

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JULY 13, 2015 TIME: 6:30PM

## AGENDA

- 6:30PM – AN ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b)

I. CALL TO ORDER (6:30 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Edward McDonough, Superintendent of Schools

V. ACCEPTANCE OF MINUTES – JUNE 15, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

[NOTE: Public Hearings A, B, C and D each concern proposed Charter Amendments on which the City Council will vote whether or not to place the question on the ballot for referendum vote on November 3, 2015. Per RSA 49-B:5, alternative statements of a single amendment are prohibited from referendum vote. For any Charter Amendment to be adopted it must pass by at least 3/5 of the ballots cast at the municipal election.]

- A. PROPOSED CHARTER AMENDMENT #1 WHICH WOULD ALLOW FOR THE MAYOR BE AN ELECTED POSITION WITH THE CANDIDATES FOR MAYOR BEING LIMITED TO THOSE PERSONS WHO ARE ALSO CANDIDATES FOR THE CITY COUNCIL (*If the City Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #\_\_\_be placed on the ballot for the November 3, 2015 election*)
- B. PROPOSED CHARTER AMENDMENT #2 WHICH WOULD EXPAND THE MEMBERSHIP OF THE POLICE COMMISSION FROM THREE (3) MEMBERS TO FIVE (5) MEMBERS BY THE ADDITION OF THE MAYOR AND THE CITY MANAGER OR THEIR RESPECTIVE DESIGNEES (*If the City Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #\_\_\_be placed on the ballot for the November 3, 2015 election*)

- C. PROPOSED CHARTER AMENDMENT #3 WHICH WOULD ELIMINATE THE POLICE COMMISSION SO THAT THE POLICE DEPARTMENT WOULD BE ADMINISTERED UNDER THE COUNCIL/MANAGER FORM OF GOVERNMENT IN THE SAME MANNER AS ANY REGULAR CITY DEPARTMENT AND WHICH WOULD PROVIDE THE CITY COUNCIL WITH AUTHORITY TO CREATE A CIVILIAN POLICE REVIEW BOARD BY ORDINANCE TO INVESTIGATE COMPLAINTS BY MEMBERS OF THE PUBLIC CONCERNING MISCONDUCT OF POLICE OFFICERS *(If the city Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #\_\_\_be placed on the ballot for the November 3, 2015 election)*
  
- D. PROPOSED CHARTER AMENDMENT #4 WHICH WOULD EXPAND THE MEMBERSHIP OF THE THREE (3) MEMBER POLICE COMMISSION TO FIVE (5) MEMBERS BY THE ADDITION OF THE CITY MANAGER AND A MEMBER TO BE SELECTED BY THE CITY COUNCIL AND WHICH WOULD PROVIDE THE CITY COUNCIL WITH AUTHORITY TO CREATE A CIVILIAN POLICE REVIEW BOARD BY ORDINANCE TO INVESTIGATE COMPLAINTS BY MEMBERS OF THE PUBLIC CONCERNING MISCONDUCT OF POLICE OFFICERS *(If the city Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #\_\_\_be placed on the ballot for the November 3, 2015 election)*
  
- E. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXICABS BY DELETING ARTICLE II IN ITS ENTIRETY AND REPLACE WITH A NEW ARTICLE II ENTITLED TRANSPORTATION SERVICES (NEW PROPOSED AMENDED LANGUAGE) *(Tabled from the June 15<sup>th</sup> City Council meeting)*

#### VIII. APPROVAL OF GRANTS/DONATIONS

*(There are no Items under this Section of the Agenda this evening)*

#### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 as follows:
  - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
  - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
  - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
  - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”.
  
- B. First reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

- C. First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollars and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollars twenty-five cents (\$1.25) per hour and EasyPark Resident Discount
- D. First reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End
- E. Second reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (*New Proposed Amended Language*)
- F. Third and final reading of Ordinance amending the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
  - 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; and amending the Zoning Ordinance as follows:
  - Article 7, Section 10.730 – Gateway Planned Development:
    - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
    - Amend Section 10.734.33 by modifying the maximum building height standards;
    - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
  - Article 15 – Definitions:
    - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

**(Tabled from the June 15, 2015 City Council meeting)**

**X. CONSENT AGENDA**

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

- A. Request for License from Mary Dolan, owner of Starling Hair & Beauty for property located at 5 Market Street for a projecting sign located on Daniel Street on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mary Dolan, owner of Starling Hair & Beauty for a projecting sign located on Daniel Street on an existing bracket 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*

- B. Request for License from Patricia Snider, owner of The Glass Pear for property located at 10 Commercial Alley for a projecting sign located on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Patricia Snider, owner of The Glass Pear for a projecting sign located on 10 Commercial Alley on an existing bracket 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*

- C. Request for License from Kristen Ward, owner of Wanderbird Floral for property located at 94 Pleasant Street for a projecting sign located on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Kristen Ward, owner of Wanderbird Floral for a projecting sign located on 94 Pleasant Street on an existing bracket 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*

- D. Request for License from Nicole Ray & Laurie Rourke, owners of In Boston Salon, LLC for property located at 168 Fleet Street for a projecting sign located on an existing bracket and a canopy on an existing frame (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Nicole Ray & Laurie Rourke, owners of In Boston Salon, LLC for a projecting sign located on 168 Fleet Street on an existing bracket and a canopy on an existing frame and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

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

- E. Request for License from Melissa Lake, owner of Better Homes & Garden Real Estate for property located at 79 Congress Street for a projecting sign located on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Melissa Lake, owner of Better Homes & Garden Real Estate for a projecting sign located on 79 Congress Street on a new bracket 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***

- F. Request for License from Mohammed Enyat, owner of ABC Fine Rugs, Inc. for property located at 50 Daniel 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 Mohammed Enyat, owner of ABC Fine Rugs, Inc. for a projecting sign located on 50 Daniel Street on an existing bracket 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 Rossli Chace, owner of Lashbar for property located at 10A Ladd 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 Rossli Chace, owner of Lashbar for a projecting sign located on 10A Ladd Street on an existing bracket 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***

- H. Letter from Martha Netsch, Seacoast Rotary International Chair, requesting permission to hold the Polio Plus Memorial Bridge Walk on Saturday, October 24, 2015 (***Anticipated action – move to refer to the City Manager with power***)

- I. Letter from John Linville, Event Coordinator, Federal Employees Metal Trades Council, Portsmouth Naval Shipyard, requesting permission to hold Pedals for Paws charity bicycle ride and adoption event on Saturday, August 22, 2015 (***Anticipated action – move to refer to the City Manager with power***)

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

- A. Letter from Bernard W. Pelech regarding Third and Final Reading of Gateway Zoning for the West End
- B. Letter from David Whitham regarding Zoning Ordinance Changes pertinent to Short Term Vacation Rentals
- C. Letter from Abby and Jeffrey Cooper regarding Short Term Vacation Rentals – Home Occupation Permit
- D. Letter from Jim Merrill, The Bernstein Shur Group regarding Proposed Uber Edits to Draft Transportation Services Ordinance

- E. Letter from Lawrence Cataldo regarding exempting ride-share operations

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

- 1. First Reading of Proposed Resolutions and Ordinances:
  - 1.1 First reading of Ordinance amending Chapter 10 as follows:
    - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
    - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
    - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
    - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”. ***(Action on this matter should take place under Section IX of the Agenda)***
  - 1.2 First Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.1216:B by the Elimination of Irrigation Meters ***(Action on this matter should take place under Section IX of the Agenda)***
  - 1.3 First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Rates ***(Action on this matter should take place under Section IX of the Agenda)***
  - 1.4 First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character Base Zoning – North End ***(Action on this matter should take place under Section IX of the Agenda)***
- 2. Public Hearings:
  - 2.1 Public Hearing/Proposed Charter Amendment Re: Election of Mayor ***(Action on this matter should take place under Section VII. of the Agenda)***
  - 2.2 Public Hearing/Proposed Charter Amendments Re: Police Commission ***(Action on this matter should take place under Section VII. of the Agenda)***
- 3. Public Hearing/Second Reading of Proposed Ordinance:
  - 3.1 Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II – Transportation Services (New Proposed Amended Language) ***(Action on this matter should take place under Section IX of the Agenda)***

4. Third and Final Reading of Proposed Ordinance:
  - 4.1 Third and Final Reading of Proposed Ordinance amending the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
    - 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; and amending the Zoning Ordinance as follows:
    - Article 7, Section 10.730 – Gateway Planned Development:
      - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
      - Amend Section 10.734.33 by modifying the maximum building height standards;
      - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
    - Article 15 – Definitions:
      - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.” ***(Action on this matter should take place under Section IX of the Agenda) (Tabled from the June 15, 2015 City Council meeting)***

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

1. Replacement of Municipal Alarm System
2. Report Back Re: Land Donation (Map 296, Lot 2)
3. Request for First Reading for Bonding Resolutions:
  - Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements
  - Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21)
  - Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21)
  - Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements
  - Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades



4. Request to Dispose of Surplus Equipment and Vehicles
5. Request for Acceptances of Sidewalk Easement Re: 233 Vaughan Street, LLC
6. Report Back Re: St. Nicholas Greek Orthodox Church Back Lot (Map 229, Lot 6-A)

**Informational items**

1. Events Listing
2. Report Back Re: Roberts Investigatory Panel Report

**B. MAYOR LISTER**

1. Appointments to be Considered:
  - Marie Kelleher to the Citywide Neighborhood Blue Ribbon Committee
  - Richard Shea reappointment as an Alternate to the Historic District Commission
  - Sylvia Olson to the Peirce Island Committee
  - William Townsend to the Peirce Island Committee
2. Appointments to be Voted:
  - Vincent Lombardi to the Historic District Commission as a regular member
  - John Mayer to the Historic District Commission as an alternate member

**C. COUNCILOR SHAHEEN**

1. \*Update on Prescott Park Arts Festival

**D. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 11, 2015 meeting (***Sample motion – move to approve and accept the minutes of the June 11, 2015 Parking & Traffic Safety Committee meeting***)

**E. COUNCILOR MORGAN & ASSISTANT MAYOR SPLAINE**

1. Civility Resolution - (***Sample Motion - Move to adopt the Civility Resolution, as presented below:***

*"As members of the Portsmouth City Council, we agree that civility in our municipal government has been an important and core past tradition, and is a current and future expectation for each of us.*

*This principle should apply during the campaign which precedes our election, because relationships which are established during the campaign carry over into the operation of the government after the election. While serving in office, we realize that we should act in a manner which is respectful of other City Councilors, the staff, and the public in as much as possible. We know that sometimes passion may prevail since indeed the process of governing often*

*leads to disagreement, but we know that we must, individually and collectively, seek to reach the high standards of civility, integrity, and respect toward one another.*

*Civility includes respecting each other's right to speak his or her viewpoint, without undue interruption, so that the dialogue of ideas so vital to our democracy can be shared by our citizens and those in elected office.*

*Additionally, we should refrain from being intentionally insulting or attacking of one another during our service. Government works best when good people come together to solve problems in a cooperative, collaborative, and positive manner.")*

#### **F. COUNCILOR THORSEN**

1. Memo to the City Council Re: Parking Programs
2. Memo to the City Council Re: Transportation Ordinance
3. Memo to the City Council Re: Transportation Services Ordinance Policy Analysis (Rideshare)
4. Memo to the City Council Re: Electronic Communications

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

#### **XIII. ADJOURNMENT**

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

*\*Indicates Verbal Report*

#### **INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the April 8, 2015; April 29, 2015 and May 13, 2015 meetings of the Conservation Commission are now available on the City's website
2. \*Notification that the minutes of the January 28, 2015; May 6, 2015; May 13, 2015 and May 27, 2015 meetings of the Historic District Commission are now available on the City's website
3. \*Notification that the minutes of the May 21, 2015 meeting of the Planning Board are now available on the City's website

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

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 15, 2015

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:00 p.m., A Work Session was held regarding Short-Term Vacation Rentals.

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

At 7:00 p.m., Mayor Lister called the regular City Council meeting to order.

### **II. ROLL CALL**

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (via conference call), 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**

Linda DiBernardo led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

1. Introduction of George Bald as the new Chairman of the Peace Development Authority

Mr. Bald provided the City Council with a handout entitled Pease 25 Years After Its Closing. He outlined his history of employment with Municipal and State Government and with the PDA. He said he is pleased to return to the PDA to serve as the new Chairman of the PDA.

2. Taxi Commission – Lawrence Cataldo

Taxi Commissioner Cataldo provided an outline of the new proposed Taxi Ordinance for consideration by the City Council. He stated that this ordinance is more of a standard versus a regulation. He said they would need to register as a business but not as drivers. He stated the ordinance will apply to all companies equally. Mr. Cataldo said there would be no changes in insurance and background checks for everyone and both are subject to the Police Chief and City Attorney approval.

### **V. ACCEPTANCE OF MINUTES – MAY 18, 2015; MAY 20, 2015; JUNE 1, 2015 AND JUNE 8 2015**

**Councilor Spear moved to approve and accept the minutes of the May 18, 2015; May 20, 2015; June 1, 2015 and June 8, 2015 City Council meetings. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 9-0, motion passed.**

## VI. PUBLIC COMMENT SESSION

Charles Griffin said he is opposed to having a bicycle way between Lafayette Road and Middle Street because of the high level of traffic in that area. He said that he has seen 2 incidents where the walking lights have been ignored and feels that this is a recipe for a disaster.

Margo Doering said she likes the direction of the new ordinance and where it is heading for short term rentals. She said there needs to be a definition for BNB with public versus private and the number of rooms.

Steve Little spoke in favor of expanding the AIRBNB. He said the neighbors want appropriate measures put in place to preserve the neighborhoods. He feels the ordinance needs to be broader and strictly enforced.

Elayna Bosen spoke to the ordeal she has been experiencing with the Police Department and stated her case is very similar to the Geraldine Webber case. She said the Police Department needs to take accountability on this matter.

Ralph DiBernardo spoke on the ride sharing ordinance and matter. He said background checks should be done as a minimum requirement. He said that UBER background checks prove to be inadequate due to incidents in other States such as Texas.

Merle White, Anchor Taxi, said that UBER is not insured and they will not follow the requirements. He spoke in favor of keeping the current Taxi Ordinance in place rather than adopting a Transportation Service Ordinance.

Arthur Clough spoke regarding the Webber case and said ignorance of the law is no excuse.

Jim Merrill, Manchester, NH, UBER Representative, said what is being proposed is a collection of work between the Taxi Commission and UBER. He said UBER is operating in multiple cities and countries and should be allowed to operate here in the City.

Jane Zill spoke to the differences in the 2 Webber Reports. She said that this is a painful matter and spoke in favor of the recommendation under Assistant Mayor Splaine's name on this evening's agenda. She stated the recommendation by Councilor Spear to have the Police Commission cease to exist is a major change to the Charter which is only allowed every 10 years. She said there needs to be a community wide discussion on this matter.

John Palreiro said UBER does not abide by the laws and asked why we are allowing UBER to violate the current Taxi Ordinance. He said UBER does not have insurance as required by the Taxi Ordinance.

Paul Mannle congratulated the City for receiving the bronze level for bicycle friendly community. He thanked City Manager Bohenko and Finance Director Belanger for refinancing the Library bonds to a lower rate.

Richard Gamester spoke regarding the abolishing of the Police Commission. He said there have been many times that the City Departments and City Council have made some errors in judgment or goofed and cost the City money. He said the idea to solve the problem should not be to abolish the Police Commission. He said the Commissions are to keep politics out of the Departments. The Commission should be allowed to complete the work on the Roberts Report.

**Councilor Lown moved to suspend the rules in order to allow additional speakers for the public comment session. Seconded by Councilor Kennedy.**

**On a unanimous roll call vote 9-0, motion passed.**

Beth Mosley said she does not know what an organization chart of the Police Department, Police Commission and City Manager would look like and spoke to the Webber case and the Roberts Report.

Bob Hassold said the Roberts Report is in and right on. He said it is embarrassing to the City and the Police Officers that are not involved. He said do not let this get swept under the carpet.

James Sirrell, Kensington, NH, said he is known as Mr. UBER and spoke to his operation. He said he shows the rates for his services and operates in this City. He said instead of having multiple platforms you should have people bid for one platform.

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

**Councilor Shaheen moved to suspend the rules in order to take up Grants and Donations that are not listed on the agenda. Seconded by Councilor Spear.**

**On a unanimous roll call vote 9-0, motion passed.**

A. Wentworth Lear Historic Houses' (Not on Agenda)

**Councilor Spear moved to support the Wentworth Lear Historic Houses' application for Land and Community Heritage Investment Program funds. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 9-0, motion passed.**

B. Approval of Police Department Grants/Donations (Not on Agenda)

- NH Highway Safety Agency Join the NH Clique Seat Belt Campaign Grant - \$2,574.00
- NH Department of Safety Emergency Preparedness Exercise Grant - \$110,000.00

- Donation from Mr. & Mrs. David Brown to the Portsmouth Police Explorer Cadet - \$300.00
- Donation from retired Chief David "Lou" Ferland to the Police Explorer Cadets - \$79.48

**Councilor Kennedy moved to approve and accept the grants and donations to the Portsmouth Police Department, as presented. Seconded by Councilor Morgan.**

**On a unanimous roll call vote 9-0, motion passed.**

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

- A. Second reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (*New Proposed Amended Language*)

**Councilor Lown moved to amend the original Transportation Services Ordinance, and, further, to establish a public hearing on this matter at the July 13, 2015 City Council meeting. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine said the Taxi Commission during the last 8 months were asked to level the field with taxi cabs and ride sharing. He said this is the Taxi Commission's best effort to do this. He is looking forward to the public hearing and hearing people speak on this matter. He said UBER has operated for the last 8 months with no incidents.

Councilor Dwyer said it seems that UBER is not operating under the employment laws according to various speakers. She brought forward several typographical errors in the ordinance which will be corrected by the Legal Department. She expressed concern under the insurance provision that it did not extend to the passenger. She also said there should be a definition to a Transportation Services Agreement.

Deputy City Attorney Woodland said they will make sure that is looked at. She said that the drivers are not employees like taxi drivers. She further stated that we want to make sure that passengers are covered under the ordinance.

Councilor Morgan asked if the background checks are by social security number versus finger prints. She said a previous speaker indicated that background checks were forged by using social security numbers but could not be done with using finger prints.

Councilor Kennedy wants to make sure that the fees are appropriate for the time spent by employees to administer the ordinance and its requirements.

Assistant Mayor Splaine said that this is not in the hands of the Taxi Commission any longer. He said it is now in the hands of the City Council and this was the last attempt by the Taxi Commission to handle this matter.

Councilor Lown thanked the Taxi Commission for their work on this matter. He said this is an experiment from the way it operated prior. He stated this is a free market proposal.

Councilor Thorsen said the proposal gets better each time.

Councilor Shaheen thanked the Taxi Commission for all the time and effort spent on this matter. She said she started thinking about entirely deregulating the provisions but feels we need to provide protection for individuals and have regulations in place.

**On a roll call vote 9-0, motion passed.**

- B. Third and final reading of Ordinance the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
- 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; and amending the Zoning Ordinance as follows:
- Article 7, Section 10.730 – Gateway Planned Development:
    - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
    - Amend Section 10.734.33 by modifying the maximum building height standards;
    - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
  - Article 15 – Definitions:
    - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

Councilor Lown said he has a professional conflict of interest that he just learned of and will need to recuse from voting. He left the Dias to sit in the audience.

**Councilor Spear moved to pass third and final reading on the proposed Ordinance amendment, as presented. Seconded by Councilor Shaheen.**

Councilor Morgan said she wants to hear back on the Charrettes before taking action on this matter.

Councilor Thorsen said he agrees with Councilor Morgan. He said if the City is looking to purchase the property we should postpone the action on this matter. He would like to have the City Manager look at purchasing the property and report back to the City Council.

Councilor Kennedy said she agrees with the comments made by Councilors Morgan and Thorsen. She said we owe it to the residents to look at the outcome of the Charrette before moving forward.

Assistant Mayor Splaine thanked Councilors Morgan, Thorsen and Kennedy for speaking and suggesting the lot to be used for parking, a Police Department and a Transportation Center. He likes the idea of workforce housing being included as well.

Councilor Dwyer spoke in favor of moving forward with the ordinance and going to gateway zoning.

Councilor Shaheen said she is concerned if we do not move forward then the current zoning stands. She asked if there is anything that prohibits selling the property to U-Haul and expanding their building. Planning Director Taintor said they could do warehouses on the property. Councilor Shaheen said if we do not pass the ordinance we are allowing the owners to sell and have warehouses developed on the lot.

Councilor Spear said Councilors Dwyer and Shaheen made some good points on the ordinance. He said third reading you move it forward for this and the conversation will continue regarding Charrettes by voting down third reading they are saying they like industrial and office research zoning better than gateway zoning.

City Manager Bohenko said he suggests the City Council table the ordinance. He said the City Council is putting him in a difficult position to vote down the ordinance and asking him to negotiate on the property it could be an issue. He would like to discuss this further with legal counsel.

**Councilor Kennedy moved to table the ordinance. Seconded by Councilor Thorsen.**

City Manager Bohenko said you should table to a time certain. He said he would need to be directed by the City Council.

**Councilor Kennedy moved to table the ordinance until the July 13, 2015 City Council meeting. Seconded by Councilor Thorsen.**

**Councilor Lown returned to the Dias.**

**On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Shaheen voted opposed. Councilor Lown abstained from voting on this matter due to a professional conflict.**

**Councilor Kennedy moved to direct the City Manager to investigate the purchasing of the Frank Jones property. Seconded by Assistant Mayor Splaine.**

Councilor Spear said he does not feel this is a good use of funds. He does not feel it is a worthwhile endeavor.

Councilor Shaheen said the process feels disingenuous and we owe it to the people to preserve options. She said we have tied the City Manager's hands by not moving forward with third reading and she is in favor of preserving options.



Councilor Lown explained his professional conflict. He said there are 3 City Councilors that voted against the budget because they did not want to spend that kind of money and now they want to spend a great deal of money to buy a piece of property that is not an idea with legs. He said he would vote against the motion.

Councilor Kennedy said all they are doing is asking the City Manager to investigate the property for possible purchase.

Councilor Morgan said we heard from the Police Department and their needs for a new department and said that this is a good location to have the Police Department. She said we are only asking the City Manager to report back on how much it would cost.

Councilor Thorsen said the property may address our many needs.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he would vote against the motion. He is concerned with spending the money.

Councilor Dwyer said she would also vote against the motion as well. She does not feel it is good to send the City Manager on an exploration when we have not looked at a use for the parcel.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

**On a roll call vote 4-5, motion failed to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.**

## **IX. CONSENT AGENDA**

- A. Approval of Donations to Portsmouth Police Explorer Cadet Post:
- Ms. Cheryl Halepis - \$19.95
  - Mr. & Mrs. Richard Salicito - \$20.00
  - Ms. Beth Wagner - \$20.00

***(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)***

- B. Letter from Donna Hepp, Granite State Wheelmen, Inc, requesting permission to hold the Seacoast Century Ride on Saturday, September 26, 2015 and Sunday, September 27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Thomas Martin & Thomson Riley, Race Directors for Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium event on Sunday, September 13, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Spear.

On a unanimous roll call 9-0, motion passed.

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

*(There are no Items under this Section of the Agenda this evening)*

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

**A. CITY MANAGER**

1. Approval of Superintendent-Elect Steve Zdravec's Employment Agreement

**Councilor Spear moved that the City Council approve the Employment Agreement between the Portsmouth School Board and Superintendent-Elect Steve Zdravec for a 34 month term running from September 1, 2015 through June 30, 2018. Seconded by Councilor Shaheen.**

Councilor Spear congratulated Steve Zdravec and thanked him for staying here in the City when there were many opportunities outside of the City.

