right to stay on New Hampshire 1B N/Portsmouth Ave	18.55	0.12
Right	Slight right onto Marcy St	19.62	1.07
Right	Turn right to stay on Marcy St	19.84	0.22
Left	Turn left onto Court St	20.15	0.31
Right	Turn right onto Atkinson St	20.22	0.07
Right	Turn right onto State Street	20.26	0.04
Left	Slight left onto Dutton Ave	20.29	0.03
Straight	Continue onto Memorial Bridge	20.34	0.05
Right	Turn right onto Water St	20.80	0.46
Left	Water St turns left and becomes Pleasant St	20.87	0.07
Right	Turn right onto Government St	20.98	0.11
Straight	Continue onto Wentworth St, Rt 103	21.29	0.31
Right	Turn right onto Whipple Rd, Rt 103	21.48	0.19
Right	Turn right onto Whipple Rd, Rt 103	22.06	0.58
Straight	Continue onto Pepperrell Rd, Rt 103	22.85	0.79
Left	Fort McClary Picnic Area rest stop, past Crockett Neck Rd	23.38	0.53
Left	Left from rest stop, continue north on Pepperrell Rd, Rt 103	23.46	0.08
Right	Slight right onto Chauncy Creek Rd	24.43	0.97
Left	Turn left onto Gerrish Island Ln	24.94	0.51
(Left)	Half Century Turn-Around point -- retrace route to HBSP	24.94	0.51
Right	Turn right onto Brave Boat Harbor Rd, Rt 103	25.15	0.21
Right	Turn right onto York St, Rt 1A	29.37	4.22
Right	Turn right onto Norwood Farms Rd	30.40	1.03
Left	Turn left to stay on Norwood Farms Rd	30.69	0.29
Left	Slight left onto Roaring Rock Rd	31.11	0.42
Right	Turn right onto York St, Rt 1A	31.28	0.17
Straight	Continue onto Long Beach Ave	32.11	0.83
Right	Turn right onto Nubble Rd	33.47	1.36
Right	Slight right to stay on Nubble Rd	33.96	0.49
Right	Turn right onto Sohier Park Rd	34.42	0.46
Right	Sohier Park rest rooms in gift shop -- GSW name on plaque	34.50	0.08
U-Turn	View Nubble Light from parking lot	34.61	0.11
(Left)	Metric Century Turn-Around point -- retrace route to HBSP	34.61	0.11
Right	Turn right onto Nubble Rd	34.68	0.07
Straight	Continue onto Broadway St	35.04	0.36
Right	Turn right onto Kendall Rd	35.25	0.21
Straight	Continue onto Ocean Avenue Extension	35.31	0.06
Right	Turn right onto Ocean Ave	35.78	0.47
Right	Turn right onto Beach St	36.07	0.29
Right	Turn right onto Freeman St	36.25	0.18
Left	Turn left onto Bay Haven Rd	36.66	0.41
Right	Turn right onto Main St	36.93	0.27
Straight	Continue onto Cape Neddick Rd	36.98	0.05

Right	Turn right onto Clark Rd	37.69	0.71
Right	Turn right onto Shore Rd	38.59	0.90
Straight	Straight onto Main St	39.14	0.55
Right	Turn right onto Long Beach Ave	40.15	1.01
Straight	Continue onto York St	41.76	1.61
Right	Turn right onto Woodbridge Rd	42.99	1.23
Left	Turn left onto Moulton Ln	43.96	0.96
Left	Turn left onto York St, Rt 1A	44.12	0.16
Right	Turn right onto Lilac Ln, Rt 103	46.33	2.21
Right	Turn right onto Payne Rd	46.95	0.62
Left	Turn left onto Bartlett Rd	49.18	2.23
Left	Turn left onto Haley Rd	49.70	0.52
Right	Turn right onto Crockett Neck Rd	50.53	0.83
Left	Turn left into Fort McClary Picnic Area rest stop, use side entrance	50.60	0.07
Right	Exit rest stop onto Pepperill Rd, Rt 103	51.12	0.52
Straight	Continue onto Whipple Rd	52.22	1.10
Left	Turn left to stay on Whipple Rd	52.49	0.27
Left	Turn left onto Wentworth St	52.67	0.18
Right	Turn right onto Walker St	52.81	0.14
Left	Turn left onto Otis Ave	52.88	0.07
Right	Turn right onto Government St	53.09	0.21
Left	Turn left onto Newmarch St	53.20	0.11
Left	Slight left to stay on Newmarch St, cross Memorial Bridge	53.68	0.48
Right	Bear right onto Daniel St (one-way, leads into downtown)	53.74	0.06
Left	Turn left onto Chapel St (one-way, heads south)	53.78	0.04
Left	Turn left onto State St (police detail present)	53.81	0.03
Right	Turn right onto Marcy St	54.16	0.35
Left	Turn left onto New Castle Ave, Rt 1B S	54.38	0.22
Straight	Continue onto New Castle Ave, turns into Portsmouth Ave	55.38	1.00
Right	Slight right to stay on NH 1B S/Portsmouth Ave	55.80	0.42
Left	Turn left onto New Hampshire 1B S/Cranfield St	58.58	2.78
Right	Bear right onto Main then Wentworth Rd, still Rt 1B S	59.04	0.46
Left	Turn left onto New Hampshire 1A S/Sagamore Rd	59.05	0.01
Straight	Enter traffic circle, take 3rd exit	59.09	0.04
Right	Third exit from traffic circle onto NH 1A S/Pioneer Rd	66.93	7.84
Right	Slight right onto Sea Rd	67.26	0.33
Right	Turn right onto Central Rd	68.28	1.02
Left	Turn left to stay on Central Rd	69.75	1.47
Left	Turn left onto Washington Rd	71.13	1.38
Left	Turn left onto West Rd	72.39	1.26
Straight	Continue onto Mill Rd	73.68	1.29
Left	Turn left onto NH-111 E/Atlantic Ave	74.35	0.67
Left	Turn left onto Woodland Rd	75.82	1.47
Right	Turn right onto South Rd	76.72	0.90
Right	Turn right onto Central Rd	76.91	0.19
Right	Turn right onto Causeway Rd	77.06	0.15
Straight	Continue onto Central Rd	77.66	0.60
Left	Turn left onto Chapel Rd	77.93	0.27
Right	Turn right onto Willow Ave	78.12	0.19
Right	Turn right onto New Hampshire 1A S/Ocean Blvd	82.11	3.99
Left	Turn left onto New Hampshire 1A S/Ocean Blvd	83.39	1.28
Left	Turn left into Hampton Beach State Park	83.52	0.13
End	End of north route of full Century at HBSP		

South loop into Massachusetts:

Turn	Notes	Miles	Leg
Start	Start south route of full Century at HBSP	0.00	0.00
Left	Turn left onto New Hampshire 1A S/Ocean Blvd	0.14	0.14
Straight	Continue onto North End Blvd	2.06	1.92
Right	Turn right onto Beach Rd/Broadway	4.09	2.03
Right	Turn right onto Beach Rd	5.56	1.47
Left	Turn left at Ferry Rd	6.12	0.56
Right	Slight right onto March Rd	8.01	1.89
Left	Sharp left onto 1st St	8.30	0.29
Straight	Continue onto Ferry Rd	8.71	0.41
Right	Turn right onto Beach Rd	10.59	1.88
Left	Turn left onto North End Blvd	12.81	2.22

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: June 23, 2014
SUBJECT: PSNH License Agreement 63-0578

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0578.

This request is to license 11 temporary poles as a part of the Stark Street Bridge Replacement Project over the Rte. 1 By-Pass. When the Stark Street Bridge is complete 5 of the temporary poles will be removed with the 6 existing poles remaining in the same configuration that exists today.

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

Attached are pictures of the new pole locations and the permanent replacement locations. 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

June 3, 2014

Office of the City Clerk
City of Portsmouth
One Jenkins 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 63-0578 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 28, 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 ~~twelve~~ ^{it} ~~(12)~~ pole(s), 165/25A1, 165/25CS, 165/25C1, 165/25D, 165/25C2, 165/25C2S, 165/25C3, 165/25C4, 165/25C5, 165/25C6, 165/25C7, ~~165/25C7S~~ located on Stark Street in the City of Portsmouth.

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

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: Jaye Floyd

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

LICENSE

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

ORDERED

This 28th 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. 63-0578, dated 5/28/2014, 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

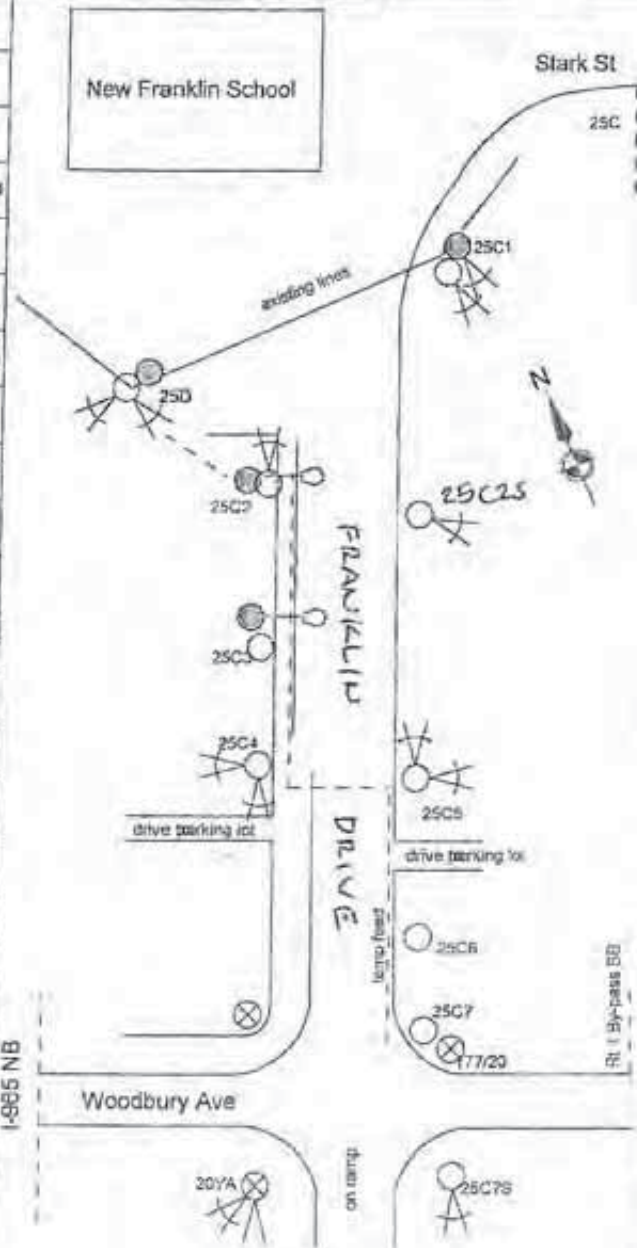
POLE LOCATION PLAN

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

DATE 05/28/2014
MUNICIPALITY: Portsmouth
STREET / ROAD: Stark Street
PSNH OFFICE: Portsmouth
PSNH ENGINEER: Jim Osburn
TELCO ENGINEER: David Kestner

LICENSE NO. 63-0578
STATE HWY. DIV. NO. 6
STATE LICENSE NO. _____
WORK REQUEST# 2096187
WORK FINANCIAL # 9P320199
TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	JO	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL												
165/25C1	1180/4	45/2	35/784									inst/rmv JO pole/anc	M
165/25D		45/2	40/788							100		inst JO pole/anc rmv Lts pole/anc	M
165/25C2		45/2	35/788							195		inst JO pole/anc rmv Lts pole/anc	M
165/25C2S		40/2										inst JO temp pole/anc	M
165/25C3		50/2	35/788							195		rmv Lts pole/anc	M
165/25C4		45/2								80		inst JO temp pole/anc	M
165/25C5		45/2								60		inst JO temp pole/anc	M
165/25C6		45/2								150		inst JO temp pole	M
165/25C7		45/2								150		inst JO temp pole	M
177/20	88/20											reference pole	
J/25C7S		40/2										inst JO temp pole/anc	M
177/20YA	88C/1											inst temporary anchor	





1105 / 2507



165/25C16



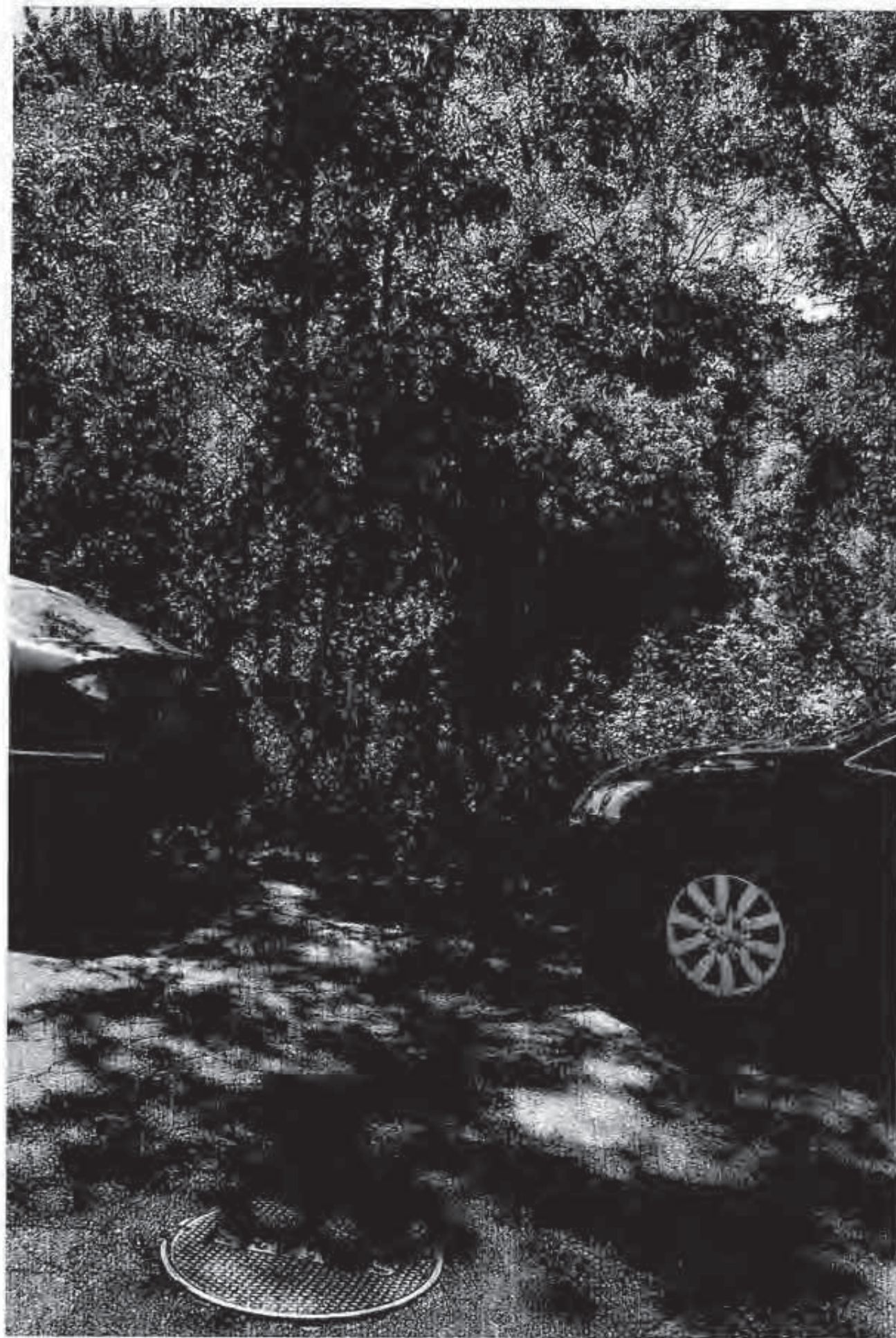
165/2505



165/9500



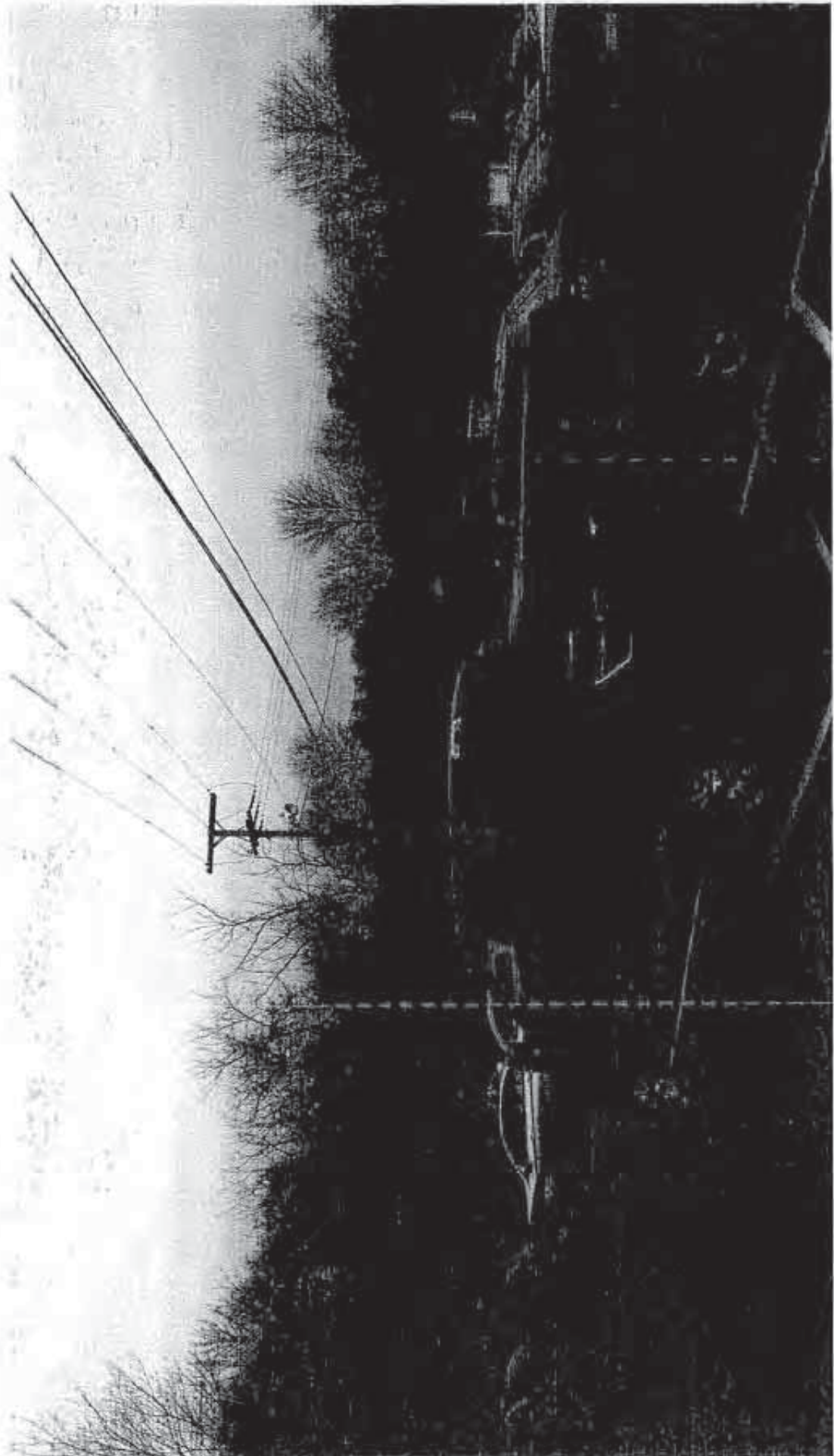
1105/105-2



165 175079



115 / 252C



165 / 25 D

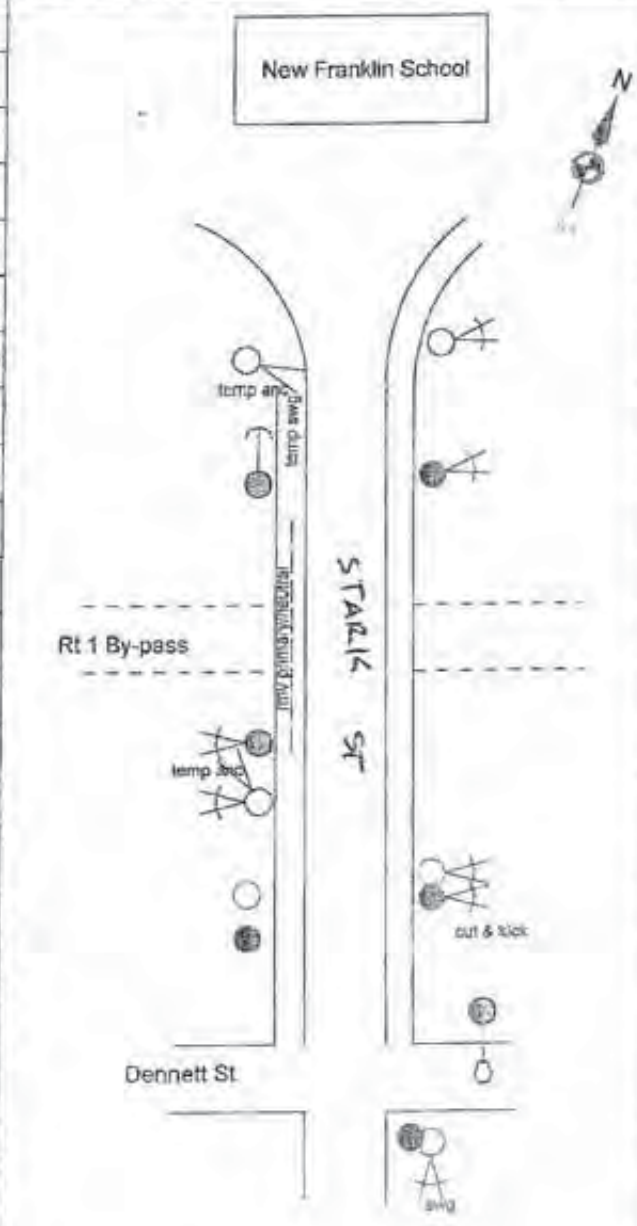


POLE LOCATION PLAN

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

DATE	<u>05/28/2014</u>	LICENSE NO.	<u>63-0578</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Stark Street</u>	STATE LICENSE NO.	<u> </u>
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2096187</u>
PSNH ENGINEER:	<u>Jim Osburn</u>	WORK FINANCIAL #	<u>9P320199</u>
TELCO ENGINEER:	<u>David Kestner</u>	TELCO PROJECT #	<u> </u>

Pole Numbers		Pole Sz-Cl	Eq BH	INSTALL			REMOVE			REF		100% LTS	J/O	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL			POLE	PB	○	●	⊗	⊙	⊠	⊡	∧	A	↓				
*65/25CS	1180/3S	40/2	25/788														inst JO pole/anc rmv Lts pole/anc	M
165/25C	1180/3	45/2	40/788														inst/rmv JO pole inst temp Lts anc Lic. # 1106	
165/25B	11801/2	50/2	45/705														inst/rmv JO pole/anc inst temp Lts anc Lic. # 1106	
165/25A	1180/1	45/2	40/789														inst/rmv JO pole/anc Lic. # 1106	
165/25A1	N/A	40/2	25/778														inst/rmv Lts pole	M
165/25S	118/25S		30/791														rmv/omit JO pole	
165/25	118/23	45/2	40/770														inst/rmv JO pole/anc Lic. # 1106	





1105 / 10500



11.5 / 7.5 Δ 1

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

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: June 23, 2014
SUBJECT: PSNH License Agreement 63-0579

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0579.

This request is to license 2 temporary poles as a part of the Woodbury Avenue Bridge Replacement Project over the Rte. 1 By-Pass. When the Woodbury Avenue Bridge is complete both of the temporary poles will be removed.

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

Attached are pictures of the new pole locations. Please call with any questions you may have.

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

A handwritten signature in black ink, appearing to be "P. Rice", is written over the cc line.



**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



June 3, 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 63-0579 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 28, 2014

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

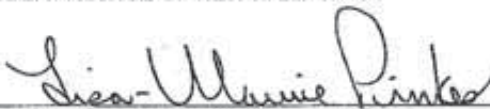
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such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

License two (2) pole(s), 177/19Y, 177/17Y located on Woodbury Avenue 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 28th 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. 63-0579, dated 5/28/2014, 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: _____

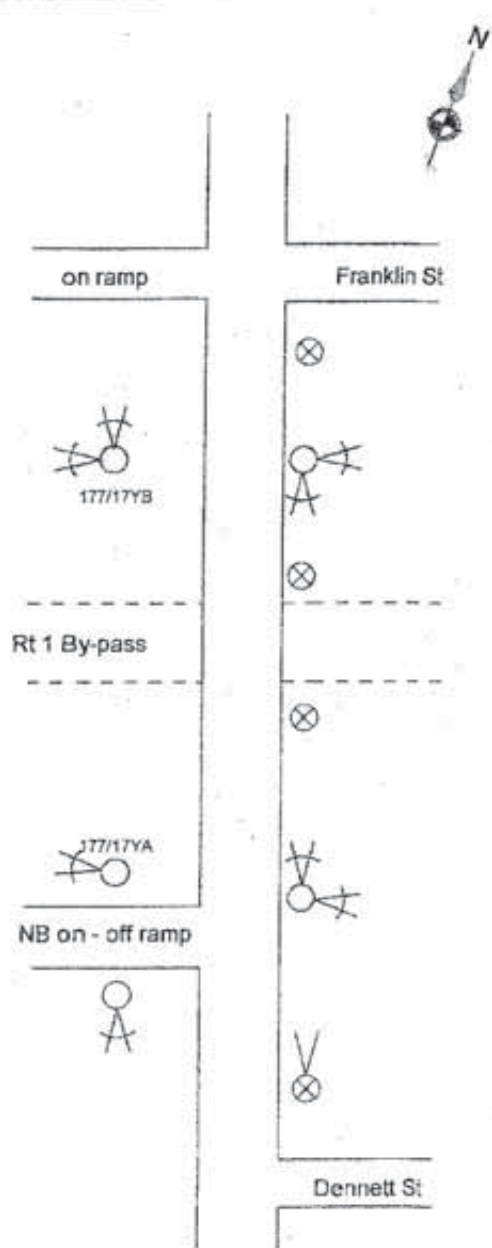
Town Clerk

POLE LOCATION PLAN

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

DATE	<u>05/28/2014</u>	LICENSE NO.	<u>63-0579</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Woodbury Avenue</u>	STATE LICENSE NO.	
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2016510</u>
PSNH ENGINEER:	<u>Jim Osburn</u>	WORK FINANCIAL #	<u>9P220879</u>
TELCO ENGINEER:	<u>David Kestner</u>	TELCO PROJECT #	<u>267289</u>

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL		REMOVE		REF	100% LTS	JO	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL			POLE	FB	⊗	⊗	⊗	⊗	⊗	⊗				
177/20	88/20													reference pole	
177/19Y		50/2										100		inst JO temp pole/anc	M
177/17YB		55/2										165		inst JO temp pole/anc	H
177/19	88/17													reference pole	
177/18	88/16													reference pole	
177/17YA		55/2										118		inst JO temp pole/anc	H
177/17YAS		40/2												inst JO temp pole/anc	H
177/17Y												70		inst JO temp pole/anc	M
177/17	88/15													reference pole	

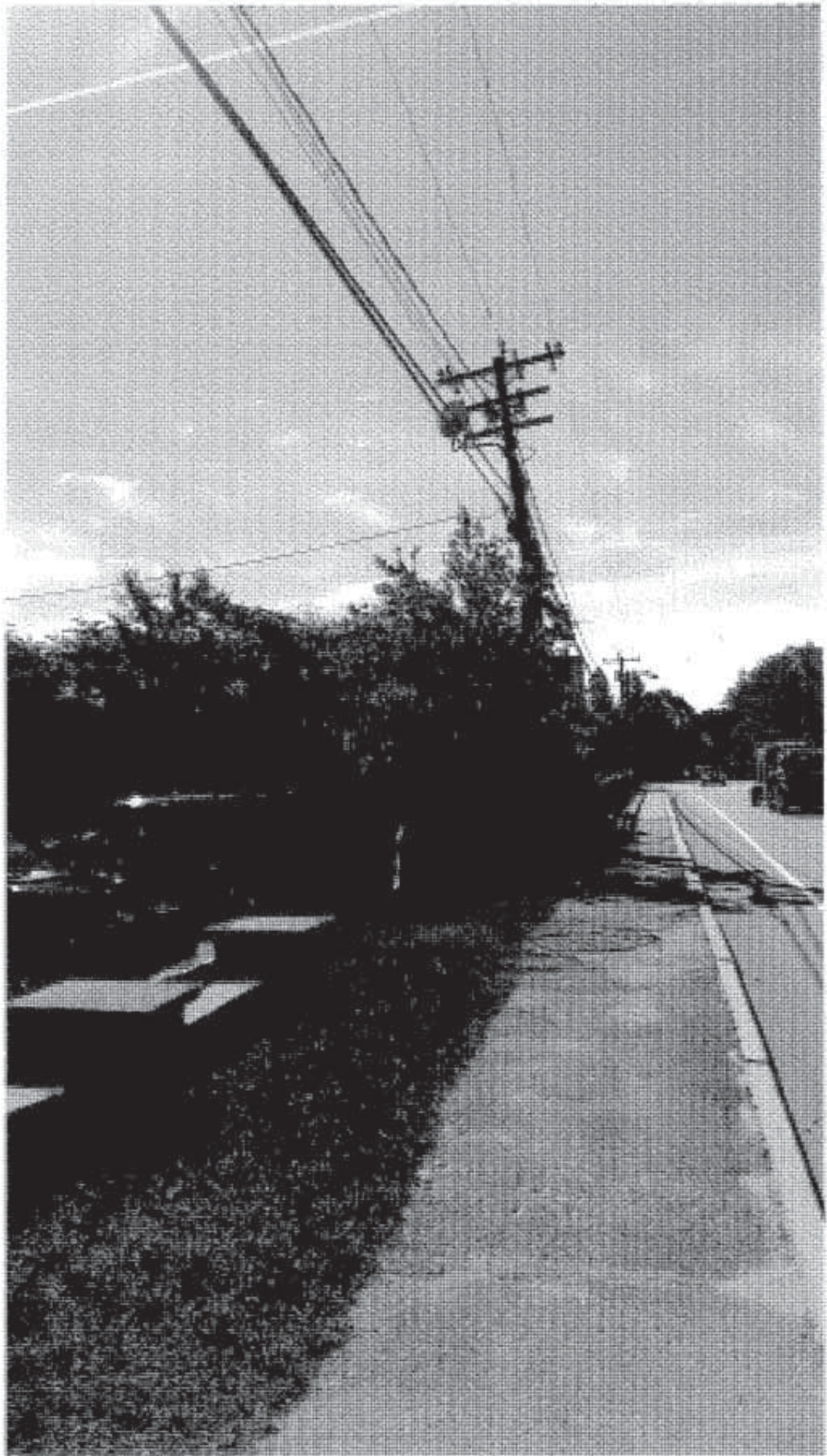


ADDENDUM PER RSA 231:163

- 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.