Councilor Lown said there is an open market for Superintendent of Schools right now in the State. He said Steve has been here for 10 years and we are lucky to have him.

Assistant Mayor Splaine said Steve can offer a great deal of leadership to the City.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he is pleased that Steve Zdravec will be the new Superintendent of Schools and he has done a great deal of work.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

**On a unanimous roll call vote 9-0, motion passed.**

2. Request for First Reading Re: Proposed Ordinance for Eliminate Irrigation Meters from City Ordinance

City Manager Bohenko stated that the City's Ordinance currently allows single-family residential water customers on the City's water and sewer system to have separate irrigation meters which are only billed for water usage. He stated as part of the recent water and sewer rate study, the City's rate consultant, Municipal and Financial Services Group, Inc. reviewed various policy options for changing the City's rate structure. He reported that the consultant recommended that the City not expand irrigation meter availability to multi-family and commercial customers as this would be inconsistent with the City's sustainability goals.

City Manager Bohenko said there are currently 300 irrigation meters in our water system. He said these customers paid the cost to re-plumb their irrigation systems from their existing water plumbing to provide a separate water line for this usage. In addition, they paid the City for the meter, radio and labor to install the meter, at a total cost of \$258.00 per customer.

Further, if the City Council votes to eliminate irrigation meters from the system, it would be recommended to reimburse each customer \$300.00 for the cost they paid to the City for the installation and not remove the meter from the property, however, charge both meters for water and sewer usage and charge only one monthly service fee.

Deputy City Attorney Woodland said she recommends making the change.

**Councilor Lown moved to authorize the City Manager to bring back for first reading a proposed Ordinance to eliminate irrigation meters at the July 13, 2015 City Council meeting. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 9-0, motion passed.**

3. Establish Work Session Re: Wastewater Treatment Facility Permit Compliance

**Councilor Spear moved to establish a Work Session at 6:00 p.m., on Monday, June 29, 2015 regarding the Wastewater Treatment Facility Permit Compliance and a Special City Council meeting, if needed. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 9-0, motion passed.**

4. Request for Sale of Surplus Water Meters

City Manager said the water meters are outdated, and their only value is as scrap metal.

**Councilor Spear moved to authorize the City Manager to proceed with the sale of the surplus water meters, as recommended. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 9-0, motion passed.**

5. Request of Eversource Energy (fka PSNH) for Easements and Licenses on Hanover and High Streets and City Property

City Manager Bohenko had Public Works Director Rice come forward to speak on this matter.

Public Works Director Rice said that this request is for easements and licenses on Hanover and High Streets around the High Hanover Parking Garage. He said this project will increase reliability of the electric distribution system in this area of the downtown, and will also enhance aesthetics.

**Councilor Spear moved to grant the easements and licenses to Eversource Energy as recommended by the Planning Board and Department of Public Works, and, further, authorize the City Manager to execute all necessary documents. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 9-0, motion passed.**

6. Renewal of Boarding House Permit Re: 21 Brewster Street

Assistant City Attorney Ferrini spoke to this matter and reported to the City Council that the consent decree, rental agreement and code of conduct have been approved by the judge. She stated that the law suit was based upon code violations and said there has been a great deal of work by various departments in the City. Assistant City Attorney Ferrini said the summary of eviction process would allow the owners to remove tenants for conduct. She stated that the consent decree is dependent upon the granting of the permit.

City Manager Bohenko said a great deal of hours have been spent on this matter by staff and recommended proceeding forward.

**Councilor Spear moved to approve the Boarding House Permit for 21 Brewster Street from the date of issuance until March 31, 2016, incorporating the Consent Decree and accompanying documents approved by the Court. Seconded by Councilor Lown.**

**On a unanimous roll call vote 9-0, motion passed.**

7. Land Donation to City of Portsmouth

City Manager Bohenko spoke to the land donation and its location.

**Councilor Spear moved to refer this request to the Planning Board and Conservation Commission for a report back to the City Council. Seconded by Councilor Lown.**

Councilor Thorsen said he would like to know if the taxes have been paid on the property.

**On a unanimous roll call vote 9-0, motion passed.**

**Councilor Spear voted to suspend the rules in order to continue the meeting briefly beyond 10:00 p.m. Seconded by Councilor Lown and voted.**

**On a unanimous roll call vote 9-0, motion passed.**

**B. MAYOR LISTER**

1. Appointments to be Considered:
  - Vincent Lombardi to the Historic District Commission as a regular member
  - John Mayer to the Historic District Commission as an alternate member

The City Council considered the appointments listed above that will be voted on at the July 13, 2015 meeting.

**C. ASSISTANT MAYOR SPLAINE**

1. Consideration of Matters Relating to the Roberts Investigatory Panel Report
  - a. Police Commission Structure
  - b. Attorney General Monitoring
  - c. Whistle blowing Protections
  - d. Legal Options and Obligations Re: Roberts Investigatory Panel Report

Assistant Mayor Splaine said he sent a letter to the Attorney General as a citizen asking for more review of this matter.

**Assistant Mayor Splaine moved that the City Council request our City Manager and legal staff review whistleblower protections and laws which currently exist, and offer their recommendations by September 1<sup>st</sup> on how we can better encourage and protect those who speak up in good-faith for the public good about wrongdoing. Seconded by Councilor Spear.**

**On an 8-1 roll call vote, motion passed. Assistant Mayor Splaine, Councilor Shaheen, Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Lown voted opposed.**

**Assistant Mayor Splaine moved that the City Council request City Attorney Sullivan or an independent counsel to determine the legal options, rights, remedies and obligations that we have concerning the findings of the Roberts Investigatory Panel Report, and the Police Commission come and present their findings to the City Council with a review and discussion and that such information be provided prior to the City Council meeting of Monday, July 13, 2015. Seconded by Councilor Morgan.**

Councilor Lown said as long as we have a Police Commission this is in their purview.

Councilor Kennedy said she agrees that the Commission should act on the report but she feels that the Commission owes a report to the City Council as well.

Councilor Shaheen said we need as much light on this situation, in general, on this matter. She is concerned with higher personnel decisions made by Commissioners behind closed doors.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said that we would speak with the Police Commission on this once the report came back.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Kennedy asked if the Police Commission has a time frame for when they will come to the City Council to discuss this matter.

Mayor Lister said the Police Commission has not come to him but if we come up with a date for the Police Commission to meet with the City Council he is sure they will meet with the Council.

*Councilor Kennedy moved that the Police Commission meet with the City Council prior to the City Council meeting of July 13, 2015. Motion received no second.*

Councilor Dwyer said we need to know our role with the Police Commission before we meet with them.

Assistant Mayor Splaine said that is the intent of the motion.

Councilor Shaheen said we should not wait until July 13<sup>th</sup>, we should meet with them right away and not wait for a report back from the Police Commission.

Councilor Morgan would like the City Council to meet in conjunction with the Police Commission in the Public Hearing on Wednesday evening jointly. She said we need to listen to the public and take it all in. She would support the motion as presented.

**On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted in favor. Councilors Lown, Spear and Mayor Lister voted opposed.**

**D. COUNCILOR SHAHEEN**

1. Doble Center

Councilor Shaheen said one of the delays was with the sign off by the Governor and Council. She said she will continue to monitor this matter and said the State is working to move the matter forward.

**E. COUNCILOR LOWN & COUNCILOR DWYER**

City Manager Bohenko said the Fee Committee brought back a recommendation to raise the parking fees at the High Hanover Parking Garage. He said he would bring back first reading of an ordinance at the July 13<sup>th</sup> City Council meeting and address the high occupancy areas as well.

Councilor Dwyer said the intent is to evaluate a discount through the easy park device. She said the price for residents would not change if the person had an easy park device.

Councilor Spear said you need to look at the proposal to see if it is going in the right direction. He said we can do things better in the area of parking. He stated we could charge for the meters after 7:00 p.m. and set rates by utilization. He asked the Fee Committee to continue to meet and think of the other things discussed to see if there is something the City could create.

**Councilor Lown moved to bring back for first reading at the July 13, 2015 City Council meeting a Proposed Ordinance amending Chapter 7, Article I, Section 7.1. Seconded by Councilor Spear.**

**On a roll call vote 8-1, motion passed. Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed.**

#### **F. COUNCILOR MORGAN & ASSISTANT MAYOR SPLAINE**

1. Proposed Resolution Re: Civility

Councilor Morgan said she will have a motion for the next City Council meeting for action on this Resolution.

#### **G. COUNCILOR SPEAR**

1. Election of Mayor

**Councilor Spear moved that the City Council schedule a Public Hearing on July 13, 2015 to hear from the public on the proposed charter amendment regarding the Election of Mayor and vote on the matter at the July 13, 2015 City Council meeting. Seconded by Councilor Lown.**

Councilor Kennedy said she would oppose the motion because anything you separate out you will end up with partisanship and more money in the race for Mayor. She said she has heard that people want to have the City Council representatives elected by wards.

Councilor Shaheen said she would support the motion because any opportunity to let the public weigh in on the process is important.

Councilor Morgan said she does not have a problem but there is a desire to discuss several issues in the Charter. She said she would support this for the purpose of a public hearing.

**On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.**

2. \*Charter Amendment Re: Police Commission
  - The Police Commission would cease
  - The Police Department would become a department under the City Manager
  - The Charter Amendment would become effective January 1, 2016
3. Schedule a Special City Council meeting between June 29, 2015 – July 1, 2015  
Re: Police Commission Charter Amendment

Councilor Spear said the recommendation of the Roberts Report said we should follow through on the last recommendation that the public should have a discussion on the elimination of the Police Commission. He said Charter changes have to happen now if we want to have the change on the ballot, we would follow the recommendation of the Roberts Report. He said the City Council needs to vote in affirmative three times to put this on the ballot. He said this is the beginning of the discussion on this matter not the end.

**Councilor Spear moved to ask the Legal Department to report back with the proper wording for a Charter Amendment with the following objectives: the Police Commission would cease, the Police Department would become a department under the City Manager, the Charter Amendment would become effective January 1, 2016, in addition, that we schedule a Special City Council meeting on June 29, 2015 regarding Police Commission Charter Amendments. Seconded by Councilor Lown.**

Deputy City Attorney Woodland said she would like direction from the City Council on the matter and schedule a public hearing on July 13, 2015 City Council meeting.

Councilor Spear said we need to get on the schedule.

Councilor Lown discussed the Police Commission and reported that we are the only City with a Police Commission elected as every other community operates without a Police Commission. He said it is important to hear from the public on this matter.

Councilor Kennedy said she is not going to vote in favor of the motion. She said the Police Commission came in place because of corrupt Police Departments and Fire Departments back in the 1930's. She said we should be talking about both the Police Commission and the Fire Commission. Councilor Kennedy said we need to look at the entire picture.

Councilor Morgan said she is not in support of the motion. She does not feel this is the time to have this discussion. She said this is not what the public wants. She said what is needed for the public to come forward and speak plainly on the matter. She said the haste of doing this is wrong, it is not in the benefit of public government.

Assistant Mayor Splaine said Councilor Morgan is right we need to have discussion with the Police Commission and soon. He said lets not do something that is a knee jerk reaction. He said he has been as critical as any City Councilor on this matter. He said almost all of the employees and officers are hardworking, good individuals. He said the City Manager already has enough to do without having to govern the Police Department.



He said there needs to be a Charter Commission on this and we could keep the three members of the Commission and add a City Councilor to only serve one year terms and include the City Manager in some kind of role in the Commission.

Councilor Thorsen said maybe we need to change the size of the Commission. He said it is not a good idea for the City Council to be the Police Commission it could cause the City Council to become less focused,

Councilor Shaheen said that this is an important issue. She said that this was not a mishap; this is one of the most egregious acts of mistrust. She said we have to act. She said this is not a knee jerk reaction and the report recommended we eliminate the Commission. She said the City Council is obligated to create a process to allow people to weigh in and set them up for success. She said we need to move forward now, it is not fair to the officers.

**Councilor Shaheen moved to amend the motion to ask the City Attorney to come back with an additional recommendation for what we might consider as greater civilian oversight of the Police Commission. Seconded by Councilor Spear.**

Councilor Dwyer said she agrees with parts of everything that has been said. She said there is a need for greater authority and she wants something immediate to allow greater oversight on this matter.

Deputy City Attorney Woodland said because you are faced with a time issue you would need to make a public hearing and vote no later than the July 13<sup>th</sup> City Council meeting. She said the Legal Department could bring back a proposed Charter amendment for the June 29<sup>th</sup> Special City Council meeting.

Councilor Spear said in terms of governance and having a blended Commission or more oversight it would be amiss if it ended oversight and only leads to more flexibility. He said we could have a Police Commission change in place by January, 2016. He said we are asking for a report back for more action at the June 29<sup>th</sup> City Council meeting. He asked if it would be burdensome to create a hybrid Commission and to also have that drafted for the June 29<sup>th</sup> meeting and only 1 would be scheduled for a public hearing.

**On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Councilors Kennedy and Morgan voted opposed.**

**On a roll call 5-4, voted to pass the main motion as amended. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted opposed.**

***To ask the Legal Department to report back with the proper wording for a Charter Amendment with the following objectives: the Police Commission would cease, the Police Department would become a department under the City Manager, the Charter Amendment would become effective January 1, 2016, to create greater civilian oversight of the Police Commission, in addition, that we schedule a Special City Council meeting on June 29, 2015 regarding Police Commission Charter Amendments.***

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

At 11:00 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Shaheen 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, MMC, CMC, CNHMC  
CITY CLERK

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: June 5, 2015  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY *RP*  
RE: PROPOSED CHARTER AMENDMENT ALLOWING FOR ELECTION OF THE MAYOR

---

This memorandum is written in response to a vote of the City Council on June 1, 2015 as follows:

**"Voted** that the Legal Department be requested to draft the text and related documents necessary for the Council to consider placement on the ballot for referendum vote in November 2015 of a Charter Amendment which would accomplish the following:

- a) The Office of Mayor would become an elected position
- b) Only candidates who are candidates for City Council would have the option of also becoming a candidate for Mayor
- c) To become Mayor a candidate would have to be duly elected to both the City Council and the Office of the Mayor
- d) The statutory authority and responsibility of the Mayor and the City Council would remain unchanged
- e) The Charter Amendment would become effective January 1, 2017."

This memorandum will provide the actual text of a proposed Charter Amendment to accomplish the foregoing.<sup>1</sup> It will also include the required brief explanation which would necessarily accompany such a Charter Amendment through the statutory process for adoption. Finally, it will discuss the procedure for adoption of the proposed amendment and its submission to the voters at referendum as well as the approval and review process mandated by state law.

---

<sup>1</sup> This memorandum is based in large part on a previous memorandum written to the City Council dated May 11, 2015 on a different proposed charter amendment regarding election of the Mayor.

## PROPOSED AMENDMENT

The Municipal Charter of the City of Portsmouth be and hereby is amended as follows:

1. SECTION 4.3 – THE MAYOR is hereby deleted in its entirety.
2. SECTION 4.1 - ADMINISTRATION OF THE CITY shall be amended by deleting the sentence, "The City Council shall consist of nine (9) Councilors elected at-large for terms of two years" and replacing it with the sentence, "The City Council shall consist of nine (9) Councilors elected at-large for terms of two (2) years, one of whom shall be the Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally".

3. A new SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR shall be added to the Charter, reading as follows:

SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. Only individuals who are also candidates for the position of City Council may become candidates for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor, unless that person has been elected to be the Mayor. If the Council candidate receiving the largest number of votes has been elected to be Mayor, then the Council candidate receiving the second largest number of votes shall be the Assistant Mayor. If the person elected to the Mayor has not been elected to become a member of the City Council, that person shall hold no office and the Mayor shall be that person who has received the highest number of votes for the position of Mayor and who has been voted to become a member of the City Council.

4. Effective date: This Charter Amendment shall become effective January 1, 2017.

-----

State law requires that if the Council chooses to put the foregoing amendment on the ballot it must be accompanied by a brief explanation. The brief explanation would be as follows:

### **BRIEF EXPLANATION**

Currently, that candidate for the City Council who receives the largest number of votes at any municipal election is designated as the Mayor. That person receiving the second largest number of votes is designated as the Assistant Mayor. If this proposed Charter Amendment is adopted then any individual seeking the position of Mayor would be obligated to run specifically for that position and must also be a candidate for the City Council. The candidate for Mayor receiving the most votes and also being elected to the City Council would become the Mayor. The candidate for the City Council who receives the most votes, other than the Mayor, would become the Assistant Mayor. There would be no other change in the authority or duties of the Mayor or the Assistant Mayor. The new process for the selection of the Mayor would become effective with the election to be held in November of 2017.

### **PROCEDURE**

The process which governs the handling of the proposed amendment by the Council is described in state law at RSA 49-B, relevant portions of which are attached. Briefly, the statute requires that if the Council wishes to proceed with this proposed amendment it shall provide for notice and a public hearing. The notice must be published in the newspaper at least seven (7) days prior to the hearing before voting to put the question on a municipal ballot for referendum vote. The notice must contain both the text of the proposed amendment and a brief explanation. Subsequent to the public hearing, and within seven (7) days of receiving approval from the Secretary of State, the Attorney General and the Department of Revenue Administration under RSA 49-B:5 I, the City Council may order the proposed amendment to be placed on the ballot at the next regular municipal election held not less than sixty (60) days after that order is passed.

The final date by which the Council must vote to commence the process and be assured of time to complete it would appear to be July 9, 2015.

### **STATE APPROVALS**

RSA 49-B:5-a requires that the City Clerk file a report with the Secretary of State, the Attorney General and the Commissioner of the Department of Revenue Administration within ten (10) days of passage by the City Council of a vote to put a proposed Charter Amendment on a referendum ballot so that those officials may, "review the proposed Charter Amendment to ensure that it is consistent with the general laws of this state". If any of those officials do not approve, the proposed charter amendment, "shall not be placed on the municipal ballot". However, "failure to specify objections to a proposed Charter or Charter Amendment under this section shall constitute approval by the Secretary of State, Attorney General or the Commissioner of the Department of Revenue Administration".

Attached hereto are:

1. A redline version of the relevant Municipal Charter sections showing the proposed Charter Amendments for illustration purposes; and
2. Copies of RSA 49-B:4-6 inclusive, the primary state laws regulating the Charter Amendment process.

attachment

The Municipal Charter of the City of Portsmouth be and is hereby amended so that Section 4 – CITY COUNCIL shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

#### ARTICLE IV - CITY COUNCIL

##### SECTION 4.1 - ADMINISTRATION OF CITY

The entire administration of all fiscal, prudential, and municipal affairs of the City of Portsmouth and each of its departments shall be vested in the City Council except as expressly otherwise provided by this Charter. ~~The City Council shall consist of nine (9) councilors elected at large for terms of two (2) years.~~ **The City Council shall consist of nine (9) Councilors elected at-large for terms of two (2) years, one of whom shall be the Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally.** The City Clerk shall act as Clerk of the Council.

##### SECTION 4.3 - ~~THE MAYOR~~

~~A candidate for City Councilor who shall receive the largest number of votes at any election shall become the Mayor. The City Councilor who shall receive the next largest amount of votes shall be the Assistant Mayor. In the event two or more persons shall receive an equal number of votes, and that number of votes is the largest number received by any City Councilor, the person having the longest period of service as a City Councilor shall be the Mayor and the person having the next longest period of service shall be the Assistant Mayor. In the event one person shall receive the largest number of votes and two or more persons shall receive an equal number of votes, and that number shall be next to the largest number of votes received by any Councilor, the person receiving the equal number of votes who has the longest period of service shall be the Assistant Mayor. Where periods of service are equal, ties shall be decided by vote of the Council.~~

**SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. Only individuals who are also candidates for the position of City Council may become candidates for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor, unless that person has been elected to be the Mayor. If the Council candidate receiving the largest number of votes has been elected to be Mayor, then the Council candidate receiving the second largest number of votes shall be the Assistant Mayor. If the person elected to the Mayor has not been elected to become a member of the City Council, that person shall hold no office and the Mayor shall be that person who has received the highest number of votes for the position of Mayor and who has been voted to become a member of the City Council.**

TITLE III  
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 49-B  
HOME RULE--MUNICIPAL CHARTERS  
Amendment of Municipal Charter

Section 49-B:4

**49-B:4 Charter Commission; Membership; Procedure; Preliminary Report. –**

- I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.
  - (a) Within 5 days after the deadline for requesting a recount of a vote confirming the establishment of a charter commission, or within 5 days after the recount if a recount is requested, the municipal officers shall meet to order a special election to be held on a Tuesday not less than 35 days or more than 60 days after such meeting for the purpose of electing charter commission members provided, however, that in a municipality with biennial elections, the special election shall be held on a Tuesday not less than 25 days or more than 133 days after such meeting. For purposes of this subparagraph, the provisions of RSA 40:4-c relative to recounts shall apply, except that a recount must be requested no later than the first Friday following the vote.
  - (b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk. Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week.
- II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, the municipal clerk shall notify those elected to the charter commission of the date, time, and place of the organizational meeting of the charter commission. However, if a recount is requested, such notice shall be given within 5 days after the last recount is completed. The date, time, and place of the organizational meeting shall be fixed by the clerk. The date shall be at least 7 days and not more than 14 days after the date of the notice. The charter commission shall organize by electing from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.



- III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical, or other employees and consultants as are deemed necessary within the limits of its budget.
- IV. (a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials, and employees during ordinary business hours. The municipal officers shall credit to the charter commission's account a sum of at least \$100. A municipality may appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed, or transferred from surplus.
- (b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided that no contribution of more than \$50 shall be accepted from any source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.
- V. Before issuing its preliminary report, the charter commission shall hold at least 2 public hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of receiving information, views, comments, and other pertinent material relative to its functions and at least one shall be for the purpose of explaining, in general terms, its proposed preliminary report and receiving comments on its proposal. The commission may, but is not required to, provide a draft of its preliminary report at the latter hearing. Notice of each such hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation in the municipality at least 7 days before the date of the meeting.
- VI. (a) The charter commission shall file with the municipal clerk a preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. The commission shall also file the preliminary report with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as provided in RSA 49-B:4-a, I.
- (b) The preliminary report shall include a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. The filing of the preliminary report shall be accomplished by the date indicated below:

- (1) If the charter commission was elected in a town with its annual meeting in March, on or before October 15 of the same year.
  - (2) If the charter commission was elected in a town with its annual meeting in April, on or before November 15 of the same year.
  - (3) If the charter commission was elected in a town with its annual meeting in May, on or before December 15 of the same year.
  - (4) If the charter commission was elected at a biennial municipal election in November, on or before June 15 of the following year.
  - (5) If the charter commission was elected at a special election, or at any election in a municipality not described in subparagraph (b)(1), (2), (3), or (4), within 170 days after its election.
- (c) Upon receipt of the preliminary report, the municipal clerk shall, except as provided in paragraph VII, file a certified copy with the appropriate state officials as provided in RSA 49-B:4-a.

VII. The commission may recommend, in either its preliminary or its final report, that no new charter be adopted. If the commission makes such a recommendation in its preliminary report, the preliminary report shall be deemed a final report and shall not be submitted to the state officials for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the preliminary or final report, no charter question shall be placed on the municipal ballot, and the commission shall take no further action except to wind up its affairs within 60 days after the submission of its report.

**Source.** 1979, 241:1. 1988, 223:3. 1991, 304:6, 7. 1992, 96:1; 194:1-3. 2003, 25:4. 2006, 22:1, eff. May 30, 2006. 2012, 101:1, eff. May 29, 2012. 2014, 292:2, eff. Sept. 30, 2014.

#### **Section 49-B:4-a**

##### **49-B:4-a Review and Approval by State Departments. –**

- I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as follows:
  - (a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI.
  - (b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.
  - (c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

- (d) Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.
- II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.
- III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.
- IV. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general, or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

Source. 2014, 292:2, eff. Sept. 30, 2014.

#### **Section 49-B:4-b**

##### **49-B:4-b Final Report. –**

- I. Upon approval from the secretary of state, attorney general, and commissioner of the department of revenue administration under RSA 49-B:4-a, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such

comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. The submission of the final report and minority reports, if any, shall be accomplished by the date indicated below:

- (a) If the charter commission was elected in a town with its annual meeting in March, on or before January 15 of the following year.
  - (b) If the charter commission was elected in a town with its annual meeting in April, on or before February 15 of the following year.
  - (c) If the charter commission was elected in a town with its annual meeting in May, on or before March 15 of the following year.
  - (d) If the charter commission was elected at a biennial municipal election, on or before September 15 of the following year.
  - (e) (e) If the charter commission was elected in a municipality not described in subparagraph (a), (b), (c), or (d), within 245 days after its election.
- II. Upon the submission of the final report, the municipal officers shall order the proposed new charter to be submitted to the voters at the next municipal election after the filing of the final report, unless the final report recommends that no charter be adopted, as provided in RSA 49-B:4, VII. In the case of municipalities with biennial elections, the charter shall be submitted to the voters at the next regular municipal election or at a special municipal election so long as such election is held at least 45 days after the filing of the final report. If the next regular election is less than 45 days after the filing of the report, the charter shall be submitted at the following regular election.
  - III. Except as provided in RSA 49-B:4-c, the charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers, or until the date of the election at which the charter is voted upon, whichever is later, for the purpose of winding up its affairs.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

### **Section 49-B:4-c**

#### **49-B:4-c Continuation of Charter Commission. –**

- I. If the charter commission is unable to obtain approval pursuant to RSA 49-B:4-a in time to submit its final report by the date established in RSA 49-B:4-b, or otherwise does not complete its preliminary or final report in accordance with the schedule established in this subdivision, it shall continue in existence for another year. Subject to paragraph II, if the commission's existence continues, any requirements of RSA 49-B:4, V and VI, RSA 49-B:4-a, and RSA 49-B:4-b that have not previously been satisfied shall apply as if the commission had been elected in the second year.

- II. A charter commission shall not be extended beyond a second year of existence.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

## **Revision of Municipal Charter**

### **Section 49-B:4-d**

**49-B:4-d Definition of Revision.** – For purposes of this chapter, a "revision" to a municipal charter shall mean any change to an existing charter that results in a change in the municipality's form of government to any of the following forms:

- I. Traditional town meeting.
- II. Official ballot town meeting.
- III. Town council.
- IV. Official ballot town council.
- V. Budgetary town meeting.
- VI. Representative town meeting.
- VII. City under mayor-alderman plan.
- VIII. City under council-manager plan.
- IX. Any other form hereafter expressly authorized by statute.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

### **Section 49-B:4-e**

**49-B:4-e Procedure for Revising Charter.** –

- I. The municipal officers may determine that a revision of the municipal charter is necessary and, by order, submit the question of establishment of a commission to revise the charter to the voters, in the same manner as provided for the establishment of a charter commission under RSA 49-B:3; or
- II. On the written petition of a number of voters equal to 20 percent of the number of ballots cast in the municipality at the last regular municipal election, but in no event fewer than 10 registered voters, the municipal officers shall, by order, submit the question of establishment of a commission to revise the charter to the voters as provided in this section. The petition shall read substantially as follows: "Each of the undersigned voters requests the municipal officers to submit to the voters, at the next municipal election, the question of establishment of a charter commission to draft a revision to the municipal charter." The petition shall be submitted on or before the date indicated for a petition under RSA 49-B:3, II.
- III. The establishment of a commission to revise the charter, the membership of the commission, and the procedures of the commission shall in all respects be the

same as for a commission to draft a new charter under RSA 49-B:3, RSA 49-B:4, RSA 49-B:4-a, and RSA 49-B:4-b, including all dates and time periods thereunder, except that the following question shall be substituted for the question specified in RSA 49-B:3, IV:

"Shall a charter commission be established for the purpose of revising or amending the municipal charter?"

- IV. If a commission that has been elected to revise the charter determines that one or more amendments to the charter are required, it may propose such amendments.
- V. A commission to revise the charter shall not be continued under RSA 49-B:4-c.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

### **Amendment of Municipal Charter**

#### **Section 49-B:4-f**

**49-B:4-f Definition of Amendment.** – For purposes of this chapter, an "amendment" to a municipal charter shall mean any change to an existing charter that does not constitute a revision under RSA 49-B:4-d.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

#### **Section 49-B:5**

##### **49-B:5 Charter Amendments, Procedure. –**

- I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, V(a). Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the order.
  - (a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.
  - (b) Alternative statements of a single amendment are prohibited.

- II. On the written petition of a number of voters equal to at least 20 percent of the number of ballots cast in a municipality at the last regular municipal election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below:
  - (a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.
  - (b) Alternative statements of a single amendment are prohibited.
- II-a. The following procedure shall be used in the alternative method set out in paragraph II:
  - (a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the members of such committee and an additional 20 voters of the municipality and shall include:
    - (1) The language of each proposed amendment.
    - (2) The names and addresses of the committee members.
    - (3) The address to which all notices to the committee are to be sent.
  - (b) The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.
  - (c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition blanks to the committee.
- III.
  - (a) The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below." If more than one subject is included in a petition, each subject shall be addressed in a separate amendment. Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.
  - (b) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.
  - (c) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.

- (d) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.
- III. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.
- (a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.
  - (b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.
  - (c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.
  - (d) Any petitions finally determined to be insufficient shall be void. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.
- IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them; provided that in the case of an amendment submitted by voter petition, the hearing shall be conducted by the municipal officers. If, as a result of the public hearing, substantive changes are made to the proposed amendment, a second hearing shall be held. Notice of the hearing and the conduct thereof shall be as provided in this section.
- (b) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal



officers. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.

- (c) Within 7 days after the approval by the secretary of state, the attorney general and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the date of the order.

**Source.** 1979, 241:1, 1988, 223:4, 5, 1991, 304:13, 1992, 96:2, 3, 1995, 53:2, 2005, 38:1, 2008, 230:1, 2, eff. Aug. 19, 2008, 2014, 292:2, eff. Sept. 30, 2014.

## **General Provisions Applicable to Charter Actions**

### **Section 49-B:6**

**49-B:6 Submission to Voters.** – The method of voting at municipal elections when a question relating to a charter revision, a charter adoption, or a charter amendment is involved shall be in the manner prescribed for municipal elections. In a town, the question shall appear on the ballot before any other questions except the election of officers. In a city, the question shall appear in the order determined by the city clerk.

- I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary prepared by the charter commission which explains both the current form of government used by the municipality and the changes in that form of government which will occur if the charter revision or charter is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (charter) recommended by the charter commission?"

- II. (a) Subject to subparagraph (b), in the case of one or more charter amendments, each amendment shall be voted upon separately and the question to be submitted to the voters on each amendment shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?" Each such question shall be followed by the text or a summary of the amendment.

- (b) Alternatively, at the discretion of the charter commission, 2 or more amendments may be listed and voted upon together. In such case, the question shall be in substance as follows:

"Shall the municipality approve the charter amendments reprinted (summarized) below?" The question shall be followed by the text or summary of each of the amendments that are being voted upon together.

- III.
  - (a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office, and shall post the report in the same manner that proposed ordinances are posted.
  - (b) In the case of one or more charter amendments, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office, and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.
- IV. If at least 3/5 of the ballots cast on any question under paragraph I favor acceptance, the new charter or the charter revision shall become effective as provided in subparagraph (a). If a majority of the ballots cast on any question under paragraph II favor acceptance, the charter amendment shall become effective as provided in subparagraph (b).
  - (a) Charter revisions, new charters, or repeals of charters adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revisions, new charters, and repeals of charters shall become effective on the first day of the next succeeding municipal year or as specified in any transition provisions of the charter.
  - (b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

**Source.** 1979, 241:1. 1983, 34:1. 1985, 128:1. 1991, 304:9, eff. Aug. 23, 1991. 2014, 292:2, eff. Sept. 30, 2014.

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth be and hereby is amended as follows:

### PROPOSED AMENDMENT

SECTION 4.3 – THE MAYOR is hereby deleted in its entirety.

SECTION 4.1 – ADMINISTRATION OF THE CITY shall be amended by deleting the sentence, “The City Council shall consist of nine (9) Councilors elected at-large for terms of two years” and replacing it with the sentence, “The City Council shall consist of nine (9) Councilors elected at-large for terms of two (2) years, one of whom shall be the Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally”.

A new SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR shall be added to the Charter, reading as follows:

SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. Only individuals who are also candidates for the position of City Council may become candidates for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor, unless that person has been elected to be the Mayor. If the Council candidate receiving the largest number of votes has been elected to be Mayor, then the Council candidate receiving the second largest number of votes shall be the Assistant Mayor. If the person elected to the Mayor has not been elected to become a member of the City Council, that person shall hold no office and the Mayor shall be that person who has received the highest number of votes for the position of Mayor and who has been voted to become a member of the City Council.

Effective date: This Charter Amendment shall become effective January 1, 2017.

## BRIEF EXPLANATION

Currently, that candidate for the City Council who receives the largest number of votes at any municipal election is designated as the Mayor. That person receiving the second largest number of votes is designated as the Assistant Mayor. If this proposed Charter Amendment is adopted then any individual seeking the position of Mayor would be obligated to run specifically for that position and must also be a candidate for the City Council. The candidate for Mayor receiving the most votes and also being elected to the City Council would become the Mayor. The candidate for the City Council who receives the most votes, other than the Mayor, would become the Assistant Mayor. There would be no other change in the authority or duties of the Mayor or the Assistant Mayor. The new process for the selected of the Mayor would become effective with the election to be held in November of 2017.

### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth be and hereby is amended as follows:

#### PROPOSED AMENDMENT

SECTION 4.3 – THE MAYOR is hereby deleted in its entirety.

SECTION 4.1 – ADMINISTRATION OF THE CITY shall be amended by deleting the sentence, "The City Council shall consist of nine (9) Councilors elected at-large for terms of two years" and replacing it with the sentence, "The City Council shall consist of nine (9) Councilors elected at-large for terms of two (2) years, one of whom shall be the Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally".

A new SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR shall be added to the Charter, reading as follows:

SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. Only individuals who are also candidates for the position of City Council may become candidates for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Council shall be the Assistant Mayor, unless that person has been elected to be the Mayor. If the Council candidate receiving the largest number of votes has been elected to be Mayor, then the Council candidate receiving the second largest number of votes shall be the Assistant Mayor. If the person elected to the Mayor has not been elected to become a member of the City Council, that person shall hold no office and the Mayor shall be that person who has received the highest number of votes for the position of Mayor and who has been voted to become a member of the City Council.

Effective date: This Charter Amendment shall become effective January 1, 2017.

#### BRIEF EXPLANATION

Currently, that candidate for the City Council who receives the largest number of votes at any municipal election is designated as the Mayor. That person receiving the second largest number of votes is designated as the Assistant Mayor. If this proposed Charter Amendment is adopted then any individual seeking the position of Mayor would be obligated to run specifically for that position and must also be a candidate for the City Council. The candidate for Mayor receiving the most votes and also being elected to the City Council would become the Mayor. The candidate for the City Council who receives the most votes, other than the Mayor, would become the Assistant Mayor. There would be no other change in the authority or duties of the Mayor or the Assistant Mayor. The new process for the selected of the Mayor would become effective with the election to be held in November of 2017.

## PROPOSED CHARTER AMENDMENT #2

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION), is hereby amended and shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

### AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

#### GENERALLY

Notwithstanding any other provisions of the Revised Charter, the following department of City government shall be separately identified as Charter Department, and shall be administered in accordance with the provisions of this Article.

#### POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of ~~three~~ **five (5)** persons: **three (3) of whom are** to be elected **and who shall serve** in accordance with the **provisions** following; one being **the City Manager or his/her designee who shall serve such term as determined by the City Manager; and one being the Mayor or his/her designee who shall serve such term as determined by the Mayor.**

#### APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November, 1993 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur **among the elected members of** ~~on~~ the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

## ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.

## REMOVAL

Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

## INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth, **except for the City Manager or his/her designee.**

## QUORUM (VOTES)

All questions put before the Police Commission shall be decided by a single majority vote of the Commission. At least three members of the Commission shall be present at any meeting to constitute a quorum.

## POWERS

The Police Commission shall appoint such permanent patrol officers, sergeants, captains commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respective collective bargaining agreements. The commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Department. Such power to include, but not limited to, the following:

- A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council
- B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council

## ORGANIZATION

The Police Commission shall, beginning January 1992, convene meeting annually in the month of January for organizational purposes. The Commission shall choose one of its members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

## RULES AND REGULATIONS

The Commission shall make such rules and regulations for their own proceedings and the administration of the Police Department, as they deem advisable.

## COMPENSATION

The Police Commissioners shall receive such compensation as the City Council may from time to time determine.

## ANNUAL BUDGET

The Police Commission shall, beginning in January of 1992 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with respect to such matters. The Commission shall then submit its annual budget request to the City Council in accordance with the remaining provisions of this Charter. The salaries and benefits of all officers and employees of the Police Department shall be considered by the Commission through timely discussion with the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided by this Charter, or in the absence of a Charter provision, by the City Council. The Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The chairperson of the Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the police chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

(ADOPTED BY REFERENDUM VOTE NOVEMBER 5, 1991)

If authorized by referendum vote at the municipal election scheduled for November 3 2015, this amendment to become effective on January 1, 2016.

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION), is hereby amended and shall read as follows:

### POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of five (5) persons: three (3) of whom are to be elected and who shall serve in accordance with the provisions following; one being the City Manager or his/her designee who shall serve such term as determined by the City Manager; and one being the Mayor or his/her designee who shall serve such term as determined by the Mayor.

### APPOINTMENT/ELECTION TERMS

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur among the elected members of the Board, then the next runner-up candidate establish out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

### INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth, except for the City Manager or his/her designee

If authorized by referendum vote at the municipal election scheduled for November 3, 2015, this amendment to become effective on January 1, 2016.

### BRIEF EXPLANATION

Currently the policy making body for the Portsmouth Police Department is a three (3) member Commission each of which members is elected to serve. The Police Commission also performs certain administrative duties for the Police Department as described in the Municipal Charter. If the proposed Charter Amendment is adopted then the Police Commission will expand from three (3) members to five (5) members by the addition of the Mayor and the City Manager or their respective designees. There would be no change in the duties or responsibilities of the Police Commission.



#### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth, AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION), is hereby amended and shall read as follows:

#### POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of five (5) persons: three (3) of whom are to be elected and who shall serve in accordance with the provisions following; one being the City Manager or his/her designee who shall serve such term as determined by the City Manager; and one being the Mayor or his/her designee who shall serve such term as determined by the Mayor.

#### APPOINTMENT/ELECTION TERMS

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur among the elected members of the Board, then the next runner-up candidate establish out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

#### INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth, except for the City Manager of his/her designee

If authorized by referendum vote at the municipal election scheduled for November 3, 2015, this amendment to become effective on January 1, 2016.

#### BRIEF EXPLANATION

Currently the policy making body for the Portsmouth Police Department is a three (3) member Commission each of which members is elected to serve. The Police Commission also performs certain administrative duties for the Police Department as described in the Municipal Charter. If the proposed Charter Amendment is adopted then the Police Commission will expand from three (3) members to five (5) members by the addition of the Mayor and the City Manager or their respective designees. There would be no change in the duties or responsibilities of the Police Commission.

PH00120800

## PROPOSED CHARTER AMENDMENT #3

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby deleted in its entirety as is any reference contained anywhere in the municipal Charter to the election, authority or existence of a Police Commission, including but not limited to Section 6.2 Police Department (Police Commission) and is further amended by the addition of a new provision (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

### ~~AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION)~~

#### ~~GENERALLY~~

~~Notwithstanding any other provisions of the Revised Charter, the following department of City government shall be separately identified as Charter Department, and shall be administered in accordance with the provisions of this Article.~~

#### ~~POLICE DEPARTMENT (POLICE COMMISSION)~~

~~The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of three persons to be elected in accordance with the following.~~

#### ~~APPOINTMENT/ELECTION TERMS~~

~~Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November, 1993 as follows:~~

~~The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.~~

~~Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur on the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.~~

## ELIGIBILITY

~~Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.~~

## REMOVAL

~~Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.~~

## INCOMPATIBLE OFFICES

~~No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.~~

## QUORUM (VOTES)

~~All questions put before the Police Commission shall be decided by a single majority vote of the Commission. At least three members of the Commission shall be present at any meeting to constitute a quorum.~~

## POWERS

~~The Police Commission shall appoint such permanent patrol officers, sergeants, captains commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respective collective bargaining agreements. The commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Department. Such power to include, but not limited to, the following:~~

- ~~A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council~~
- ~~B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council~~

## ORGANIZATION

~~The Police Commission shall, beginning January 1992, convene meeting annually in the month of January for organizational purposes. The Commission shall choose one of its members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).~~

## RULES AND REGULATIONS

~~The Commission shall make such rules and regulations for their own proceedings and the administration of the Police Department, as they deem advisable.~~

## COMPENSATION

~~The Police Commissioners shall receive such compensation as the City Council may from time to time determine.~~

## ANNUAL BUDGET

~~The Police Commission shall, beginning in January of 1992 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with respect to such matters. The Commission shall then submit its annual budget request to the City Council in accordance with the remaining provisions of this Charter. The salaries and benefits of all officers and employees of the Police Department shall be considered by the Commission through timely discussion with the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided by this Charter, or in the absence of a Charter provision, by the City Council. The Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The chairperson of the Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the police chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).  
(ADOPTED BY REFERENDUM VOTE NOVEMBER 5, 1991)~~

## ARTICLE VI - CHARTER DEPARTMENTS

### ~~SECTION 6.2 – POLICE DEPARTMENT (POLICE COMMISSION)~~

~~Deleted and Replaced with Amendment E by Referendum Vote November 5, 1991.~~

## Article III – OFFICERS AND EMPLOYEES

### **SECTION 3.16 – CIVILIAN REVIEW BOARD**

**The City Council is hereby authorized to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers. The ordinance adopted under the authority of this provision shall describe the membership and composition of the Board, method for selecting such members, the authority of the Board and the procedures to be followed by the Board.**

If authorized by referendum vote at the municipal election scheduled for November 3 2015, this amendment to become effective on January 1, 2016.

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby deleted in its entirety as is any reference contained anywhere in the Municipal Charter to the election, authority or existence of a Police Commission, including but not limited to Section 6.2 Police Department (Police Commission) and is further amended by the addition of a new provision:

### ARTICLE VI – CHARTER DEPARTMENTS

### ARTICLE III – OFFICERS AND EMPLOYEES

### SECTION 3.16 – CIVILIAN REVIEW BOARD

The City Council is hereby authorized to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers. The ordinance adopted under the authority of this provision shall describe the membership and composition of the Board, method for selecting such members, the authority of the Board and the procedures to be followed by the Board.

If authorized by referendum vote at the municipal election scheduled for November 3, 2015, this amendment to become effective on January 1, 2016.

### BRIEF EXPLANATION

Currently the policy making body for the Portsmouth Police Department is a three (3) member Commission each of which members is elected to serve. The Police Commission also performs certain administrative duties for Police Department as described in the Municipal Charter. If the proposed Charter Amendment is adopted then the Police Commission will cease to exist and the Police Department will be administered under the Council/Manager form of government in the same manner as any regular City Department such as the Public Works Department, The Finance Department or the Library Department.

In addition, if the proposed Charter Amendment is adopted then the City Council will be provided with the authority to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby deleted in its entirety as is any reference contained anywhere in the Municipal Charter to the election, authority or existence of a Police Commission, including but not limited to Section 6.2 Police Department (Police Commission) and is further amended by the addition of a new provision:

ARTICLE VI – CHARTER DEPARTMENTS

ARTICLE III – OFFICERS AND EMPLOYEES

SECTION 3.16 – CIVILIAN REVIEW BOARD

The City Council is hereby authorized to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers.

The ordinance adopted under the authority of this provision shall describe the membership and composition of the Board, method for selecting such members, the authority of the Board and the procedures to be followed by the Board.

If authorized by referendum vote at the municipal election scheduled for November 3, 2015, this amendment to become effective on January 1, 2016.

BRIEF EXPLANATION

Currently the policy making body for the Portsmouth Police Department is a three (3) member Commission each of which members is elected to serve. The Police Commission also performs certain administrative duties for Police Department as described in the Municipal Charter. If the proposed Charter Amendment is adopted then the Police Commission will cease to exist and the Police Department will be administered under the Council/Manager form of government in the same manner as any regular City Department such as the Public Works Department, The Finance Department or the Library Department.

In addition, if the proposed Charter Amendment is adopted then the City Council will be provided with the authority to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers.

FM00120807

## PROPOSED CHARTER AMENDMENT #4

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION), is hereby amended and shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

### AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

#### GENERALLY

Notwithstanding any other provisions of the Revised Charter, the following department of City government shall be separately identified as Charter Department, and shall be administered in accordance with the provisions of this Article.

#### POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of ~~three~~ **five (5)** persons: **three (3) of whom are** to be elected **and who shall serve** in accordance with the **provisions** following; one being **the City Manager and one being selected by the City Council at the first meeting of every newly elected City Council for a term of two (2) years. Such person may not be a Councilor or immediately former Councilor and shall not be re-appointed for a period of ten (10) years.**

#### APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November, 1993 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for **no** more than **two** ~~one~~ **terms** of office. In the event that a vacancy should occur **among the elected members of** ~~on~~ the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of



candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

## ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.

## REMOVAL

Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

## INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth, **except for the City Manager.**

## QUORUM (VOTES)

All questions put before the Police Commission shall be decided by a single majority vote of the Commission. At least three members of the Commission shall be present at any meeting to constitute a quorum.

## POWERS

The Police Commission shall appoint such permanent patrol officers, sergeants, captains commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respective collective bargaining agreements. The commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Department. Such power to include, but not limited to, the following:

- A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council
- B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council

## ORGANIZATION

The Police Commission shall, beginning January 1992, convene **a** meeting annually in the month of January for organizational purposes. The Commission shall choose one of its **elected** members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. **No member may serve consecutive terms as chairperson.** (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

## RULES AND REGULATIONS

The Commission shall make such rules and regulations for their own proceedings and the administration of the Police Department, as they deem advisable.

## COMPENSATION

The Police Commissioners shall receive such compensation as the City Council may from time to time determine.

## ANNUAL BUDGET

The Police Commission shall, beginning in January of 1992 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with respect to such matters. The Commission shall then submit its annual budget request to the City Council in accordance with the remaining provisions of this Charter. The salaries and benefits of all officers and employees of the Police Department shall be considered by the Commission through timely discussion with the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided by this Charter, or in the absence of a Charter provision, by the City Council. The Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The chairperson of the Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the police chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).  
(ADOPTED BY REFERENDUM VOTE NOVEMBER 5, 1991)

And the Charter be further amended by the addition of a new Section 3.16 to read as follows:

**SECTION 3.16 – CIVILIAN REVIEW BOARD**

**The City Council is hereby authorized to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers. The ordinance adopted under the authority of this provision shall describe the membership and composition of the Board, method for selecting such members, the authority of the Board and the procedures to be followed by the Board.**

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION), is hereby amended and shall read as follows:

### POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of five (5) persons: three (3) of whom are to be elected and who shall serve in accordance with the provisions following; one being the City Manager and one being selected by the City Council at the first meeting of every newly elected City Council for a term of two (2) years. Such person may not be a Councilor or immediately former Councilor and shall not be re-appointed for a period of ten (10) years.