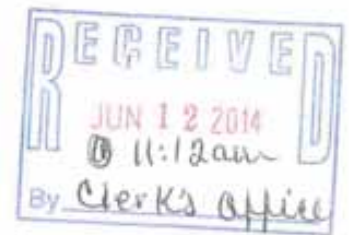
The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:





7th Settlement Brewery
47 Washington St
Dover, NH 03820



6/10/2014

Dear Ms. Barnaby,

I would like to request permission for sales of beer in growlers for sale in Portsmouth, NH for farmer's markets. This has already been approved though our sub brand One Love Brewery. I just want to clarify the parent company attending the markets is 7th Settlement Brewery. These will be sold in 32 fluid ounce and/or 64 ounce growlers labeled with our name and logo and Government Warning printed on them. All people selling growlers are T.E.A.M. trained. All growlers will be filled and sealed at the brewery. No samples will be given at the farmers markets. Thank you very much.

Sincerely,

Josh Henry
Founder/Brewer
7th Settlement Brewery
47 Washington St
Dover, NH 03820



June 12, 2014
58 McCrillis Road
Nottingham, NH 03290
603-679-5524
mhiza@exeter.edu

John Bohenko
City Manager
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko,

I am writing to request a letter of approval to sell our hard cider at the Portsmouth farmers' market during the months of August through November (November 1st) on Saturdays during the hours of 8:00 AM to 1:00 PM. We are members of the Seacoast Growers Association and are listed in the agreement between Portsmouth and SGA as being able to sell hard cider at the farmers' market. I have all the necessary permits and licenses to manufacture and sell hard cider (state license # 563030). As a member of the Seacoast Growers Association, we are assigned stall space at the market and will sell from that space. The New Hampshire Liquor Commission requires that I submit an annual letter of approval from Portsmouth saying that you are aware of what I'm doing and have no objection to it. Thank you for sending me a letter.

Sincerely,

Mark Hiza
Nottingham Orchard



June 11, 2014

Mr. John P. Bohenko
& City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Worth Dumpster
10 Vaughan Mall, Portsmouth, NH

Dear Mr. Bohenko and City Council Members,

On behalf of the Worth Development I Condominium Association, 10 Vaughan Mall, Portsmouth, NH, I am submitting the attached plan, to request the Worth dumpster area be enlarged, so it can accommodate two 10 yard containers. The Worth Development I Condo Association would like to expand the dumpster area in its existing location to 24' wide by 17' depth. The dumpster would remain the same distance into the parking lot, as there is 5 feet behind the dumpster that is wasted space, and we would like to use that space. The current dumpster is 15' wide and is 17' off the side walk. Waste Management says 24' would be the ideal width of the enclosure for two 10 yard containers to be easily managed. One container handles trash and the other handles single stream recycling materials. Currently, we only have room for a 2 yard trash container, which is not big enough for the restaurant trash.

The new enclosure will consist of a concrete base, with a 7' fence surrounding the containers. The fence will be made of wood or plastic and will not be see through. The lock and chain will remain. The doors will swing out into the parking lot, as they do now.

The Worth Board of Directors and several unit owners considered moving the dumpster towards Vaughan Mall but decided against the move, as they could not agree on a location.

Mailing Address 10 Vaughan Mall, Suite 207, Portsmouth, NH 03801
27 Front St., Exeter, NH 03833
(603) 770-7100
ptaylor@anchorpropertymgmt.com



The Worth Development I Condo Association has recently implemented measures recommended by Kim McNamara to keep the dumpster area clean. Anchor Property Management is fully responsible for keeping the dumpster area clean and in good repair. We have hired a person to monitor the dumpster area daily, to keep it clean and free of trash. The enclosure is now locked 24 hours per day and the ground is washed on a regular basis. We feel these new procedures have made a big difference in the cleanliness of the area.

I am happy to meet with you to discuss this proposal or meet on site to discuss the issues. Please feel free to contact me at the number listed below, or at ptaylor@anchorpropertymgmt.com. Thank you for your consideration with this matter. I look forward to working with you to repave the lot.

Sincerely,

A handwritten signature in blue ink that reads "Peter B. Taylor".

Peter B. Taylor
Property Manager

The Peirce Island Committee, wishes to support the phase II study of the Middens that have been discovered on the island. Attached is the proposal and cost estimate. We feel this work needs to be done to protect the areas from vandalism, theft of artifacts, damage during construction of the upgrades to the treatment plant and to preserve archaeological evidence of how soldiers lived during the Revolutionary war and the war of 1812. At the same time work will also be done to prove whether anything remains of Fort Washington, this has been a question unresolved for many years.

We recommend this work be done when the end of the island is closed to the public next year and be funded from Islands major work funds.

Sincerely

The Peirce Island committee

From: "Kathleen Wheeler" <kwheeler@iac-llc.net>
Subject: **importance of study**
Date: April 17, 2014 3:17:56 PM EDT
To: "'steven marison'" <kurtiekash@comcast.net>

Hi, Steve,

Here's a brief explanation of importance of our proposed Phase II study of the middens at Fort Washington, pasted right into the email. Please let me know if you need anything more from me.

Purpose of Phase II Study

The Phase II study of the two midden features dating to the use of Fort Washington creates an opportunity for 21st-century citizens of Portsmouth to learn more about the daily lives of the *matross* soldiers and officers defending the colonial seaport. Although historic accounts provide the names of men serving and maps of the fort size and shape, it is only through archaeology that we can handle the tangible remains of food, dress, and weaponry.

Middens are trash heaps, where food remains, broken dishes and bottles, and the incidental button or buckle are swept up and dumped. The Phase I study at Fort Washington revealed Midden One as a small dump comprised largely of shells, but also containing broken bits of high-end ceramics. Midden Two is more widespread, both in area and in the range of materials. We believe that each of the two dumps relate to different periods of occupation, based on the date of artifacts contained within them. Midden One may be the only example in New Hampshire of an assemblage directly related to the Revolutionary War, while Midden Two appears to date to around the period of the War of 1812. The study of the intimate details of the soldier's life at Fort Washington will be the first of its kind in the state of New Hampshire and will serve as a worthy bookend to our historic accounts.

Kathy

Kathleen Wheeler, Ph. D., RPA
Independent Archaeological Consulting, LLC
801 Islington Street, Suite 31
Portsmouth, NH 03801

Office: (603) 430-2970
Mobile: (603) 498-7698



April 9, 2014

Steve Marison
Peirce Island Committee
Portsmouth, NH 03801

Hi, Steve,

Please find enclosed a scope of work for proposed additional archaeological research into the two middens we discovered on Peirce Island, which we believe are related to the occupation of Fort Washington during the Revolutionary War and War of 1812. I have prepared a scope of work that would be commensurate with a Phase II Determination of Eligibility, if we were conducting archaeology under Section 106 of the Historic Preservation Act. In other words, I am following the NH State Guidelines for the kind and degree of survey that takes place once we've discovered a site in our Phase I investigation.

I propose two weeks of fieldwork, in order to adequately sample each of the two middens, and to do some exploratory excavation into the side(s) or at the base of the earthworks that we believe represent the last remnants of Fort Washington walls. Altogether I am proposing the hand excavation of 24 square meters (258 square feet) of what I anticipate will be dense archaeological deposits.

For Midden One, our Phase I fieldwork consisted of four shovel test pits (each measuring 0.5 m by 0.5 m [1.8 ft by 1.8 ft]) and one test unit, measuring 1 m by 1 m (3.28 ft by 3.28 ft). In all, we've estimated that Midden One covers an area of 108 sq meters (1,160 sq ft), and I propose to excavate an additional 8-10 meters for the Phase II study. This would yield a sample of 7 to 8 percent of the whole.

From Midden One, we collected 8,385 artifacts, of which most was shell. We retrieved other artifacts that date primarily to the period of ca. 1750-1780, and we believe this is a significant deposit that dates to the use of the fort during the Revolutionary War. I propose the excavation of several large excavation units (2 m by 2 m) around the Phase I testholes that yielded high quantities of materials. At the Phase II level, where we purposely select areas with high artifact counts, a team of two archaeologists can excavate approximately 1.75 sq meters per day. They will excavate with a shovel and trowel, and screen all deposits through ¼ inch mesh, to collect artifacts. They will also record their findings with photographs, plan and profile drawings, and notations on standardized field forms for each cultural or natural stratum at 10-cm levels within them.

We will similarly excavate Midden Two, from which we collected 1,134 artifacts, dating to about 1775 to 1815. Midden Two appears to be much larger in area – 616 sq meters (6,630 sq ft), but we will focus our efforts on the highest density area, where we will excavate a series of 2-m-x-2-m (6.56 ft by 6.56 ft) excavation units, as well as 1-m-x-1-m test units, for a total coverage of 10-12 sq meters (108-129 sq ft). This would provide a sample of 1.6-1.9 percent sample. One of our goals for the Phase II survey of Midden Two would be to define the size and limits of the feature, so we could design a historic management plan for its long-term preservation and protection.

The third area of excavation would be into the large berms to confirm whether these can be linked to the earthworks of Fort Washington. I do offer one word of caution about this endeavor. To excavate anywhere within the intertidal zone (approximately 100 ft from the shoreline), we would need a Special Permit from the US Army Corps of Engineers (USCOE). For the City Wastewater Treatment Facility project, we did not excavate in any portion of the intertidal zone, to avoid the requirement for a permit. However, if we wish to investigate the berms, they would fall within the area requiring a permit. Because we did not pursue one for the City project, I do not know how complicated it would be to get such a permit, so I point this out here, as a notation that we may or may not succeed in following up on the berm archaeology.

I expect fieldwork will take two weeks, with a Project Archaeologist and four Technicians out for the full extent of the Phase II survey. I will serve as Principal Investigator and will have an active presence, but not full-time, to save some costs. Before we mobilize the team, I will accompany two technicians, who will re-establish our site grid with a hand-held Trimble Juno 3B data collector with Pro 6H GPS receiver and a Topcon transit. We will therefore pick up almost exactly where we left off in our 2013 Phase I fieldwork.

Following the fieldwork, IAC will return all artifacts to their laboratory on 801 Islington Street, where they will clean or wash each of them individually, before cataloging them and entering them into an Access™ Database, for comparison and analysis. For each hour of fieldwork, Phase II labwork requires almost an equal number of hours. The bulk of the time will be for washing and cataloging, which will be followed by the enumeration of the minimum number of ceramic vessels, some flotation samples to retrieve data on plants and seeds, and an analysis of faunal remains. This “invisible” part of the archaeological process is an exciting one, as we begin to sort out what we have found and put together our first impressions of the significance of our results. We plan to do the flotation of soil samples here in the Portsmouth lab, but we will send the collected floral samples out to a laboratory in Boston, because we do not have anyone on staff with the expertise needed to identify seeds and plant remains.

At this point, we may discover we need to conduct additional background research, to fill in some gaps in our understanding of the site. Presently, I believe we have exhausted every avenue of study for Fort Washington, but with more archaeological information, we may find there are other forts or sites that are contemporaneous with ours, and we may benefit from a comparison with these. I have allotted two days for a Senior Researcher to follow up on these potentially emerging questions.

Once our analysis is complete, we will turn our attention to the preparation of a report on our findings. This is, by far, the most difficult stage of the process, but also the most critical, because without published results, our work would not advance any understanding or new information about Fort Washington. For a Phase II study, I like to have an equal number of field hours and report hours, but because we have written extensively on the site for the City project, I believe we can make do with fewer report hours. Report production includes the preparation of text, tables, and computer-generated figures, with each member of the archaeological team – Principal Investigator, Senior Researcher, Project Archaeologist, and Technician – contributing to the whole. I would like to prepare the report as if for publication, so that the document can be kept at the City Library for any to browse.

This last statement brings me to one final consideration the Committee and I need to resolve, and that is the negotiation between providing public information about Fort Washington, while protecting this resource from unscrupulous looters. This issue of site protection will need to be addressed ahead of the Phase II fieldwork, as well as following the fieldwork, should our report be released to the public. At the March 11, 2014 committee meeting, we discussed this somewhat, without any resolution about how to proceed. I believe we may need to erect some sturdy fencing ahead of our fieldwork, with gates that lock, so that archaeologists can enter. We can invite members of the public inside the fenced boundaries on two weekend days of fieldwork, and we can also provide some lab training to volunteers who wish to assist us with cleaning of materials. I also anticipate that IAC will give several presentations on our findings, so that we can disseminate results to the public.

At the conclusion of our Phase II Determination of Eligibility, we will provide the Committee with our recommendations about whether one or both of the middens can be considered eligible for listing in the National Register of Historic Places and offer suggestions for further management and research options.

Please let me know if this scope of work adequately articulates each of the stages of investigation in our Phase II study, or if you need more information about some aspect of our cost proposal.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Wheeler". The signature is written in a cursive, flowing style.

Kathleen Wheeler, Ph. D., RPA

Independent Archaeological Consulting, LLC

97 Morning Street

Portsmouth, New Hampshire 03801

Phase II Determination of Eligibility

Fort Walls and Middens 1 and 2

Fort Washington

Portsmouth Wastewater Treatment Facility

Portsmouth, New Hampshire

February 24, 2014

Objective: Excavate a total of 24 sq meters in the two middens and excavate into/at base of berms to confirm whether they are fort wall		# Hours	Hourly Rate	Direct labor
Project oversight	Principal Investigator	4	\$ 124.00	\$ 496.00
Project oversight	Project Manager	8	\$ 90.00	\$ 720.00
Meetings (2)	Project Manager	8	\$ 90.00	\$ 720.00
Additional Research	Senior Researcher	16	\$ 90.00	\$ 1,440.00
Develop Research Questions	Principal Investigator	12	\$ 124.00	\$ 1,488.00
Site Mapping and Layout	Principal Investigator	6	\$ 124.00	\$ 744.00
Site Mapping and Layout	Archaeological Technicians (2)	12	\$ 41.00	\$ 480.00
Fieldwork	Principal Investigator	60	\$ 124.00	\$ 7,440.00
Fieldwork	Project Archaeologist	80	\$ 51.00	\$ 4,080.00
Fieldwork	Archaeological Technician (4)	368	\$ 41.00	\$ 15,088.00
Labwork & Analysis	Principal Investigator	24	\$ 124.00	\$ 2,976.00
Labwork & Analysis	Project Archaeologist	12	\$ 51.00	\$ 612.00
Labwork & Analysis	Archaeological Technician	160	\$ 41.00	\$ 6,560.00
Soil Flotation	Archaeological Technician	40	\$ 41.00	\$ 1,640.00
Faunal analysis	Project Archaeologist	20	\$ 51.00	\$ 1,020.00
Minimum vessel count	Archaeological Technician	56	\$ 40.00	\$ 2,240.00
Report Preparation	Principal Investigator	56	\$ 124.00	\$ 6,944.00
Report Preparation	Senior Editor	16	\$ 90.00	\$ 1,440.00
Report Preparation	Project Archaeologist	80	\$ 51.00	\$ 4,080.00
Report Preparation	Archaeological Technician	80	\$ 41.00	\$ 3,280.00
Specialized Analysis	Floral analysis	32	\$ 50.00	\$ 1,600.00
Miscellaneous	Supplies, film, processing, xeroxing	10	\$ 50.00	\$ 500.00
Total for Phase II Determination of Eligibility				\$ 65,588.00

We propose to spend two days excavating into or at base of berms to determine whether these still represent the earthworks for Fort Washington

We propose to spend ten days sampling from both Middens One and Two in order to learn more about the date and extent of these resources.



To: The City of Portsmouth

From: The concerned stakeholders of Commercial Alley

Date: July 1, 2014

Subject: Request for enhanced lighting of Commercial Alley

Commercial Alley is one of Portsmouth's most picturesque, historic and quaint thoroughfares acting as a pedestrian-only gateway from Market Street to Penhallow Street. The Alley is home to several of Portsmouth's most popular shops and restaurants drawing significant numbers of tourists and residents year round. Commercial Alley is also one of the most photographed and artistically rendered avenues in the city.

However, when night falls Commercial Alley becomes dark and somewhat uninviting to pedestrian traffic. Individual stores and restaurants can only provide relatively small areas of lighting and there are many patches of dark along the walkway. We believe a coordinated lighting of the full length of Commercial Alley, that is consistent with the historic and aesthetic nature of Portsmouth, would enhance and improve our downtown, promote safety, deter crime and benefit the entire city. To this end we request that the City of Portsmouth consider and approve lighting improvements to Commercial Alley.

Thank you for your consideration of this project.

Signed by Commercial Alley stakeholders:

[Signature]
SIGNATURE

Don Friedman, Salt Cellar
NAME/COMPANY

Kerry LaJorie
SIGNATURE

Kerry LaJorie, Hazel
NAME/COMPANY Boutique

[Signature]
SIGNATURE

Dana Hanson - Vintage Hair Closet
NAME/COMPANY

[Signature]
SIGNATURE

greg susler Cava
NAME/COMPANY

AJ Kelly
SIGNATURE

Joe Kelly / I Like That + Commercial Alley Brews
NAME/COMPANY

[Signature]
SIGNATURE

Perry Slavstein - 10 Comm. Alley owner
NAME/COMPANY

Beverly Buchanan
SIGNATURE

BC Essentials
NAME/COMPANY

[Signature]
SIGNATURE

Holy Father Blue Crosshopper
NAME/COMPANY

[Signature]
SIGNATURE


Math Louis Mox

[Signature]
SIGNATURE

Klden CSM - more (Cork: Cuckoo)

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 10, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 14, 2014 City Council Agenda

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.

.....

Presentation:

1. **Cynthia Scarano, Executive Vice President, Pan Am Railways Re: Sea-3 Terminal.** As you know, on Monday evening, the presentation and discussion will include ongoing and planned upgrades to the Pan Am railroad line through the City. These upgrades are in support of the expansion of the Sea-3 propane terminal which the Newington Planning Board recently approved, and will allow trains to go up to 25 mph through Portsmouth, rather than the 10 mph which is represented by the current track classification.

The following individuals will be present for this discussion:

Pan Am Railroad:

- Cynthia Scarano, Executive Vice President
- Ted Krug, Chief Engineer of Track

New Hampshire Department of Transportation:

- Melodie Esterberg, Chief of Design Services
- Michelle “Shelly” Winters, Rail and Transit Administrator
- John Robinson, Railroad Inspector

City of Portsmouth:

- David Allen, Deputy City Manager
- Peter Britz, Environmental Planner

Ms. Scarano and Mr. Krug will present information about the upgrades to the track in conjunction with the Sea-3 project. The NHDOT representatives do not intend to make a formal presentation but will be available to answer questions about the rail and rail crossings.

As you know, the issue of “quiet zones” has been raised as a response to increased use of the railroad line through Portsmouth and other communities. Peter Britz will discuss the options for implementing “quiet zones” in conjunction with crossing upgrades.

Attached for your information are (1) a map showing the six at-grade rail crossings in the City, and (2) photos of each of these crossings.

Acceptance of Grants/Donations:

1. **Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper.** I am pleased to announce that a \$15,000.00 grant has been awarded from the “Our New Hampshire Heritage – a fund of Northeast Auctions”, an advised fund within the New Hampshire Charitable Foundation to the City of Portsmouth, NH-Fire Department for restoration of the Kearsarge fire pumper by the Portsmouth Fire Department. Attached is an update from Chief Achilles as to the status of this restoration.

I recommend the City Council move to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation, as submitted. Action on this item should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances:**
 - 1.1. **First Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 Re: Building Footprint.** As a result of the June 16th City Council meeting, under Section VIII of the Agenda, attached is a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 regarding Building Footprint. 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 pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the August 4, 2014 City Council meeting, as presented. Action on this item should take place under Section VIII of the Agenda.

1.2 **First Reading of Proposed Ordinance to Rezone 10 parcels and a portion of Cate Street to Character District 4 (CD4).** Attached under Section VIII of the Agenda, is a proposed Ordinance to rezone 10 parcels and a portion of Cate Street to Character District 4 (CD4). As you will recall, at the June 2nd meeting, the City Council voted to refer to the Planning Board a request to consider rezoning the east side of the Route 1 Bypass from Islington Street to the Traffic Circle. This area includes several zoning districts with differing contexts and development opportunities and constraints. Of particular interest at present is the area between the railroad tracks and Hodgson's Brook, which includes the Frank Jones Conference Center and adjoining parcels which are currently being offered for sale, along with adjacent parcels such as the former Nissan dealership and the U-Haul parcel. This area has long been considered for a future road connection between the Route 1 Bypass and Bartlett Street, which would advance the goal of creating a new connection between Route 33 and the downtown. The parcels in this area are currently zoned Industrial, which limits their redevelopment potential and is contrary to City goals for upgrading the area in a manner compatible with adjoining residential and business uses.

The Planning Board has not yet had an opportunity to study the area covered in the City Council's request. However, much of this area is slated for study for an expansion of Character-Based Zoning, and the Planning Department anticipates that the final recommended zoning will be either Character District 4 (CD4) or a variant of that district. Therefore, as an interim measure, the Planning Department has suggested that the Council consider rezoning the area bounded by the Route 1 Bypass, Hodgson's Brook, Bartlett Street and the railroad tracks to CD4. [See attached map regarding these parcels.](#)

The effect of the suggested rezoning would be to allow residential and retail uses (which are not permitted in the Industrial district), while requiring site and building design to be consistent with the standards established for the downtown area. Character-based zoning thus expands the development potential for the property owner while strengthening the City's ability to ensure a high quality of development.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014 City Council meeting, as presented, and further, I would recommend that this matter be referred to the Planning Board for report back to the City Council. Action on this item should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations, which are Charter Membership Dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak:

•	3S Artspace	\$150.00
•	Star Island Corporation	\$150.00
•	Proximity Lab LLC	\$150.00
•	The Portsmouth Music and Art Center	\$150.00
•	Players' Ring	\$125.00
•	Albacore Park	\$125.00
•	Pro Portsmouth	\$125.00
•	Barbara Jenny	\$ 25.00

The donations total \$1,000 and Art-Speak requests that the City Council accept the donations on behalf of Art-Speak.

I would recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this matter should take place under Section IX of the Agenda.

2. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received a donation from the Town of Carroll in the amount of \$1,000 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section IX of the Agenda.

3. **Acceptance of Donation to Fire Department.** The City of Portsmouth has received a donation of two pieces of fitness equipment from Bruce J. and Victoria A. Kennedy:

- a. Elliptical Machine
- b. BowFlex Ultimate (including extra strength rods)

I recommend the City Council move to accept and approve the donation of equipment to the Fire Department, as presented. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of a One-year Contract Extension between the Portsmouth School Board and The Association of Portsmouth School Administrators.** The City has reached a tentative Agreement with The Association of Portsmouth School Administrators

for a one-year extension to their contract. The Administrators have agreed to pay five percent (5%) of the premium for the Consumer Driven Health Plan (CDHP) and the School Department would pay ninety-five (95%) in exchange for a one-year extension to their contract. [Attached is a copy of the Agreement with insertions and deletions.](#)

The terms and conditions of their proposal are as follows:

- The Administrators would receive the ten (10) year rolling average effective July 1, 2014, which is 2.02%;
- The Administrators would change from HealthTrust to the Consumer Driven Health Plan (CDHP) offered through SchoolCare (Cigna).
- The School Board would pay 95% of the premium and the employee would pay 5%.

SchoolCare has introduced a Consumer Driven Health Plan as an option to combat the Affordable Care Act. This plan is twelve and one half percent (12.5%) lower than their HMO plan. The CDHP is considered a high deductible plan where an individual will have to pay the first \$1,250 and a family would have to pay the first \$2,500. Once the employee/family reaches the deductible, the plan will then pay eighty (80%) percent until the employee reaches \$2,000 and the family reaches \$4,000 out-of-pocket. Once the employee/family reaches the out-of-pocket maximum, the plan will pay 100% for the remainder of the year.

SchoolCare embedded Choice Fund (a health reimbursement account) will be used to pay for eligible out-of-pocket expenses during the plan year. Choice Fund will pay the first \$1,000 on the employee's behalf and \$2,000 for the family. Therefore, the employee will have to pay \$250 of the deductible and the family would have to pay \$500. The actual out-of-pocket costs for an individual would be \$1,000 and \$2,000 for the family. If the employee/family does not use the entire amount in Choice Fund, the remainder will be rolled into the following year to be used for eligible out-of-pocket expenses. The fund will never exceed the Maximum Out-of-Pocket for the plan year.

Based on the current makeup of Administrators, the health savings to the School Department would be \$32,617 which represents eleven employees. The cost of the salary increase with associated benefits e.g. NHRS, FICA and Medicare would be \$26,291. The savings to the School Department will be \$6,326, if approved.

I recommend that the City Council move to adopt the proposed Agreement between The Portsmouth School Board and the Association of Portsmouth School Administrators to expire on June 30, 2015.

2. **Resolution Re: Rescission of the Four Million Dollars (\$4,000,000) balance from the Borrowing Authorization for the Construction of the Madbury Water Treatment Plant.** [Attached is a copy of the proposed Resolution](#) entitled "Rescinding Certain Borrowing Authority". Unissued loan authorizations remain on the City's books indefinitely until such time that they are borrowed or rescinded.

This is a proposed rescission of Resolution #13-2008 of the remaining balance from the borrowing authority created by the City Council on November 10, 2008 in the amount of \$25,000,000 for the construction of the Madbury Water Treatment Plant.

The Treatment Plant has been completed with a total borrowing amount of \$21,000,000 leaving an unused balance of borrowing authority in the amount of \$4,000,000.

Adoption of this Resolution in the manner described would have the effect of eliminating any authority for the City administration to borrow funds for the aforementioned project and would also remove the Four Million Dollars (\$4,000,000) of authorized debt from the financial statements of the City, therefore, not overstating the City's debt position.

Therefore, I would recommend the City Council approve the Resolution rescinding the remaining borrowing authority with regard to Resolution #13-2008 adopted by the City Council on November 10, 2008.

3. **Cemetery Improvement Trust and Cemetery Action Plan.** In follow-up to the June 19, 2014 City Council meeting, City staff has prepared an action plan for moving forward with conservation and repair projects and other activities related to our cemeteries (see attached). I have directed staff to move forward with this action plan. As appropriate, I will provide updates to the City Council on the progress regarding the plan's action items.

The creation of a Historic Cemetery Trust is one action described in the Action Plan. Following the June 19th presentation from Community Development Director David Moore regarding the City's historic cemeteries, I advised that staff would report back with a draft of a Historic Cemetery Trust. [The proposed City of Portsmouth Historic Cemetery Trust is attached.](#) The Trust creates a repository for all funds authorized, contributed, or received by the City of Portsmouth for the conservation, restoration, and repair of cemeteries, burial grounds, and burial sites owned by the City of Portsmouth. If adopted, the Trust would be able to accept donations and grant funds given or awarded to the City to aid in carrying out future projects, such as those identified in the Cemetery Assessment and Conservation Plan completed in 2013. The Trust would be managed by the Trustees of Trust Funds and all expenditures would be authorized by the City Council. The members of the City's Legal and Community Development Departments reviewed the Trust terms and provisions with the Trustees of Trust Funds at their meeting on July 10th. At this time, I would recommend that the City Council adopt the City of Portsmouth Historic Cemetery Trust, as presented.

I recommend the City Council move to adopt the Portsmouth Historic Cemetery Trust, and, further, to authorize the City Manager to execute the Portsmouth Historic Cemetery Trust, as presented.

4. **Request from John G. Pappas for Restoration of Involuntarily Merged Lots at 1474 Islington Street under RSA 674:39-aa.** Attached is a letter from Attorney Bernard Pelech on behalf of his client, John G. Pappas, regarding a request for a restoration of involuntarily merged lots for property located at 1474 Islington Street. Also, attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.

For your information, I have also attached a copy of RSA 674:39-aa. As you will note in the memorandum, if the merged lots meet the criteria in the statute, the City Council must vote to restore them to their premerger status.

Action is required on this matter.

5. **Portsmouth Housing Authority Communication Re: Cottage Senior Housing.** As you may be aware, the Portsmouth Housing Authority entered into a long-term lease in 2003 for the rehabilitation of the 1895 Building at the municipal complex on Junkins Avenue. Community Development Block Grant (CDBG) funds were utilized to assist in the project financing along with a variety of other funding sources, including historic tax credits, low income housing tax credits, and other financing. This project resulted in the creation of 20 units of affordable housing for Portsmouth seniors.

Attached is a letter from Craig Welch, Executive Director of Portsmouth Housing Authority, requesting to make alterations to the Loan Agreement and Promissory Note that were entered into as part of the \$150,000 CDBG loan that was made at that time. As indicated in the letter, the Authority is looking to move forward with the replacement of windows. Further, they are looking for the cooperation of various multiple funding partners involved for the refinancing of the project.

I recommend that the City Council move to refer this matter to the CDBG Citizens Advisory Committee for a report back.

6. **Request for a License Agreement Re: 75 Congress Street (Ben Franklin Block Buildings).** Michael De La Cruz owner of 75 Congress Street (Ben Franklin Block Buildings) is requesting a license agreement to facilitate restoration activities at the property. See attached communication from Mr. De La Cruz. Mr. De La Cruz has erected staging on Fleet Street and has been working pursuant to an encumbrance permit issued by the Inspections Department. See attached picture of current scaffolding. As explained in the communication, during the restoration work, more restoration needs were discovered than originally anticipated requiring a need for continued staging along Fleet Street. City staff recommends that a license be authorized for 45 days from the date of approval by the City Council with the City Manager having the right to extend the license for up to an additional 45 days upon good cause shown. The license would require Mr. De La Cruz to be subject to terms and conditions similar to those in the existing encumbrance permit which includes a requirement for walk-through staging, signage and no impact on the travel way.

I recommend the City Council move to authorize the City Manager to enter into a license with Michael De La Cruz to facilitate restoration activities at 75 Congress Street.

7. **Request for License Agreement Re: 311 Marcy Street (Hunking Holdings LLC).** Peter Morin of Hunking Holdings LLC is requesting a license agreement to facilitate construction activities at the 311 Marcy Street. [See attached communication from Mr. Morin.](#) Hunking Holdings LLC has been working pursuant to an encumbrance permit issued by the Inspections Department. [See attached picture of current staging with pump jacks.](#) Mr. Morin advises that unforeseen conditions have extended the initial work and more time is needed to complete it.

If the Council approves the license, City staff recommends that a license be authorized for 30 days from the date of approval by the City Council. The license would require Hunking Holdings LLC to be subject to terms and conditions similar to those in the existing encumbrance permit which includes among other terms that there be safe passage for pedestrian travel.

I recommend the City Council move to authorize the City Manager to enter into a license with Hunking Holding, LLC to facilitate construction activities at 311 Marcy Street.

8. **Request for First Reading of Ordinance Re: Parking Omnibus.** [Attached please find the annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee to be presented to the City Council at its meeting of July 14, 2014. This year the omnibus consists of seven ordinances, three of which address loading zones and the other ordinances address a three hour parking limit, a one-way street, a taxi stand and no parking.

By way of background, On March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking Traffic and Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's](#) consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 3, 2013 and June 2, 2014.

I recommend the City Council move to schedule a First Reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the August 4th City Council meeting.

9. **Request for a License to Occupy a City Sidewalk Re: South Church.** As described in the [attached correspondence](#), the South Church will be making repairs to the large exterior wood louvers on the back of the Church. They seek to erect scaffolding to facilitate such work and consequently seek a license to encumber the Court Street sidewalk for a period of 90 days. See attached picture of area of impact on Court Street.

City staff recommends that a license be authorized for 90 days with the City Manager having the right to extend the license for up to an additional 45 days upon good cause shown. The license would require South Church to be subject to terms and conditions similar to those typically included in the encumbrance permit which would include walk-through staging, no impact on the travel way and insurance coverage.

I recommend the City Council move to authorize the City Manager to enter into a license with the South Church to facilitate repair activities to the structure along Court Street.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 16, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Architectural Design Review Outside Historic District and Off-Street Parking Standards for Conference Centers.** For your information, [attached is a memorandum from Rick Taintor, Planning Director](#), regarding architectural design review outside the Historic District and off-street parking standards for conference centers.
3. **Report Back Re: Land Use Boards.** As you will recall, at the June 2, 2014 City Council meeting, Councilor Dwyer requested a report back from the Land Use Board Chairs with suggested changes to their own process. For your information, we will report back on this matter at the August 4, 2014 City Council meeting. I will be inviting the Chairs of the Land Use Boards to attend this presentation.
4. **Appointment, Number and Terms of Alternate Members.** For your information, as requested by Councilor Esther Kennedy at the June 2, 2014 City Council meeting, the Legal Department provided the following relevant statute regarding alternate members on the Zoning Board of Adjustment.

673:6 Appointment, Number and Terms of Alternate Members.

I. (a) The local legislative body may provide for the appointment of not more than 5 alternate members to any appointed local land use board, who shall be appointed by the appointing authority. The terms of alternate members shall be 3 years.

(b) In a town which votes to elect its Planning Board members on a staggered basis according to the provisions of RSA 673:2, II(b)(2), alternate members of the Planning Board

shall continue to be appointed according to the provisions of this paragraph until each member of the board is an elected member. Thereafter, the alternate Planning Board members shall be appointed according to the provisions of paragraph II.

II. An elected Planning Board may appoint 5 alternate members for a term of 3 years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.
II-a. An elected zoning board of adjustment may appoint 5 alternate members for a term of 3 years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.

III. The alternate for a city or town council member, selectman, or village district commission member shall be appointed by the respective council, board, or commission. The terms of alternate members shall be the same as those of the respective members and may be in addition to the alternates provided for in paragraph I.

IV. Every alternate member appointed to a Planning Board under this section shall comply with the multiple membership requirements of RSA 673:7, I and II.

V. An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.

5. **CDBG Program Budget FY 2014-2015.** For your information, [attached is a memorandum from David Moore, Community Development Director](#), regarding the Community Development Block Grant (CDBG) Annual Plan and Budget which I have approved.
6. **Certificate of Achievement for Excellence in Financial Reporting.** I am pleased to announce the City received notice that the Government Finance Officers Association of the United States and Canada (GFOA) has awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Portsmouth for its Fiscal Year ending June 30, 2013 Comprehensive Annual Financial Report (CAFR).

In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. Such report must satisfy criteria set forth by Generally Accepted Accounting Principles and applicable legal requirements. This report is prepared following the end of each fiscal year under the guidance of Finance Director Judie Belanger.

The City has received this award for its CAFR report. This Certificate marks the City's 21st award.

7. **Liberty Mutual Donation.** For your information, [attached is a letter from Liberty Mutual](#) regarding a donation to the City in the amount of \$2,000 in appreciation for the work involved by the City in hosting a significant number of their employees for the Serve with Liberty 2014 Program. The Liberty Mutual team did a great job with mulch projects at the

high school and downtown, the pool building on Peirce Island, trail improvements, and the dog park, which included an updated bulletin board and a fresh coat of sand.

As this donation was deposited in the African Burying Ground Trust, a charitable trust of the City of Portsmouth for construction of the park on Chestnut Street, donations to Trusts for construction do not require City Council acceptance.

AGREEMENT BETWEEN

THE PORTSMOUTH SCHOOL BOARD

AND

THE ASSOCIATION OF PORTSMOUTH SCHOOL ADMINISTRATORS

EFFECTIVE JULY 1, 2008 THROUGH JUNE 30, 2015

Deleted: 4

ARTICLE I RECOGNITION

The Portsmouth School Board recognizes the Association of Portsmouth School Administrators comprising building principals, assistant principals, and directors as listed by position in this Agreement for the purpose of salaries, working conditions, and benefits. If the position title of an Association member is changed but the function remains essentially unchanged, then the person filling that position and carrying out its function shall be considered as part of the Association and said person shall be entitled to the salary, working conditions, and benefits as agreed to between the School Board and the Association. The work year of all positions in this contract shall remain the same for the duration of the contract. New positions created shall have a working year as designated and agreed upon by the School Board and the Association. If this position is designated as a management position, the new employee shall be scheduled as outlined by the article on the salaries. The Association is thus professionally responsible for the operation of the Portsmouth School System and considers itself an integral part of the system in its relationship with Central Office administrators and with the School Board.

ARTICLE II EXISTING CONDITIONS OF EMPLOYMENT

Association members shall be entitled to all financial and leave benefits; along with working conditions as negotiated between the Association of Portsmouth Teachers and the Portsmouth School Board, unless otherwise specified in this contract. It is understood that Administrators shall not receive a strategic planning stipend. Association members shall receive said benefits simultaneously with the teachers. Additional benefits to which the Association is entitled are contained within this Agreement.

Health insurance premium payments shall be based upon the teachers' contract. It is agreed that the optional health insurance plans to be made available to Administrators shall provide for a one hundred dollar (\$100.00) emergency co-pay.

Professional Learning Projects: Administrators agree to support the School District's administration of the Profession administration of the Professional Learning Projects (PLP) for teachers. Administrators will not join PLPs with teachers, but may initiate PLPs with other administrators, subject to the same terms and conditions as the PLP program in the Association of Portsmouth Teachers contract.

**ARTICLE III
LONGEVITY**

Effective July 1, 2008:

After 13 yrs. \$2729
After 16 yrs. \$3276

Administrators with more than 25 years of service in the District are eligible to join the Interdisciplinary Council. The Council will meet no more than quarterly during off-duty hours at the call of the Superintendent to provide input on curricular and instructional issues to the Curriculum Committee. Attendance at meetings will be mandatory. Eligible administrators joining the Council will be eligible for a \$4000 base rate adjustment in lieu of a longevity adjustment. Hours will count for certification but not count for Professional Learning Project credits.

Effective July 1, 2010 and July 1 of each year through June 30, 2015, the longevity schedule will be adjusted by the 10 year rolling COLA.

Deleted: 3

Longevity will be based on years employed in the Portsmouth School District in any certified capacity.

ADVANCED DEGREE

Beginning in 1987/88 the payment will be the same as negotiated by the Association of Portsmouth Teachers starting at the Masters level, except that there shall be no increase in the advanced degree schedule for Administrators in 2009-10. The schedule shall be as follows:

Steps 1-12:

2008-09	Rolling 10-year average COLA.
2009-10	No change.
2010-11	Rolling 10-year average COLA.
2011-12	Rolling 10-year average COLA plus \$300.
2012-13	Rolling 10-year average COLA.
2013-14	Rolling 10-year average COLA.
<u>2014-2015</u>	<u>Rolling 10-year average COLA</u>

Step 13:

2008-09	Rolling 10-year average COLA plus 5% plus \$750.
2009-10	No change.
2010-11	Rolling 10-year average COLA plus 5%.
2011-12	Rolling 10-year average COLA plus 5%.
2012-13	Rolling 10-year average COLA plus \$300.
2013-14	Rolling 10-year average COLA.
<u>2014-2015</u>	<u>Rolling 10-year average COLA</u>

Adjustments will be made to contracts for any course work completed prior to September 1, if the transcript is received in Central Office before this date. It is the employee's responsibility to notify Central Office that an adjustment should be made. Any credits earned after September 1 applicable for additional money will be on the following year's contract. For each ten (10) hours of staff development time, one (1) credit will be recorded to a maximum of five (5) credits every three (3) years within each administrator's re-certification cycle provided that each formal course count only once toward such payments. Such credits must be directly related to improvement within the administrator's assigned area. The administrator must initiate all such adjustment requests.

ARTICLE IV PROFESSIONAL LEAVE

Each member shall be entitled to attend various professional conferences with the prior approval of the Superintendent. Each member shall be reimbursed up to three hundred and fifty dollars (\$350) for each school year. Said allowance may be transferable from one member to another with prior approval of the Superintendent. During each school year, two members shall receive five hundred dollars (\$500) each towards the cost of a national conference. The five hundred dollars (\$500) will be in addition to the member's allotted yearly amount.

ARTICLE V SICK LEAVE

- 5-1 Each Association member will be granted fifteen (15) days leave per year for personal illness or illness in the immediate family. After five (5) years in the Portsmouth School System, sick leave will be earned at the rate of twenty (20) days per year with a total accumulation of two hundred fifty (250) days. [See Section 5-10 with respect to limitations established for employees hired by the School Department after June 30, 1996 who become administrators.]
- 5-2 Utilization of the sick leave entitlement up to fifteen (15) days may be for the purpose of illness in the immediate family. Enlargement of the foregoing provision may be made in extenuating circumstances upon the recommendation of the Superintendent and approval of the School Board.
- 5-3 In the event of prolonged absence as a result of accident or illness, the School Board will consider circumstances that might warrant extension of full or partial sick pay.
- 5-4 A leave bank is hereby established which entitles an individual for reasons of personal illness to borrow, in advance, sick leave not yet accumulated, not to exceed the number of days in the member's contract. The leave bank may only be used if long-term disability is not available.
- 5-5 When an individual who has borrowed from the sick bank returns to work in the System, he/she will repay the sick bank at a rate of fifty percent (50%) of sick days that he/she is accumulating after returning to work.

- 5-6 In the event that a member leaves the System owing time to the sick bank, such time will be repaid in cash (days times the rate per day paid to the individual when the time was borrowed) over a period not to exceed three (3) years. This may be expanded with School Board approval.
- 5-7 The School Board will purchase term life insurance for each member in an amount equal to two (2) times the annual income of the member. The member's beneficiary and the School System will be co-beneficiaries of this insurance. In the event that a member dies while under contract to the School System, any sick leave borrowed from the sick leave bank will be repaid to the School System from the proceeds of the insurance. The balance of the proceeds will be turned over to the beneficiary named by the member. Additional life insurance may be purchased by the member. The member will pay for this insurance on a monthly basis.
- 5-8 The School Board shall purchase income protection insurance for each member to begin on the thirty-first (31st) day of disability in an amount equal to sixty-six and two-thirds percent (66 2/3%) of the monthly salary of the members at the date of disability and will continue through the age of sixty-five (65) and shall be coordinated with social security benefits. It is understood that a member shall not accept benefits under the income protection plan and simultaneously borrow time from the sick bank. The member and the School System shall be joint beneficiaries of this insurance. Should a disabled member owe days to the sick bank at the time he/she accepts payment under the income protection plan, it is agreed that these days will be repaid from the insurance proceeds over five (5) years.
- 5-9 Any member receiving sick bank or income protection benefits under Article V shall be entitled to sick leave, life insurance, retirement, disability insurance, and health insurance for a period of five (5) years. If a disabled member returns to work under this provision, he/she will be paid a salary upon return commensurate with the rate he/she would have received if he/she had not become disabled. After five (5) years the member will have the option of continuing these benefits at his/her own expense while the member is on disability he/she will be deemed to be under contract to the School System.
- 5-10 Association members shall receive ninety percent (90%) of all accumulated sick days (in cash payment at the per diem rate which the administrator last earned) upon retiring from the Portsmouth School System (with a maximum of 250 days as set forth in Section 5.1 above) or upon an administrator's voluntary resignation so long as the administrator has ten (10) or more years in the system. (The exception to this voluntary resignation provision is that an administrator resigning in the face of dismissal or non-renewal based upon charges of serious criminal misconduct will not be paid for accumulated sick leave under this contract even if the employee voluntarily resigns.) Employees hired by the School Department after January 1, 1996 who become school administrators shall be allowed to accumulate sick leave up to one hundred fifty (150) days based on the provisions in Section 5-1 but shall not be entitled to any payout upon retirement or death or resignation. It is understood that employees hired by the School Department prior to January 1, 1996 who become School Administrators after January 1, 1996 will receive payouts upon retirement, death, or resignation based upon their previous maximum allowance under the Collective Bargaining Agreement that applied to them prior to

their promotion. For the purpose of this Section, employees hired prior to January 1, 1996 who are RIFFED and recalled shall be considered hired as of their initial date of hire.

For an administrator entitled to a payout, the retiring administrator may elect the option of accepting this payment as extra compensation during the last three years of service prior to retirement. This article applies to those employees eligible to enter the New Hampshire Retirement System. This payment will be adjusted to reflect the contract in effect at the time of retirement. Further should an administrator covered by this contract die while in the employ of the Portsmouth School System, his/her heirs shall be entitled to be paid for the administrators accumulated (unused) sick leave at one hundred percent (100%).

- 5-11 Any person covered under this Agreement shall be granted sick leave for the purpose of maternity. The duration of sick leave will be dependent upon the person's health as determined by her doctor. Upon receipt of such notification from the physician, the Superintendent will assign the member to her former position or an appropriate alternate position.
- 5-12 Members retiring must notify the Superintendent by September 1 of their retirement year in order to receive their severance pay at retirement. If the member does not notify the Superintendent, he/she will receive severance pay not later than the fiscal year following his/her retirement. Notice of retirement shall be kept confidential within the Central Office until one year prior to official retirement.

**ARTICLE VI
PERSONAL LEAVE**

Each member shall be entitled to two (2) non-accumulative personal leave days per year to attend to matters that cannot be transacted at any other time. Personal leave does not accumulate.

Effective on July 1, 2009, eligible members will be entitled to four (4) personal days for the 2009-10 contract year only. This is a one-time only increase in personal days and will not carry forward into 2010-11. The additional personal days may not be carried forward or cashed out under any circumstances.

**ARTICLE VII
COURSE REIMBURSEMENT**

Each member shall be entitled to course reimbursement up to the cost of one four (4) credit course at the University of New Hampshire. With prior approval of the Superintendent, monies may be transferable among members to meet the full cost of that course and any additional courses.

**ARTICLE VIII
MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS**

Each person who wishes to become a member of the State and National Association shall have full cost of his/her dues reimbursed up to five hundred dollars (\$500) for each school year by the School System. This provision is for membership in professional associations of the member's choice. Monies may be transferable among members of the Association.

**ARTICLE IX
TRAVEL**

All members of the Association shall receive for expenses incurred in business-related travel the following:

	<u>2008-09</u>
Principals	\$434
Tech/Career Director	\$434
Assistant Principals	\$379
Dean of Students	\$379
Athletic Director	\$601
Chapter I Director	\$768
Computer Director	\$601
Student Services Director	\$601

The travel stipend will increase by fifty dollars (\$50.00) in 2009-10. In each year thereafter through June 30, 2014, the travel stipend will increase by the COLA adjustment as described in Article XV.

**ARTICLE X
ASSIGNMENTS AND REASSIGNMENTS**

In the event of a reassignment during a contract year, no member shall incur a loss of pay resulting from such reassignment for the balance of that contract year. However, if the Association member initiates a request for such reassignment, his/her individual contract can be appropriately adjusted. The administrator transferred or reassigned involuntarily will continue to receive the daily rate of pay for the position from which he or she was transferred or the position to which he or she is being transferred, whichever is greater. The number of work days for the transferred administrator shall be established by mutual agreement.

Should any Association position (or portion of a position) be considered for elimination, the Superintendent shall discuss the matter with the chairperson of the Association negotiation team prior to making a decision regarding the elimination of the position or a portion of a position. See Section X-A below regarding the School Board's obligations with respect to position elimination.

The date for notification to Administrators of contract non-renewal shall be April 1.

**ARTICLE X-A
POSITION ELIMINATION**

A. Entire Position Elimination:

If the Board decides to eliminate a position, the administrator affected may apply for any administrative opening in the system. (Openings in the system will be filled by the most qualified applicant, including outside applicants).

If the affected administrator is not awarded another position as an administrator in the system, he/she will be offered a teaching position so long as the administrator has the seniority under the APT's Collective Bargaining Agreement to get a full-time teaching contract in the next school year. If the administrator losing a position due to a job elimination would not have seniority to hold a teacher's full-time position and has 10 or more years of service with the Portsmouth School Department, the School Board will give the administrator one year's notice prior to the elimination of the administrator's position or one-half (1/2) of his/her annual salary in lieu of notice. The decision as to whether to give notice or pay in lieu of notice shall be at the discretion of the Superintendent. "One year's notice" shall mean notice by June 1, for a school year commencing July 1 and running through June 30 of the next year.

In the event an administrator whose position is eliminated is unable to find a full-time teaching or administrator's position starting by the school year next following the notice year and said administrator has five years' of service with the Portsmouth School Department, then the Department will pay said administrator 90% of accumulated sick leave not to exceed 150 workdays unless the administrator is entitled to a greater payout of sick leave under Section V of the Contract based on voluntary termination payout for employees with ten (10) or more years of service. (Sick leave payout shall not be applicable to employees hired after January 1, 1996 regardless of the provisions set forth).

B. Positions Reduced to Half-Time:

If an administrator's position is going to be reduced to half-time and the administrator affected has ten (10) or more years of service with the Portsmouth School Department, the Administrator will be given one year's notice prior to the reduction to half-time or payment in lieu of notice of 25% of the current full-time salary. The decision as to whether to give the notice or pay in lieu of notice shall be mutually agreed between the administrator and the School Board.

**ARTICLE XI
GENERAL**

If any provision of this contract or any application of this contract to any Association employee or group of employees shall be found contrary to law, then such provision or application shall not be deemed valid except to the extent permitted by law, but all other provisions or applications shall continue in full force and effect.

This contract constitutes School Board policy for the term of said contract and the School Board and the Superintendent shall carry out the commitments contained herein and give them full force and effect as School Board policy. The Association shall also carry out all of the terms and conditions contained herein, in the laws and according to regulations of governing boards.

ARTICLE XII EVALUATION

Evaluations shall be conducted according to the policies adopted by the School Board. It is understood that administrator evaluations will be conducted with due consideration for the Strategic Planning Process. It is the aim of the School Board that administrators will establish goals in coordination with the Strategic Plan and in the furtherance of the Continuous Improvement Process. The Superintendent and the administrator shall jointly establish yearly goals and objectives which will provide the frame work for the annual evaluation.

ARTICLE XIII PER DIEM RATE

Any Association member employed by the School System beyond his/her contracted days will be paid on a per diem rate based on the current salary of the fiscal year in which the work is performed. Any member who requests, in writing, to be employed beyond his/her contracted days shall submit his/her request to his/her supervisor who, through the Superintendent, will communicate his/her decision as soon as possible. Members who are required to work non-school days will submit these days as contracted days.

ARTICLE XIV REQUEST FOR REASSIGNMENT TO A TEACHING POSITION

The following guideline shall be adhered to when a request for reassignment by an individual administrator (member of the Association) is submitted to the Superintendent of Schools, Portsmouth School System.

The administrator requesting reassignment, upon approval by the School Board, shall be granted salary and seniority commensurate with the total number of years invested with the Portsmouth School Department from the date of original hire.

ARTICLE XV SALARIES

16.1 The Superintendent may nominate a candidate for a position covered by this Agreement at an annual rate that is not to exceed an amount of three thousand dollars (\$3,000) for the first year; two thousand dollars (\$2,000) for the second year; and one thousand dollars (\$1,000) for the third year below the salary on the schedule. If a person remains in that position, he/she will be placed on schedule after three (3) years. The salary per diem shall never be lower than the highest teacher's salary with a Master's Degree.

16.2 Elementary principals shall be paid by category.

Category A - Large schools: Dondero, Little Harbour

Category B - Medium schools: New Franklin

16.3 A person appointed to an acting position in the Association shall have his/her salary set in the same manner as a new person hired to fill a management position. (Note: New positions will be made known to the Association members prior to public announcement)

16.4 Each administrator will be paid twenty-six (26) payments, biweekly, starting with the first pay period in July.

Longevity, Advanced degrees and travel will be paid in a lump sum on the first pay day in December.

COLA Adjustment

Effective July 1, 2008 and July 1 of each year from July 1, 2010 through June 30, 2015 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

Deleted: 4

The COLA Adjustment percentage shall be determined by the rolling ten (10)-year average in 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 U.S. Department of Labor for the ten (10) most recent 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 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

Thus if the rolling ten (10)-year average CPI-U for the Boston SMSA (November 2003 – November 2004) is 1.5% the applicable COLA adjustment would be 2%; if it is 3.5% the applicable COLA adjustment would be 3.5%; if it is 5.5% the applicable COLA adjustment would be 5.0%.

Applicability After Contract Expires: It is clearly understood that in the event that the six year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2015 that no further COLA adjustments after July 1, 2014 will be generated under the Working Agreement even though the Working Agreement has an evergreen clause. It is

Deleted: 4

Deleted: 3

further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 2015.

Deleted: 4

Therefore the salary schedule effective with the 1st paycheck of 2008-09 will read as follows:

<u>Position</u>	<u>Days</u>	<u>2008-09</u>
Director	208	\$72,126
PASS Principal	215	\$75,625
Medium Elementary School Principals	225	\$81,197
Large Elementary Principals	235	\$85,643
High School Assistant Principal	208	\$74,831
Middle School Principal	235	\$89,430
High School Principal	235	\$96,609
Middle School Dean of Students	208	\$69,294
Director of Student Services	235	\$81,720

Administrators will increase their work year by one (1) days in 2009-10 and an additional day in 2012-13.

ARTICLE XVI
HEALTH INSURANCE

Formatted: Centered

- Effective September 1, 2014, or as soon as possible thereafter, the School Department will offer unit members the Consumer Driven Health Plan (CDHP) issued only by Cigna Insurance under its "SchoolCare" plan of the New Hampshire School Health Care Coalition as administered in accordance with its Articles of Agreement and By-Laws or equal and comparable coverage.
- The employee's premium share for the CDHP plan (Single, 2-Person, Family) will be five percent (5.0%) of the total premium. The School Department's share of the total premium will be ninety-five percent (95.0%).

Deleted: ¶

ARTICLE XVII
DURATION

This contract shall be effective as of the date of its approval by the City Council and shall continue and remain in full force and effect until June 30, 2015. If no contract is signed upon the expiration of the old contract, then the old contract will be enforced.

Deleted: 4

SIGNATURES

Executed this _____ day of _____, 20014.

Deleted: 9

For the Portsmouth School District:

For the Association of Portsmouth School Administrators:

Leslie Stevens, Chair
Portsmouth School Board

John Stokel, President

Deleted: Mitchell Shuldman

Thomas J. Closson, City Negotiator

Middle School

Deleted: Flygare

Dr. Edward R. McDonough, Superintendent

Dianna Fogarty, Human Resources Director
INDEX

ADVANCED DEGREE.....	3
ASSIGNMENTS AND REASSIGNMENTS.....	7
COLA ADJUSTMENT.....	10
COURSE REIMBURSEMENT.....	6
DURATION.....	11
EVALUATION.....	9
EXISTING CONDITIONS OF EMPLOYMENT.....	2
GENERAL.....	8
LONGEVITY.....	2
MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS.....	6
PER DIEM RATE.....	9
PERSONAL LEAVE.....	6
POSITION ELIMINATION.....	8
PROFESSIONAL LEAVE.....	4
RECOGNITION.....	2

REQUEST FOR REASSIGNMENT TO A TEACHING POSITION.....	9
SALARIES.....	9-11
SICK LEAVE.....	4-6
SIGNATURES.....	11
TRAVEL.....	7

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

RESOLUTION # ____-2014

RESCINDING CERTAIN BORROWING AUTHORITY

RESOLVED: By the City Council of the City of Portsmouth, New Hampshire assembled, that for the reasons given, that portion of the authority granted by the following resolution to authorize the borrowing of money is hereby discharged and rescinded:

Resolution #13-2008 was adopted by the City Council on November 10, 2008 authorizing \$25,000,000 for the construction of the Madbury Water Treatment Plant. The Treatment Plant has been completed with a total borrowing amount of \$21,000,000 leaving an unused balance of borrowing authority in the amount of \$4,000,000, which is hereby discharged and rescinded.