### APPOINTMENT/ELECTION TERMS

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for no more than two terms of office. In the event that a vacancy should occur among the elected members of the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated terms. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

### INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth, except for the City Manager.

### ORGANIZATION

The Police Commission shall, beginning January 1992, convene a meeting annually in the month of January for organizational purposes. The Commission shall choose one of its elected members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. No member may serve consecutive terms as chairperson. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

And the Charter be further amended by the addition of a new Section 3.16 to read as follows:

## SECTION 3.16 – CIVILIAN REVIEW BOARD

The City Council is hereby authorized to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers. The ordinance adopted under the authority of this provision shall describe the membership and composition of the Board, method for selecting such members, the authority of the Board and the procedures to be followed by the Board.

If authorized by referendum vote at the municipal election scheduled for November 3, 2015, this amendment to become effective on January 1, 2016.

### BRIEF EXPLANATION

Currently the policy making body for the Portsmouth Police Department is a three (3) member Commission each of which members is elected to serve. The Police Commission also performs certain administrative duties for the Police Department as described in the Municipal Charter. If the proposed Charter Amendment is adopted then the Police Commission will expand from three (3) members to five (5) members by the addition of the City Manager and a member to be selected by the City Council. There would be no change in the duties or responsibilities of the Police Commission

In addition, if the proposed Charter Amendment is adopted then the City Council will be provided with the authority to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers.

#### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Proposed Amendment to the Municipal Charter. The complete Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION), is hereby amended and shall read as follows:

#### POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of five (5) persons: three (3) of whom are to be elected and who shall serve in accordance with the provisions following, one being the City Manager and one being selected by the City Council at the first meeting of every newly elected City Council for a term of two (2) years. Such person may not be a Councilor or immediately former Councilor and shall not be re-appointed for a period of ten (10) years.

#### APPOINTMENT/ELECTION TERMS

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for no more than two terms of office. In the event that a vacancy should occur among the elected members of the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated terms. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

#### INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth, except for the City Manager.

#### ORGANIZATION

The Police Commission shall, beginning January 1992, convene a meeting annually in the month of January for organizational purposes. The Commission shall choose one of its elected members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. No member may serve consecutive terms as chairperson. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

And the Charter be further amended by the addition of a new Section 3.16 to read as follows:

#### SECTION 3.16 – CIVILIAN REVIEW BOARD

The City Council is hereby authorized to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers. The ordinance adopted under the authority of this provision shall describe the membership and composition of the Board, method for selecting such members, the authority of the Board and the procedures to be followed by the Board.

If authorized by referendum vote at the municipal election scheduled for November 3, 2015, this amendment to become effective on January 1, 2016.

#### BRIEF EXPLANATION

Currently the policy making body for the Portsmouth Police Department is a three (3) member Commission each of which members is elected to serve. The Police Commission also performs certain administrative duties for the Police Department as described in the Municipal Charter. If the proposed Charter Amendment is adopted then the Police Commission will expand from three (3) members to five (5) members by the addition of the City Manager and a member to be selected by the City Council. There would be no change in the duties or responsibilities of the Police Commission.

In addition, if the proposed Charter Amendment is adopted then the City Council will be provided with the authority to create by ordinance a Civilian Police Review Board to investigate complaints by members of the public concerning misconduct by police officers.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on Ordinance amending Chapter 7, Article II – Taxicabs by deleting Article II in its entirety and replace with a new Article II entitled Transportation Services. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC, CMC, CNHMC  
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 13, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on Ordinance amending Chapter 7, Article II – Taxicabs by deleting Article II in its entirety and replace with a new Article II entitled Transportation Services. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC, CMC, CNHMC  
CITY CLERK

**Suggested amendment proposed by Taxi Commission to the Transportation Services Ordinance which passed first reading on March 2, 2015.**

**Amend the Ordinance to read as follows:**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - TAXICABS - of the Ordinances of the City of Portsmouth be and the proposed amendment which passed first reading on March 2, 2015 hereby deleted in their entirety and replaced with the following:

**CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES**

**Section 7.201: TRANSPORTATION SERVICES**

This ordinance serves to regulate transportation services within the City of Portsmouth, whether described as taxi cab service, ride sharing services or any other conduct in which a motor vehicle is used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger and which transportation has its point of origin within the City.

The definition of Transportation Services shall not include limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions or transportation to locations outside the City or the reverse.

**Section 7.202: TRANSPORTATION SERVICE PROVIDER**

Any person or business entity engaging in the provision of transportation services in the City of Portsmouth is a Transportation Service Provider and is subject to the provisions of this ordinance.

**Section 7.203: OBLIGATIONS OF TRANSPORTATION SERVICE PROVIDERS**

All Transportation Service Providers shall at all times when engaged in providing Transportation Services:

- A. Maintain on file with the City Clerk a valid and executed application and agreement in a form prepared by the City Clerk indicating that the Transportation Service Provider and all persons operating in any way in conjunction with that Provider will operate at all times in compliance with all provisions of this ordinance. The form shall certify that any person who is in the business of providing Transportation Services under the authority of or in



conjunction with the Transportation Service Provider shall do so only in compliance with this ordinance.

The Application and Agreement shall require the Transportation Services Provider to certify that:

1. All operators of vehicles authorized by or operated in any way in conjunction with the Transportation Services Provider shall have passed the background check required by the Ordinance.
  2. All vehicles authorized by or operated in any way in conjunction the Transportation Services Provider shall be insured as required by this ordinance.
- B. All Transportation Services Providers shall pay an annual fee to the City Clerk in the amount of twenty-five dollars (\$25.00) for the operation of one (1) vehicle or one hundred dollars (\$100.00) for the operation of multiple vehicles.

Section 7.204:       **BACKGROUND CHECK**

Every Transportation Service Provider shall provide the City Clerk with certification of the Chief of the Portsmouth Police Department that all operators of vehicles used under the authority of or in any way in conjunction with the Transportation Services Provider have passed a background check confirming, at a minimum, compliance with the following criteria:

- A. The individual does not have three (3) or more convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.
- B. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.
- C. The individual has not been convicted of a felony or misdemeanor, in this or any other state, in the seven (7) full years prior to the date of the certification.
- D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.

Section 7.205:       **INSURANCE**

Every Transportation Service Provider shall maintain at all times in the office of the City Clerk satisfactory proof, on a form approval by the Legal Department, of commercial personal injury and property damage liability insurance covering any vehicle used under the authority of or operated in any way in conjunction with the Transportation Service Provider and any person who might drive that vehicle in the performance of Transportation Services for any time period in which the vehicle might be providing Transportation Services. The

personal injury coverage shall be not be less than \$100,000.00 for injury to one person with a total coverage of not less than \$300,000 for each accident. The property damage coverage shall be not less than \$50,000 per occurrence.

If the required insurance coverage terminates, expires or is suspended the right to provide Transportation Services under this ordinance shall immediately terminate and expire. All required insurance policies shall contain a provision which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Said notice shall be provided to the City Clerk.

Section 7.206:       **TRANSPORTATION SERVICE LOCATIONS**

The City Council may designate any portion or portions of the public street or highway to be used as a place in which vehicles may stand or park to solicit business in accordance with the provisions of this ordinance. Such locations may be identified as "taxi" stands or by any other designation approved by the City Council.

For a one (1) year transition period commencing with the date of adoption of this ordinance the use of such transportation service locations shall be limited to those companies or individuals holding taxi medallions to operate within the City as of February 18, 2015. Thereafter, only vehicles bearing valid Transportation Service placards and actually soliciting Transportation Services may park in designated Transportation Service locations.

Section 7.207:       **SAFETY INSPECTIONS**

All vehicles engaged in the provision of Transportation Services must be lawfully inspected for vehicle safety in accordance with the laws of the State of New Hampshire.

Section 7.208:       **ANNUAL RENEWAL**

Every Transportation Service Agreement must be renewed on May 1<sup>st</sup> of every year.

Section 7.209:       **FARE REGULATION**

There shall be no regulation of fares. However, prior to the initiation of any Transportation Service being provided to any individual, the operator of the Transportation Service vehicle shall tell the passenger engaging such services, verbally or electronically, the amount which will be paid by the passenger to the operator for the Transportation Service.

Any disputes which may arise with regard to the fare for any Transportation Service may be brought to the Transportation Service Commission for resolution. Any determination made by the Transportation Service Commission shall be final and binding on all parties.

**Section 7.210:       TRANSPORTATION SERVICE COMMISSION**

There is hereby established a Transportation Service Commission. On the date of adoption of this ordinance the Transportation Service Commission shall consist of the members of the Taxi Commission holding office immediately prior to that date. Thereafter, the Transportation Service Commission shall be comprised of (1) City Councilor; (1) member of the business community; (4) citizens of the City of Portsmouth; who shall be selected by the Mayor with the approval of the City Council; and the Chief of Police or his/her designee; . The Transportation Service Commission shall serve co-terminus with each City Council and shall annually elected one of its members to be Chair.

The Transportation Service Commission shall serve in an advisory role to the City Council with respect to all matters relating to Transportation Services. The Transportation Service Commission shall also resolve any fare dispute and impose any penalty as authorized by this ordinance. All Transportation Services providers shall cooperate with the Transportation Services Commission in reviewing any complaints or issues which arise in any way in connection with the provision of Transportation Services in the City.

**Section 7.211:       SIGNAGE**

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A.    A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.
- B.    A notice providing passengers with the full text of Section 7.209 of this ordinance.

**Section 7.212:       PENALTIES FOR VIOLATION**

The owner or operator of any vehicle engaged in the provision of Transportation Services who fails to operate in compliance with the provisions of this ordinance shall be subject to the following:

- A.    Suspension or revocation of the Transportation Service Agreement under which Transportation Services may be provided by vote of the Transportation Service Commission; and/or
- B.    An administrative penalty as may be determined by the Transportation Service Commission, in an amount not to exceed five hundred dollars (\$500.00) for a first offense or one thousand dollars (\$1,000.00) for a second offense, payment

- of which shall be a condition of continued maintenance of the Transportation Service Agreement; and/or
- C. Payment upon conviction by a Court of competent jurisdiction of any amount determined by the Court up to the maximum permissible penalty authorized by state law for violation of a municipal ordinance.

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 COUNCIL:

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

**Short-Term Vacation Rentals and Bed and Breakfasts  
Proposed Amendments to the Zoning Ordinance**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Section 10.440, Table of Uses, as set forth in Attachment A: “Proposed Amendments to Zoning Ordinance, Section 10.440 – Short-Term Vacation Rentals and Other Lodging Uses.”

B. Insert a new Section 10.837.20 – Short-Term Vacation Rentals, as follows

10.837.20 Short-Term Vacation Rentals

10.837.21 Occupancy of a short-term vacation rental shall be limited to no more than two persons per bedroom, as determined by the Code Official.

10.837.22 A dwelling that is used as a short-term vacation rental shall at all times comply with all applicable requirements of the Building Code and other codes adopted by or applicable within the City.

10.837.23 A dwelling that is used as a short-term vacation rental shall be provided with sufficient off-street parking based on anticipated occupancy.

10.837.24 A dwelling that is used as a short-term vacation rental shall at all times be covered by an insurance policy that permits such rental.

10.837.25 The owner of a dwelling used as a short-term vacation rental shall register for the State rooms and meals tax and shall pay all required taxes.

10.837.26 No recreational vehicle, travel trailer, tent or other temporary shelter shall be used on the premises for living or sleeping purposes.

10.837.27 Noncompliance with any condition listed in Sections 10.837.21 through 10.837.26, or any other condition of the granting of a special exception for the short-term vacation rental use, shall be deemed to

constitute abandonment of said use resulting in the termination of the special exception.

C. In Article 11, Site Development Standards, insert the following new uses and requirements under “10. Lodging Establishments”:

Use	Required Parking Spaces
<b>Short-term vacation rental</b>	<b>2 spaces (see also Sec. 10.837.23)</b>

D. In Article 15, Definitions, amend the definition of “Bed and breakfast” as follows:

**Bed and Breakfast**

The provision of short-term lodging ~~and breakfast~~ within an owner-occupied dwelling. ~~The capacity of the dining facilities shall accommodate no more than 25 persons.~~ (See also: hotel, motel, inn.)

**Bed and Breakfast 1**

A bed and breakfast with ~~between 1 and 5~~ **1 or 2** guest rooms, **which may or may not serve breakfast to guests (and their invited guests) in a common room that accommodates no more than 6 persons.**

**Bed and Breakfast 2**

A bed and breakfast with ~~between 6 and 10~~ **3 and 5** guest rooms, **which provides breakfast to guests (and their invited guests) in a common room that accommodates no more than 15 persons.**

E. In Article 15, Definitions, insert the following terms and definitions in alphabetical order:

**Short-term vacation rental**

**The rental of a dwelling unit for less than 30 consecutive days. Short-term rental does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses in Section 10.440, Table of Uses.**

**Transient**

**A period of time less than 30 consecutive days.**

The City Clerk shall properly alphabetize and/or re-number the ordinances 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

**Attachment A: Proposed Amendments to Zoning Ordinance, Section 10.440 – Short-Term Vacation Rentals and Other Lodging Uses**  
 (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing)

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO	MRB	CBA	CBB	GB	GW	B	WB	OR	I	WI	Supplemental Regulations
<b>10. Lodging Establishments</b>																	
10.10 Boarding house	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	N	
10.20 Bed and breakfast																	
10.21 Bed and Breakfast 1	N	N	S	N	N	S	P	P	P	N	N	P	N	N	N	N	
10.22 Bed and Breakfast 2	N	N	N	N	N	S	P	P	P	N	N	P	N	N	N	N	
<b>10.30 Short-term vacation rental</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>10.837.20 (Short-term vacation rentals)</b>
<del>40.30</del> <b>10.40</b> Inn	N	N	N	N	N	N	S	P	P	P	P	P	N	N	N	N	
<del>40.40</del> <b>10.50</b> Hotel or motel																	
9-51 <b>10.51</b> Up to 125 rooms	N	N	N	N	N	N	N	S	P	S	S	N	N	P	N	N	10.837 (Office Research districts)
9-52 <b>10.52</b> 126 to 250 rooms	N	N	N	N	N	N	N	S	P	S	S	N	N	S	N	N	10.837 (Office Research districts)
9-52 <b>10.53</b> 251 to 500 rooms	N	N	N	N	N	N	N	<del>S</del> <b>N</b>	<del>P</del> <b>S</b>	<del>S</del> <b>S</b>	<del>S</del> <b>S</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	
9-53 <b>10.54</b> More than 500 rooms	N	N	N	N	N	N	N	<del>S</del> <b>N</b>	<del>P</del> <b>S</b>	<del>S</del> <b>S</b>	<del>S</del> <b>S</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	<del>N</del> <b>N</b>	
<del>40.50</del> <b>10.60</b> Conference hotel or conference center	N	N	N	N	N	N	N	S	P	P	P	N	N	N	N	N	
<del>40.60</del> Conference-center	N	N	N	N	N	N	N	S	P	P	P	N	N	N	N	N	

[NOTE: No change proposed in Table of Uses from existing Zoning Ordinance for Bed and Breakfast 1 and 2.]



ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11, Article II, Section 11.216 – SEWER USER CHARGES/RECORDS/HOOK-UP of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

**Section 11.216: SEWER USER CHARGES/RECORDS/HOOK-UP**

B.

The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes which is connected to a public sewer shall pay a sewer user charge. The sewer user charge shall be established by the City from time to time to defray the cost of management, maintenance, operation and repair, including replacement, of the municipal waste water system. Sewer user charges shall be based upon water use whenever possible. ~~No allowance shall be made for watering lawns, watering gardens or washing cars, except for single residential customers who have installed at their cost a second meter, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. (Amended 11/17/97)~~

If records of metered water use are not available or do not reasonable reflect the quantity of waste discharged into the sewage system, the sewer user charge shall be based upon estimated water use or on actual measurement of the volume of waste discharged into the sewer system. Sewer surcharges shall be levied upon users whose waste characteristics are found to be above normal strength. For the purpose of evaluating waste characteristics, the terms of the Report on the Proposed Rates and Charges for Sewer Services by the City of Portsmouth, prepared by Coffin and Richardson, dated June 15, 1976, are incorporated herein by reference.

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 passage.

APPROVED:

---

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

h:\ordinances\11.216 Sewer users chargesrecords\hook-up

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article 1, Section 7.1 – PARKING METERS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.102      PARKING METER ZONES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any such areas, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking in parking meter zones shall be for a maximum time permitted of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:

A.      DOWNTOWN HIGH OCCUPANCY ZONE:

Parking shall be at the rate of one dollar ~~seventy-five~~ **fifty** cents (\$~~1.750~~) per hour in the following areas:

1. Daniel Street, starting at Chapel Street through to Market Square
2. Bow Street, starting at Chapel Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
- 6. Deer Street, starting at Market Street through to Maplewood Avenue**
- 7. Fleet Street, starting at Hanover Street through to State Street**
- 8. Hanover Lot, at intersection with Market Street**
- 9. Penhallow Street, starting at State Street through to Bow Street**
- 10. Chapel Street, starting at Daniel Street through to State Street**

B.      Parking in all other parking meter zones shall be at the rate of one dollar ~~twenty-five cents~~ (~~\$1.2500~~) per hour.

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:

---

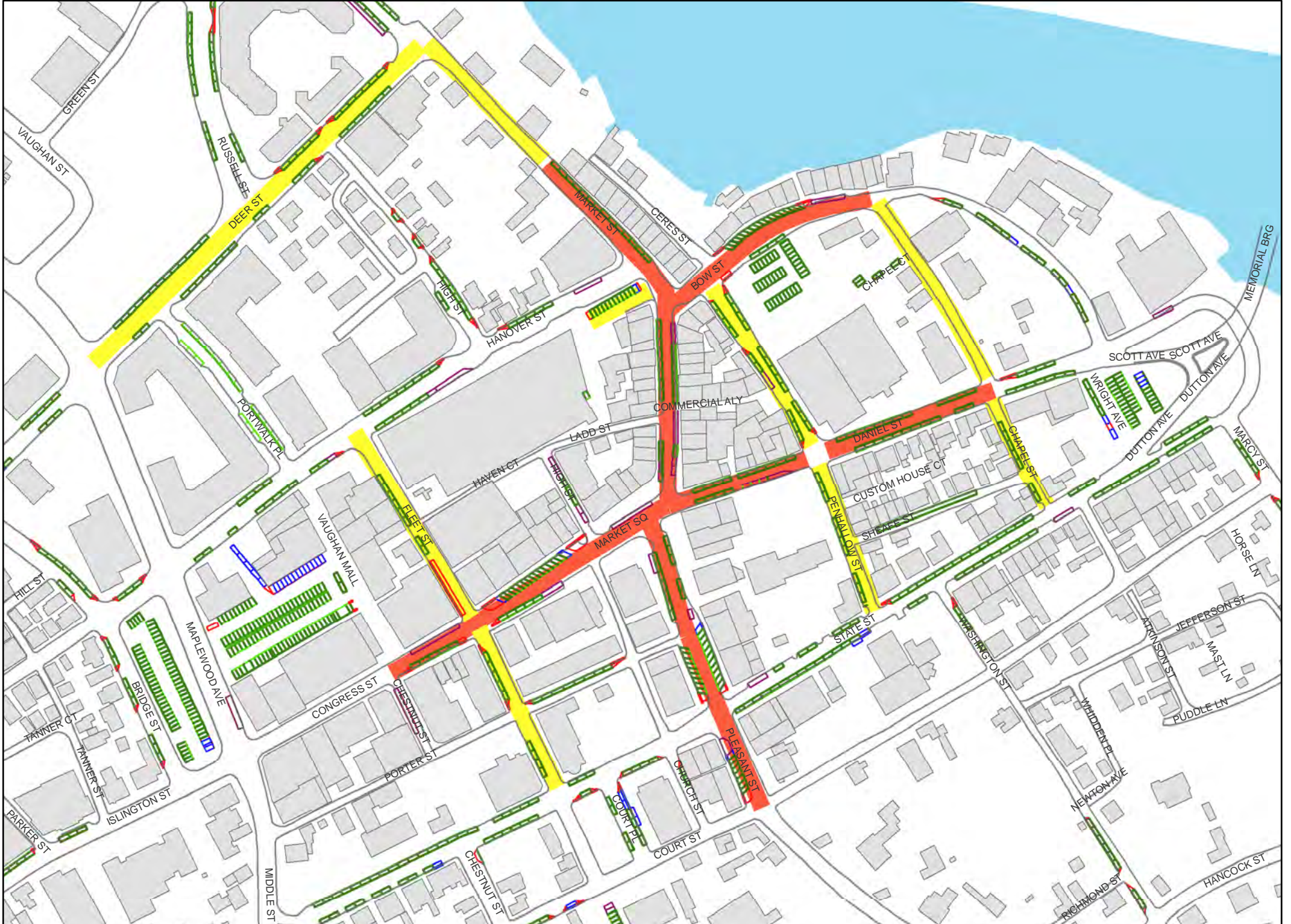
Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

*[Synopsis (not part of ordinance). The following changes to the parking ordinance are recommended by the Fee Committee and are forwarded to the City Council for approval. Each ordinance change is as shown on diagrams attached hereto.]*