THAT, the foregoing borrowing authorization is hereby discharged and rescinded as described above and that the City Manager is authorized to issue any notices and take any and all other actions required to effectuate the purpose of this resolution.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY THE CITY COUNCIL:
JULY 14, 2014

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

Action Plan for Cemetery Improvements July 2014

Action	Next Step	Timeline
<p>Establish Cemetery Trust to receive donations from the public to help fund future conservation projects.</p>	<p>Draft Trust Document for adoption by the City Council.</p>	<p>July 14, 2014</p>
<p>Coordinate with Volunteer Groups and Individuals wanting to complete projects in the City.</p>	<p>Distribute Adopt a Spot Applications to individuals wishing to make long-term (at least two years) commitments to cemetery spaces.</p> <p>Direct Inquiries to complete <i>one-time</i> volunteer work through the City Manager's office.</p>	<p>Ongoing</p>
<p>Identify Grant Sources to leverage City's investment in future conservation projects</p>	<p>Monitor Funding Availability announcements for arts, history, and cultural grant programs.</p>	<p>Ongoing</p>
<p>Implement Capital Project for North and Union Cemeteries.</p>	<p>Issue RFP and Enter Contract for work.</p>	<p>July 2014 – September 2014</p>
<p>Continue to Fund Capital Improvements in city-owned Cemeteries. These projects will be guided by the recently completed Assessment and Conservation Plan.</p>	<p>City Staff to Include Funding for Needed Improvements in Draft FY 16-21 Capital Improvement Plan</p> <p>Improvements to include repair and conservation of the following: gravestones; chest, ledger, hill tombs; barrel vaults, enclosure walls; fence walls; and pillars and iron work in various city-owned cemeteries.</p>	<p>November 2014 and Ongoing</p>
<p>Provide Training Opportunities and Related Supports to staff in the Department of Public Works who do regular work in the City's cemeteries.</p>	<p>Hold On-Site Training about best practices for ongoing maintenance in City cemeteries.</p>	<p>June 2014 and Ongoing</p>
<p>Continue to Offer Public Assistance and Guidance for researchers, genealogists and other members of the public at Special Collections in the Portsmouth Public Library.</p>	<p>In Public Communications and Web Postings Refer Inquirers to Special Collections at the Portsmouth Public Library.</p>	<p>Ongoing</p>

CITY OF PORTSMOUTH

Historic Cemetery Trust

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

1. **STATEMENT OF PURPOSE:**

This Trust is established for the purpose of creating a repository for all funds authorized, contributed, or received by the City of Portsmouth for the conservation, restoration, and repair of cemeteries, burial grounds, and burial sites owned by the City of Portsmouth.

2. **TRUST ASSETS:**

All funds which shall be directed to the Trust and any income produced thereby shall be administered by the Trustees in accordance with their fiduciary duty, the terms of this Trust and the ordinances and Charter of the City of Portsmouth.

3. **USE OF TRUST ASSETS:**

The assets and income held in the Historic Cemetery Trust may be expended for the conservation, restoration, and repair of cemeteries, burial grounds, and burial sites owned by the City of Portsmouth as well as for educational, cultural outreach, and interpretative programs related to cemeteries. Any expenditures from the Trust shall be authorized by the City Council. The Trustees shall disburse such funds at times and in amounts as may be specified under the direction of the City Manager acting pursuant to that authorization of the City Council.

4. **INVESTMENT AND REINVESTMENT OF TRUST FUNDS:**

The Trustees shall hold, invest and reinvest the assets of the Trust together with all additional thereto, either in savings or special notice accounts or in such investments as allowed by the laws of the State of New Hampshire, and may collectively invest such funds with other funds held by the Trustees for the sole purpose of obtaining a higher yield on the investments so collectively invested. The funds of this Trust shall be accounted for separately by the Trustees along with any interest earned on such funds.

5. **OVERSIGHT AND ENFORCEMENT:**

The administration of this trust and the expenditure of any funds therefrom shall be subject to the oversight of the Charitable Trust Unit of the Office of the Attorney General of the State of New Hampshire, which entity may enforce the terms and conditions of this trust by proceeding in equity or otherwise.

THE CITY OF PORTSMOUTH

Dated: _____

John P. Bohenko, City Manager

Pursuant to vote of the City Council on
(Month) (Day), (Year).

Accepted by the Trustees of Trust Funds.

Dated: _____

Phyllis Eldridge

Dated: _____

Dana Levenson

Dated: _____

Thomas R. Watson

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: June 24, 2014
RE: Request from John G. Pappas for Restoration of Involuntarily Merged Lots at 1474 Islington Street Under RSA 674:39-aa

In a letter dated June 12, 2014, Bernard W. Pelech on behalf of John G. Pappas has requested that the City Council restore two lots to their premerger status pursuant to RSA 674:39-11. The letter includes several deeds in the chain of title and a copy of an 1898 subdivision plan.

Property Description

The property that is the subject of this request is located at 1474 Islington Street and is shown on Assessors Map 233 as Lot 107. The lot contains 12,082 sq. ft. (0.277 acre) and has 68 feet of frontage on Islington Street and 50 feet of frontage on Vine Street. Attached is an orthophoto showing the parcel in question and abutting parcels.

The existing parcel was assembled by combining two separate lots created by a subdivision recorded in 1898. One of the original lots, fronting on Islington Street, was between 73 feet and 57 feet wide and 100 feet deep, thus containing about 6,500 sq. ft. of area. (At some point in the past, the boundary between this lot and the corner lot at 1462 Islington Street appears to have shifted by 5 feet, reducing the subject lot's frontage from 73 to 68 feet and increasing the adjoining lot's frontage from 60 to 65 feet.) The second lot, fronting on Vine Street, was 50 feet wide and between 108 feet and 117 feet deep, thus containing about 5,620 sq. ft. of area. The property has been shown as a single parcel in the Assessor's records since at least 1981.

A house was built on the Islington Street parcel in 1949, and was expanded in 1991 with the addition of an enclosed porch. The building permit application for the porch, signed by George Pappas, described the lot as having 12,082 sq. ft. of area and included a site plan showing the property as a single parcel, with a setback from the porch to the rear property line of 88 feet (see attached application and site plan). It cannot be determined from the building permit application whether the porch would have complied with the 30-foot rear setback requirement if the owner had shown the two lots separately on the site plan.

Zoning Issues

The lot is located in the Single Residence B zoning district, which requires a minimum lot area of 15,000 sq. ft., 100 feet of continuous street frontage, and 100 feet of lot depth. Thus, the existing lot is nonconforming as to both minimum lot area and minimum street frontage.

In 1952, this area was in the General Residence zoning district, which required a minimum lot area of 4,500 sq. ft. for a single family dwelling. Thus, the original lots conformed to the zoning standards that were in effect at the time the existing house was built.

If the Council grants this request, variances will be required to construct a dwelling on the Vine Street lot. At a minimum, the applicant would be required to obtain variances from the requirements for 15,000 sq. ft. of lot area and for 100 feet of continuous street frontage. In addition, some type of zoning relief may be required if the 1991 porch is less than 30 feet from the lot line now claimed by the owner, although it is unclear what form that relief would take.

Statutory Requirements

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

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

The statute states that "The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots." In this particular case, the City Council must determine whether the 1991 building permit application submitted by information provided by the owner to the City as part of a building permit application represents a voluntary merger of the two lots.

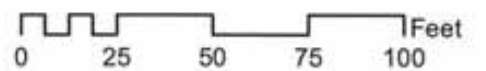
Unlike other situations where lots are proposed to be merged or separated, there is no role for the Planning Board in this process. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. The decision of the Council may be appealed to the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

Attachments

- Orthophoto with parcel lines
- 1991 Building Permit Application including site plan



1474 Islington Street



CITY OF PORTSMOUTH, NH

Date of Issue

3 SEP 91

BUILDING PERMIT

Permit No.

4669

Bureau of Inspection
1 Junkins Ave., P.O. Box 628, Portsmouth, NH 03802-0628
431-2000 ext. 243

Owner: George Pappas Applicant: Same

Location of Work: 1474 Islington ST
(No. and Street) (Unit or Building)

Description of Work: New Porch

ZONING DATA: District: SR11 Map # : R33 Lot # : 107

CONSTRUCTION DATA: Use Group: R-4 Min. Type Constr.: 5B
(Ref. BOCA) (Ref. BOCA)

Occupant Load: - # Dwelling Units: 1 # Stories: 1
(Assembly Use Only)

Building / Addition: Width: 12 ft. Length: 16 ft. Height: 18 ft.

Remarks / Conditions: Carry stick over lally columns to be 2-2x8 min. Requires separate electrical permit.

Cost of Construction: \$ 6,000.00

Permit Fee: \$ 30.00

Chk. # 1598 Cash

* Permit Holder: George Pappas
(Taking Responsibility For The Work)

Code Official: RA. Hapley

Company / Affiliation: OWNER

Addendum Attached

* The CONTRACTOR shall be responsible for notifying the Inspection Bureau, 48 hours in advance, for FOUNDATION, FRAMING and FINAL inspections. A Certificate of Occupancy is required for all building permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL & PLUMBING) are complete and a Certificate of Occupancy has been issued. The permit card shall be visibly posted at all times during construction.

PINK: File Copy YELLOW: Assessor Copy GREEN: Accounting Copy WHITE: Field Card

9/13/91 Fdn & frame OK per (no seal need for final)

Please Print In Ink -- Complete All Blanks Or Use N/A

RECEIVED 20 98

Application For X Building Permit Application Received 8/28/91
Change In Land Use Accepted Planning 8/28/91 LET

Est. Cost of All Construction \$ 2,000 Fee \$ 30.00 Paid 3 SEP 11 Cash _____
Check # 1298

1. Owner George Pappas 2. Applicant Same
Address 1474 Islington St Address _____
Phone 436-3479 Phone _____

3. Lessee NA Address _____ Phone _____

4. Location of Work 1474 Islington St Plan # R33 Lot # 107
Zoning District SRII Historic A - Historic B -

5. Lot: Area 12082 Front Boundary 68' Rear Boundary 108.25'
Left Boundary 208' Right Boundary 165±

6. Existing Use of Land or Building Single Family Home

7. Proposed Use of Land or Building Same

8. Residential - Total No. of Dwelling Units Existing 1 Total S.F. 885
Total No. of Dwelling Units Proposed 0 Total S.F. _____

9. Commercial/Other - Total No. of Structures Existing NA Total S.F. _____
Total No. of Structures Proposed NA Total S.F. _____

10. Size of All Existing Structure(s) - (For 3 Or More Structures Please Attach Sheet)
Structure 1 34 x 26, Bldg. Footprint Area 884, Stories 1, Basement 1
Structure 2 _____, Bldg. Footprint Area _____, Stories _____, Basement _____

11. Size of All Proposed Structure(s) - (For 3 Or More Structures Please Attach Sheet)
Deck- Structure 1 12' x 16', Bldg. Footprint Area 192 S.F., Stories 1, Basement NO
Structure 2 _____, Bldg. Footprint Area _____, Stories _____, Basement _____

ENCLOSED

12. Proposed Yard Setbacks 1: Front NA' Rear 98' Left 32' Right 13'
2: Front _____' Rear _____' Left _____' Right _____'

13. Provide complete Description of Work to be Done (Be Specific, Attach Sheet If Req'd.)
Construct new ~~deck~~ ^{Porch} ENCLOSED

14. Contractor: John Heffernan Address: Sutton Greenland Phone: 436-4655

15. Existing Building Data: (Check Applicable Type(s)) ? _____
Foundation: Stone _____, Block X, Conc. _____, Other _____
Floor Framing: Wood X, Steel _____, Conc. _____
Wall Framing: Wood X, Block _____, Metal _____, Conc. _____
Roof Framing: Wood X, Steel _____, Conc. _____
Fire Detection System: No _____ Yes X (Local or Master), Contractor _____
Sprinkler System: No X Yes _____ (Wet or Dry), Contractor _____

16. Proposed Building/Addition/Renovation Data: (Check Applicable Types(s))
Foundation: Block _____, Conc. _____, Other X, Depth Below Grade 4'
Floor Framing: Wood ✓, Steel _____, Conc. _____,
Wood Joist Size 2x8, Wood Joist Spacing 16', Max Joist Span 12'
(Distance Between Supports)
Outside Wall Framing: Wood X, Steel _____, Block _____, Conc. _____,
Wood Stud Size 2x4, Wood Stud Spacing 16"
Ceiling/Roof Framing: Wood X, Steel _____, Conc. _____,
Wood Rafter Size 2x8, Wood Rafter Spacing 16", Max Rafter Span 12'
(Distance Between Supports)
Lumber Species Used: Spruce X, Hem/Fir _____, Other (Specify) _____
Insulation Amount: Walls _____, Ceiling _____, Floors _____
Fire Detection System: No X, Yes _____ (Local or Master) Heat Detectors _____,
Smoke Detectors _____, Contractor _____
Sprinkler System: No X, Yes _____ (Wet, Dry), Contractor _____

17. Plumbing Work: No X, Yes _____, Contractor _____

18. Sewerage System: City X, Subsurface _____, State Permit No. _____

19. Electrical Work: No X, Yes _____, Contractor _____

20. Plans Submitted: Site X, Framing X, Floor _____, Elec. _____,
Plumbing _____, Eng. Site _____, Rolled Plans _____,
Other _____

21. I certify that the information given is true and correct to the best of my knowledge. No change from the above information will be made without approval of the Building Inspector. Construction activities shall not commence until the Building Permit is issued.

I realize that when all necessary approvals have been acquired, a Building Permit may be granted by the Building Inspector to allow construction or change in land use in conformance with this application and those plans/specifications submitted in support thereof only.

I further acknowledge that the proposed structure or improvements shall not be occupied or otherwise utilized without the issuance of a Building Certificate of Occupancy and only after all necessary inspections have been requested and completed.

George J. Pappas
SIGNATURE OF APPLICANT

FI 28 1971
DATE

If Not Owner, State Relationship

FOR CITY USE ONLY - BUILDING REVIEW PROCESS

This project is subject to the following reviews and approvals prior to the issuance of a Building Permit:

Site Review Committee - Result _____

Zoning Board of Adjustment - Result _____

Historic District Commission - Result _____

Building Code Board of Appeals - Result _____

Other _____

BUILDING USE GROUP R-4, BUILDING CONSTRUCTION CLASSIFICATION SB

	Initials	Date Denied	Date Approved
Building Inspector	<u>RAH</u>	_____	<u>30 Aug 91</u>

Comment _____

Fire Department _____

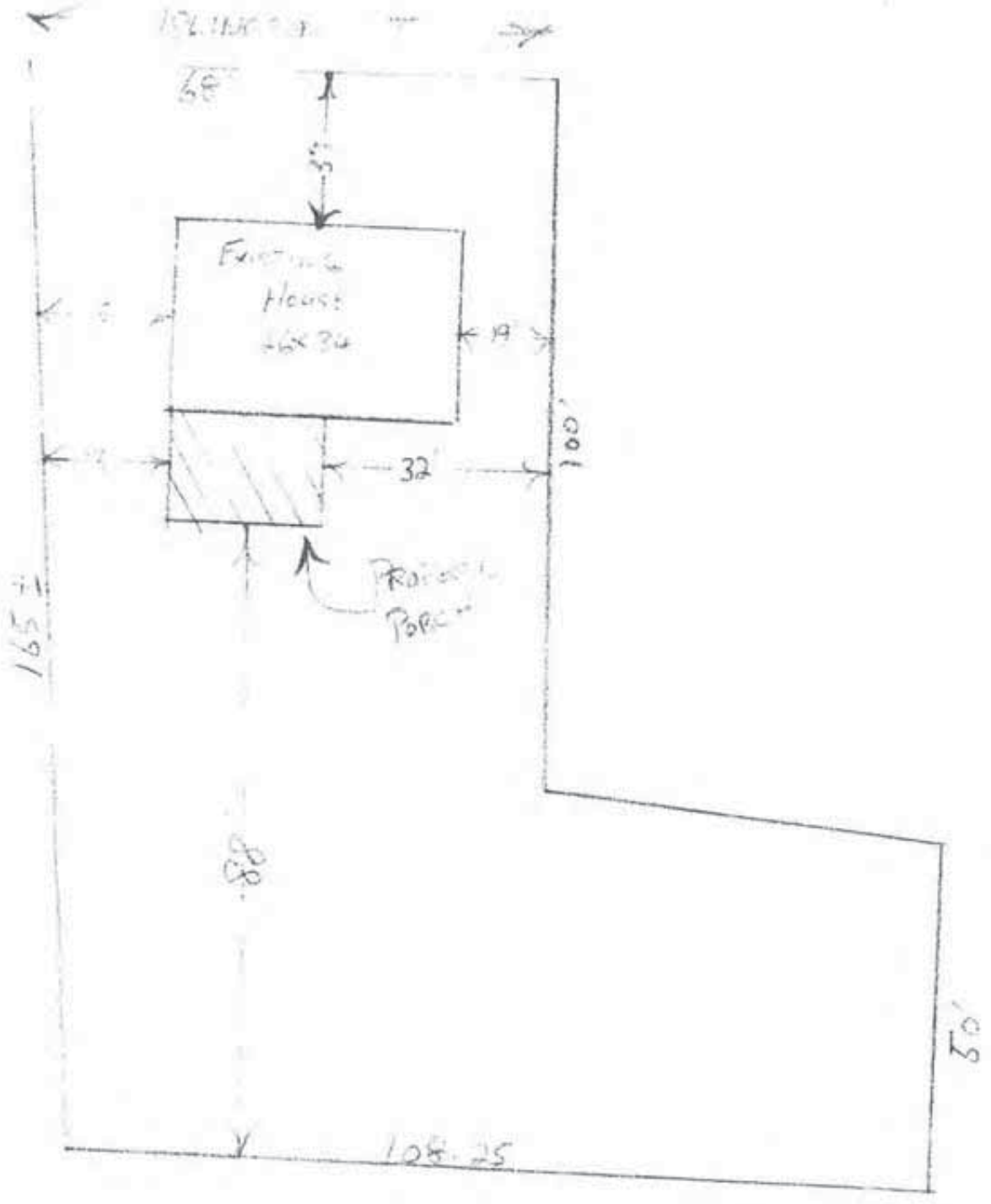
Comment _____

Planning Department	<u>JGM</u>	_____	<u>8/28/91</u>
---------------------	------------	-------	----------------

Comment _____

All conditions and requirements having been met, and there being no known outstanding violations to local codes or ordinances, I hereby approve the issuance of this Building Permit.

Richard A Hapley 31 Aug 91
 Permit Issuance Approved By Building Inspector Date



SITE PLAN
 1474 ISLINGTON ST

Law Offices of
WHOLEY & PELECH

55 CONGRESS STREET, SUITE B
P.O. BOX 395
PORTSMOUTH, NEW HAMPSHIRE 03802-0395

BERNARD W. PELECH*

JOHN J. WHOLEY
(1922-2001)

ADMITTED NH & ME BARS

TEL 603-436-6121

Fax 603-433-7491

bernie@wholey-pelech.com

received
6/12/14 3:30 pm

June 12, 2014

Honorable Mayor Robert Lister
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

**Re: Restoration of involuntarily merged lots - RSA 674:39aa
1474 Islington Street, Portsmouth**

Dear Mayor Lister and Members of the City Council:

This office represents John G. Pappas, owner of 2 adjacent lots located on Islington Street and Vine Street in Portsmouth.

The 2 lots which were involuntarily merged for tax purposes are shown on Tax Map 233 as lot 107.

The 2 lots are actually located in what was the 1898 subdivision of the Sugden Brothers Company. I have enclosed a copy of that 1898 plan which was recorded in the Rockingham County Registry of Deeds as Plan 00169. I have also enclosed a copy of the deed from George J. Pappas and Antoinette M. Pappas conveying the 2 lots as 2 lots to John G. Pappas which deed is recorded in the Rockingham County Registry of Deeds at Book 2891, Page 1152. Also enclosed are the 2 deeds by which George J. Pappas and Antoinette M. Pappas took title to the 2 lots. The first deed to George and Antoinette Pappas is dated May 27, 1952 and is recorded in the Rockingham County Registry of Deeds at Book 1246, Page 217. This deed was for the lot fronting on Vine Street and is Lot 58 on the Sugden Subdivision Plan.

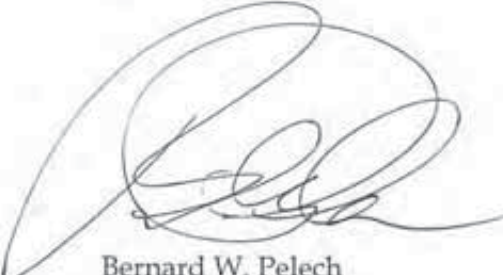
6 months later on November 26th, Mr. and Mrs. Pappas acquired a second lot from Reginald M. Trafton by deed recorded in the Rockingham County Registry of Deeds at Book 1268, Page 345. This lot is a portion of Lot 57 which abuts Lot 58 which they acquired 6 months earlier.

Page Two
Honorable Mayor Lister
June 12, 2014

I have no evidence whatsoever that George and Antoinette Pappas ever voluntarily merged the 2 lots, and have no evidence that John G. Pappas, their son ever voluntarily merged the 2 lots after acquiring title from his parents.

As such, on behalf of my client, Mr. Pappas I would respectfully request that the 2 lots be restored to their pre-merger status and all zoning and tax maps be updated to identify the pre-merger boundaries of said lots.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernard W. Pelech". The signature is fluid and cursive, with a large initial "B" and "W".

Bernard W. Pelech

BWP/ajs
Enclosures

KNOW ALL MEN BY THESE PRESENTS, That George J. Pappas and Antoinette M. Pappas, 1474 Islington Street, Portsmouth, County of Rockingham, State of New Hampshire

for consideration paid, grant to John G. Pappas, of 6 Harding Road, Portsmouth, County of Rockingham, State of New Hampshire

with **Quitclaim Covenants** two certain parcels of land with the buildings thereon, situate in Portsmouth, Rockingham County, State of New Hampshire.

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SEP 19 10 08 AM '91

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX

MO	DAY	YR
09	19	91

\$42.00

XX THOUSAND XX HUNDRED AND 42 DOLLARS

CONTROL NUMBER 29567 | VOID IF ALTERED

EXHIBIT A

PARCEL 1:

Beginning at a point on the southerly side of Islington Street sixty-five (65) feet from the southwest corner of Islington Street and Vine Street; thence running westerly along the southerly side of Islington Street sixty-eight (68) feet to a point; thence turning and running southeasterly to the northwest corner of Lot No. 58 as shown on a plan of Westland Park Development, Portsmouth, N.H., dated February, 1941, John W. Durgin, C.E.; thence turning and running along the northerly boundary of said Lot No. 58 to a point fifty-eight (58) feet westerly from the westerly side of Vine Street; thence turning and running northerly one hundred (100) feet, more or less, to the point of beginning; being a portion of Lot No. 57 as shown on said Plan; and being House No. 34, on said Islington Street; together with the right to maintain, replace and enlarge sewer and water pipe lines over a strip five feet (5') on either side of a line ten feet (10') northerly and parallel to the southerly boundary of the premises adjoining the within described premises on the east.

Being the same premises conveyed to the Grantors herein by deed of Reginald M. Trafton dated November 26, 1952 recorded in Rockingham County Registry of Deeds, Book 1268, Page 345.

PARCEL 2:

A certain lot or parcel of land, situate on Vine Street, in said Portsmouth, and being Lot No. 58 on a Plan of lots recorded in Rockingham Registry of Deeds, in Book 1246, Page 217.

Being the same premises conveyed to the Grantors herein by Reginald M. Trafton, by deed dated May 27, 1952, and recorded in said Rockingham Registry of Deeds, in Book 1246, Page 217.

This conveyance is made subject to a life estate in said George J. Pappas and Antoinette M. Pappas, or the survivor of them, which life estate shall terminate on the first of any of the following events: (a) upon the death of the life tenants; (b) at such time as the life tenants no longer maintain the premises as their primary residence for a period of ten (10) continuous months; or (c) in the event the life tenant or surviving life tenant conveys the life estate to the grantee herein, to his heirs and assigns.

Know all men by these presents

1268 315

that I, Reginald M. Trafton, of Portsmouth in the County of Rockingham and State of New Hampshire

for and in consideration of the sum of - One Dollar and other valuable considerations - - -
to me in hand, before the delivery hereof, well and truly paid by George J. Pappas and Antoinette M. Pappas, both of said Portsmouth

the receipt whereof I do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said George J. Pappas and Antoinette M. Pappas, as joint tenants, with rights of survivorship, the survivor of them, and his or her heirs and assigns forever

A certain tract or parcel of land, with the buildings thereon, situated in said Portsmouth, bounded and described as follows, to wit:

Beginning at a point on the Southerly side of Islington Street sixty five (65) feet from the Southwest corner of Islington Street and Vine Street; thence running Westerly along the Southerly side of Islington Street sixty eight (68) feet to a point; thence turning and running Southeasterly to the Northwest corner of Lot No. 58 as shown on a Plan of Westland Park Development, Portsmouth, N. H., dated February 1941, John W. Durgin, C. E.; thence turning and running along the Northerly boundary of said Lot No. 58 to a point fifty eight (58) feet Westerly from the Westerly side of Vine Street; thence turning and running Northerly one hundred (100) feet, more or less, to the point of beginning; being a portion of Lot No. 57 as shown on said Plan; and being House No. 34 on said Islington Street; together with the right to maintain, replace and enlarge sewer and water pipe lines over a strip five feet on either side of a line ten feet Northerly and parallel to the Southerly boundary of the premises adjoining the within described premises on the East.

Said premises are part of the same as conveyed to me by deed of Dora B. Sugden, dated March 25, 1942, and recorded in Vol. 1000, Page 2, Rockingham County Records.



Exempt
1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157

1268 346

To have and to hold the said granted premises, with all the privileges and appurtenances thereunto belonging, to George J. Pappas and Antoinette M. Pappas, the said grantees, as joint tenants, with rights of survivorship, the survivor of them, and his ~~widow~~ or her heirs and assigns, to their own use and behoof forever.

And I the said grantor and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee ~~s/widow~~ or her heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever;

and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said grantees/~~widow~~ or her heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Reginald M. Trafton, am single.

~~wife of the said~~

~~for the consideration of said deed hereby release to the said grantee my right of dower in the~~
~~before mentioned premises.~~

And we do each of us hereby release all rights of homestead secured to us, or either of us under and by virtue of any law of the State of New Hampshire and all other rights and interest therein.

In witness whereof I have hereunto set my hand and seal, this

26th day of November in the year of our Lord 19 52.

Signed, sealed and delivered
in presence of

Charles J. Bragg

Reginald M. Trafton



State of

New Hampshire

Rockingham

ss

November 26,

A. D. 1952

Personally appeared the above named Reginald M. Trafton

and acknowledged the foregoing to be his voluntary act and deed — Before me:

Charles J. Bragg

Justice of the Peace

Received and recorded Dec. 9, 2 P.M., 1952

REGINALD M. TRAFTON

to

GEORGE J. PAPPAS
ANTOINETTE M. PAPPAS

218 W. 117th St. Yorktown

Warranty Deed

Rockingham RECORDS

Received *Dec. 9th 1952.*

2 Hour *—* Minutes *P. M*

Recorded Libro *1268* Folio *345*

Examined

John W. Green, Jr Register

~~From the office of~~

Return to:
Warren, Wilson, Wiggin & Sundeen
Manchester, N. H.

Know all men by these presents

that I, Revinald W. Trafton, of Portsmouth in the County of Rockingham and State of New Hampshire

for and in consideration of the sum of - One Dollar and other valuable considerations - -
to me in hand, before the delivery hereof, well and truly paid by George J. Pappas and Antoinette M. Pappas, both of said Portsmouth

the receipt whereof I do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said George J. Pappas and Antoinette M. Pappas, as joint tenants, with rights of survivorship, the survivor of them, and his or her heirs and assigns forever

A certain parcel of land on Vine Street in said Portsmouth and being lot No. 58 on a plan of lots recorded in Rockingham Registry of Deeds, Book 563, Page 481.

Being the same premises conveyed to me by deed of John J. and Irene E. Began, dated November 26, 1951, and recorded in Rockingham Registry of Deeds, Book 1239, Page 458.

This conveyance is made subject to a mortgage in favor of the Portsmouth Savings Bank and also subject to taxes and other incumbrances of record.



1246 218

To have and to hold the said granted premises, with all the privileges and appurtenances thereunto belonging, to George J. Pappas and Antoinette M. Pappas, the said grantees, as joint tenants, with rights of survivorship, the survivor of them, and his and or her heirs and assigns, to their own use and behoof forever.

And I the said grantor and my heirs, executors and administrators, do hereby the survivor of them, and his covenant, grant and agree, to and with the said grantees and or her heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever;

and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said grantees and or her heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Reginald M. Trafton, an single, wife of the said

~~for the consideration aforesaid, do hereby release to the said grantee, my right of dower in the~~
~~before mentioned premises.~~

And we do each of us hereby release all rights of homestead secured to us, or either of us under
and by virtue of any law of the State of New Hampshire and all other rights and interest therein.

In witness whereof I have hereunto set my hand and seal, this 27th
day of May in the year of our Lord 1952.

Signed, sealed and delivered
in presence of

Charles J. Griffin

Reginald M. Trafton



State of

New Hampshire

Rockingham, 55

May 27 A. D. 1952

Personally appeared the above named Reginald M. Trafton
and acknowledged the foregoing to be his voluntary act and deed — Before me:

Charles J. Griffin

Notary Public — Justice of the Peace

Received and recorded May 28, 10:15 A.M., 1952

Reginald M. Traflet

to

George J. Peppas
Antoinette M. Pappas

Warranty Deed

Rochingham RECORDS

Received *May 28th* 1952

10 Hour 15 Minutes *A* M

Recorded Libro *222* Folio *317*

Examined _____

John W. A. Green, Jr. Register

From the office of
Charles J. Griffin, Esq.
244 State Street
Portsmouth, N.H.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:39-aa

674:39-aa Restoration of Involuntarily Merged Lots. –

I. In this section:

(a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.

(b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.

(c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

(a) The request is submitted to the governing body prior to December 31, 2016.

(b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

Source. 2011, 206:4, eff. July 24, 2011.

Portsmouth Housing Authority



245 Middle Street, Portsmouth, New Hampshire 03801-5196 | 603-436-4310 | porthousing.org

July 7, 2014



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

Dear Mr. Bohenko:

Please accept this correspondence as an official request to change the terms of our Loan Affordability Agreement and Promissory Note for the Cottage Senior Housing Project, signed June 4, 2003.

Project Background:

In 2003 and 2004, the Portsmouth Housing Authority, through its associated non-profit organization Portsmouth Housing Development Ltd., redeveloped the property that was formerly the Cottage Hospital at 5 Junkins Avenue. This was an ambitious project which converted an unused and deteriorating building into 20 affordable senior housing units. The Connors Cottage was listed on the National Register of Historic Places in 1996.

This project was financed with a combination of Low Income Housing Tax Credits, Historic Tax Credits and both public and private debt including a hard money loan from People's United Bank, a loan from the New Hampshire Housing Finance Authority (NHHFA) HOME program, a second soft money loan from People's United Bank through their Affordable Housing Program, and lastly, a \$150,000 loan from the City of Portsmouth Community Development Block Grant program.

Window Failure

Soon after assuming the role as Executive Director of the Portsmouth Housing Authority and Portsmouth Housing Development Ltd., (the manager and General Partner of Connors Cottage) in January 2013, I became aware of problems with the windows at the property. Upon further investigation, I learned that there had been problems with windows leaking, not being able to

lock, and in some cases, becoming completely detached from the casings. In February 2013 a blizzard struck Portsmouth and several of the windows on the West side of the property failed and blew into common areas and apartments causing major damage to everything from personal items to mechanical systems. This event made it apparent that the Eagle brand windows that were installed by Ricci Construction were seriously failing and this issue needed to be addressed.

A series of inspections and investigations in the summer of 2013 led to some more understanding of both short and long term solutions to the problem. Some short term fixes were implemented, including installing plastic on the window interiors during winter months to prevent cold air from entering the building, assisting residents with closing and locking of all windows, and installing "L" brackets on each window sash to avoid any additional danger created by falling windows. We also began to work with engineers and architects to find a suitable replacement window and started to develop a schedule that would allow us to replace a few of these windows per year.

The reason that we believed the project needed to be phased was that the originally high total development costs of a complex historic redevelopment project combined with the requirement to keep the property affordable for area seniors meant that there is very little cash flow from the property and therefore very little capital reserves in to fund a significant project, especially one that was not anticipated a short ten years after completion.

Refinancing Plan

With an estimated Total Development Costs of this project exceeding \$450,000, refinancing the property has proven to be a very difficult task, which brings us to the reason for this request.

To accommodate the project, allow for appropriate debt coverage and satisfy loan underwriting requirements, we are working with our partners on a new debt structure for the property. This new structure is led by NHHFA who has secured secondary market financing from Community Reinvestment Fund, a nationally known Community Development Finance Institution. NHHFA has also agreed to convert their current \$413,000 second mortgage at 5% interest into a 0% interest loan. The People's United Bank AHP loan will stay in third place at 0% and we are requesting that City of Portsmouth agree to the following changes to its loan on the Connors Cottage as follows:

1. Resubordinating the current loan behind the new debt.
2. Increasing the size of the loan from a current balance of \$57,000 to a new amount of \$130,000.
3. Changing the distribution of surplus cash that the City receives from 90% to 25% in order to put additional cash to pay off NHHFA loan.

I will be available at your request to provide any additional details about this project, the financing structure for this project, or these specific loan terms.

We are grateful to the City of Portsmouth for the contribution it has made to the Connors Cottage which today stands as one of New England's signature affordable housing projects and the Portsmouth Housing Authority is committed to preserving this asset for decades to come.

Sincerely,

A handwritten signature in blue ink that reads "Craig W. Welch". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

Craig W. Welch
Executive Director



The Ben Franklin Block Buildings

"An Historic Center of Commerce"

603-601.0944

Management Office

75 Congress St. Ste. 306

Portsmouth, NH, 03801

To: Portsmouth City Council Members

From: Michael De La Cruz
Ben Franklin Block Buildings

RE: Request for Encumbrance License for Fleet St. staging

Dear Honorable City Council Members,

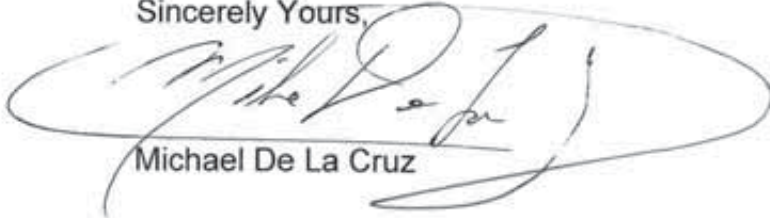
Over that last several years, I have been in the process of gradually restoring, the interior and exterior of the Historic Franklin Block. Over the last ten years, I have been renovating and restoring the historic look and feel of many of the retail and office suites of the building. Over the last few years, I have been working my way around the exterior of the Building, as the economy and tenancy allows. Currently, I am working on the Fleet Street exterior portion of the Building. While repairing the masonry on this side, greater than expected problems were found with the parapet wall and other portions of the masonry located near the top of the Building. These sections are not clearly seen from the street but the problems readily present themselves after the erection of scaffolding allows for close inspection and removal of surface bricks. Time beyond the Permitted 30 days of sidewalk encumbrance is required in order to perform the restorative repairs. In the process, I have decided to restore some of the historic parapet details that had been damaged and removed in the mid portion of the last century. The HDC has granted such approval.

This letter serves as my formal written request for the granting of an approximately (+/-) one month license to continue the masonry repair and restoration work in the scaffolding's current location on rear most portion of the Building on Fleet Street. It is anticipated that the portion of the Building on Fleet St., closest to Congress St., will also need scaffolding to repair its uppermost brick detail, and require some spot repointing. This will require moving the

scaffolding from its present location towards the Congress street end, to repair and restore the first 45 or so feet of the Building on Fleet Street. This additional repair on Fleet Street should take about three weeks. At that time, the currently placement of the scaffolding will be removed, and a shorter section of scaffolding will be moved towards Congress Street.

Thank you for your time and consideration.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Michael De La Cruz", is written over a large, loopy oval scribble. The signature is fluid and cursive, with the first name "Michael" being the most legible part. The oval scribble extends across the width of the signature and slightly above and below it.

Michael De La Cruz

Michael Del La Cruz
75 Congress Street
Staging request





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/1/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Infantine Insurance P. O. Box 5125 Manchester NH 03108	CONTACT NAME: Janet Tuttle	
	PHONE (A/C No. Ext): (603) 669-0704 FAX (A/C No.): E-MAIL ADDRESS: jtuttle@infantine.com	
INSURED Michael De La Cruz The Franklin Block 75 Congress St., Suite 309 Portsmouth NH 03801	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Patriot Insurance Co	32069
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES CERTIFICATE NUMBER: 2014-2015 Master REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		CPP6179184	1/1/2014	1/1/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ Included
	GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CPP6179184	1/1/2014	1/1/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CPP6179184	1/1/2014	1/1/2015	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				WC STATUTORY LIMITS OTH-ER EL EACH ACCIDENT \$ EL DISEASE - EA EMPLOYEE \$ EL DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
RE: 75 Congress St, Franklin Block, Portsmouth NH. If a permit has been issued The City of Portsmouth is included as additional insured for General Liability with respects to work being done on outside of building, equipment/scaffolding will be situated on the sidewalk and for delivery of construction material

CERTIFICATE HOLDER 427-1593 City of Portsmouth Dept. of Public Works Att: Meghan 680 Peverly Hill Road Portsmouth, NH 03801	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Paul Sullivan/JT1 <i>Paul Sullivan</i>
---	---



July 2, 2014

Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Portsmouth City Councilors,

On June 2, 2014 Hunking Holdings LLC applied for an Encumbrance Permit (Sidewalk / Street occupation) for construction at 311 Marcy Street. It was received on June 4, 2014. It is effective for 30 days, and expires on July 17, 2014.

At this time, due to unforeseen construction issues at this location, I am requesting a License Agreement with the City of Portsmouth, in order to continue on with the project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Morin".

Peter Morin
Hunking Holdings LLC
311 Marcy Street
Portsmouth, NH 03801
603-433-7070

Peter Morin, Hunking Holdings LLC
311 Marcy Street
Staging request



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following changes to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

- A. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.328: Limited Parking – Three Hours

Section 7.328: LIMITED PARKING – THREE HOURS

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

4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.

13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.

-
- B. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330 No Parking:

Section 7.330: NO PARKING

- A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

58. Islington Street:
 e. northerly side from ~~Columbia Street~~ **Dover Street** to Bartlett Street and from Bartlett Street westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, beginning 220 feet east from Columbia Street, for 20 feet.
79. Miller Avenue:
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street.
~~b. — westerly side forty feet (40') northerly from the intersection at South Street.~~
~~e. — easterly side one hundred fifty feet (150') northerly from the intersection at South Street~~
95. Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet.
- 100. Ranger Way**
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.
- 116. State Street:**
f. both sides, from the Piscataqua River edge, southwesterly for 76 feet, to the end of State Street and the beginning of the extension of State Street.

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336: One-Way Streets

Section 7.336: ONE-WAY STREETS

A. Vehicular traffic shall move only in the indicated directions on the following streets.

10. Hanover Street: easterly from ~~Rock~~ **Pearl** Street to Bridge Street.

D. Amend : Chapter 7, Article IVA: BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES, Section 7A.408: Taxi Stand Designated

Section 7A.408: TAXI STAND DESIGNATED

The following areas are hereby designated as Taxi stands:

- A. Hanover Street: southerly side, first parking space west from Fleet Street **from 7:00 p.m. to 6:00 a.m.**
-

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

Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

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

4. Daniel Street:
- a. northerly side, 123 feet east from Bow Street for a distance of 45 feet
 - ~~b. northerly side, 215 feet east from Bow Street for a distance of 35 feet~~
 - b. southerly side, 55 feet west from Penhallow Street for a distance of 80 feet
6. Hanover Street:
- b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.**
8. Market Street
- c. westerly side between Russell Street and Deer Street, from November 1st through March 30th, 2:00 a.m. to 5:00 p.m. Monday- Friday, 2:00 a.m to 1:00 p.m. Saturday.**
-

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

Section 7.602 TRUCK LOADING/UNLOADING ZONES (24 HOURS)

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

~~3. Market Street~~

~~—a. westerly side between Russell Street and Deer Street, from November 1 through March 30~~

G. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.603 Loading and Unloading of Live Parked Vehicles.

Section 7.603 LOADING AND UNLOADING OF LIVE PARKED VEHICLES

2. Middle Street: easterly side, beginning 188 feet southwesterly from intersection with Miller Avenue, for a distance of 20 feet (in front of 375 Middle St).

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

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

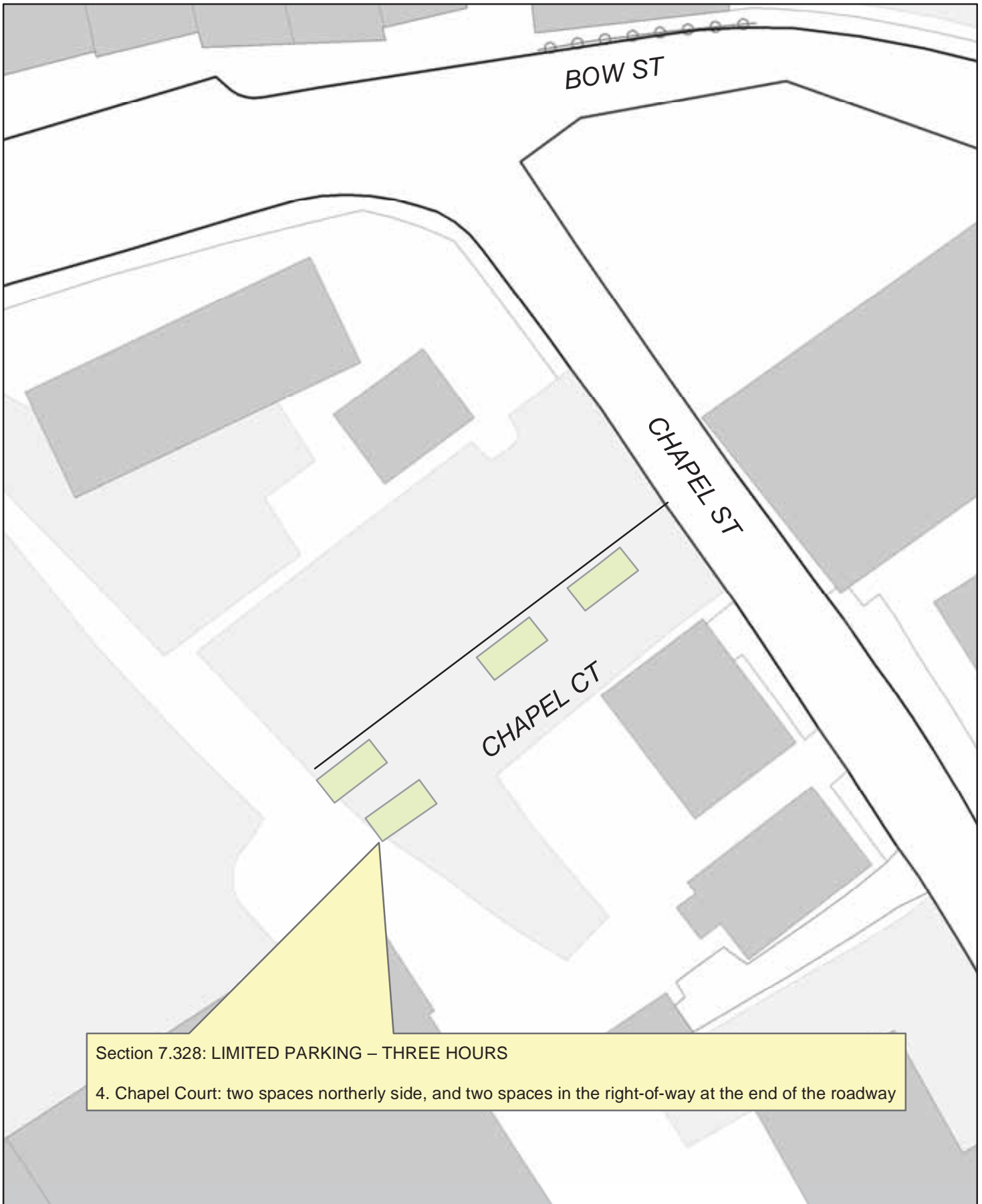
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

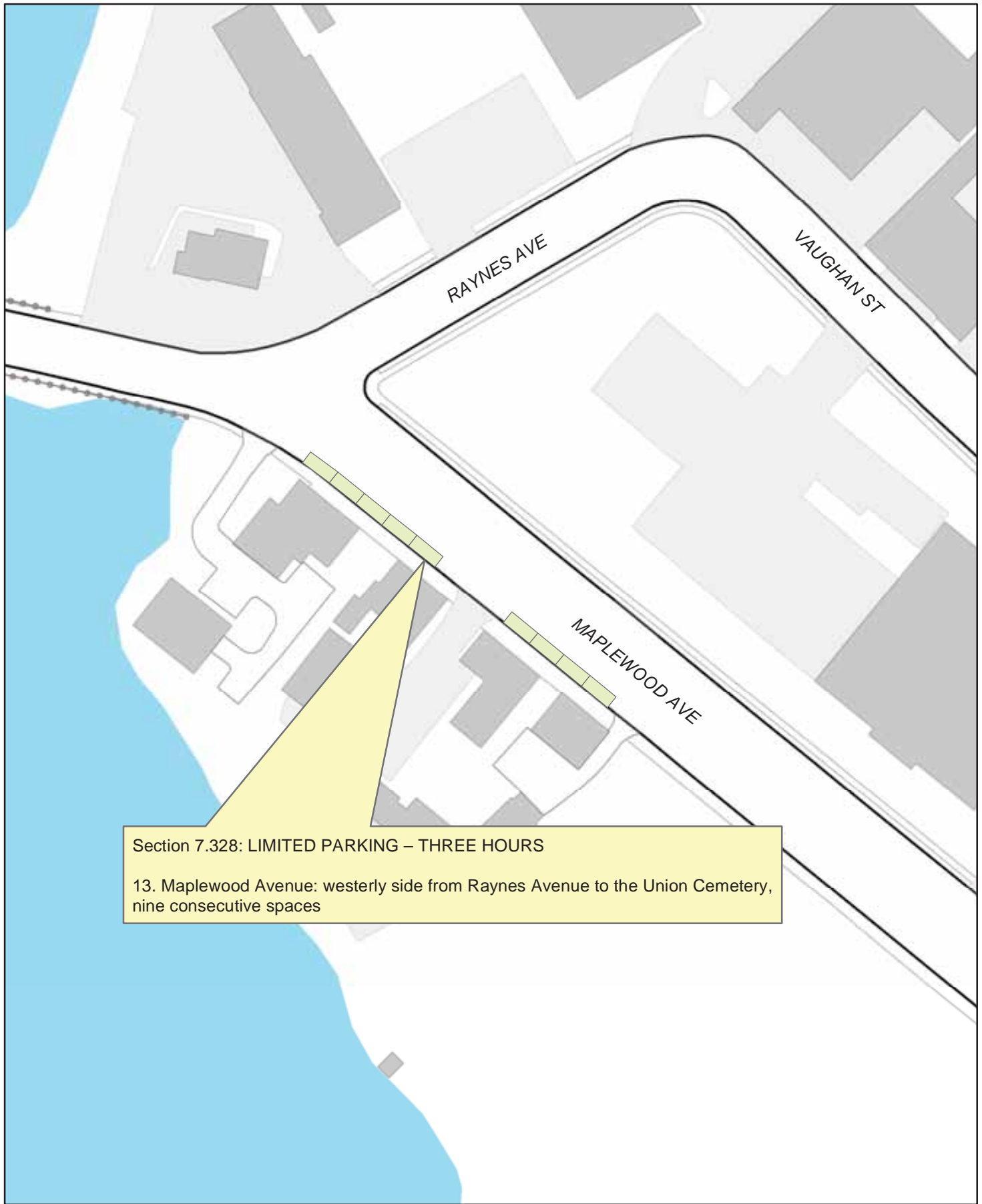
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Section 7.328: LIMITED PARKING – THREE HOURS
4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway

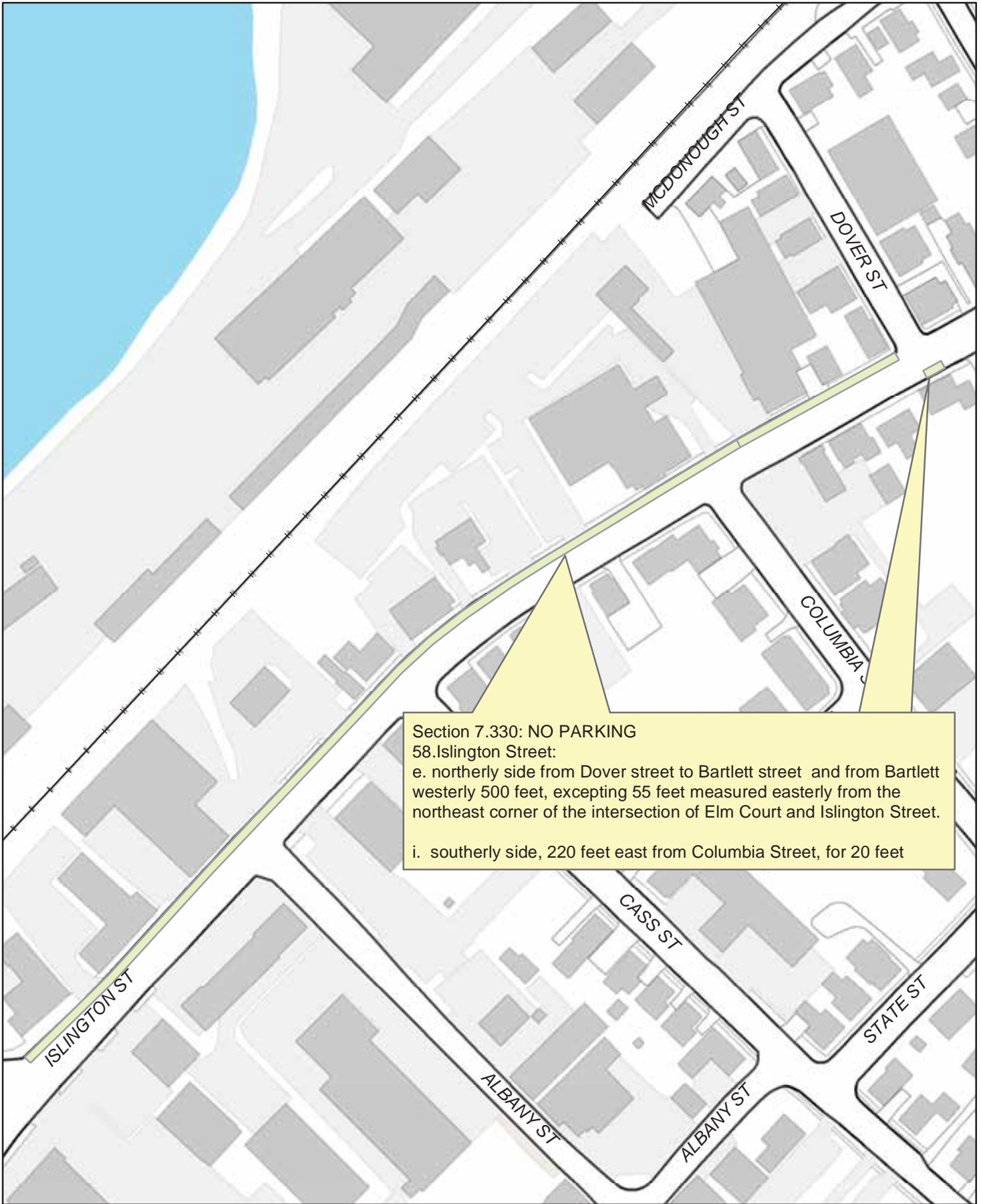
**Chapel Court, Limited Parking Three Hours
Portsmouth, New Hampshire**



Section 7.328: LIMITED PARKING – THREE HOURS

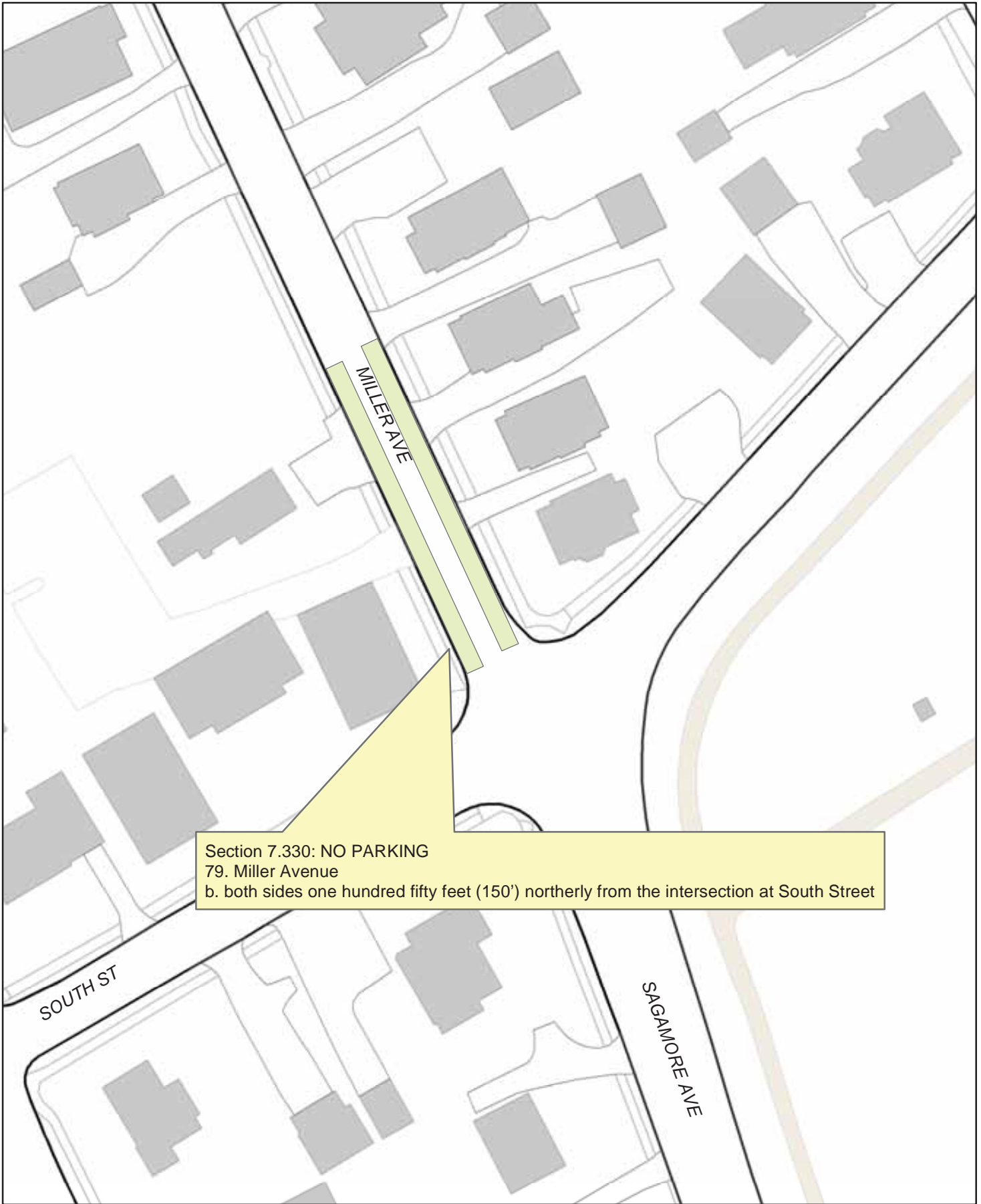
13. Maplewood Avenue: westerly side from Raynes Avenue to the Union Cemetery, nine consecutive spaces

Maplewood Ave, Limited Parking Three Hours Portsmouth, New Hampshire



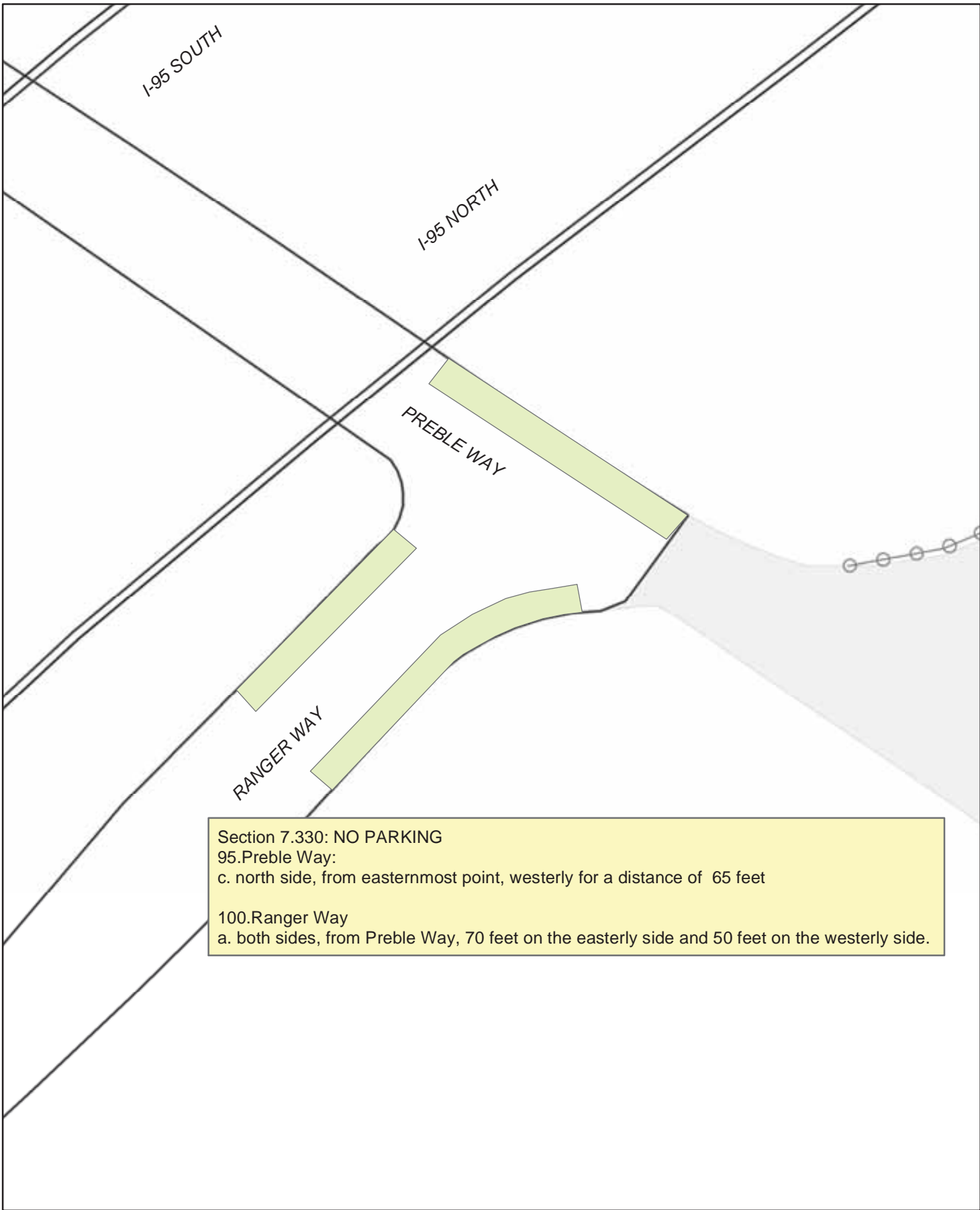
Section 7.330: NO PARKING
58. Islington Street:
e. northerly side from Dover street to Bartlett street and from Bartlett westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, 220 feet east from Columbia Street, for 20 feet