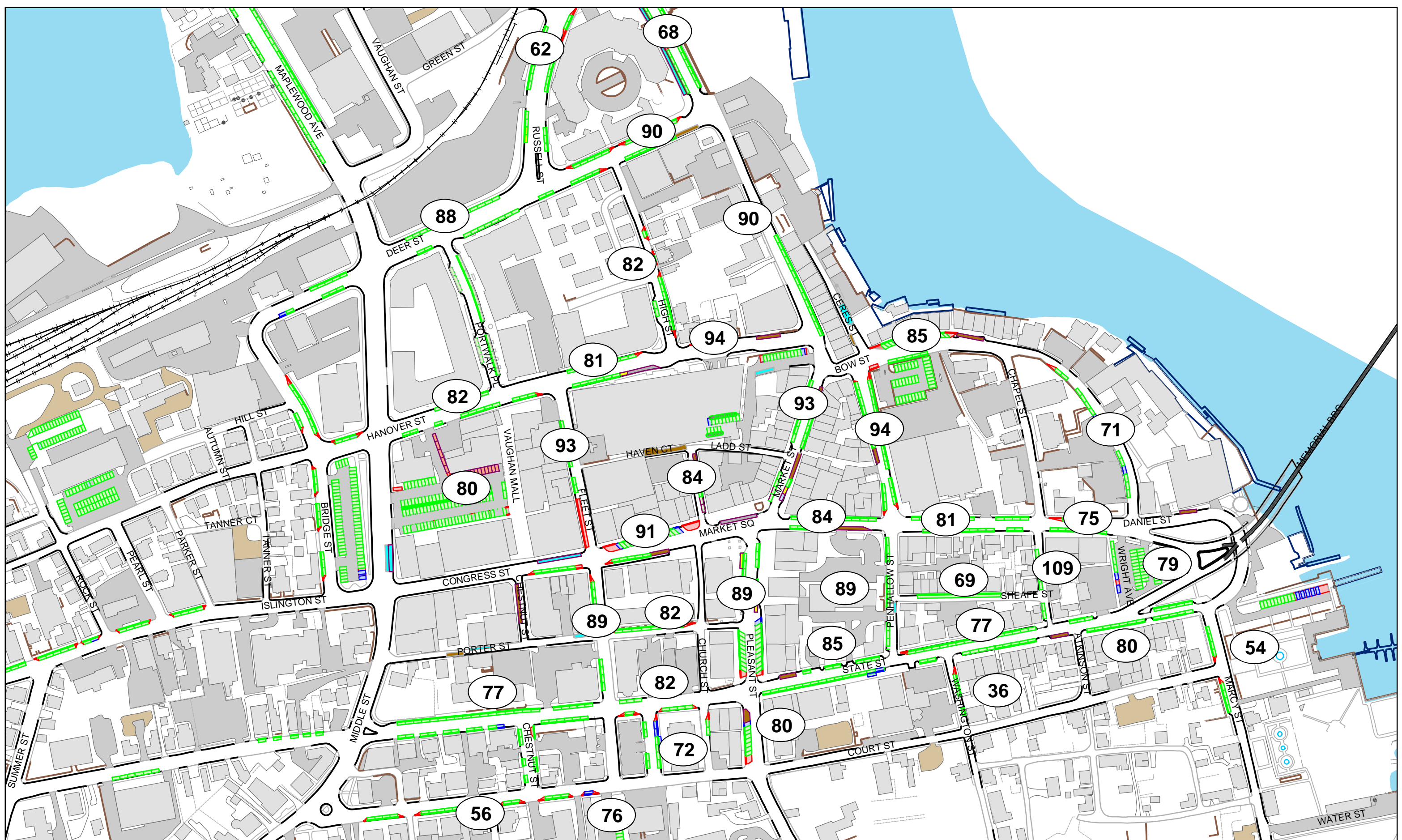


**CITY OF PORTSMOUTH  
DOWNTOWN HIGH OCCUPANCY METER ZONE PROPOSED CONDITIONS**

*Legend*

**High Occupancy Meter Zone**  Proposed  Existing





**Draft On-Street Parking Utilization Data**  
**Data Compiled by Precision Data Consultants**

Map prepared by Portsmouth Department of Public Works  
 U:\Projects\0263 Parking Data\Precision Data Consultants\20150202.pdf

Average Occupancy Rate  
 For Seven Hour Period (12PM to 7PM)  
 Thursday, June 19, 2014, Saturday, June 21, 2014,  
 Saturday, October 18, 2014, Wednesday, October 29, 2014 ,

1 inch = 220 feet

02/02/2015

## Table of Contents

<b>ARTICLE 5A CHARACTER-BASED ZONING</b>	<b>1</b>
SECTION 10.5A10 GENERAL .....	1
10.5A11 Purpose and Intent .....	1
10.5A12 Applicability .....	1
10.5A13 Compliance with Regulating Plan.....	1
10.5A14 Relationship to Other Provisions of the Zoning Ordinance .....	1
10.5A15 Relationship to Other Regulations, Codes and Ordinances.....	1
10.5A16 Figures .....	2
10.5A17 Definitions.....	2
SECTION 10.5A20 REGULATING PLAN .....	2
10.5A21 General.....	2
10.5A22 Regulating Plan Amendment .....	3
SECTION 10.5A30 CHARACTER DISTRICTS .....	4
10.5A31 Character District Descriptions.....	4
10.5A32 Permitted Uses .....	5
10.5A33 Downtown Overlay District.....	5
SECTION 10.5A40 CHARACTER DISTRICT DEVELOPMENT STANDARDS .....	5
10.5A41 Development Standards.....	5
10.5A42 Building Placement .....	18
10.5A43 Building Form and Building Types .....	19
10.5A44 Off-Street Parking and Loading Requirements .....	28
10.5A45 Architectural Design Guidelines .....	30
10.5A46 Community Spaces .....	30
SECTION 10.5A50 CIVIC DISTRICTS.....	33
SECTION 10.5A60 DEFINITIONS.....	34

## List of Figures & Maps

---

Figure 10.5A41.10A Character District Standards: General Urban District–Limited (CD4-L1/  
CD4-L2)

Figure 10.5A41.10B Character District Standards: General Urban District (CD4)

Figure 10.5A41.10C Character District Standards: Urban Center District (CD5)

Figure 10.5A42.10 Principal Building/Backbuilding/Outbuilding

Figure 10.5A43.10 Façade Types

Figure 10.5A43.70 Building Types

Figure 10.5A46.10 Community Spaces

---

Map 10.5A21A Character Districts and Civic Districts

Map 10.5A21B Building Height Standards

Map 10.5A21C Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

---



## **Article 5A Character-Based Zoning**

---

### **Section 10.5A10 General**

#### **10.5A11 Purpose and Intent**

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

#### **10.5A12 Applicability**

10.5A12.10 Article 5A shall apply to the "Character-Based Zoning Area" as shown on the Regulating Plan, and to the Character Districts and Civic Districts within said Character-Based Zoning Area.

10.5A12.20 Municipal Districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance (specifically, Sections 10.460 and 10.560) and not by Article 5A.

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

10.5A13.10 In the Character Districts and Civic Districts, all lots, buildings, structures, uses, and development shall comply with the requirements of Article 5A, as well as with all provisions of this Zoning Ordinance that are not superseded by Article 5A.

10.5A13.20 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except pursuant to the Regulating Plan and in compliance with the applicable standards and requirements for such District.

#### **10.5A14 Relationship to Other Provisions of the Zoning Ordinance**

10.5A14.10 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that are in conflict with Article 5A.

10.5A14.20 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5A, or that are not in conflict with Article 5A, shall apply to lots, buildings and uses within the Character-Based Zoning Area.

#### **10.5A15 Relationship to Other Regulations, Codes and Ordinances**

10.5A15.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.

- 10.5A15.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.
- 10.5A15.30 The provisions of Article 5A do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

## 10.5A16 Figures

- 10.5A16.10 The standards in the following figures are an integral part of Article 5A:

Figure 10.5A41.10A – Character District Standards: General Urban District–Limited (CD4-L1/CD4-L2)

Figure 10.5A41.10B – Character District Standards: General Urban District (CD4)

Figure 10.5A41.10C – Character District Standards: Urban Center District (CD5)

Figure 10.5A43.10 – Façade Types

Figure 10.5A43.70 – Building Types

Figure 10.5A46.70 – Community Spaces

- 10.5A16.20 The diagrams, photographs and illustrations contained in the above figures are provided only to indicate general character within the various Districts and shall have regulatory force and effect only to that extent.

## 10.5A17 Definitions

Terms used throughout Article 5A may be defined in the figures (Façade Types, Building Types, and Community Spaces), in Section 10.5A60, in Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5A, those in Article 15, other sections of the Zoning Ordinance, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence unless the context clearly indicates otherwise.

## Section 10.5A20 Regulating Plan

### 10.5A21 General

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

The Regulating Plan is the Zoning Map for the Character-Based Zoning Area. The Regulating Plan consists of the following maps:

- Map 10.5A21A – Character Districts and Civic Districts
- Map 10.5A21B – Building Height Standards
- Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

### **10.5A21.20 Building Height Standards**

Assignments for specific building heights require a building to have no more than the designated maximum number of stories or the maximum height in feet (whichever is lower) and no less than the designated minimum number of stories.

### **10.5A21.30 Special Requirements for Façade Types, Front Lot Line Buildout, and Uses**

The following standards shall apply when so designated by the Regulating Plan:

- (a) Assignments for shopfront, officefront or stepfront façade types require that a building have the designated façade type at the sidewalk level.
- (b) For designated properties along the waterfront, buildings shall occupy no more than 50% of the width of the front lot line, and shall have a wood-sided appearance.
- (c) Specific use requirements apply to designated properties along the waterfront area.

## **10.5A22 Regulating Plan Amendment**

### **10.5A22.10 General**

The Regulating Plan may be amended in accordance with the provisions of Section 10.150 (Changes and Amendments), subject to the further provisions of Section 10.5A22.20.

### **10.5A22.20 Application Requirements**

An application for a Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a Site Plan for such property that complies with the requirements for a request for Design Review under the Site Plan Review Regulations.

## Section 10.5A30 Character Districts

### 10.5A31 Character District Descriptions

There are four Character Districts, as follows:

General Urban District–Limited 1	CD4-L1	<ul style="list-style-type: none"> <li>• Medium density transitional area</li> <li>• Mix of medium to large residential house types</li> <li>• Almost entirely residential uses on the upper floors and some office uses on the ground floor.</li> <li>• Shallow front yards</li> <li>• Shallow to medium to side yards</li> <li>• Variable private landscaping</li> <li>• Streets with curbs, sidewalks, and street trees that define medium to large blocks</li> </ul>
General Urban District–Limited 2	CD4-L2	<ul style="list-style-type: none"> <li>• Medium density transitional area</li> <li>• Mix of medium to large residential house types</li> <li>• Almost entirely residential uses on the upper floors and some office, retail or restaurant uses allowed in ground floor</li> <li>• Shallow front yards</li> <li>• Shallow to medium to side yards</li> <li>• Variable private landscaping</li> <li>• Streets with curbs, sidewalks, and street trees that define medium to large blocks</li> </ul>
General Urban District	CD4	<ul style="list-style-type: none"> <li>• Medium-to-high density transitional area</li> <li>• Mix of building types</li> <li>• Residential, retail, and other commercial uses</li> <li>• Shallow or no front yards</li> <li>• Medium to no side yards</li> <li>• Variable private landscaping</li> <li>• Streets with curbs, sidewalks, and street trees that define small to medium blocks</li> </ul>
Urban Center District	CD5	<ul style="list-style-type: none"> <li>• High density development center</li> <li>• Mix of building types</li> <li>• Residential, retail and other commercial uses</li> <li>• No front yards</li> <li>• No side yards</li> <li>• Limited landscaping</li> <li>• Streets with curbs, sidewalks and street trees that define small to medium blocks</li> </ul>

### 10.5A32 Permitted Uses

10.5A32.10 Buildings, structures and land within a Character District shall comply with the use regulations set forth for the applicable district in Section 10.440.

10.5A32.20 Lots in the Waterfront Zone as shown on Map 10.5A21C shall comply with the use regulations for the Central Business A District set forth in Section 10.440.

### 10.5A33 Downtown Overlay District

The ground floor of a building located within the Downtown Overlay District shall comply with the requirements listed under Section 10.640, and shall also comply with any applicable shopfront or officefront façade type requirements specified in the Regulating Plan.

## Section 10.5A40 Character District Development Standards

### 10.5A41 Development Standards

Development, structures and lots within a Character District shall comply with the applicable general description and standards set forth in Figures 10.5A41.10A-C (Character District Standards) and elsewhere in Article 5A.



**FIGURE 10.5A41.10A CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT—LIMITED (CD4-L1/CD4-L2)**

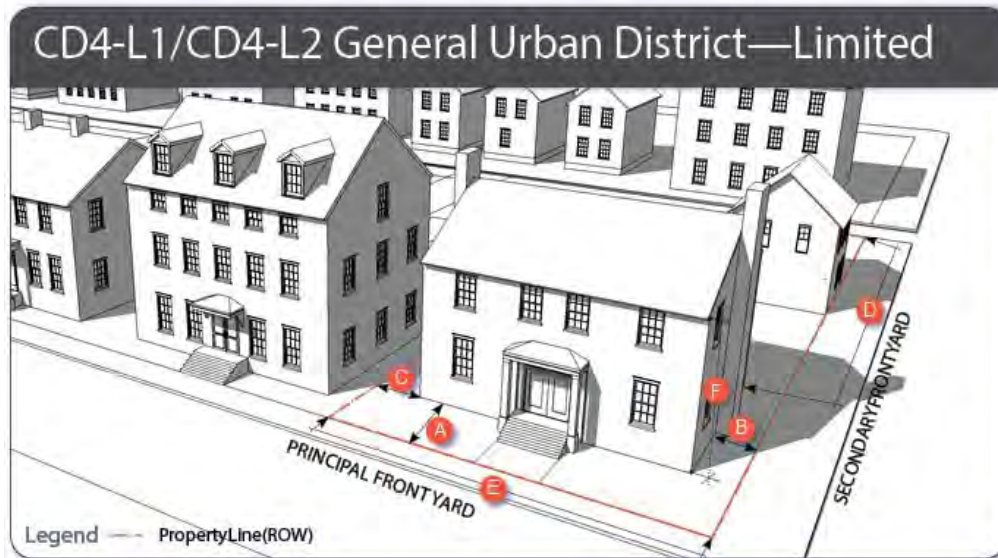
**CD4-L1 General Urban District—Limited.**

**CD4-L2 General Urban District—Limited Retail & Restaurant.**

These districts consist of medium density transitional areas with a mix of medium to large residential houses. Upper floor uses are almost entirely residential. Ground floors include some commercial office uses; areas zoned CD4-L2 also allow some restaurant and retail uses on the ground floor. There are shallow front yards and shallow to medium to side yards, with variable private landscaping. Streets have curbs, sidewalks, and street trees, and define medium to large blocks.



**FIGURE 10.5A41.10A CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT—LIMITED (CD4-L1/CD4-L2)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING**

Principal Front Yard	0 - 15 ft	<b>A</b>
Secondary Front Yard	0 - 12 ft	<b>B</b>
Side Yard	5 - 20 ft	<b>C</b>
Rear Yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	<b>D</b>
Front Lot Line Buildout	60% min to 80% max	<b>E</b>

**LOT OCCUPATION**

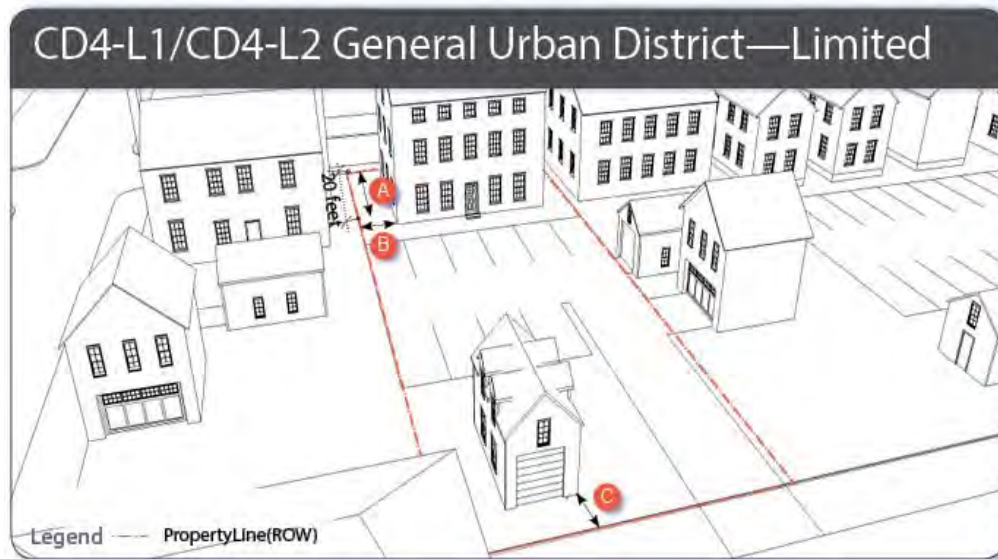
Lot Width	35 ft min, 80 ft max	<b>E</b>
Façade Modulation	NR	
Building Coverage	60% max	
Max Building Footprint	2,500 SF	
Min Lot Area	3,000 sf	
Min Lot Area/Dwelling Unit	3,000 sf	
Open Space	25% min	

**BUILDING FORM – PRINCIPAL BUILDING**

Building Height	See <b>Map 10.5A21.B</b> & <b>Section 10.5A43.30</b>	<b>F</b>
Finished Floor Surface of Ground Floor Above Sidewalk Grade	0”-36”	
Ground Floor Height	10 ft min	
Upper Story Height	9 ft min	
Façade Glazing	25% to 40% (70% min for shopfront)	
Roof Type	gable, hip, gambrel	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min gambrel: 6:12 min, 30:12 max	



**FIGURE 10.5A41.10A CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT—LIMITED (CD4-L1/CD4-L2)**



**BUILDING PLACEMENT – OUTBUILDING**

Front Yard	Principal building setback +20 ft min	<b>A</b>
Side Yard	3 ft min	<b>B</b>
Rear Yard	3 ft min	<b>C</b>

**PARKING**

Location	20ft behind the Principal Building along the Front Yard(s)
----------	--

**BUILDING TYPES**

BUILDING TYPES	(See <b>Figure 10.5A43.70</b> )
House	permitted
Duplex	permitted
Rowhouse	permitted
Apartment Building	permitted
Live/Work Building	permitted
Small Commercial Building	not permitted in CD4-L1 permitted in CD4-L2
Large Commercial Building	not permitted

**BUILDING & LOT USE**

See <b>Section 10.5A32</b>
CD4-L2 allows some retail & restaurant uses on the ground floor

**FAÇADE TYPES & ENCROACHMENTS**

FAÇADE TYPES	(See <b>Figure 10.5A43.10</b> )
--------------	---------------------------------

Except where a façade type is required (See **Map 10.5A21C**) the below standards apply:

Porch	permitted
Stoop	permitted*
Step	not permitted
Shopfront	not permitted unless required (see <b>Map 10.5A21C</b> )
Officefront	not permitted unless required (see <b>Map 10.5A21C</b> )
Forecourt	permitted*

\*Not allowed in the Downtown Overlay District

See **Map 10.5A21C** for additional requirements

**ENCROACHMENT OF BUILDING ELEMENTS**

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

Principal Front Yard	10 ft max
Secondary Front Yard	10 ft max
Rear Yard	5 ft max

This page left blank intentionally.

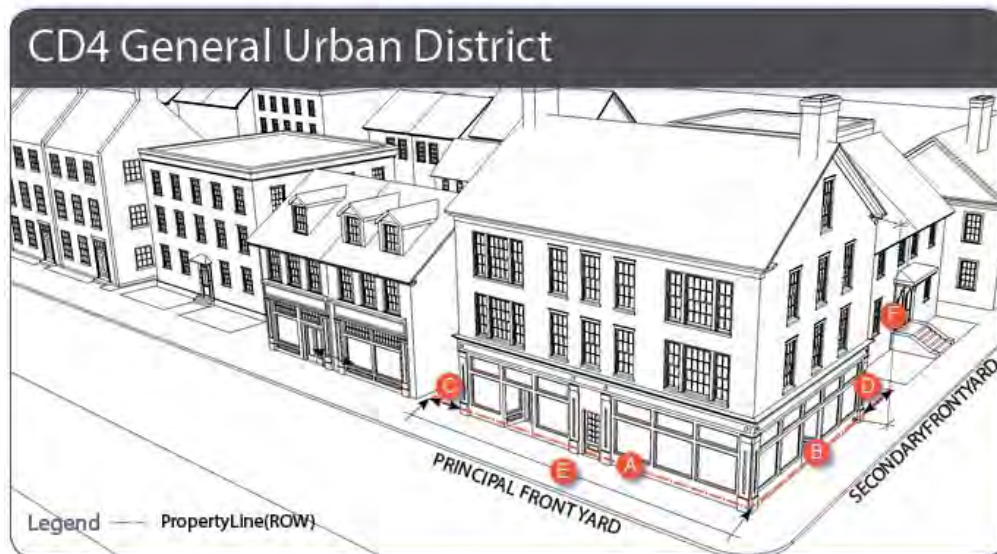
**FIGURE 10.5A41.10B CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT (CD4)**

**CD4 General Urban District.**

This district consists of a medium-to-high density transitional area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping. Streets have curbs, sidewalks and street trees, and define small to medium blocks.



**FIGURE 10.5A41.10B CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT (CD4)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING**

Principal Front Yard	0 - 10 ft	<b>A</b>
Secondary Front Yard	0 - 15 ft	<b>B</b>
Side Yard	0 - 20 ft	<b>C</b>
Rear Yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	<b>D</b>
Front Lot Line Buildout	50% min Except 50% max on Ceres St. (See <b>Map 10.5A21C</b> )	<b>E</b>

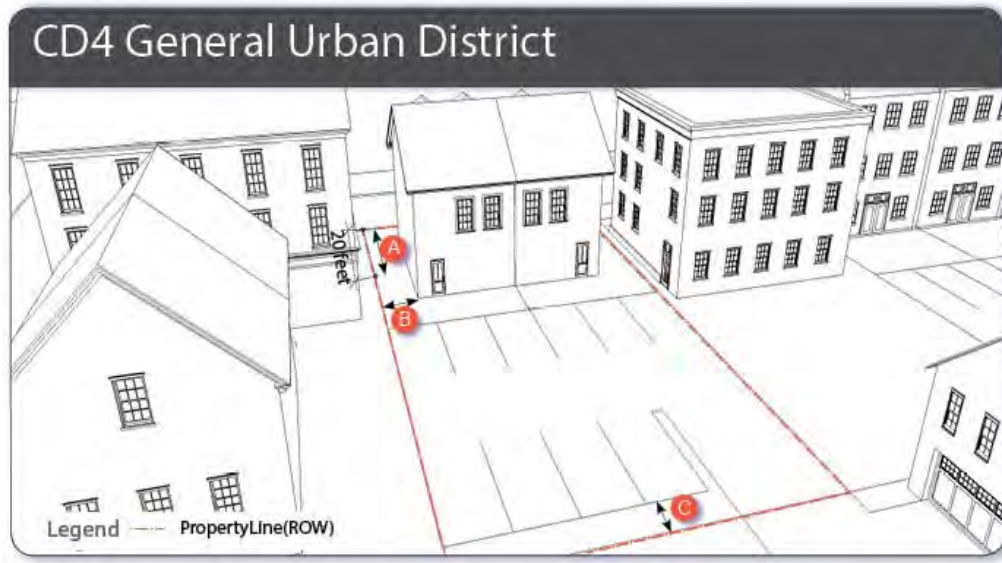
**LOT OCCUPATION**

Lot Width	18 ft min, 80 ft max	<b>E</b>
Façade Modulation	NR	
Building Coverage	90% max	
Max Building Footprint	10,000 SF (except parking structures, See <b>Section 10.5A44.35</b> )	
Min Lot Area	2,000 sf	
Min Lot Area/Dwelling Unit	NR	
Open Space	10% min	

**BUILDING FORM – PRINCIPAL BUILDING**

Building Height	See <b>Map 10.5A21.B &amp; Section 10.5A43.30</b>	<b>F</b>
Finished Floor Surface of Ground Floor Above Sidewalk Grade	0”-36”	
Ground Floor Height	12 ft min	
Upper Story Height	9 ft min	
Façade Glazing	20% to 50% (70% min for shopfront)	
Roof Type	flat, gable, hip, gambrel, mansard	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard/gambrel: 6:12 min, 30:12 max	

**FIGURE 10.5A41.10B CHARACTER DISTRICT STANDARDS  
GENERAL URBAN DISTRICT (CD4)**



**BUILDING PLACEMENT – OUTBUILDING**

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

**PARKING**

Location	20ft behind the Principal Building along the Front Yard(s)
----------	--

**BUILDING TYPES**

BUILDING TYPES	(See <b>Figure 10.5A43.70</b> )
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment Building	permitted
Live/Work Building	permitted
Small Commercial Building	permitted
Large Commercial Building	permitted

**BUILDING & LOT USE**

see **Section 10.5A32**

**FAÇADE TYPES & ENCROACHMENTS**

FAÇADE TYPES	(See <b>Figure 10.5A43.10</b> )
--------------	---------------------------------

Except where a façade type is required (See **Map 10.5A21C**) the below standards apply:

Porch	permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*

\*Not allowed in the Downtown Overlay District

See **Map 10.5A21C** for additional requirements

**ENCROACHMENT OF BUILDING ELEMENTS**

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

Principal Front Yard	8 ft max
Secondary Front Yard	8 ft max
Rear Yard	5 ft max

**FIGURE 10.5A41.10C CHARACTER DISTRICT STANDARDS  
URBAN CENTER DISTRICT (CD5)**

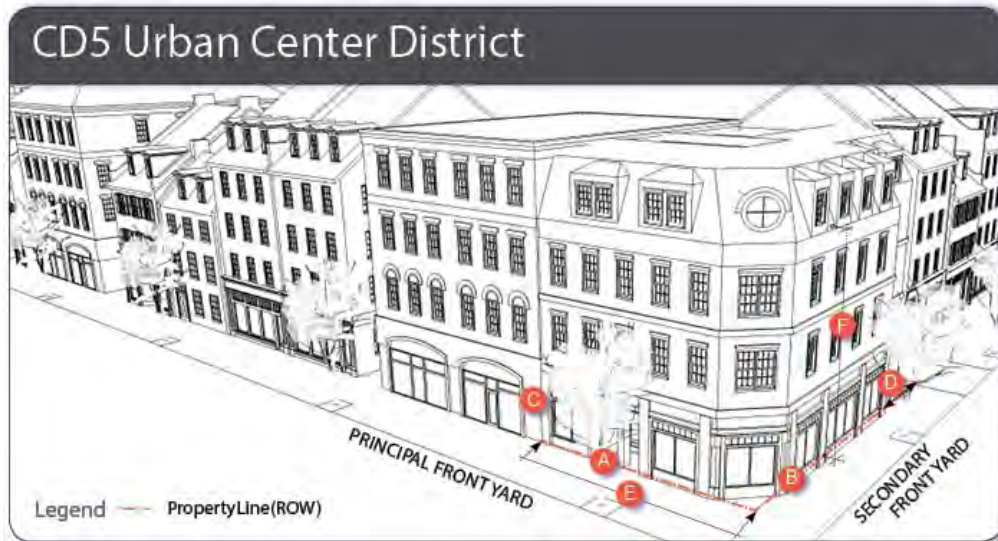
**CD5 Urban Center District.**

This district consists of a high density development center with a mix of building types and residential, retail and other commercial uses. There are no front yards or side yards, and limited landscaping. Streets have curbs, sidewalks and street trees, and define small to medium blocks.