**Islington Street, No Parking
Portsmouth, New Hampshire**



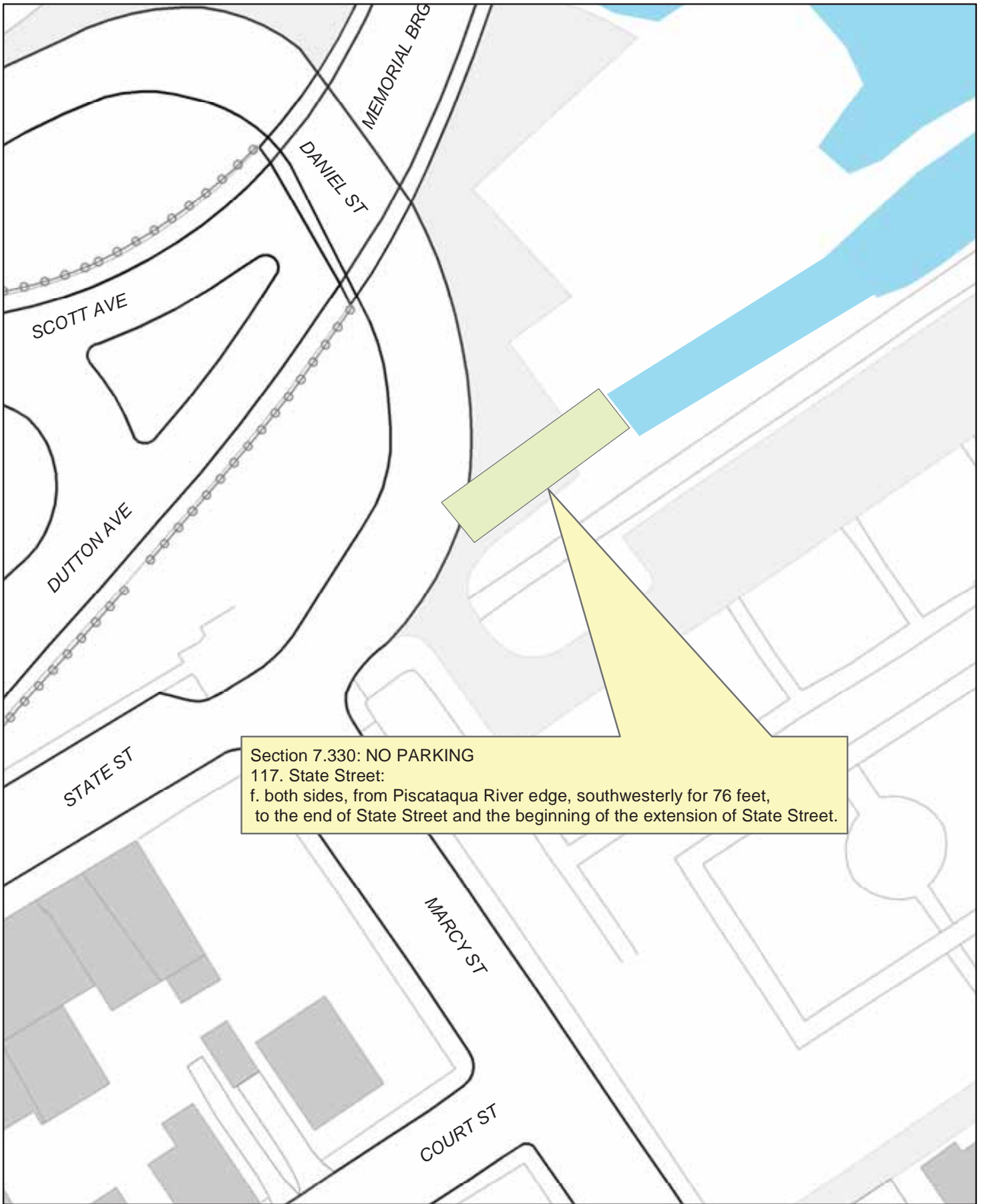
Section 7.330: NO PARKING
79. Miller Avenue
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street

**Miller Ave, No Parking
Portsmouth, New Hampshire**



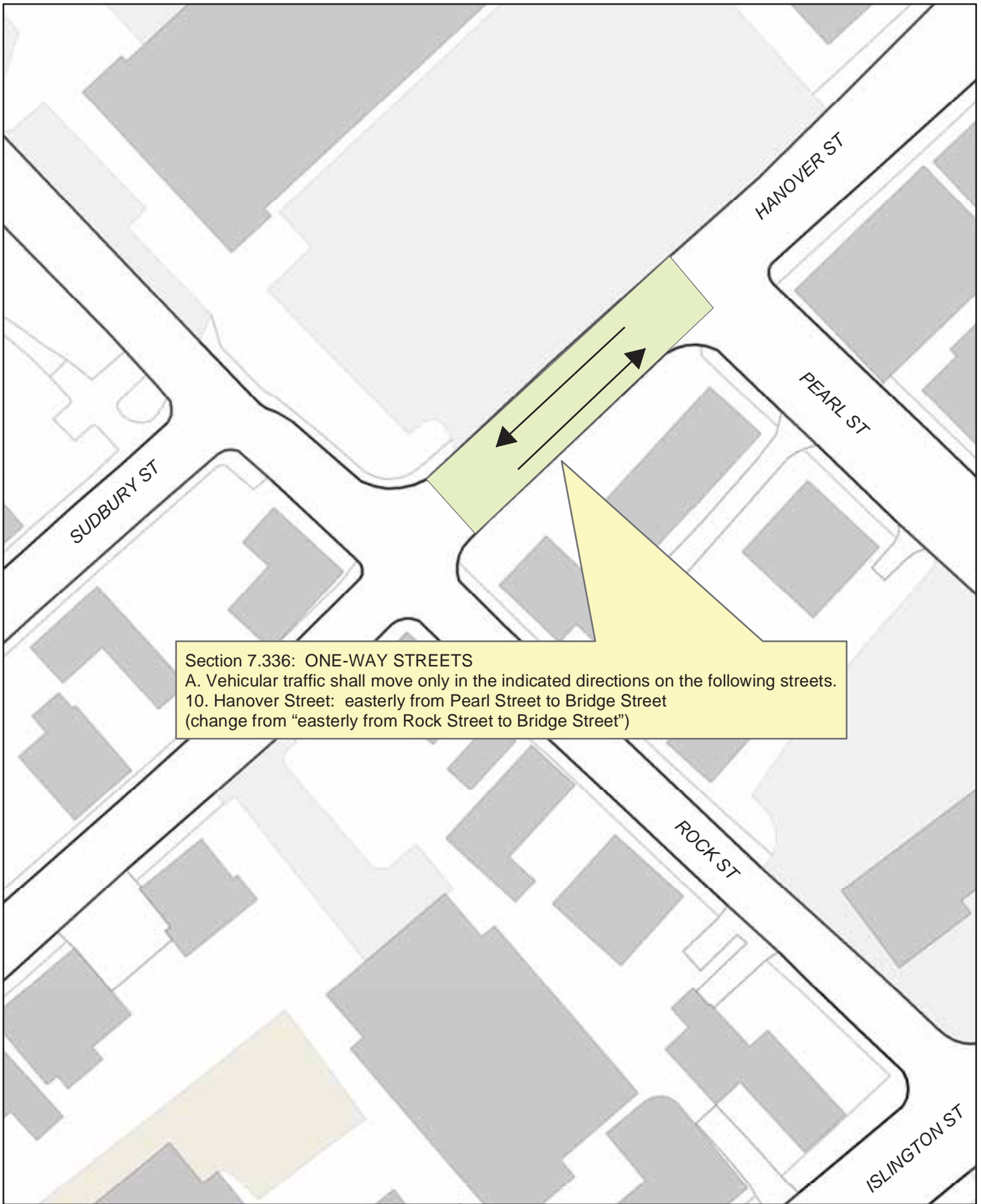
Section 7.330: NO PARKING
95.Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet
100.Ranger Way
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.

**Preble Way, No Parking
Portsmouth, New Hampshire**



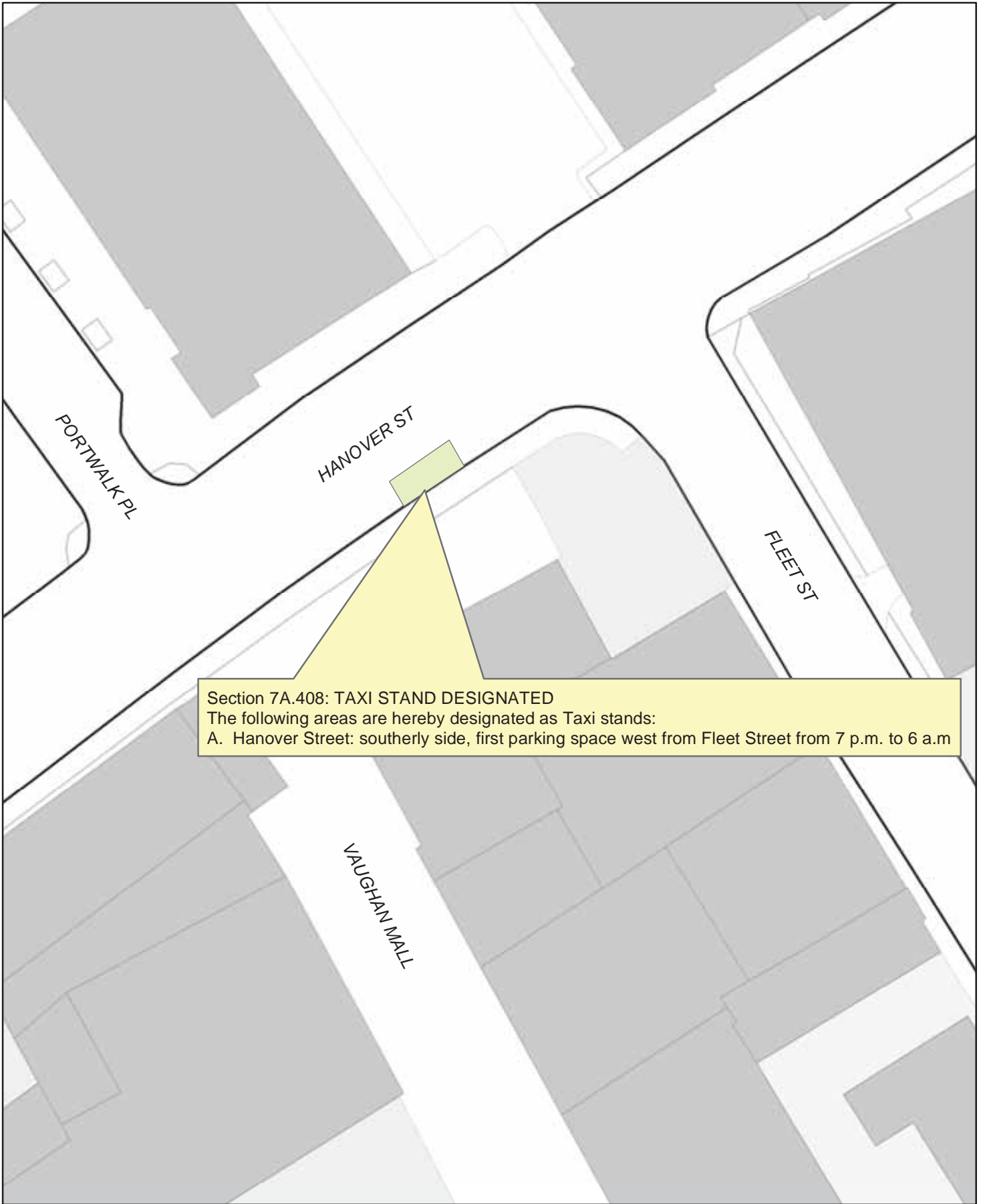
Section 7.330: NO PARKING
117. State Street:
f. both sides, from Piscataqua River edge, southwesterly for 76 feet,
to the end of State Street and the beginning of the extension of State Street.

**State Street, No Parking
Portsmouth, New Hampshire**



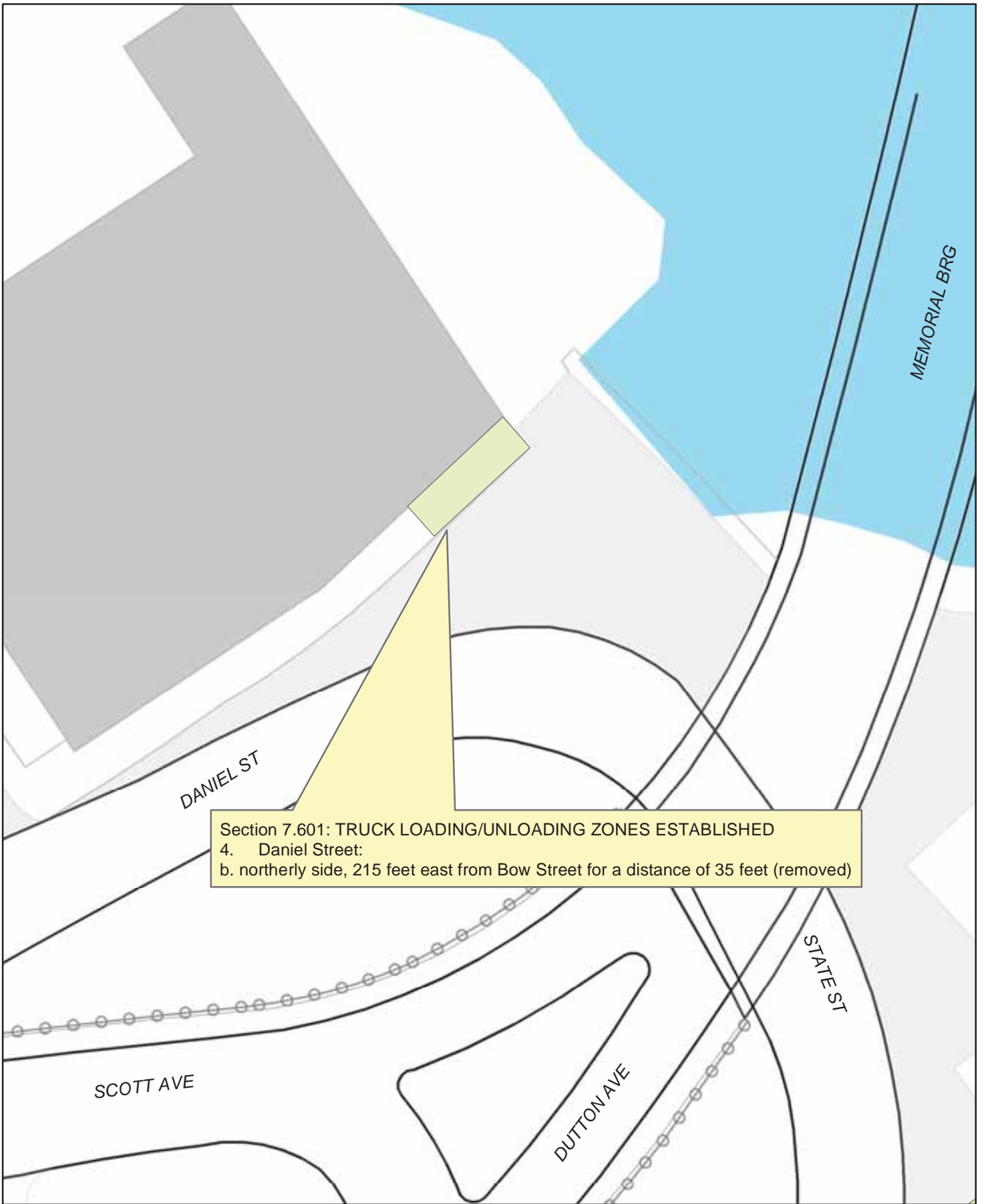
Section 7.336: ONE-WAY STREETS
A. Vehicular traffic shall move only in the indicated directions on the following streets.
10. Hanover Street: easterly from Pearl Street to Bridge Street
(change from "easterly from Rock Street to Bridge Street")

**Hanover Street, One-Way Streets
Portsmouth, New Hampshire**



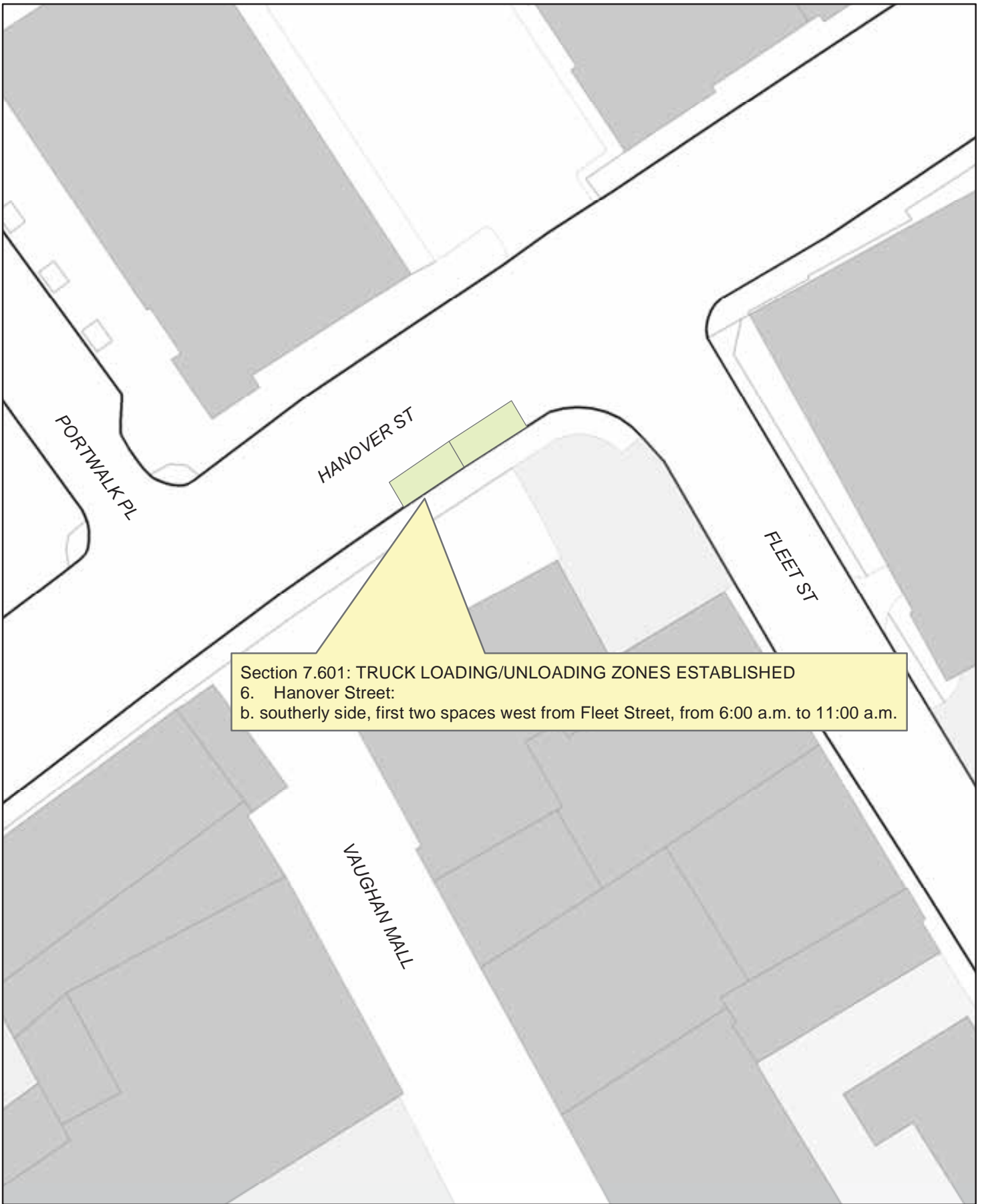
Section 7A.408: TAXI STAND DESIGNATED
The following areas are hereby designated as Taxi stands:
A. Hanover Street: southerly side, first parking space west from Fleet Street from 7 p.m. to 6 a.m

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



Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
4. Daniel Street:
b. northerly side, 215 feet east from Bow Street for a distance of 35 feet (removed)

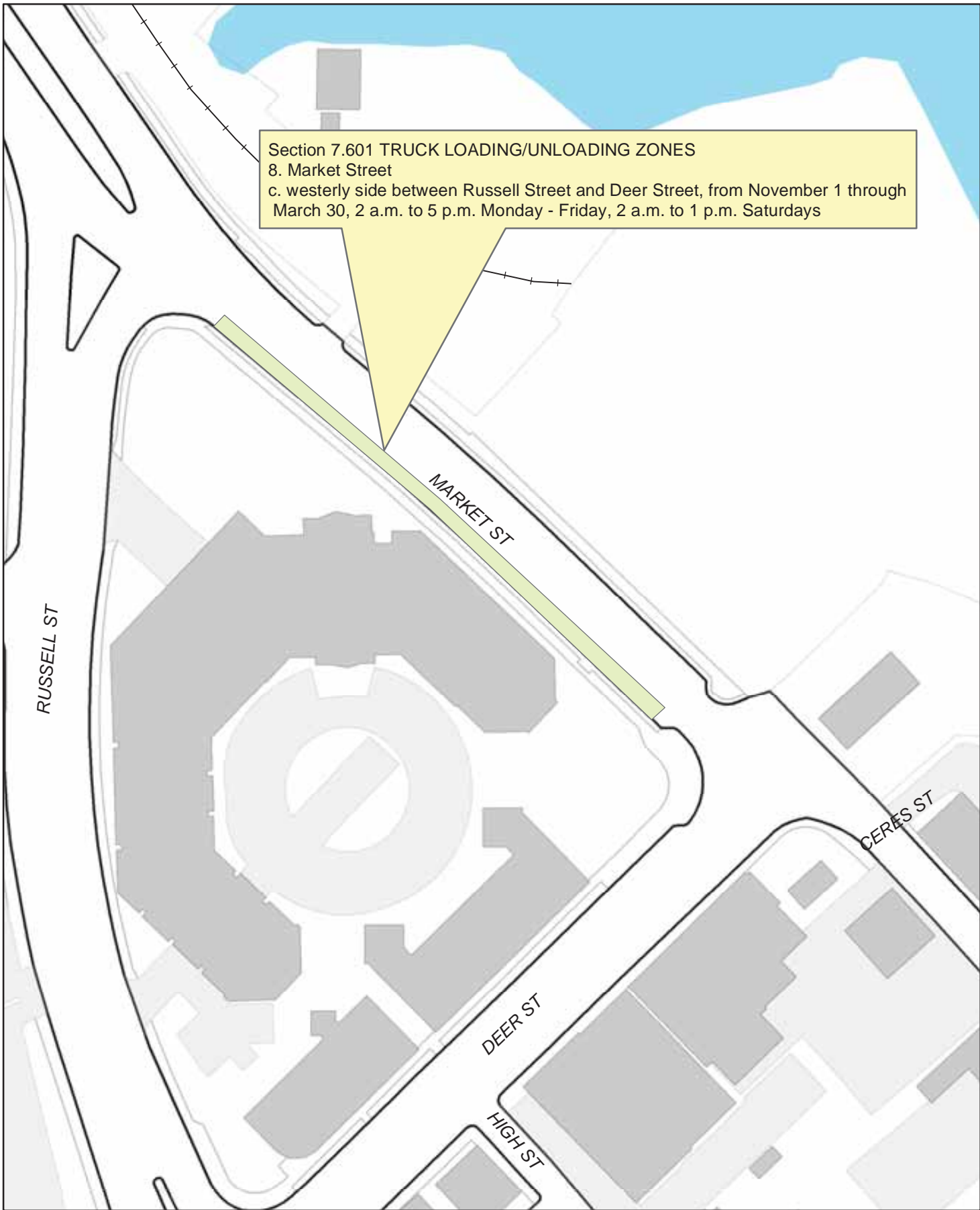
**Daniel Street , Truck Loading Zone
Portsmouth, New Hampshire**



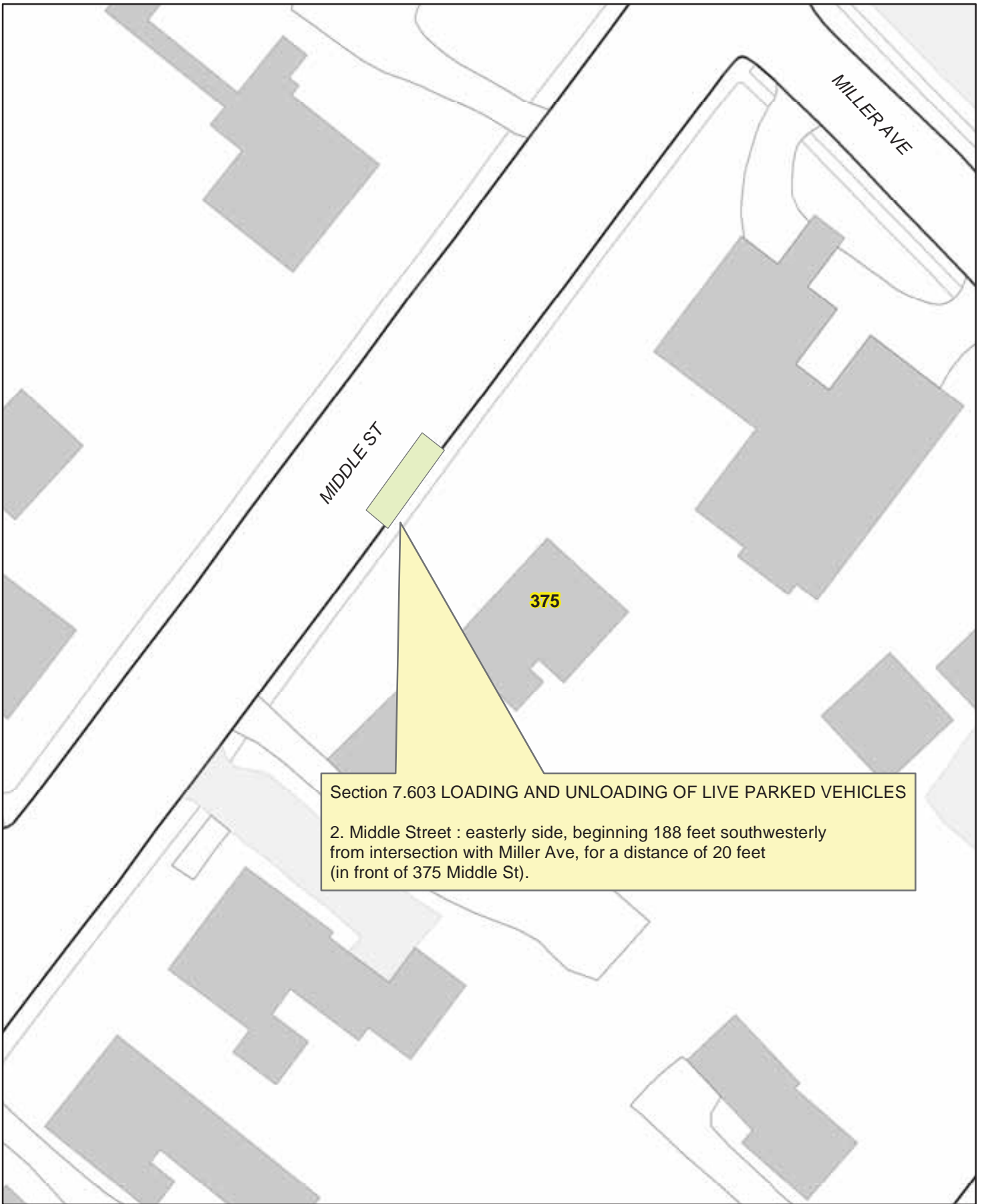
Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
6. Hanover Street:
b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.