This page left blank intentionally.

**FIGURE 10.5A41.10C CHARACTER DISTRICT STANDARDS  
URBAN CENTER DISTRICT (CD5)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING**

Principal Front Yard	0 ft max*	A
Secondary Front Yard	0 ft max	B
Side Yard	0 - 20 ft	C
Rear Yard	0 ft max	
Front Lot Line Buildout	100%**	

\*Building yards may be increased where public access easements are accepted by the City  
 \*\*Except for truncated corners, building projections or other open spaces.

**LOT OCCUPATION**

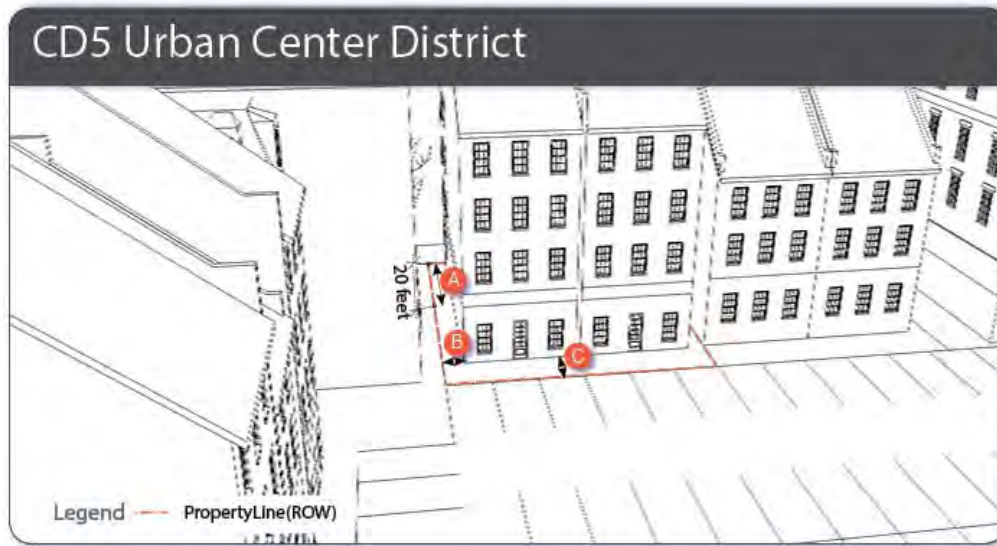
Lot Width	18 ft min, 100 ft max	
Façade Modulation	100 ft max	E
Building Coverage	95% max	
Max Building Footprint	15,000 SF (except parking structures, See <b>Section 10.5A44.35</b> )	
Min Lot Area	2,000 sf	
Min Lot Area/Dwelling Unit	NR	
Open Space	5% min	

**BUILDING FORM – PRINCIPAL BUILDING**

Building Height	See <b>Map 10.5A21.B</b> & <b>Section 10.5A43.30</b>	F
Finished Floor Surface of Ground Floor Above Sidewalk Grade	0"-36"	
Ground Floor Height	12 ft min	
Upper Story Height	9 ft min	
Façade Glazing	20% to 50% (70% min for shopfront)	
Roof Type	flat, gable, hip, gambrel, mansard	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard/gambrel: 6:12 min, 30:12 max	



**FIGURE 10.5A41.10C CHARACTER DISTRICT STANDARDS  
URBAN CENTER DISTRICT (CD5)**



**BUILDING PLACEMENT – OUTBUILDING**

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

**PARKING**

Location	20ft behind the Principal Building along the Front Yard(s)
----------	--

**BUILDING TYPES**

BUILDING TYPES	(See <b>Figure 10.5A43.70</b> )
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment Building	not permitted
Live/Work Building	permitted
Small Commercial Building	permitted
Large Commercial Building	permitted

**BUILDING & LOT USE**

see **Section 10.5A32**

**FAÇADE TYPES & ENCROACHMENTS**

FAÇADE TYPES	(See <b>Figure 10.5A43.10</b> )
--------------	---------------------------------

Except where a façade type is required (See **Map 10.5A21C**) the below standards apply:

Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*

\*Not allowed in the Downtown Overlay District

See **Map 10.5A21C** for additional requirements

**ENCROACHMENT OF BUILDING ELEMENTS**

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

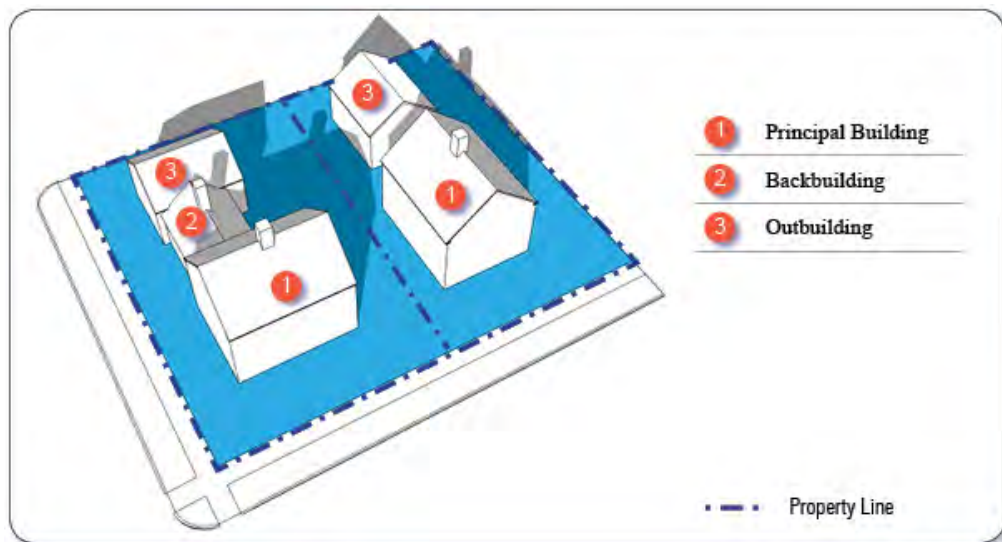
Principal Front Yard	NA
Secondary Front Yard	NA
Rear Yard	5 ft max

## 10.5A42 Building Placement

### 10.5A42.10 Backbuildings and Outbuildings

A detached outbuilding, or an outbuilding attached to a principal structure with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding). Except for multi-level parking structures, all enclosed above-ground parking shall be located within an outbuilding. All detached outbuildings shall conform to the requirements listed in Section 10.570.

**FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING**



### 10.5A42.20 Building Façades

The building façade facing the principal front yard shall be built parallel to a straight front lot line or to the tangent of a curved front lot line, and along the indicated minimum and/or maximum percentage of the front yard width, as specified as Front Yard Buildout on Figures 10.5A41.10A-C (Character District Standards) and/or Map 10.5A21C (Façade Types and Uses).

### 10.5A42.30 Yards

10.5A42.31 Yards shall be as required in Figures 10.5A41.10A-C (Character District Standards).

### 10.5A42.40 Multiple Front Yards

10.5A42.41 Each lot shall have a front yard along each street to which it is adjacent. If a lot has more than one such front yard, one front yard shall be designated as the principal front yard and the other front yard or front yards shall be the secondary front yard.

10.5A42.42 With respect to lots with more than one front yard:

- (a) With respect to a corner lot, all requirements related to the front yard shall be applicable to both the principal front yard and the secondary front yard(s). The rear yard shall be determined based on the assigned street address.
- (b) With respect to a through lot, there shall be no rear yard.
- (c) All requirements related to the front yard shall be applicable to both the principal front yard and the secondary front yard.

## 10.5A43 Building Form and Building Types

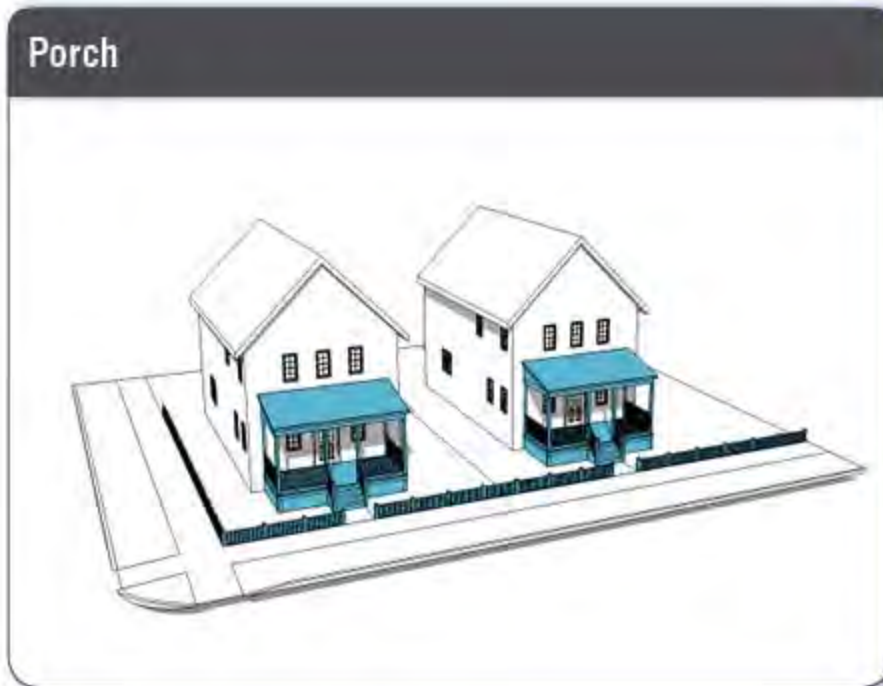
### 10.5A43.10 Façade Types– General

The façade of a building shall conform to Figure 10.5A43.10 (Façade Types) and Figure 10.5A41.10A-C (Character District Standards), as applicable, and any applicable façade type requirements indicated on the Regulating Plan.

### 10.5A43.20 Building Façade Modulation

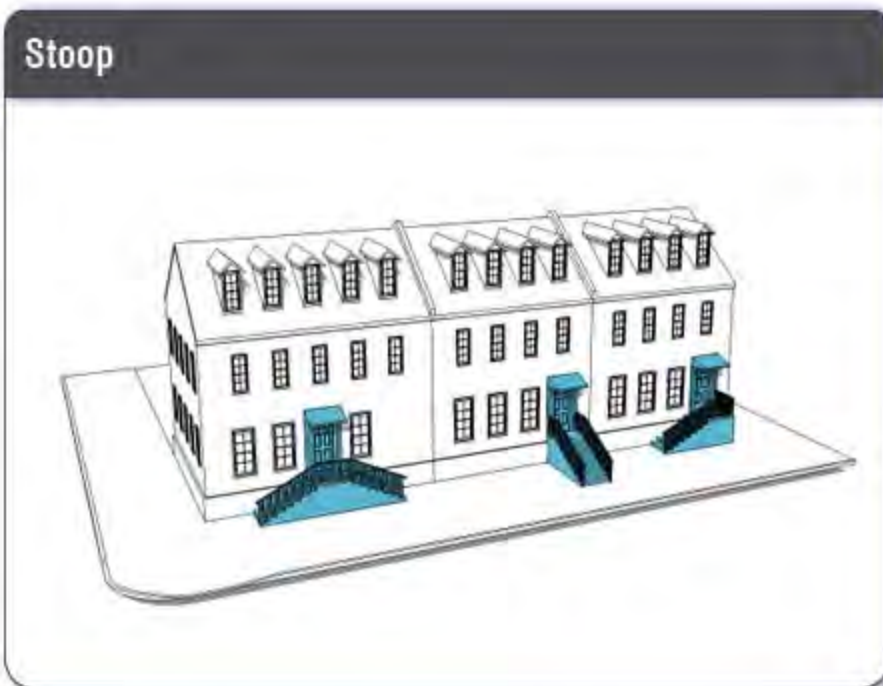
- 10.5A43.21 Except as listed in 10.5A43.22, any façade shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the maximum façade modulation dimensions listed in Figures 10.5A41.10A-C.
- 10.5A43.22 Façades that are all brick or masonry and have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including recessed windows in the openings and use of multi-panes) shall be exempt from the modulation requirements listed in Figures 10.5A41.10A-C.

**FIGURE 10.5A43.10 FAÇADE TYPES**



The façade is set back from the front lot line with an attached porch or stoop permitted to encroach. This may be used with or without a fence to maintain street spatial definition.

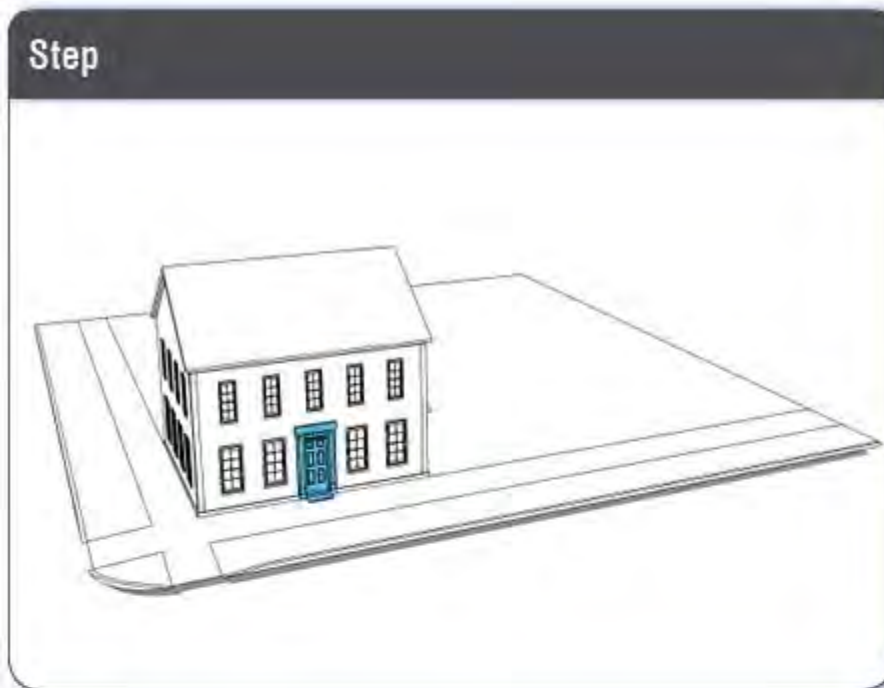
**Allowed districts:**  
CD4, CD4-L1, CD4-L2



A façade type in which the façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior stair and landing. This type is recommended for ground floor residential use.

**Allowed districts:**  
CD5, CD4, CD4-L1, CD4-L2  
This façade type is not allowed in the Downtown Overlay District.

**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**



A façade type in which the façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior single step without a landing. This façade type is recommended for ground floor residential office or retail use.

**Allowed districts:**

CD5, CD4  
CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

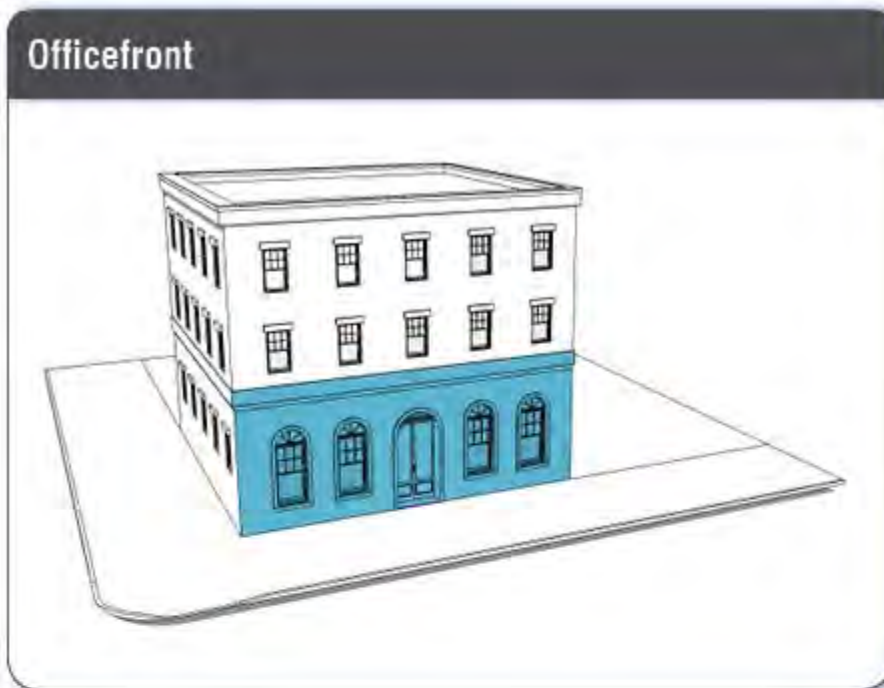


A façade type in which the façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor. The building may have an awning that may extend over the sidewalk to within 2 feet of the curb. This type is conventional for retail, office or restaurant use.

**Allowed districts:**

CD5, CD4  
CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

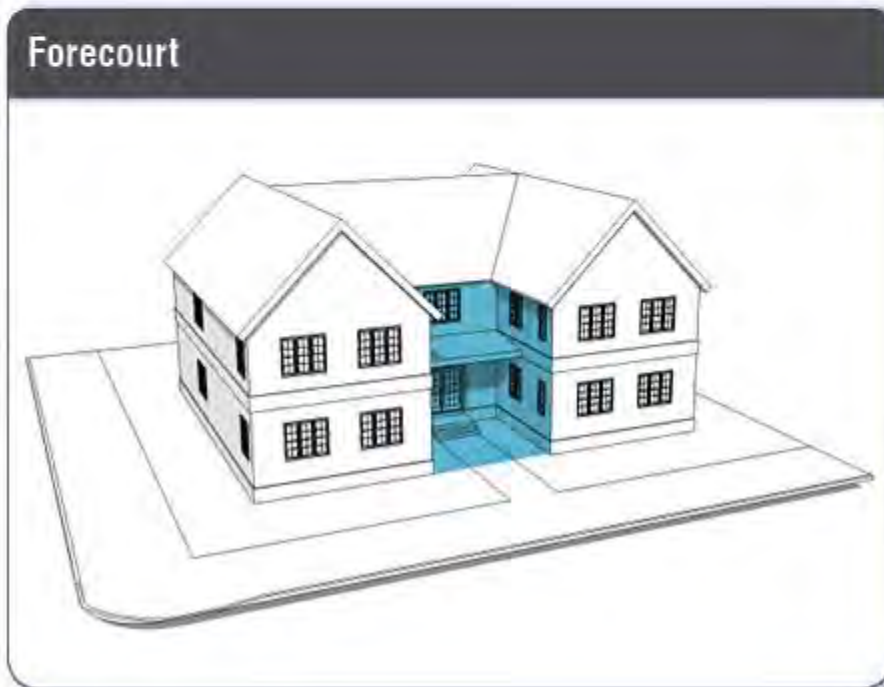
**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**



A façade type in which the façade is aligned close to the front lot line with the building entrance at or elevated above sidewalk grade. It may have substantial glazing on the sidewalk level. This type is conventional for office use.

**Allowed districts:**

CD5, CD4  
CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)



A façade type in which a portion of the façade is close to the front lot line and the central portion is set back. This type should be allocated in conjunction with other façade types.

**Allowed districts:**

CD4-L1, CD4-L2  
This façade type is not allowed in the Downtown Overlay District.

**10.5A43.30 Building and Story Heights**

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum building height in each height requirement area shall be as follows:

<b>Height Requirement Area</b>	<b>Minimum Height in Stories</b>	<b>Maximum Height in Stories</b>	<b>Maximum Height in Feet</b>
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 <sup>rd</sup> )	2	2 + short 3 <sup>rd</sup>	35
2-3 stories	2	3	40
2-3 stories (short 4 <sup>th</sup> )	2	3 + short 4 <sup>th</sup>	45
2-4 stories	2	4	50
2-4 stories (short 5 <sup>th</sup> )	2	4 + short 5 <sup>th</sup>	55
5 stories	2	5	60

10.5A43.32 In the Increased Building Height Area designated on Map 10.5A21B, the maximum height may be increased by one story or up to 10 feet, whichever is lower, provided that the applicable conditions of either paragraph 10.5A43.32(a) or (b) are met:

- (a) For a lot located adjacent to, or within 50 feet of, the North Mill Pond, Hodgson Brook or the Piscataqua River, the lot shall include a community space consisting of a continuous public greenway at least 20 feet in width that is parallel to the waterfront for the entire length of the rear lot line. The greenway shall include connections to abutting lots or public ways. When such a connection is not available due to current conditions on an abutting lot, provisions shall be made for future connections to such abutting lot in a location determined by the Planning Board.
- (b) For a lot not adjacent to North Mill Pond, Hodgson Brook or the Piscataqua River, the lot shall include either a community space or workforce housing units as specified below:
  - (i) Community space option – All of the following criteria shall be met:
    - (A) The community space shall be designed as one of the community space types allowed within the applicable Character District;
    - (B) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 20 feet;
    - (C) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.

- (D) The community space shall be open to the public and shall be designed with pedestrian amenities such as benches, lighting and other street furniture;
- (E) The community space shall include trees and other landscaping to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes;
- (F) The community space shall be provided on the same lot where increased building height is proposed, unless the Planning Board grants a Conditional Use Permit as provided in Section 10.5A43.33.