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

Section 7.601 TRUCK LOADING/UNLOADING ZONES
8. Market Street
c. westerly side between Russell Street and Deer Street, from November 1 through March 30, 2 a.m. to 5 p.m. Monday - Friday, 2 a.m. to 1 p.m. Saturdays



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



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

Map prepared by Portsmouth Department of Public Works, 23 June 2014
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2014



SOUTH CHURCH
A UNITARIAN UNIVERSALIST CONGREGATION

292 State Street
Portsmouth, NH
603.436.4762

July 9, 2014

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

Re: **South Church Exterior Wood Louver Repair
License to Occupy a City Sidewalk**

Dear Mr. Bohenko:

I am a member of the South Church Property Committee working on an exterior louver repair project.

We are currently Bidding out the repair of the large exterior wood louvers located on the Court Street exterior elevation of the Church. Bids are due July 18th.

We respectfully request the City to allow the selected Contractor to erect scaffolding in front of the louvers on the Court Street sidewalk for access and repair/paint. We are anticipating the project to take about 90 days from start to finish, with a start date mid-August 2014.

The selected Contractor will be required to carry a \$1,000,000 general liability policy, with the City of Portsmouth named as Additionally Insured.

If we can provide additional information please let me know. Thank you.

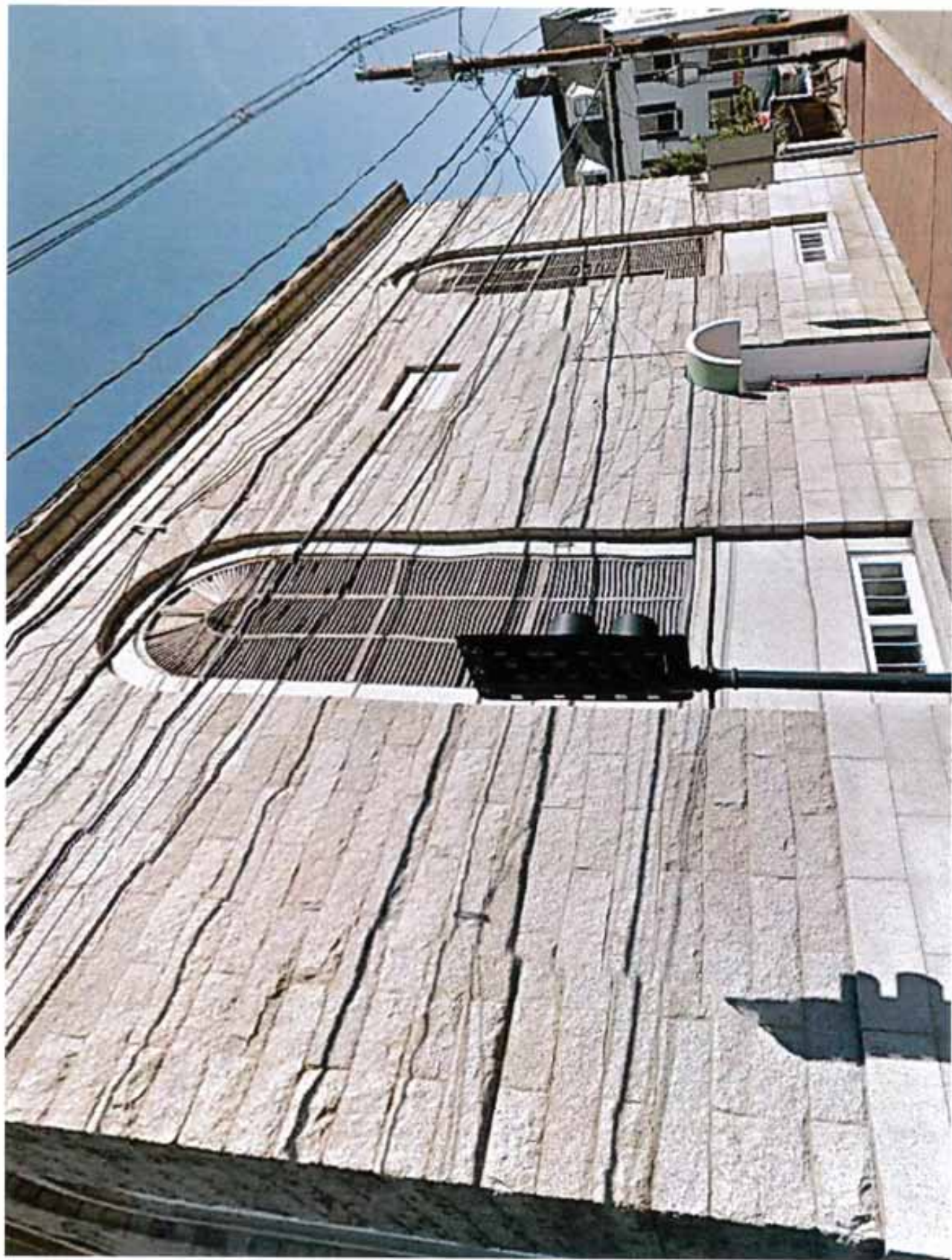
Sincerely,

Kelly Davis
South Church Property Committee

Office Phone 436-8891, ext. 12
Mobile 512-3000

File: S. Bjorkland; C. Holton-Jablonski; C. Freiermuth

South Church
Court Street view



Event Listing by Date

Starting Date: 6/16/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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
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

Event Listing by Date

Starting Date: 6/16/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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	BIKE TOUR This event begins and ends at Stratham Hill Park. The cyclists will be travelling through the city at approximately 10:30 a.m. and the last cyclist should be departing by 1:00 p.m. Travelling on Marcy Street onto Route 1B South.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	6/16/2014
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 McCoolle		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	11/18/2013
9/20/2014 9/21/2014	FAIR Caroline Amport Piper (603) 686-4338 This event is for two days.	South End	Friends of the South End	5/19/2014
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

Run: 7/09/14
9:20AM

Event Listing by Date

Page: 3

Starting Date: 6/16/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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 PPAF/Seacoast Communi	11/18/2013
11/27/2014 11/27/2014	ROAD RACE Contact: Matt Junkin		Seacoast Rotary Club	11/18/2013

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT*
DATE: June 24, 2014
RE: City Council Referrals –
- Architectural Design Review Outside Historic District
- Off-Street Parking Standards for Conference Centers

At its meeting on January 13, 2014, the City Council voted to refer to the Planning Board a number of proposed changes to various land use ordinances and regulations. Due to the volume of land use applications and other workload demands in the Planning Department, the Planning Board has not yet been able to address the following two items:

- Consider a process for architectural review for building projects located outside of the Historic District;
- Change the off-street parking standards for conference centers, convention centers and event centers from 1 space per 100 sq. ft. of gross floor area to 1 space per 2 persons of rated capacity.

The Planning Board discussed the off-street parking standard at its April 3 meeting but requested the Planning Department to do additional research into the practices of other communities.

I had hoped that these two items could be addressed at the Planning Board's June 19 meeting so that the Board's reports could be presented for the City Council's July 14 meeting. However, it was necessary to postpone consideration to the Planning Board's next meeting on July 17. Therefore, I expect that the reports will be provided for the August 4 City Council meeting.

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: David Moore, Community Development Director
DATE: June 25, 2014
RE: CDBG Annual Plan and Budget

At its meeting on May 8, 2014, the Citizens Advisory Committee (CAC) voted to recommend that you approve and submit the FY 2014-2015 CDBG Annual Plan and Budget. This year's CDBG Entitlement Grant from the U.S. Department of Housing and Urban Development (HUD) is estimated to be \$507,379. This amount represents a decrease of \$6,933, or 1.3% from last year.

As you are aware, the Citizens Advisory Committee makes an annual recommendation to you following a series of public hearings and meetings with Community Development staff and members of the Community in the winter and spring. Prior to submittal to U.S. Housing and Urban Development a public comment period on the draft plan is held.

These funds must be used to benefit individuals and families earning low and moderate incomes or people with disabilities. Once again this year, CDBG funds are allocated in the following general areas:

- Loans to income eligible families needing code repairs to their homes;
- Grants to residents requiring accessible modifications to their homes;
- Accessibility improvements throughout the City;
- Grants for operational costs to public service agencies; and
- Neighborhood and public facilities improvements.

I have attached a one-page summary of this year's CDBG budget recommended by the Citizens Advisory Committee.

I look forward to providing any additional information you may require.

cc: Dave Allen, Deputy City Manager
Adam Cannon, Special Projects Manager



Executive Offices

June 16, 2014

Mr. Adam Cannon
Special Projects Manager
1 Junkins Ave
Portsmouth, NH

Dear Mr. Cannon

With tremendous gratitude, we thank you for welcoming our Liberty Mutual Insurance employees and making this year's *Serve with Liberty 2014* Program a huge success.

As a gesture of our appreciation for the work involved in hosting a significant number of our employees, enclosed is a check donation from Liberty Mutual to the City of Portsmouth in the amount of \$2,000.

We look forward to working with you again next year for *Serve with Liberty*, May 4-8, 2015!

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa M. MacDornell".

Melissa M. MacDornell

Vice President, Director Corporate Public Affairs
Liberty Mutual Insurance



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Cable Commission

Name: Robert Capone Telephone: 603.436.1978

Could you be contacted at work? YES NO If so, telephone # 518.526.0187 (cell)

Street address: 34 Harrison Ave

Mailing address (if different): _____

Email address (for clerk's office communication): rob.capone@warebar.com

How long have you been a resident of Portsmouth? ~15 years

Occupational background:

Technology Coordinator at Oak Point Associates (Portsmouth):
Handle all technology implementation, maintenance and
user support for workstations, servers, plotters/printers,
network devices, IP phones and related technologies

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

Specifying and selecting Internet Service Providers,
Coordinating upkeep, repairs and support

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

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

Reasons for wishing to serve: Wish to offer my skills and time to serve Portsmouth

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

Registrar of Voters - same day registration

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

1) Lynne Langley 84 Porpoise Way, Portsmouth, NH 603-343-3782
Name, address, telephone number

2) Ron Paulin, Apt 206, Albacore Way, Portsmouth 319-3441
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 07/07/2014

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

JAN 19 2012

Committee: Conservation Commission

Initial applicant

Name: Matthew R. Cardin Telephone: (603) 851-1921

Could you be contacted at work? YES/NO If so, telephone # (603) 621-9259 Ext. 25

Street address: 202 Raleigh Way, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): mr.cardin@gmail.com

How long have you been a resident of Portsmouth? 3.5 Years

Occupational background:

I am an Environmental Scientist for TRC Environmental and previously, Normandeau Associates. I have been working in private environmental consulting throughout NH and the Northeast for the past 7 years. I am a Certified Wetland Scientist through the NH Joint Board of Licensure. I am mainly involved with managing natural resource field surveys and working with regulatory agencies to manage projects in an effort to avoid and minimize impacts.

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

I have previously worked, as an Environmental Consultant, in preparing City of Portsmouth Conditional Use Permit for a client to restore wetland and regulated upland buffer to impacts incurred at a residential home. The homeowner, Peter Britz, myself and the Conservation Commission worked together to design a wetland mitigation plan to restore function to the wetland area. I worked with Mr. Britz and presented to the Conservation Commission for design approval.

OVER
➔

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

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

Reasons for wishing to serve: I wish to serve the City with hopes of providing insight as a Wetland/

Wildlife biologist to preserving the City's natural resources and provide a dynamic approach to development, as an
environmental consultant, by using the best available science and performance standards available and assisting
with providing alternative solutions to minimize environmental impacts with regards to the conservation and
preservation of the City's natural resources. I'm also interested in engaging in the City/Community in the most
interesting/best way possible with my time.

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

I am an active member of the New Hampshire Association of Natural Resource Scientist (NHANRS) with a wetland
and wildlife discipline. I'm also a member of the NHANRS Legislative Committee with several other NHANRS
members. I was a Board Member for approximately 2 years at a regional mountain biking organization known as
C.L.I.M.B., Concerned Long Island Mountain Bikers, during my residence in Long Island, NY.

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

1) Phil Cohen, 114 Crescent Way, Portsmouth, NH, (603) 334-6705
Name, address, telephone number

2) Mark Mattson, 51 Cottage Street, Portsmouth, NH, (603) 319-5300
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 1/28/14

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

Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801
8/27/2012

January 28, 2014

Mayor Robert Lister
Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

Re: Conservation Commission Application

Mayor Lister and the City Council,

I have enclosed my application to be considered for the vacant seat on the City of Portsmouth's Conservation Commission. I am an Environmental Consultant as a wetland/wildlife scientist for TRC Environmental and previously for Normandeau Associates. I have worked with Peter Britz and presented in front of the Commission before and now wish to serve as part of that Board. I have been a proud Portsmouth resident for over three years. My wife and I have enjoyed living in the City immensely and now I wish to volunteer my time with hopes of having a bigger part in what makes this City so great.

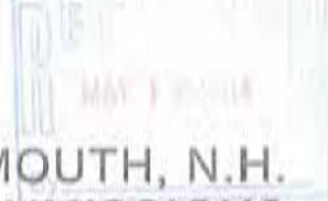
In my application, I specify that I will not be able to attend all monthly Conservation Commission meetings. If I am to be honest with the reality of my work schedule and it's tendencies, I would anticipate missing an average of two meetings a year due to short-term work travel commitments. I hope this isn't a discouragement on my application. I understand attendance is paramount and missing meetings will be avoided at the most extent feasible.

Thank you for your time and consideration. I have received a good deal of support from peers, friends and colleagues within Portsmouth and I'm more than happy to provide additional references if needed. Please don't hesitate to contact me at (603) 851-1921 or at mr.cardin@gmail.com with any questions.

Sincerely,



Matthew R. Cardin



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: HISTORIC DISTRICT COMMISSION Initial applicant

Name: VINCENT LOMBARDI Telephone: 603-828-2324

Could you be contacted at work? YES NO If so, telephone # 603-828-2324

Street address: 75 ALDRICH RD PORTSMOUTH, NH 03801

Mailing address (if different): SAME

Email address (for clerk's office communication): VINCE@DATA-ARCHIVE.COM

How long have you been a resident of Portsmouth? 28 YEARS

Occupational background:

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO ~~I WAS UNABLE TO FIND HIS CONTACT INFO~~

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

Reasons for wishing to serve: PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED

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

- 1) RICHARD CANDEE, 5 SCITUATE RD, YORK, ME 03909 - 207-363-6635
Name, address, telephone number
- TERI ENORELLI, 35 MIDDLE RD, PORTSMOUTH, NH 03801 - 603-436-2108
- 2) MARTHA FULLER CLARK, 152 MIDDLE ST, PORTSMOUTH, NH 03801 - 603-431-6626
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: May 19, 2014

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

Vincent Lombardi

Application for Historic District Commission

Occupational background:

For the past 25 years I have worked in computer technology. Since 1997, I have owned my own business Data Archive, LLC.

From 1985 to 1988 I was the associate director of Strawberry Banke Museum overseeing operations and facilities including the restoration and preservation of buildings. Before moving to the Seacoast in 1985, I worked for the National Park Service managing and consulting on urban historic sites in Boston and other areas.

Experience related to this Board/Commission:

As the Associate Director of the Strawberry Banke Museum, I oversaw the planning process and restoration of several buildings including Pitt Tavern, the Driscoll House and Ryder-Wood. Restoration planning included soliciting input from local residents throughout the process.

When I managed historic sites for the Boston National Historical Park, I oversaw the restoration of the Dorchester Heights National Monument. I was also a consultant on the restoration and interpretation of the African-American National Historic Site (Beacon Hill, Boston), the Lowell National Historical Park (MA) and the Women's Rights National Historic Park (Seneca Falls, NY). During this time, I served on the board of the Frederick Law Olmstead Association connected with Olmstead's historic home and office in Brookline, MA.

I have extensive experience serving on and leading Seacoast-area community boards including the Prescott Park Arts Festival, Seacoast (Southeast) Land Trust, Cross Roads House and the Lovering Health Center (formerly the Feminist Health Center).

Reasons for wishing to serve:

I have a long-term investment in the historic fabric of communities, especially Boston and Portsmouth. I believe that the historic character of Portsmouth is critical to our downtown neighborhoods, our economic growth and our cultural viability. Serving on the HDC would give me the opportunity to help preserve the traditional architecture and feeling of our city as well as shape its future development. I understand how challenging it can be to both conserve the old and welcome the new at a time when our community is experiencing extraordinary growth and development. I will work with my colleagues on the HDC to help our city remain vibrant and livable for families, businesses and tourists.



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Parking, Transportation and Safety Initial applicant

Name: Mary Lou McElwain Telephone: H 603 430 8619

Could you be contacted at work? YES/NO If so, telephone # Retired

Street address: 259 SOUTH ST.

Mailing address (if different): same

Email address (for desk's office communication): ML259@comcast.net

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

Occupational background:

Registered nurse, retired this year.

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

Transportation Study Committee - Acton, MA
Portsmouth Listens Transportation Study Circle 2013
Sustainable Portsmouth - Transportation - current



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

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

Reasons for wishing to serve: I have been a daily walker/cyclist since moving to Portsmouth in 1999. I am concerned for all who travel our streets. I am not an engineer but I am practical and analytical.

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

Womenaid of Greater Portsmouth, Seacoast Family Food Pantry,

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

1) Heather Thomsen South of Portsmouth NH 430 7707
Name, address, telephone number

2) Natalie Hassold Mt Vernon of Portsmouth NH 498 4936
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Mary Lou McQuinn Date: 11/29/13

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

Please submit application to the City Clerks Office, 1 Jurkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Recreation Initial applicant

Name: Lisa Louttit Telephone: 501-0278

Could you be contacted at work? YES/NO If so, telephone# 508-561-8169

Street address: 113 Bow St 3A Portsmouth, NH

Mailing address (if different): _____

Email address (for clerk's office communication): Lisagle@comcast.net

How long have you been a resident of Portsmouth? 2 years

Occupational background:

Real estate sales +20 yrs

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

I was an elected parks & recreation ~~board~~ commission member for 13 years, Town of Medfield, MA

OVER

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

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

Reasons for wishing to serve: _____

I miss working with people interested in recreation programs, parks & facilities. I am also on the Peirce Island Board & think the two committees fit well

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

Peirce Island
CASA of NH

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

- 1) Pat Bertrand 427-2413 66 Suzanne deWee
Name, address, telephone number
- 2) Lee Fredette 48 Echo Ave
~~436-1865~~ 436-0588
Name, address, telephone number

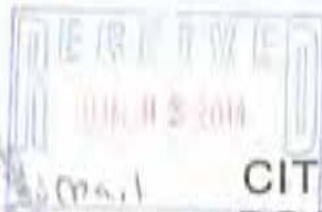
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Walouette Date: 3/5/14

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Board of Adjustment - Alternate Initial applicant

Name: Jeremiah Johnson Telephone: 603.303.9396

Could you be contacted at work? YES NO If so, telephone# 603.430.0274

Street address: 4 Fairview Drive

Mailing address (if different): Same

Email address (for clerk's office communication): flashjohnson@comcast.net

How long have you been a resident of Portsmouth? total of 10 years

Occupational background:

I am a Project Manager at McHenry Architecture in downtown Portsmouth. I focus mostly on design development, code review, and construction administration for small to medium sized commercial projects.

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

Working in an architectural office has provided me with the opportunity to work closely with many of the city's land use boards. Specifically, my experience with building codes and various use types would be the most pertinent to the Board of Adjustment. Working with a variety of clients and becoming part of the Portsmouth culture has also allowed me to really gain an understanding of Portsmouth's character and charm. I feel this can be of benefit, and help me to make decisions that are good for the future of our city.

8/27/2013

OVER
➔

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

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

Reasons for wishing to serve: I would like to give back to the community in which I live, and have become so invested in. My hope is that my interest in codes, zoning, and land use, and my professional experience, can provide some assistance to the other Board members.

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

- Leadership in Energy and Environmental Design (LEED AP BD+C)
- U.S. Green Building Council
- Coe-Brown Northwood Academy Senior Portfolio Review Committee

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

1) Steven McHenry 4 Market Street 603.430.0274
Name, address, telephone number

2) Eric Weinrieb 133 Court Street 603.433.2335
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 5/30/2014

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Jeremiah L. Johnson

4 Fairview Drive, Portsmouth, NH
flashjohnson@comcast.net
(603) 303-9396

SUMMARY OF QUALIFICATIONS

- * An organized, detail-oriented, and conscientious self-starter that's able to strategize and prioritize effectively to accomplish multiple tasks and remain calm under pressure
- * Innovative, enthusiastic, and uncompromising work ethic
- * Able to build strong relationships with coworkers and clients alike
- * Resourceful, insightful, and can adapt quickly to changes

EDUCATION

Masters of Architecture *May 2002*
Norwich University *Northfield, VT*
Bachelors of Science in Architectural Technologies *May 2001*
Norwich University *Northfield, VT*

RELEVANT SKILLS & EXPERIENCE

Project Management

- * Managed documents and coordinated meetings for all phases of construction of medium/large scale commercial and small health care projects
- * Participated in job meetings and site walkthroughs for large scale commercial projects
- * Collaborated with contractors to ensure specific adherence to working drawings and design intent
- * Worked with, and maintained, all documents pertaining to design and engineering consultants

Code Review

- * Performed building code review and worked in conjunction with local inspections departments on a variety of construction types and uses
- * Ensured new designs adhered to all applicable building and fire codes, and accessibility guidelines

Construction Drawings and Drafting

- * Proficient in hand drawings, computer aided drafting, and 3D modeling
- * Created and produced complete working drawing sets for a variety of project and construction types
- * Worked hand-in-hand with project architect to ensure efficiency in production of working drawings
- * Collaborated with consultants and team members to trouble shoot multiple types of construction details

Schematic Design and Design Development

- * Created unique architectural designs according to client's needs
- * Incorporated modern building techniques into historic renovation projects
- * Participated in material selection and determined initial job scope and specifications
- * Proposed design concepts for a variety of municipal renovations, additions, and new construction projects

Proposals, Presentations, and Marketing

- * Responded to a variety of RFPs for educational and municipal projects
- * Created original presentation materials including 3D models, perspectives, and site models
- * Presented project ideas to design teams, clients, and committees representing publicly funded projects
- * Designed marketing packages, brochures, proposal templates, and web sites for small architectural firms

Teaching

- * Instructed students in various drafting courses as part of their vocational and high school curriculum
- * Created classroom lectures, exams, projects, and evaluated and graded student work

EMPLOYMENT HISTORY

Project Manager, McHenry Architecture *October 2009 - Present*
CAD Instructor, Career and Technical Education Center NHDOC *May 2006 - October 2009*
Intern Architect, McHenry Architecture *May 2005 - May 2006*
Intern Architect, Sumner Davis Architects *April 2000 - October 2004*
Carpenter, Island Service Construction *May 1998 - April 2000*
IT Lab Technician, Norwich University IT Department *November 1997 - April 2000*

COMPUTER SKILLS

All Autodesk Applications, Revit, AutoCAD, DataCAD, Microstation, Sketch-Up, Adobe Photoshop, Adobe Illustrator, Adobe PageMaker, Microsoft Office Applications, Miscellaneous Software Application

VOLUNTEER HISTORY


Coe Brown Northwood Academy Senior Portfolio Review Committee *2010 - Present*
Participate on review committee for portfolio presentations of graduating high school seniors.
NH Highway Safety Agency and NH Liquor Commission Outreach Program *2007 - Present*
Work with multiple agencies to present outreach programs at over 30 high schools across the state
Habitat for Humanity *2002 - 2006*
Helped design and construct multi-family dwellings in rural Vermont

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the Mayor

DATE: July 10, 2014

TO: Portsmouth City Council Members

FROM: Robert J. Lister, Mayor 

RE: New Hampshire Retirement System Audit

Attached is a Memorandum from Dianna Fogarty, Human Resources Director indicating that the City was recently audited by the New Hampshire Retirement System. The only issue that NHRS found was that they were unable to find a letter on file where the City Council exempted the City Manager from the New Hampshire Retirement System.

It appears that when the City Manager was hired in 1997, the City Council did not exempt him from the New Hampshire Retirement System. Therefore, to come into compliance with the state law, the City has several options which Ms. Fogarty's Memorandum outlines.

The option that the City Manager has requested is No. 3, in which the City Council could choose to include the City Manager in the retirement system and petition the New Hampshire Retirement System for employee enrollment oversight. The City may also have to waive the statute of limitations defense. In order to purchase service credit enrollment oversight, the City Manager would have to file a petition with the New Hampshire Retirement System and elect to become a member of the New Hampshire Retirement System. This would allow the City Manager and the City to buy-back his time and get him vested in the system. Unless the City Manager gets the buy-back, he would not be vested for 10 years.

Ms. Fogarty did calculate the cost of this option would be estimated at \$30,745.00 for every year of service. The cost would have to be split 50% from the Employee and 50% from the City in accordance with state requirements. In order to have limited impact on the City's budget, the City Manager indicated that he is willing to pay his 50% to buy-back his years of service and he would amend his employment agreement in which he would give up 150 days of accumulated vacation, which he is entitled to as a pay-out upon leaving service from the City of Portsmouth (\$119,783).

In addition, he would give up his 401 which would save the City \$105,000 over the next three (3) years. If the City Council proceeded with Option 3, as outlined in Dianna Fogarty's Memorandum and the City Manager's recommendation upon on how to proceed with the buy-

back, the total net cost to the City would be estimated at \$36,549.00 or 7% of the buy-back and the City Manager's cost would be (\$486,115) or 93% of the buy-back.

The City could fund the buy-back from Leave at Termination which it would have to utilize in any event upon paying the City Manager his accrued vacation. It appears that the City Manager would be covered under the new rules of the retirement system (see attached information).

Given that this would have limited financial impact to the budget, I would recommend that the City Council proceed with the following:

1. That the City of Portsmouth waive its statutory limitations defense, if necessary, for the City Manager to buy back his years of service with the City of Portsmouth.
2. To allow the City Manager to file a petition with the New Hampshire Retirement System and become a member of the New Hampshire Retirement System with the ability to buy-back his years of service with the City of Portsmouth.
3. That the City and the Employee split the contribution 50% Employee and 50% City with the changes to the City Manager's Employment Agreement eliminating the cost of his 401 and the give back of 150 vacation days. Again, this would allow the net cost to the City to be estimated at \$36,549.00.

In light of the many achievements of the City Manager over the past seventeen (17) years and the positive progression within the City, including the continued upgrade to the AAA bond rating by Standard and Poors', this AAA bond rating has and will save the City hundreds of thousands of dollars in its budget over many years. In addition, the City Manager has moved the community ahead in a very positive way both from a financial and quality of life standpoint over the past seventeen years while he has served as our City Manager. He has worked with EPA to implement a citywide sewer replacement program and initiated the process to build a new wastewater treatment facility on Peirce Island, instituted numerous sustainability initiatives including Silver LEED certification for the new library, fire station, and water treatment plant, implemented many technology improvements, updated a master plan, and completed many other improvements that are too numerous to mention.

I recommend that the City Manager should be recognized for his years of service and this would be an appropriate way to do so without having any major costs to the taxpayers.

In addition to Items 1-3, the following Amendment to the City Manager's Employment Agreement would have to be made to Section 14, Paragraph B, of the City Manager's Employment Agreement, which now reads:

"The City shall execute the necessary agreement allowing the Employee to enroll in the International City Management Association's Retirement Corporation 401(a) Money Purchase Plan. Effective July 1, 2000 the City agrees to contribute an amount equal to and not to exceed twenty (20%) percent of the employee's compensation. The Employee shall be required to match the City's contribution with an amount not to exceed ten (10%) percent of his compensation. The City shall file for immediate vesting in the Plan for Employee."

Proposed Revised language: Effective upon vote of the City Council the Employee will be enrolled in the New Hampshire Retirement System. The City will waive any statute of limitations defense, if necessary, on the buy-back from the date of hire of the City Manager on March 24,

1997. The Employee shall be responsible for fifty (50%) percent of the buy-back and Employer will be responsible for fifty (50%) percent of the buy-back. In order to reduce the City's liability, the Employee will turn back 150 accumulated vacation days, which would equal \$119,783 and the twenty (20%) percent contribution to the Employee's 401 Plan. In the event the Employee is unable to buy-back the seventeen (17) years of service and be one hundred (100%) percent vested in the New Hampshire Retirement System, then the Paragraph B shall revert to the contract language of October 23, 2012. All other language in this Agreement dated October 23, 2012 shall remain in full force and effect, further, any other action deemed necessary by the Mayor's memorandum dated July 10, 2014.

c: John P. Bohenko, City Manager
Kelli L. Barnaby, City Clerk

City Manager Retirement Buy Back

Covered Under New Retirement Rules:

- 1) Age 65 rather than 60
- 2) 1.5% x years rather than 1.67% x years
- 3) No accrued sick or vacation towards retirement

Cost to buy back \$30,745 per year. This is split 50% employee / 50% employer:

$$17 \text{ years} \times \$30,745 + \$522,665/2 =$$

\$261,332 employee cost

\$261,332 City cost

Proposal:

Employee pays	\$261,332
Employee gives up 150 days of accrued vacation for the City to pay its portion	(\$119,783)
Employee gives up 401 future contributions $\$35,000 \times 3 \text{ years} =$	(\$105,000)
City's net cost would be	\$ 36,549*

*City pays \$36,549 or 7% and employee pays \$486,115 or 93% of buy back.

CITY OF PORTSMOUTH



HUMAN RESOURCES DEPARTMENT

Date: June 11, 2014

To: John P. Bohenko, City Manager

From: Dianna L. Fogarty, Human Resources Director

A handwritten signature in blue ink, appearing to be "D. Fogarty", is written over the "From:" line.

RE: New Hampshire Retirement System


Recently, the City was audited by the New Hampshire Retirement System. The only issue that NHRS found was that they were unable find a letter on file where the City Council exempted you as the City Manager from the New Hampshire Retirement System. It appears that when you were hired in 1997, the City Council did not exempt you from the Retirement System. Therefore, to come in to compliance, the City has several options which I have outlined below:

1. In order to retroactively exempt you individually from mandatory membership, it must be done in public session based on the relevant sections of RSA 100-A:3, I(a) and 22; RSA 91-A:2, I; and RSA 33-A:3-a. A municipality could go into a nonpublic session under RSA 91-A:3, II, to address your situation as a nonpublic personnel matter, but any action to exempt you from membership should be preserved in the public minutes.
2. NHRS would accept a letter authored by a member of a municipality's City Council Chair as meeting the intent of the RSA 100-A:22 exemption. In other words, as an alternative, the City may send NHRS a letter from the Mayor in order to comply with 100-A:22 re: action to authorize the CAO's exemption.
3. It may be possible, that the City Council could choose to include you in the system and petition NHRS for an employer enrollment oversight. The City may also have to waive the statute of limitation's defense. To purchase service credit for employer enrollment oversight, you must file a petition with the New Hampshire Retirement System, and elect to become a member of NHRS. This would allow you and the City to buy back your time and to get you vested in the system. I have calculated the cost of this option to be \$30,745.83 per year of service. This cost would be split 50/50 between you and the City.

I would recommend that a non-meeting be held with counsel be held on June 16th so we can discuss the different options to determine which direction the City Council would like to pursue.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the Mayor

DATE: July 9, 2014
TO: PORTSMOUTH CITY COUNCIL MEMBERS
FROM: ROBERT J. LISTER, MAYOR 
RE: PORT ADVISORY COUNCIL


For your information, I will be attending the September 17th Port Advisory Council meeting at 6:00 p.m., along with representatives from Promote Our Port (a/k/a Save Our Working Port). Councilor Kennedy is on the Port Advisory Council and she will be at this meeting as well.

All other Council Members are invited to attend. The meeting takes place at the Marine Terminal Building at the Port on Market Street.

c.: John P. Bohenko, City Manager

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the Mayor

DATE: July 9, 2014
TO: PORTSMOUTH CITY COUNCIL MEMBERS
FROM: ROBERT J. LISTER, MAYOR 
RE: BOARD APPOINTMENT TO PPMTV

For your information, I am nominating Howard Altschiller to become a member of the PPMTV Board per the recommendation of the PPMTV Board of Directors.

c.: John P. Bohenko, City Manager
Suzanne Woodland, Deputy City Attorney

PORTSMOUTH CITY COUNCIL MEMORANDUM

TO: CITY COUNCILORS
FROM: JACK THORSEN
SUBJECT: I-95 SOUND BARRIERS FOR PANNAWAY MANOR (SHERBORNE) AND OTHER NEIGHBORHOODS
DATE: JULY 9, 2014
CC: CITY MANAGER

Last year Executive Councilor Chris Sununu held a presentation by the Department of Transportation (DOT) to discuss the DOT 10 year infrastructure plan. Many residents attended the meeting and some spoke in support of funding for the construction of sound barriers along I-95. Following the meeting, the executive councilor said that he would press for those barriers on our behalf.

On May 24th of this year, I sent an email to the executive councilor requesting that he follow up on this issue as promised, which he promptly did. Mr. William (Bill) Cass, DOT Director of Project Development, responded. Both emails are attached.

Mr Cass' response gives reasons for not moving ahead with barrier construction.

Following receipt of the DOT response, City Councilor Stefany Shaheen and I reached out to and met with with the Sherborne Civic Association Chairman, Mr. Aaron Garganta to discuss next steps. An email back from Mr. Garganta is attached.

In our meeting we concluded that this issue is a serious health and quality of life concern for our residents alongside I-95, that we are experiencing bureaucratic blockage to solving this problem, and that political action and other creative methods must be sought to overcome the reluctance by the DOT to take action.

We decided to bring this issue to the City Council at this time for discussion. In part, we would like to see action taken by the city to solve this problem, and request that the City Council approve the following:

1. Ask the city to conduct a study to determine where noise barriers are needed along I-95 and US 4, to include where barriers currently exist and don't exist, what types are currently used (visual vs. noise-reducing), and what neighborhoods and homes are affected;
2. Ask the city to obtain the results of all previous noise studies conducted by the DOT, and to conduct a new study of noise levels in the various neighborhoods affected, whether that is accomplished by the city or via request to the DOT for new studies;
3. Ask the city to research whether there are federal or state grants available to the city, or federal grants available to the state, to pay for barriers;

4. Ask the city attorney to perform an initial review of the federal requirements in place at the time that I-95 was constructed and at the time of any expansion to determine if there was in fact a requirement for noise mitigation at the time of construction;
5. Ask the city and/or mayor to write a letter to our federal delegation requesting assistance in obtaining grants, or other applicable actions available, including but not limited to grants through new infrastructure legislation; and
6. Ask the city and/or mayor to write a letter to our state governor, with copy to our state delegation and the head of the DOT, requesting action by the state to give the barriers a higher priority in the current 10 year plan published by the DOT, with the view to inserting the construction of the barriers into the next plan modification cycle that happens every two years.

The above official action is just a starting point. Resolving this problem is long overdue.

Thank you for your kind consideration in this matter.

Sincerely,

Jack Thorsen

City Councilor, City of Portsmouth

Attachments

Email from Executive Councilor Chris Sununu to DOT Director of Project Development, June 5, 2014:

Bill,

During the Ten Year Highway plan process I pushed hard to get something done in terms of an I-95 sound barrier at the Pannaway Manor neighborhood in Portsmouth. I cannot find my detailed notes from that discussion, but I seem to remember it wasn't just a matter of funding the approximate \$2 million, but it was a difficult issue logistically because it was along I-95 (Federal Highway). I am asking because one of the Portsmouth City Councilor's (Jack Thorsen, cc:ed on this email) had inquired about it recently and I was hoping you could help explain the challenges to that potential sound barrier project from the DOT perspective. Thanks and I apologize for asking

you to cover the same tracks twice on this issue.
-Chris

Christopher T. Sununu

New Hampshire Executive Council - District 3

Email response from DOT's Mr. Cassy, June 6, 2014:

Councilor Sununu,

We base consideration for sound walls on our established policy which is in keeping with federal guidance on the issue. We only consider sound walls in conjunction with major reconstruction projects (Type 1) for which we are required to analyze the noise impacts as part of the federal required National Environmental Policy Act (NEPA) documentation. There is a two level assessment to see if noise levels exceed mitigation thresholds and then if a barrier would be cost effective. I am pretty sure from noise measures taken in the past that the Pannaway Manor neighborhood would meet criteria to warrant mitigation (i.e. sound walls). The issue is that we do not have a Type 1 project in the area under which I could be done. Some States do have a program to consider building sound walls as independent projects (a Type 2 policy), but NH does not.

Also note that I-95 is part of the Turnpike system meaning such a sound wall (or type 2 policy if one were to be considered) would fall under the Turnpike Capital expansion program. As you know, there are a number of unfunded turnpike priorities in the Ten Year plan that to accomplish would require a toll increase.

I hope this answers your questions.

Email from Sherborne Civic Association Chairman Aaron Garganta, June 8th, 2014, responding to me after I sent the above two emails to him for review:

Hi Jack,

I appreciate your tenacity with keeping this in the in front of Chris. I'm not surprised by the DOT response, it's the same recording we've heard for decades. They hide behind the limits of their construction rules.

My argument is still that at the time of I-95 expansion in the early 70's they were

federally mandated to assess and mitigate potential noise impacts on affected neighborhoods. I find it difficult to accept that they assessed the impact over here and decided that a barrier was not necessary considering the traffic is only 70+/- from homes. In short, they owe us a barrier because the Type 1 construction project happened back in the 1970's. We've already had them (DOT) admit at the hearing in Concord that there is no other location in the State with the volume of highway traffic that we have here in the seacoast. You could also argue that all neighborhoods along I-95 here in Portsmouth should receive a sound barrier and make it a city-wide issue and not just a Pannaway problem.

I'm open and available to writing to or meeting with whoever you think might provide the kind of support we need to overcome the political hurdles necessary to get this on the Ten Year plan, funded and completed.

Thanks Again!

Aaron

ACTION SHEET
PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Brad Lown, Chairman

To: City Council Meeting of July 14, 2014

Re: Parking and Traffic Safety Committee Meeting held **June 12, 2014**

ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held May 8, 2014.
- [2] Accepted and placed on file the Financial Report.
- [3] **Action Item - Request to Study Intersection of Woodbury Avenue/Franklin Drive for Possible Warrant of a Signal** – VOTED to have Public Works work with the State to study the intersection and determine next actions.
- [4] **Action Item - Parrott Avenue Lot as Paid Public Parking** - VOTED for Public Works to do additional research and report to committee.
- [5] **Action Item - Alternative Route for Truck Traffic in the Atlantic Heights** – VOTED to have David Moore provide an update on this item at the August Parking and Traffic Safety Committee Meeting.
- [6] **Action Item - Transportation Center** – VOTED to have New Transportation Center topic included as part of Master Plan.
- [7] **Action Item - Annual Renewal of Valet Licenses** – VOTED to renew the valet parking licenses for another year.
- [8] **Action Item - “No Parking” areas around intersection of Preble/Ranger Way** – VOTED to establish “No Parking” area on Preble/Ranger Ways.
(This item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance)

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, June 12, 2014
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Councilor Brad Lown, Chair
Dave Allen, Deputy City Manager
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Peter Rice, Public Works Director
Ronald Cypher, Member
Shari Donnermeyer, Member
Ted Gray, Member
Harold Whitehouse, Member

Staff Advisors Present:

Mark Nelson, Parking Division Director
Tom Cocchiaro, Parking Operations Supervisor
David Moore, Community Development Director
Rick Taintor, Planning Director

III. ACCEPTANCE OF THE MINUTES:

Mr. Whitehouse moved to accept minutes of April 10, 2014 and May 8, 2014, seconded by Mr. Rice.

Motion passed

IV. FINANCIAL REPORT:

Mr. Whitehouse moved to accept the Financial Report and place on file, seconded by Mr. Rice.

Motion passed

V. NEW BUSINESS:

- A. Action Item: Request to Study Intersection of Woodbury Avenue/Franklin Drive for Possible Warrant of a Signal

Mr. Nelson spoke with Mr. Scarlotto, a State Representative, who informed Mr. Nelson that parents expressed safety concerns when exiting and entering the Woodbury Avenue/Franklin Drive intersection during school hours.

A letter was received from George Shea, Principal of New Franklin School, detailing the safety concerns, and asking about appropriateness of a traffic signal there.

Mr. Rice said that a warrant study would be needed to validate a traffic signal. Public Works has asked New Hampshire Department of Transportation (NHDOT) to add this intersection to the design to replace the Woodbury Avenue Bridge over the By-Pass. NHDOT has indicated that they will not add the task, so an alternative solution may be a letter from the Mayor requesting a study be done in this intersection and added to the design.

Mr. Whitehouse added that the traffic there has increased considerably. He recommended a patrol car be present in the intersection during the beginning and ending of school to ensure safety until a permanent solution is determined.

Mr. Rice said that Public Works has reached out to NHDOT relative to traffic detours related to the Maplewood Avenue bridge project. Mr. Rice agrees that traffic volumes may increase, and merits a study and a solution to make the intersection safer. He said that he and Captain Warchol can work to have a traffic count and a stealthstat completed as this is also part of the warrant evaluation to determine the need for signals. The intersection is directly related to the work done on the off-ramp to the bridge so it may justify NHDOT making this intersection a part of their scope of work and responsibility.

Deputy City Manager Dave Allen suggested Mr. Rice go forward and follow up with NHDOT to include this intersection in their project design.

Mr Whitehouse referred to past agreements the hotels have with the School Department in case of traffic problems in the intersection of Woodbury Avenue and Franklin Drive.

Ms. Donnermeyer moved for Public Works to work with the State to study the intersection to see what should be done, seconded by Mr. Gray.

Motion passed

B. Action Item: Parrott Avenue Lot as Paid Public Parking

Mr. Rice said this item should be referred to staff for an evaluation to determine the impacts on residents and businesses in this area regarding parking. This evaluation should consider other actions such as improved remote lots with shuttles to help with parking for those who work or have businesses downtown. It must consider residents in the area who need off-street parking during snow storms, as well as those residences that have no parking.

Councilor Lown moved for Public Works to do additional research and report back to committee, seconded by Mr. Rice.

Motion passed

C. Action Item: Alternative Route for Truck Traffic in the Atlantic Heights

Mr. Rice introduced David Moore the Director of Community Development for the City. Mr. Moore, the City's point person on this initiative, provided a summary of background information on this topic.

He indicated that in 2012, the Parking, Traffic, and Safety Committee heard a presentation related to emergency access in and out of the neighborhood. At the time, the neighborhood requested the City look at this issue. The City hired Tighe & Bond to study potential emergency routes out of

the neighborhood in the event of the failure of the primary passageway into the neighborhood - Kearsarge Way including Kearsarge Bridge over the railroad. He indicated the study identified a number of risk areas and developed a recommendation, accepted by the committee, of an alternative route out of the neighborhood over PSNH property (including over a portion of the existing PSNH-owned "Boat Road"), which would be used only in the event of an emergency evacuation. The City has been working with PSNH to improve existing access and make improvements. At that time, the City was also asked to look at the creation of a new permanent road that would separate the truck traffic coming from the Irving Terminal and other industrial property at Preble Way. In order to exit the truck traffic and avoid Kearsarge Way, a new road would need to be built east of the 95 bridge and link to Michael Succi Drive. The City added to the scope of the study for this item, and a new road was laid out that included the creation of a new road along the State's Right-of-Way under the I-95 bridge, two private property purchases or takings, the building of a new road to City standards that would outlet onto Michael Succi Drive, and the creation of, and signalization of, the intersection at Market Street Extension and Michael Succi Drive. Mr. Moore explained the permanent road would travel alongside the I-95 Bridge and the railroad tracks, two areas that were identified as risk areas to be avoided in the analysis of locating a secondary access route that was part of the initial study that resulted in the recommendation of an emergency route access through the PSNH property. The total cost of the new roadway at that time was estimated to be over \$1.3 million and did not include legal costs and land acquisitions costs associated with new land purchases/takings.

In 2012, the Parking, Traffic, and Safety Committee recommended the City move forward with the recommendation in the initial study and work has continued with PSNH toward this end. Negotiations for a route that uses a portion of the boat road continues, meanwhile, the City has worked cooperatively with PSNH on a number of near term improvements. First, in 2013 the City and PSNH recommitted to an agreement that includes the use of the Boat Road for emergency access in the event of an emergency. Public Works, Fire, and Police developed an interdepartmental memorandum of understanding for its usage during an emergency, including opening gates (in partnership with PSNH) and assisting users at both ends of the road. In addition, the Public Works Department worked with PSNH to install "emergency evacuation" signage along the boat road. PSNH has also agreed to work with the City to make substantial improvements to the existing boat road in order to improve its utility in the event of an emergency and \$50,000 was identified in the CIP for this purpose. The FY 15 Budget having just been adopted, will permit that project to move forward.

Atlantic Heights Association Co-Chair Del Morse addressed the Committee. She understood the issues to be re-routing of the trucks and a permanent secondary access road for Atlantic Heights. Ms. Morse said neighborhood members did not know that the boat road was a temporary access road, or the purpose of the lock box. She said she understands residents should contact the Fire or Police Department if they need to exit the area using that road, but stated that they need to be informed of the protocols, contact names and phone numbers. Ms. Morse stated this is a safety concern for her neighborhood; hers is the only neighborhood that has one egress in and out, and they want this safety issue addressed.

Councilor Lown enumerated the areas of concern: adequacy of the emergency egress, and an alternate route for trucks.

Mr. Moore provided his suggestions for next steps related to the boat road. First is a review of protocols of existing interdepartmental agreements with Public Works, Fire, and Police Departments to ensure operational readiness for the boat road. The second action is to continue

work with PSNH and begin implementation of the newly allocated CIP funding for boat road improvements. The third action is to perform outreach activities to the neighborhood about the existing agreement and protocols as well as planned next steps for emergency access. Mr. Moore agreed with Ms. Morse that making the neighborhood aware of the existing emergency plans and route is important and he has discussed this with the various City departments and PSNH.

Mr. Rice responded that staff has looked closely at this issue and have put together a plan of action which outlines a number of alternative routes. All possible alternatives require acquisition of private property to some extent. The City does not have willing partners to purchase properties needed for the permanent secondary road, and therefore it would require taking property from Irving Oil or the Gypsum Plant.

Mr. Rice stated there is not a simple quick solution to move forward to address the issues, and being cognizant of emergency access needs, staff has looked at what could be done to get the boat road most functional as a temporary solution while other actions continue to be reviewed.

Mr. Whitehouse moved to have David Moore report back with an update on this item in August; Committee members agreed, seconded by Mr. Cypher.

Motion passed

D. Action Item: Transportation Center

Councilor Lown stated a request came from Councilor Kennedy, with the objective that the PTS Committee look into establishing a Transportation Center.

Mr. Rice responded that there are two examples of transportation centers in the City, the first is the C&J Bus Terminal/Park & Ride. The C&J location is considered a multimodal type of center. The Hanover Street Garage is another type of transportation center; it has buses, a shuttle service, and parking. This is an example of a parking garage type of transportation center. He stated that this request has been referred to us with little definition as to the end vision and goal. The staff can provide examples of possible types of centers, their functionality and where it could be placed within the City.

Deputy City Manager Dave Allen suggested that the Transportation Center be included in the development of the City's Master Plan.

Ms. Donnermeyer moved to have discussion of a New Transportation Center be discussed as part of the Master Plan, seconded by Mr. Allen.

Motion passed

E. Action Item: Annual Renewal of Valet Licenses

Mr. Nelson stated that there are two private entities with licenses; Atlantic Parking Services (which has spots on Pleasant, State and Bow Street), and the 100 Club, with one spot on Hanover Street. Both companies adhere to license agreement terms to Valet Park, with license terms from July 1, 2014 thru June 30, 2015.

Ms. Donnermeyer moved to renew the valet parking licenses for another year, seconded by Mr. Gray.

Motion passed

VI. OLD BUSINESS:

Discussion Item: "No Parking" areas around intersection of Preble/Ranger Way

Mr. Nelson said this item is a follow-up from the previous month, where staff was asked to determine the turning radii into and out of the Preble/Ranger Way intersection to establish the required "No Parking" zone for oil trucks to negotiate entry into the tank farm. The dimensions, (as shown on the exhibit) are 70 feet on one side and 50 feet on the other side (of Ranger Way), and 65 feet away from the oil tank farm gate along Preble Way. Parking Division staff proposes this change in the ordinance and to post the area with appropriate signage.

Councilor Lown moved to recommend an ordinance change in accordance with the diagram submitted in the agenda packet, seconded by Mr. Gray.

Motion passed

VII. PUBLIC COMMENT:

First speaker was Joe Caldarola, who lives at 170 Dennett Street. He said residents who live near the Frank Jones intersection are bothered with the directional signage problem when turning onto Woodbury Avenue heading towards the Mall. Because of the increase of traffic in this area excess traffic is flowing over onto nearby residential streets due to signage problems.

There is a concern from Cutts Street residents about the kids walking downtown once the Maplewood Bridge is closed. They will likely be using the alley heading to Market Street. There is an unbuilt sidewalk on Market Street with overgrown weeds that needs to be cleared. It would be an easy task to clear the weeds and put gravel down so there is a place for people to walk.

Regarding Parrott Avenue and charging for parking spaces, he supports the comments made that we need to take a comprehensive look at the parking and traffic situation and be cautious about changing one aspect. He said it may cause chaos and we have to look at the whole picture including residential parking and extending the area. A parking scheme would need to address low wage employees and residents alike. The shuttles would also raise some concerns since there are a large number of spaces at CCC and Parrott Lot. In addition, we need to define where the permanent shuttle location should be. Currently the shuttle pilot is going well which is a positive indication.

Islington Creek residents want extended residential parking for their area. Ken Smith mentioned that enforcing the laws around parking in residential areas has not been adhered to. He said that Law Enforcement has the only power to write tickets under the current law. If the law were changed to allow others to ticket for violations of parking rules in residential areas, this would help resolve some of the issues. Making changes such as this would also be an issue that would need to be addressed as part of a comprehensive plan.

He said consultants have met with Rick Chellman through the years and have consistently expressed the need for concentric pricing, where it would be more expensive to park closer to downtown and less expensive as you move further away from the downtown area of the City. He recommended developing a rational comprehensive parking scheme based on contextual circles with exceptions set forth for residents and employees that work in the downtown area.

Other areas of concern are taxi reform to manage increasing costs, lease rates at Hanover Garage, expanding valet parking, and smart wayfinding and signage. These items and others would benefit if a complete comprehensive evaluation were done.

Second speaker was Doug Roberts, who lives at 247 Richards Avenue. He said he agrees with Mr. Rice, that there needs to be a more comprehensive approach to solving parking problems in the City. In order for people to understand the issues as a whole, there needs to be a clear statement of purpose; what type of problems are trying to be solved, followed by potential solutions. He stated that Shoup's third philosophy on parking is understanding that parking money should go to improve the district where the parking is taking place. If the intent is to profit from the money raised to supplement the general fund, this is distorting the whole parking process. There should be a dedicated fund set up to be used to make improvements in the area. Shoup advocates for parking increment finance, where you take earned revenues and dedicate them to be used for improvements in the downtown area only.

He said that, concerning issues with parking, it seems as if a transportation center is needed, and incorporating parking together with transit makes sense. Transit improvements should be included as part of the incentive to address parking issues. Parking and transit issues should be included in the whole plan but the funds should be allocated within separate divisions of Public Works.

VIII. INFORMATIONAL:

A. Sagamore Avenue Upgrade Status

Mr. Rice said a resident expressed a concern that parking would be potentially lost along the cemetery side of Sagamore Avenue. Public Works adjusted the design by widening the road to meet the concerns of the resident.

B. Right-Turn Lane on Andrew Jarvis Drive

Mr. Rice explained there was a site walk and a driveway application for a property on the corner of Andrew Jarvis and Lafayette Road as part of a sub-division done by Ed Hayes. It was determined that a right-turn lane would benefit the area. The home owner and Mr. Hayes agreed to allow a Right of Way Easement to address this issue.

Public Works contracted design services from TEC for initial designs to make improvements to this intersection to allow better movement for cars and buses. Mr. Rice also provided an overview of work to be completed in this intersection to enhance and address potential future traffic issues.

IX. ADJOURNMENT:

Mr. Whitehouse moved to adjourn at 9:15 a.m. Seconded by Ms. Donnermeyer and voted unanimously.

M E M O R A N D U M

TO: Honorable Mayor Lister and Members of the City Council
FROM: Chris Dwyer, City Councilor
DATE: July 9, 2014
RE: Updates on African Burying Ground Construction

As the City Council representative to the African Burying Ground Committee I am writing to provide a number of updates related to the construction of the African Burying Ground. You will recall, at its last meeting, the City Council made additional funding available to the project so that contracts could be entered into for construction. Additional updates and developments since that time appear below.

1. **Contractor Selection.** The City has moved forward with the selection of Piscataqua Landscaping of Eliot, Maine to construct the Memorial. The City initiated a Request for Qualifications process that resulted in short-listing several firms who then submitted responses to a Request for Proposals. A selection team consisting of members of the African Burying Ground Committee, members of the project design team, Deputy City Manager as well as representatives from the City's Community Development and Public Works departments participated in the selection process, which included interviews with the top firms.

2. **Construction Timing.** As you know, this project involves the reinterment of human remains from previous excavations, installation of original works of outdoor public art, as well as other detailed hardscape components such as blue stone pavers, granite seat and retaining walls, and other interpretative sculptural elements, also in granite. As a result of key project elements, including granite pieces, lead times for the delivery of these materials are significant determinants of the construction schedule. As a result, no ground breaking date has determined however we hope to have more information soon.

3. **Reminder about Road Changes.** As soon as construction begins, the portion of Chestnut Street between Court and State Streets will be closed to through traffic and a new traffic pattern will begin as previously approved by the City Council. The space made available by these changes will become space for the memorial. The City will continue work with project abutters and others to ensure this transition goes smoothly.

4. **Work with Abutters.** As you know, this project has enjoyed widespread and deep support from the direct project abutters on Chestnut Street. Together, the abutters have contributed over \$45,000 to the project. Construction details have been reviewed with the abutters and additional coordination will take place in the coming months. City staff will be reaching out directly to the abutters.

5. **Additional Information.** Members of the public can be directed to www.africanburyinggroundnh.org for more information about the project. Donors wishing to make donations to the African Burying Ground Trust can also learn about that by visiting the site.

cc: John P. Bohenko, City Manager
Vernis Jackson, Chair, African Burying Ground Committee

09 July, 2014

To Honorable Mayor and City Council Members

From Zelita F. Morgan, Councilor

Re.: Building and Development - Compliance with Land Use Board (LUB) approved plans

Last February, we learned of major changes performed by a large commercial developer in our city. Staff, Councilors, City Administrators, and LUB's have spent a number of extra hours - still unknown - reviewing, accounting for each violation, and mitigating changes.

Another small/medium residential project on Pleasant St. has been the cause of many residents' complaints to city staff and council, on various accounts, including allegations of conducting extended work in violation of HDC's approval.

A sum of \$73K was included in the Planning Department's FY15 budget (Professional Services) to support compliance inspections.

Now it is time that we understand how Planning, Inspection and Legal departments will work and interact along the process to ensure compliance with LUB approved plans: what will trigger such inspections, how often such inspections will be carried over, time frame, clear and stated responsibilities and accountabilities within the process until completion, along with actions to be taken in the presence of a violation or non-conformity.

We certainly have big projects on the North End's horizon, many more in our residential neighborhoods, and time is of the essence.

Sample Motion: *move to request our City Manager to work with needed staff to present to the council and public at our first meeting in August, 2014, the process and working flow to ensure compliance with land use board approvals for buildings and developments, both for large commercial and small/medium residential. The presentation and any related material should be included in the Council's packet.*

Sincerely,

Zelita Morgan

PORTSMOUTH CITY COUNCIL MEMORANDUM

TO: CITY COUNCILORS
FROM: JACK THORSEN
SUBJECT: GAMBLING ORDINANCE
DATE: JULY 9, 2014
CC: CITY MANAGER

It is time to decide, as a community, whether or not we would like to see the introduction and growth of gambling operations within the City of Portsmouth. Although gambling is still prohibited at this time by the State of NH, with some exceptions, legal gambling is just a legislative vote and governor's signature away, and has already nearly happened in several recent legislative sessions. So, while we have the luxury of a little time, and are not scrambling to halt a sudden influx of gambling interests, it is prudent that we, the City Council, discuss and implement gambling ordinances now, so that we are prepared, and so that those who are currently making plans for gambling in Portsmouth are put on notice.

Much can be said concerning the pros and cons of gambling. That debate is happening on the state level, so there is no need to re-iterate the arguments here. I leave that open to discussion.

I propose to introduce an ordinance for first reading approval at our next council meeting on August 4th, that will be crafted by the city attorney, and that restricts gambling within the city limits. The language of that ordinance will essentially be of the form:

“No business or individual shall operate a commercial gambling operation within city limits”

We will need to discuss what is meant by “commercial gambling operations,” with a comparison to operations based on charitable gambling, and to private gambling activities. For your reference, below is a short outline addressing this, which can be incorporated or expanded into the ordinance to the degree needed to remove ambiguity in the ordinance language:

The term “commercial gambling operations” includes, but is not limited to

- 1. Casinos;**
- 2. Gambling machines in an otherwise non-gambling establishment;**
- 3. Establishments that operate charitable gambling services, where the establishment takes a flat fee, or percentage of the gambling revenue;**
- 4. Establishments that operate in a manner that controls the proceeds of gambling ("the House");**
- 5. An otherwise private operation that is in some manner "open to the public";**

And, does not include

1. **Private gambling activities where all participants are on equal footing (no "House");**
2. **An establishment that merely provides a venue for private or charitable gambling, but otherwise does not participate in the operation, such as a hotel conference center renting out its facilities, or an activity at a private club where the club does not participate.**

With the following possible exemptions

1. **State lottery;**
2. **Online gambling in a private venue and not "open to the public."**

The above outline may seem to include an implied approval of charitable gambling, but it does not. Charitable gambling has been a loophole that should also be discussed. Most people think of Bingo Night, but a full fledged casino that operates under cover of a charity is also possible, even today. The latter I consider a commercial gambling operation and should be restricted.

Your kind consideration of this important matter is appreciated.

Sincerely,

Jack Thorsen

City Councilor, City of Portsmouth