- (ii) Workforce housing option – One or more of the following criteria shall be met:
  - (A) At least 10% of the dwelling units shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household); or
  - (B) At least 30% of the dwelling units shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household).

**10.5A43.33 Conditional Use Permit – Off-Site Community Space**

The Planning Board may grant a Conditional Use Permit to allow a proposed community space to be located on a different lot than the lot on which increased building height is proposed under Section 10.5A43.32(b)(i), provided that it finds that all of the following criteria will be met:

- (a) An appropriate community space cannot feasibly be provided on the lot on which increased building height is proposed.
- (b) The proposed community space is within the same Increased Building Height Area as the lot on which increased building height is proposed.
- (c) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.

**10.5A43.40 Maximum Building Footprint**

No building or structure footprint shall exceed the applicable maximum building footprint listed in Figure 10.5A41.10A-C (Character District Standards); except for off-street parking structures designed in accordance with the standards in Section 10.5A44.

**10.5A43.50 Loading Docks, Storage and Service Areas**

Loading docks, storage and service areas shall not be permitted between the principal building and the front lot line along the principal or secondary front yard.



**10.5A43.60 Streetscreens**

Any streetscreen in a front yard shall be built on the same plane as the façade of the principal building and shall be between 3.5 and 4.0 feet in height.

**10.5A43.70 Building Types**

Buildings in each Character District shall be of one or more of the building types specified for such Character District in Figure 10.5A43.70 (Building Types).

**FIGURE 10.5A43.70 BUILDING TYPES**



A residential building that has the appearance of a single-family dwelling, with yards on all sides.

**Allowed districts:**

CD4-L1, CD4-L2

This building type is not allowed in the Downtown Overlay District.



A residential building with two vertically-separated units with separate entrances. The building may have yards on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character District.

**Allowed districts:**

CD4-L1, CD4-L2

This building type is not allowed in the Downtown Overlay District.



A residential building that occupies the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard.

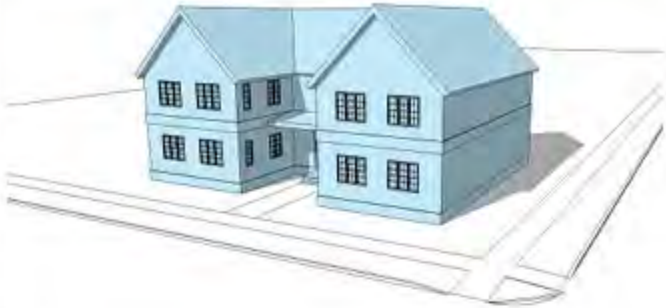
**Allowed districts:**

CD4, CD4-L1, CD4-L2

This building type is only allowed outside the Downtown Overlay District.

**FIGURE 10.5A43.70 BUILDING TYPES (CONTINUED)**

**Apartment Building**



A building that has the appearance of a multifamily dwelling, with yards on all sides.

**Allowed districts:**

CD4, CD4-L1, CD4-L2

This building type is only allowed outside the Downtown Overlay District.

**Live / Work Building**

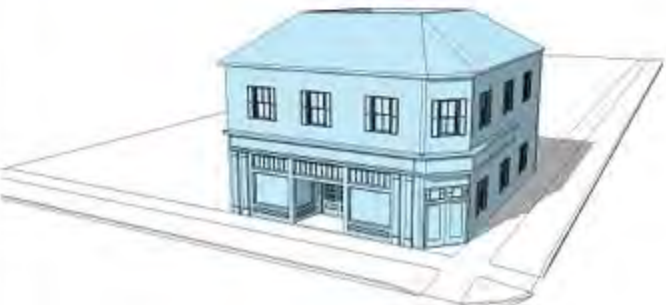


A building designed to accommodate a ground floor commercial use and a residential use above.

**Allowed districts:**

CD5, CD4, CD4-L1, CD4-L2

**Small Commercial Building**



A building with a shopfront or officefront façade type and minimal or no front yard, and that is no more than 3 stories in height.

**Allowed districts:**

CD5, CD4, CD4-L2

Only non-residential uses are allowed on the ground floor in the Downtown Overlay District.

**FIGURE 10.5A43.70 BUILDING TYPES (CONTINUED)**



A building with a shopfront or officefront façade type and minimal or no front yard, and that is 4 or more stories in height.

**Allowed districts:**  
CD5, CD4

## 10.5A44 Off-Street Parking and Loading Requirements

### 10.5A44.10 General

10.5A44.11 Except as otherwise provided in this Section, all buildings, structures and uses in the Character Districts shall comply with the off-street parking requirements set forth in Section 10.1110.

10.5A44.12 Buildings, structures and uses in the Character Districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

### 10.5A44.20 Number of Required Spaces

10.5A44.21 Uses in the Character-Based Zoning Area that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.

10.5A44.22 Uses in the Character-Based Zoning Area that are included in the Downtown Overlay District shall comply with the off-street parking requirements for the Downtown Overlay District in accordance with Section 10.1115.

### 10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 No off-street parking area, garage or off-street loading area shall be located in any required front yard or between a principal building and a street.

10.5A44.32 Parking areas, parking lots and loading locations shall be screened from the street by a building or streetscreen except for any access driveway.

- 10.5A44.33 Driveways at the street and within the required front yard shall be no wider than 24 feet.
- 10.5A44.34 All parking lots, garages, and parking structures shall include a pedestrian exit directly to a front lot line, except for underground parking accommodations.
- 10.5A44.35 Parking structures shall have a footprint no greater than 40,000 square feet and a façade length of less than 300 feet along the front yard. All parking structures shall have liner buildings of at least 20 feet deep lining the parking structure throughout its entire height along the front yard except for access driveways and pedestrian entrances.
- 10.5A44.36 In addition to any walkway or sidewalk around such parking area or parking lot, each parking area or parking lot that exceeds 75 parking spaces shall have least one pedestrian walkway of a minimum width of eight (8) feet that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

**10.5A44.40 Surface Parking Lot and Parking Area Landscaping**

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

- 10.5A44.41 Landscape islands:
- (a) Parking areas and parking lots shall contain one landscape island for every 10 parking spaces.
  - (b) Parking lots with more than one landscape island shall have such islands distributed throughout the parking lot.
  - (c) Each landscape island shall be a minimum of 325 square feet.
- 10.5A44.42 Trees:
- (a) For every 2,000 square feet of parking area or parking lot, at least one tree shall be planted or preserved within the parking area or parking lot.
  - (b) No parking space shall be more than 75 feet from a tree within the lot, as measured from the center of the tree to the nearest line demarcating the space.
  - (c) All trees shall be separated from parking area or parking lot paved surfaces by at least 3 feet.
- 10.5A44.43 All landscaping required pursuant to this Section 10.5A44.40 and adjacent to the paved portion of any parking area, parking lot,

loading area, accessway or street shall be located and designed in a manner to protect the vegetation from vehicular damage.

### 10.5A45 Architectural Design Guidelines

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

### 10.5A46 Community Spaces

- 10.5A46.10 Community space types are defined by the combination of certain physical constants, including the relationships among their intended use, their size, their landscaping and the buildings that front on them. The community space types are shown in Figure 10.5A46.10 (Community Spaces).
- 10.5A46.20 Any development having an aggregate area of 1/2 acres or more shall include at least 10% of its gross land area assigned and improved as community spaces. The Planning Board shall determine the size, location and type of the required community spaces based on the size and location of the development, and the proposed and adjacent uses.
- 10.5A46.30 Community spaces shall be designed as generally described in Figure 10.5A46.10 (Community Spaces) as related to the adjacent Character District, or if adjacent to more than one, as related to the highest numbered adjacent Character District.
- 10.5A46.40 Development, structures and lots within a community space shall comply with applicable requirements of Article 5A including, but not limited to, Section 10.5A40.
- 10.5A46.50 A Community spaces that is provided on site and otherwise qualifies as open space shall count towards the open space requirement for the development.

**FIGURE 10.5A46.10 COMMUNITY SPACES**



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

**Allowed districts:** CD4-L1, CD4-L2



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

**Allowed districts:** CD5, CD4, CD4-L1, CD4-L2



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect rear parking areas and other community spaces with streets. Pedestrian alleys may be covered by a roof and or lined by shopfronts.

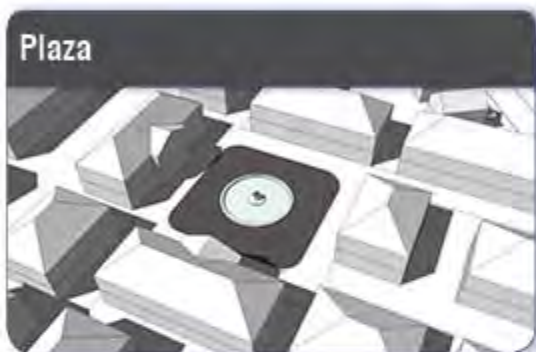
**Allowed districts:** CD5, CD4, CD4-L1, CD4-L2

## FIGURE 10.5A46.10 COMMUNITY SPACES (CONTINUED)



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

**Allowed districts:** CD4, CD5



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

**Allowed districts:** CD4, CD5



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. Pocket parks shall be in public places or in more intimate mid-block locations. There is no minimum size.

**Allowed districts:** CD5, CD4, CD4-L1, CD4-L2



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

**Allowed districts:** CD5, CD4, CD4-L1, CD4-L2



## Section 10.5A50 Civic Districts

The following standards apply to properties in a Civic District:

- 10.5A51 Permitted uses in the Civic District are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.
- 10.5A52 Structures may be converted to other civic uses permitted under 10.5A51 provided that no exterior changes are made to the existing structures.
- 10.5A53 When specified in the Site Plan Review Regulations, Site Plan approval is required for changes made to existing structures or the lot.
- 10.5A54 New structures, alterations and expansions of existing structures in the Civic District are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.
- 10.5A55 Structures in the Civic District that are proposed for and/or converted to non-civic uses permitted under 10.5A32 shall require Regulating Plan amendment as set forth in Section 10.5A22.

## Section 10.5A60 Definitions

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

### Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

### Block

The aggregate of private lots, rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

### Building element

Any component or part of a building.

### Character District

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

### Civic District

A zoning district shown on the Regulating Plan to which certain standards are applicable.

### Community space

An open area dedicated for public use which is owned and operated by a not-for-profit organization or entity or the City of Portsmouth.

### Curb

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

### Encroach

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

### Encroachment

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

### Façade

The side of a building facing a front yard.

### Façade glazing

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

Garage

An area within a building that provides space for parking vehicles as an accessory use. Not synonymous with parking structure.

Liner building

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

Outbuilding

A building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

Parking area

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

Parking lot

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

Parking structure

A structure containing one or more stories of parking as a principal use.

Path

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

Regulating Plan

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

Streetscreen

A freestanding wall built (1) on the same plane as the front façade or at or along any lot line and (2) which masks a parking lot, parking **area** or other use from the street, provides privacy to a side yard, and/or strengthens the spatial definition of the public realm.

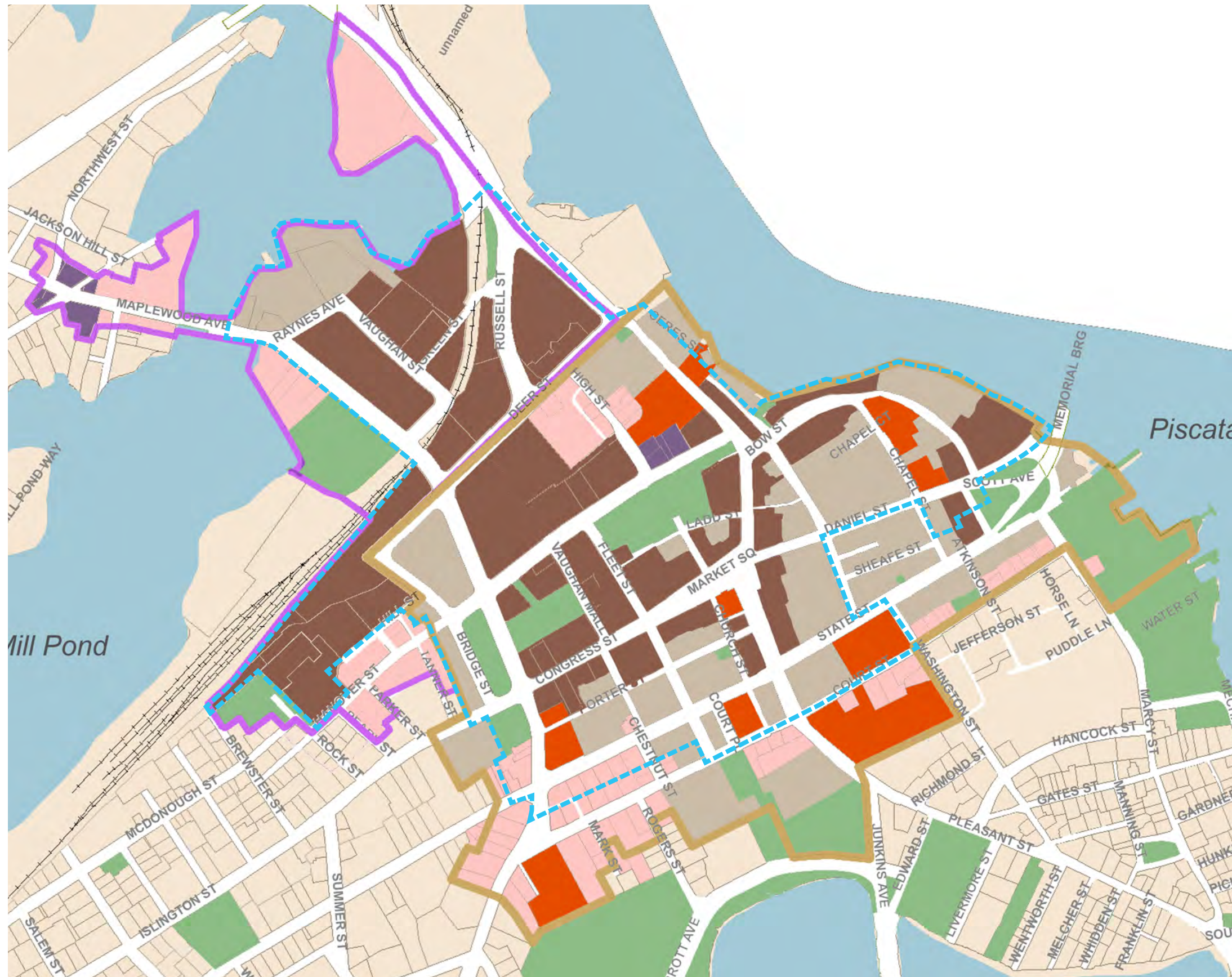
# BOUNDARY MAP



## LEGEND

- Portsmouth Character-Based Zoning Area

**MAP 10.5A21A CHARACTER DISTRICTS AND CIVIC DISTRICTS**



**LEGEND**

**Character Districts**

- CD4-L1
- CD4-L2
- CD4
- CD5

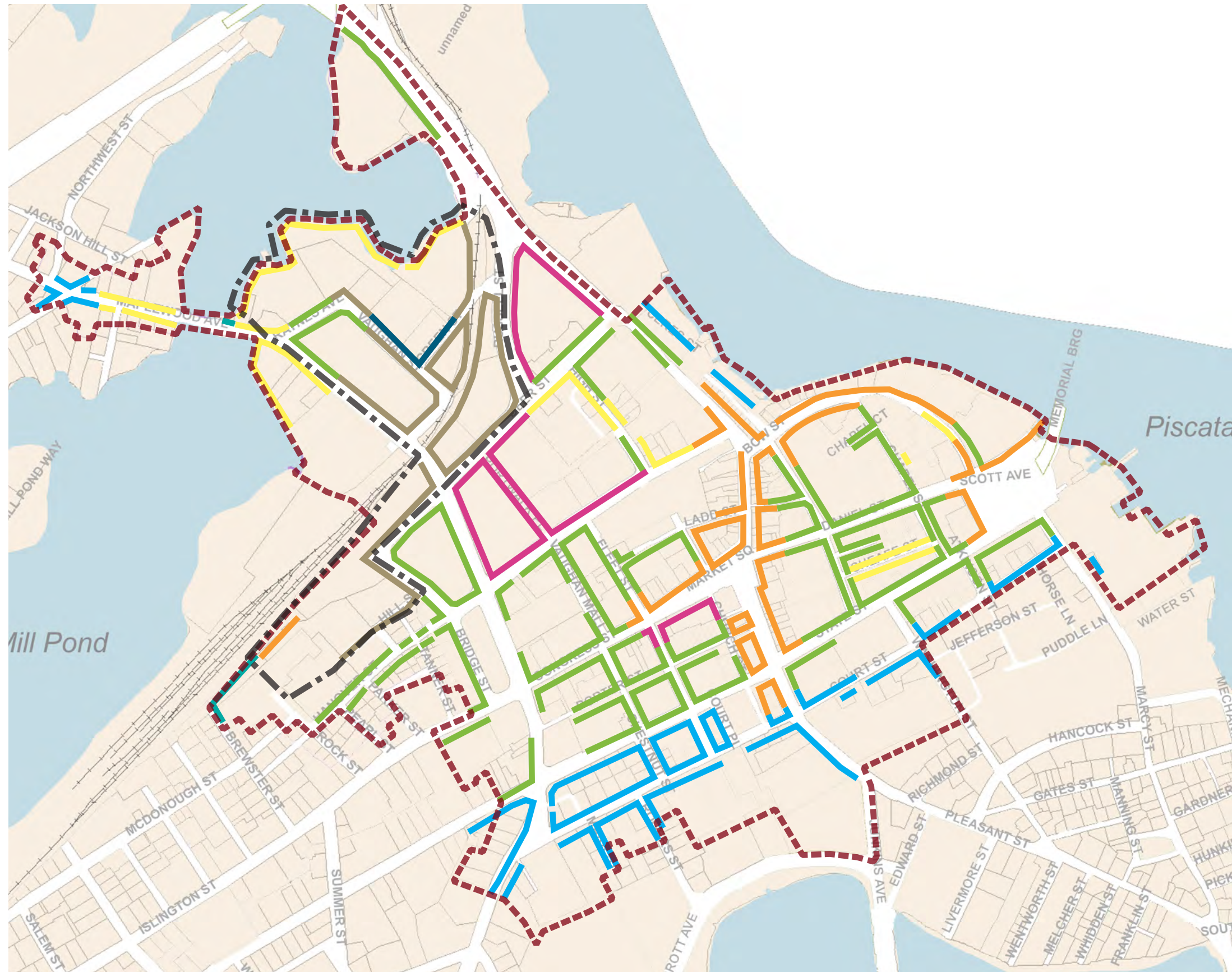
**Civic District**

- Civic Districts

**Municipal District**

- Municipal Districts
- Downtown Overlay District

**MAP 10.5A21B SPECIAL REQUIREMENTS: BUILDING HEIGHT STANDARDS**

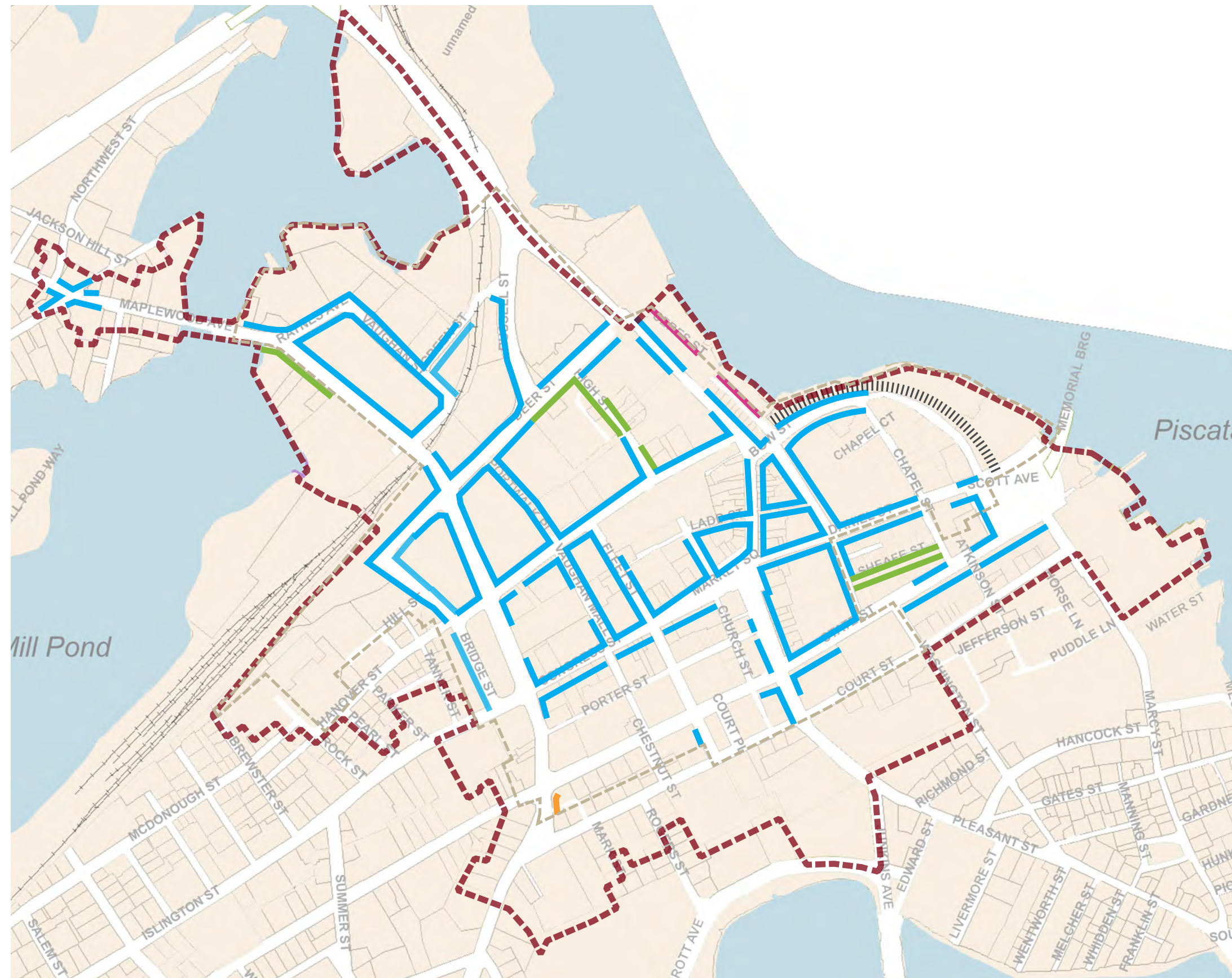


**LEGEND**

Height Requirement Area	Max. Building Height
1 story	20'
2 Stories	35'
2 Stories (short 3rd)	35'
2-3 Stories	40'
2-3 Stories (short 4th)	45'
2-4 Stories	50'
2-4 Stories (short 5th)	60'
5 Stories	65'
Density Bonus Area	
<b>The indicated Maximum Building Heights may be increased pursuant to Section 10.5A43.32</b>	
Character-Based Zoning Area	

1. A short story includes either:
  - (1) a top story that is below the cornice line of a sloped roof and is at least 20% shorter in height than the story below; or (2) a story within a mansard roof with a pitch no greater than 30:12.
2. When a lot is assigned to more than one Height Requirement Area, the lot shall be apportioned to the assigned height requirements as shown on the map. A structure located on a through lot shall be required to meet the assigned building height requirements within 20 feet of each street.
3. An attic within either a Gable, Gambrel, Hip, or Hip-Top Mansard Roof or a Penthouse Level on a flat roof is not considered a Story. Attic Space is permitted above the top story provided the proposed building is no greater than the maximum building height.

**MAP 10.5A21C SPECIAL REQUIREMENTS: FOR FACEADE TYPES, FRONT LOT LINE BUILD OUT & USES**



**LEGEND**

- No more than 50% Front Lot Line Buildout, wood-sided appearance, and Uses shall be those permitted in the Waterfront Industrial Zone & Section 10.830
- Shopfront Front Yard
- Step Front Yard
- Office Front Front Yard
- Downtown Overlay District
- Character-Based Zoning Area
- Waterfront Zone

Note: All buildings, other structures, and land within this Waterfront Zone shall comply with the regulations for the Central Business A District set forth in Section 10.440.

**Conforming Amendments to Zoning Ordinance**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**A. ARTICLE 4 – ZONING DISTRICTS AND USE REGULATIONS**

1. Amend Section 10.410, Establishment and Purpose of Districts, as follows:

Character Districts		
Character District 4-L	CD4-L	To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.
<b>Character District 4-L1</b>	<b>CD4-L1</b>	
<b>Character District 4-L2</b>	<b>CD4-L2</b>	
Character District 4	CD4	
Character District 5	CD5	

2. Amend Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as indicated on the attached table titled “Proposed Amendments to Table of Uses – April 2015”. Said amendments are as follows:

- (a) In the table heading row, insert “CD4-L1” under “MRO”, and insert “CD5” and “CD4” under “CBB”.
- (b) Insert a new column headed “CD4-L2” to the right of the column headed “MRO”.

**B. ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS**

1. Amend Section 10.517.30 as follows:

~~The total area of all~~ **All** roof appurtenances and other features that exceed the allowed structure height for the zoning district **shall be set back at least 10 feet from any edge of the roof** and shall not exceed 33 percent of the total roof area of the structure.

2. Delete Section 10.535.12, Central Business A and B – Maximum Elevation Above Street, in its entirety.



3. Delete Section 10.536, Central Business A – Maximum Floor Area Ratio, in its entirety.

C. ARTICLE 11 – SITE DEVELOPMENT STANDARDS

1. Amend Section 10.1112.30, Table of Off-Street Parking Requirements, by inserting the following new use and requirement under “1. Residential Uses”:

Use	Required Parking Spaces
<b>Micro-unit</b>	<b>No requirement</b>

D. ARTICLE 12 – SIGNS

1. Amend Section 10.1232 as follows:

Sign Districts	Underlying Zoning Districts
[...]	
Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business <del>Character District 4-L</del> <b>Character District 4-L1</b> <b>Character District 4-L2</b>

E. ARTICLE 15 – DEFINITIONS

1. Amend Section 10.1525 as follows:

10.1525 Terms that are used primarily in Article 5A, Character Districts, are defined in Sections **10.5A43.10, 10.5A43.70, 10.5A46.10** and 10.5A60, including:

**Section 10.5A43.10 – Façade Types**

<b>Forecourt</b>	<b>Shopfront</b>
<b>Officefront</b>	<b>Step</b>
<b>Porch</b>	<b>Stoop</b>

**Section 10.5A43.70 – Building Types**

House	Live/work building
Duplex	Small commercial building
Rowhouse	Large commercial building
Apartment building	

**Section 10.5A46.10 – Community Spaces**

Greenway	Plaza
Park	Pocket Park
Pedestrian Alley	Square
Playground	

**Section 10.5A60 – Definitions**

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

~~Lot layer~~

~~Third lot layer~~

~~Lot width~~

~~Thoroughfare~~

~~\* These terms are defined differently for Section 10.5A60 than for other sections of this Ordinance.~~

2. In Section 10.1530, Terms of General Applicability, amend existing definitions and insert new terms and definitions in alphabetical order, as follows:

**Adjacent**

**Touching or sharing a common lot line, or separated from a lot line by a street, right-of-way, alley or easement.**

**Affordable**

**Housing with combined rental and utility costs or combined mortgage loan debt service, property taxes, and required insurance that do not exceed 30% of a household's gross annual income.**

**Attic**

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

**Cornice**

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

**Development**

**Any man-made alteration of land, a lot, a building or other structure whether horizontal, vertical, surface or subsurface.**

**Lot line**

A property line bounding a lot.

**Lot line, front**

A boundary of lot that separates the lot from from a street or public place. ~~In the case of a corner lot or waterfront lot, the front lot line shall be the line bordering the street on which the lot has its address.~~ A **corner lot or a through lot shall contain have** two front lot lines.

**Lot width**

**The length of and horizontal distance measured along the principal front lot line.**

**Mansard roof**

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

**Micro-unit**

**A dwelling unit with a gross floor area of 400 square feet or less in a multifamily dwelling.**

**Penthouse**

**A habitable space within the uppermost portion of a building above the cornice which is set back at least 15 feet from all edges of the roof and the total floor area of which does not exceed 50% of the area of the story below.**

**Sidewalk**

**A pedestrian way paved with concrete, bricks, pavers or other material, which is parallel and adjacent or close to the front lot line, and which is either within the public right-of-way or within an easement for public access.**

**Story**

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

**Half story**

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

**Short story**

**Either (1) a top story that is below the cornice line of a sloped roof and is at least 20% shorter in height than the story below; or (2) a story within a mansard roof with a pitch no greater than 30:12.**

**Story Height**

The distance between the finished floor and the finished ceiling of a story.

**Workforce housing**

Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household; or rental housing which is affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this definition.

**Yard**

An open space from the ground upward and open to the sky on the same lot with a building or structure. (See also: setback)

**Yard, front**

A yard extending across the full width of a lot between the street right of way line and nearest point of any building. ~~In the case of a corner lot or waterfront lot, the front yard is the yard which borders the street address.~~ Front yard dimensions are to be measured from the street where a plan of the street is on file with the Rockingham County Registry of Deeds or in City records, or in the absence of such plan, from a line 25 feet from and parallel to the center line of the traveled way.

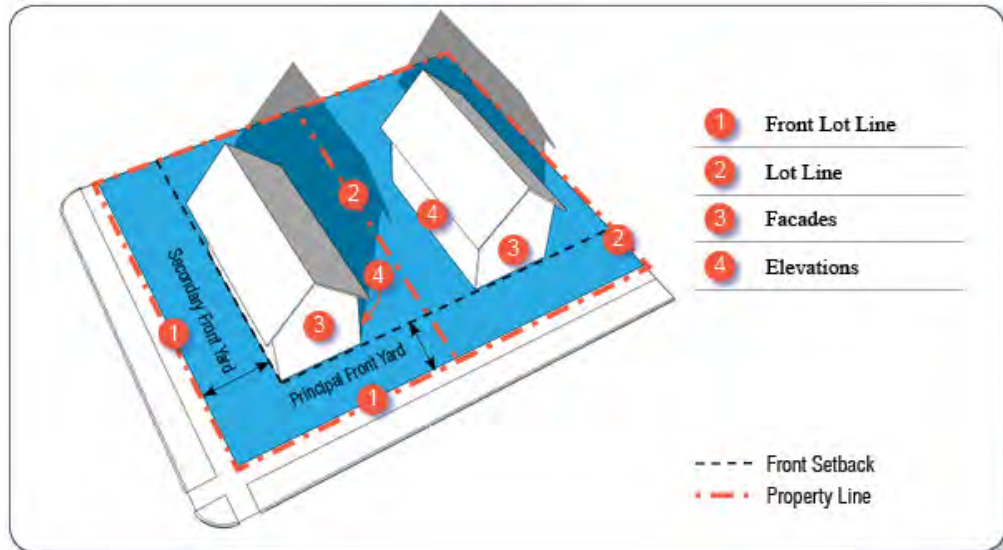
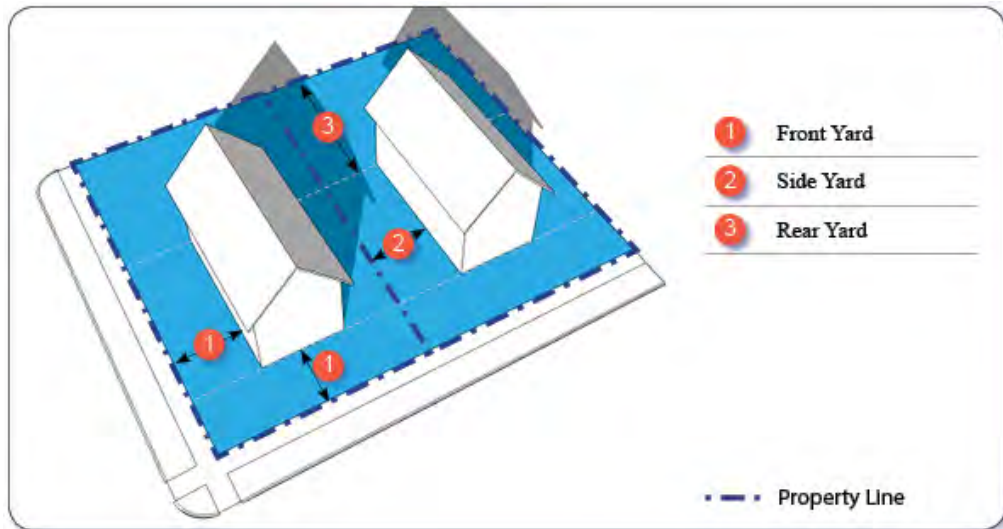
**Principal front yard**

On a lot with more than one front yard, the front yard designated to bear the address. On a lot with one front yard, that front yard may be referred to as the principal front yard.

**Secondary front yard**

On a lot with more than one front yard, the front yard that is not the principal front yard.

Yard Designations



The City Clerk shall properly alphabetize and/or re-number the ordinances 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

Proposed Amendments to Table of Uses – April 2015

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R		SRA		GRA	GRC	GA/	MH	MRO		CBB		I	WI	Supplemental Regulations	
	SRB	GRB	GRB	(A)	(A)	MRB	CBA		CD5	GB	GW	B				WB
									CD4- L1	CD4- L2		CD4				
<b>Residential Uses</b>																
1.10 Single family dwelling	P	P	P	P	P	P	N		P	P	P	P	N	N	N	
1.20 Two-family dwelling	N	N	P	P	P	P	P		P	P	P	P	N	N	N	10.640 (Downtown Overlay district)
1.30 Townhouse	N	N	P	P	P	P	P		P	P	P	P	N	N	N	10.640 (Downtown Overlay district)
1.40 Multifamily dwelling	N	N	P	P	P	P	P		P	P	P	P	N	N	N	10.640 (Downtown Overlay district)
1.41 3 or 4 dwelling units	N	N	P	P	P	P	P		P	P	P	P	N	N	N	10.730 (Gateway district)
1.42 5 to 8 dwelling units	N	N	N	S	P	P	P		P	P	P	P	N	N	N	10.813 (Multifamily Dwellings in the Business District)
1.43 More than 8 dwelling units	N	N	N	N	N	P	P		N	N	P	P	N	N	N	



P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		B	WB	OR	I	WI	Supplemental Regulations
	SRB	GRA	SRB	GRA	GRB	GRA	(A)	MH	CD4- L1	CD4- L2	MRB	CBA	CD5	GB	CD4	CD4	WB	OR										
1.50 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5	N	N	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,640 (Downtown Overlay District) 10,812 (Conversion of Existing Dwelling to Multifamily Dwelling)	
1.51 To 2 dwelling units	N	N	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
1.52 To 3 or 4 dwelling units	N	N	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
1.53 To 5 to 8 dwelling units	N	N	N	S	N	N	N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N		
1.54 To more than 8 dwelling units	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
1.60 Live/work unit	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
1.70 Manufactured housing park	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
1.80 Planned unit development (PUD)	CU	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,720 (Planned Unit Developments)	
1.81 Open space PUD	N	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
1.82 Residential density incentive PUD	N	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>2. Institutional Residence or Care Facilities</b>																												
2.10 Assisted living facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
2.11 Assisted living center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
2.12 Assisted living home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MRO	CD4*		MRB		CBA		CBB		B	WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRB	(A)	MH	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1		CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1						
2.20 Residential care facility																									
2.21 5 or fewer residents	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	N	
2.22 More than 5 residents	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
3. Educational, Religious, Charitable, Cultural and Public Uses																									
3.10 Place of assembly																									
3.11 Religious	S	S	S	N	N	S	S	S	N	N	S	S	S	S	S	S	S	S	S	S	S	S	N	N	
3.12 Other nonprofit	N	N	N	N	N	S	S	S	N	N	S	S	S	S	S	S	S	S	S	S	S	S	N	N	
3.20 School																									
3.21 Primary or secondary	N	N	N	N	N	S	S	P	N	N	S	S	P	P	P	P	P	P	P	P	P	P	N	N	
3.30 Post-secondary	N	N	N	N	N	S	S	P	N	N	S	S	P	P	P	P	P	P	P	P	P	P	P	N	
3.30 Historic preservation building	S	S	S	S	S	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P	P	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.40 Museum	N	N	N	N	N	P	P	N	N	N	P	P	N	P	P	P	P	P	P	P	P	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.50 Performance facility																									
3.51 Indoor performance facility																									10.592 (location)
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.860 (hours of operation)
3.512 Occupancy more than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRA	SRB	GRA	GRB	(A)	GRB	(A)	GRB	(A)	MH	CD4-	L1	CD4-	L2	MRB	CBA	CD5	GB	CD4	CD4						
3.52 Outdoor performance facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.822 (yards) 10.860 (hours of operation)	
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
3.60 Cemetery	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
3.70 Club, fraternal or service organization	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
3.80 Municipally operated park and related activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	For other municipal uses see Section 10.460 (Municipal districts)		
<b>4. Recreational Uses:</b>																											
4.10 Religious, sectarian or private non-profit recreational use	N	S	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	N	N	N		
4.20 Cinema or similar indoor amusement use with no live performance	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.825 (noise) 10.860 (hours of operation)	
4.30 Indoor recreation use, such as bowling alley or arcade	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.825 (noise) 10.860 (hours of operation)	
4.40 Health club, yoga studio, martial arts school, or similar use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
4.41 Up to 2,000 sq. ft. GFA*	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	P	P	P	P	P	P	P	P	P	N	S N	
4.42 More than 2,000 sq. ft. GFA.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S N	

\* GFA = gross floor area.

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRB	GRB	(A)	MH	CD4- L1	CD4- L2	CD4- L1	CD4- L2	CD4- L1	CD4- L2	CD4- L1	CD4- L2	CD4- L1	CD4- L2	CD4- L1	CD4- L2	CD4- L1	CD4- L2	CD4- L1	CD4- L2					
4.50 Outdoor recreation use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,592 (location) 10,860 (hours of operation)	
4.60 Amusement park, water park or theme park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>5. Office Uses, Non-Medical</b>																											
5.10 Professional office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,834 (Mixed Residential districts)
5.20 Business office (incl. real estate office)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,834 (Mixed Residential districts)	
5.30 Financial institution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.31 Financial services office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.32 Retail bank	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.40 Social service campus	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,823	
5.41 Nonresidential	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.42 Residential	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.50 Media studio	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.51 Excluding any transmitting antenna tower	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
5.52 Including accessory transmitting antenna tower	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,835	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRA	GRB	GRA	GRB	GRA	GRB	GA	MH	CD4-L1	CD4-L2	MRB	CBA	CD5	CD4	WB	OR	I	WI							
5.60 Publishing facility or similar electronic production operation	N	N	N	N	N	N	N	N	N	N	S	S	S	P	P	P	P	P	P	P	P	N	P	N	N		
5.70 Call Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	
<b>6. Medical Services and Health Care</b>																											
6.10 Hospital	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	
6.20 Medical offices and clinics (outpatient only)	N	N	N	N	N	N	N	N	N	N	S	S	S	S	P	P	P	P	P	P	P	N	P	N	N	N	
6.30 Clinics with inpatient care	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	S	S	N	S	N	N	N	
6.40 Ambulatory surgical center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	S	S	N	S	N	N	N	
6.50 Substance abuse treatment facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
6.60 Psychiatric hospital for the criminally insane	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>7. Services, Other Than Health Care</b>																											
7.10 Day Care																											
7.11 Family day care facility	P	P	P	P	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	
7.12 Group day care facility including private preschool and kindergarten	S	S	S	S	S	N	N	N	N	N	S	S	P	P	P	P	P	P	P	P	P	N	N	N	N	N	10.824 (group day care facilities) 10.860 (hours of operation)
7.20 Personal services	N	N	N	N	N	N	N	N	N	N	N	N	S	P	P	P	P	P	P	P	P	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations		
	SRB	GRA	GRB	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)						(A)	(A)
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	P	P	P	P	P	P	P	N	N	N	N	
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	P	P	P	P	P	P	N	P	P	P	All storage of materials and equipment shall be located within a <b>building</b>
7.50 Veterinary Care	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	S	S	S	S	N	S	S	N	10.833	
7.60 Laundry and dry cleaning establishments	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	S	N	N		
7.62 Self-service laundry for use by the general public	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	P	P	P	P	P	N	N	N	N		
7.63 Dry cleaning establishment with on-site cleaning facilities.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
7.70 Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA GRA GRC GA/ SRB GRB (A) MH		MRO CD4- L1	MRO CD4- L2	MRB	CBB				Supplemental Regulations					
								CBA	CD5	GB	GW		B	WB	OR	I	WI
<b>8. Retail Trade</b>																	
8.10 Convenience goods																	
8.11 Convenience goods 1																	
8.111 Hours of operation between 6:00 AM and 11:00 PM	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N
8.112 24 hours per day operation	N	N	N	N	N	N	N	S	P	P	P	S	N	N	N	N	N
8.12 Convenience goods 2																	
8.121 Hours of operation between 6:00 AM and 11:00 PM	N	N	N	N	N	N	P	S	P	P	P	P	P	N	N	N	N
8.122 24 hours per day operation	N	N	N	N	N	N	N	S	S	S	P	S	N	N	N	N	N
8.30 Retail sales conducted within a building																	
8.31 Not marine-related	N	N	N	N	N	N	P	S	P	P	P	P	P	N	N	N	N
8.32 Marine-related	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N
8.40 Shopping center	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
8.50 Retail sales, large format	N	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N
8.60 Fish market	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	N	N	N	N	N	N	N	S	P	P	P	P	P	N	P	N	N
																	10,860 (hours of operation)
																	Maximum of 5 persons employed in manufacture

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		GB		GW		B		WB		OR		I		WI		Supplemental Regulations	
	SRB	GRA	GRB	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)
8.80 Gateway planned development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,730 (Gateway Planned Development)		
8.90 Sexually oriented business	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,930 (Sexually Oriented Businesses)		
<b>9. Eating and Drinking Places</b>																																						
9.10 Nightclub or bar	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,590 (location)		
9.11 Occupant load less than 250	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.12 Occupant load from 250 to 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.13 Occupant load greater than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.20 Restaurant, take-out only	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.30 Restaurant, fast food	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.40 Restaurant with no accessory uses and with no nightclub or bar, place of public assembly or function room.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.50 Restaurant, place of public assembly or function room	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,590 (location)		
9.51 Occupant load less than 250	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10,860 (hours of operation)		
9.52 Occupant load from 250 to 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
9.53 Occupant load greater than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		



P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations	
	SRB	GRB	GRB	GRB	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)						(A)
9.60 Permanently moored vessel used as restaurant or bar , with occupant load less than 250	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>10. Lodging Establishments</b>																												
10.10 Boarding house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
10.20 Bed and breakfast	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
10.21 Bed and Breakfast 1	N	N	S	N	N	N	N	N	N	N	N	N	N	S	P	P	N	N	N	N	N	N	N	N	N	N	N	
10.22 Bed and Breakfast 2	N	N	N	N	N	N	N	N	N	N	N	N	N	S	P	P	N	N	N	N	N	N	N	N	N	N	N	
10.30 Inn	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
10.40 Hotel or motel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
9.51 Up to 125 rooms	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.837 (Office Research districts)
9.52 126 to 250 rooms	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.837 (Office Research districts)
9.52 251 to 500 rooms	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
9.53 More than 500 rooms	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
10.50 Conference hotel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
10.60 Conference center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		G/A/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB					
<b>11. Motor Vehicle-Related Uses</b>																											
11.10 Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (e.g., lawnmowers), including accessory repair services	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.843 (motor vehicle related uses)
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.581 (lot area) 10.592 (location) 10.843 (motor vehicle related uses)
11.30 Sales, rental, leasing, distribution, and repair of trucks over 10,000 lb gross vehicle weight (GVW), recreational vehicles, marine craft or manufactured housing, and related equipment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.581 (lot area) 10.592 (location) 10.843 (motor vehicle related uses)
11.40 Impound lot (principal or accessory use)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
11.50 Truck fueling facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.581 (lot area) 10.592 (location) 10.843 (motor vehicle related uses)
11.60 Truck terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.843 (motor vehicle related uses)

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations	
	SRB	GRB	GRA	GRB	GRA	GRB	GRA	GRB	GA	MH	CD4-	L1	CD4-	L2	CD4-	CD4-	CD4-	CD4-	CD4-	CD4-	CD4-	CD4-						
<b>12. Marine Craft Related Uses</b>																												
12.10 Boat landings, boat docks, boathouses and associated marine uses																												
12.11 Non-commercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	10.838.10 (Residential districts)
12.12 Fishing boat landing 1	N	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	
12.13 Fishing boat landing 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	
12.20 Marina																												
12.21 With no repair, servicing or fueling facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
12.22 With repair, servicing or fueling facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.581 (lot area) 10.592 (location) 10.860 (hours of operation)
12.30 Repair of commercial marine craft and marine-related structures	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	P	10.581 (lot area) 10.592 (location) 10.860 (hours of operation)
12.40 Landside support facility for commercial passenger vessel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations	
	SRB	GRB	GRB	GRB	(A)	MH	CD4- L1	CD4- L2	MRB	MRB	CBA	CD5	GB	GB	GW	B	CD4	CD4										
<b>13. Wholesale Trade, Warehousing and Distribution</b>																												
13.10 Wholesale use																												
13.11 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13.12 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13.20 Wholesale sales devoted to, and in the same establishment as, a permitted retail use																												
13.21 Occupying up to 20% of gross floor area of establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13.22 Occupying 21% to 40% of gross floor area of establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13.30 Wholesale lumber yards, lumber and contractor sales																												
13.31 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13.32 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use																												

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		GB		GW		B		WB		OR		I		WI		Supplemental Regulations	
	SRB	GRB	GRB	(A)	(A)	MH	CD4- L1	CD4- L2	MRB	CBA	CBB	CD5	CD4	GB	GW	B	WB	OR	I	WI																		
13.41 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
13.42 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>14. Industrial Uses</b>																																						
14.10 Light industry	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.11 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.12 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.20 Research and development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.21 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.22 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.30 Food processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.851 (use contained in building)	
14.31 Not including seafood processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
14.32 Including seafood processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
14.40 Electronics manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.50 General manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.51 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
14.52 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		B	WB	OR	I	WI	Supplemental Regulations
	SRB	GRA	SRB	GRA	GRB	(A)	MH	CD4- L1	CD4- L2	MRB	CBA	CD5	CD4	GB	GW	GB	GW	GB	GW	GB	GW	CD4						
14.60 Biological or chemical laboratory																												
14.61 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
14.62 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
14.70 Recycling facility and plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
14.80 High hazard use, including other uses listed in this section but not including uses described in 14.90	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.853
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.593 (location)

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		G/A/		MRO		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRB	GRB	(A)	MH	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD5	CD4	CD4	CD4									
<b>15. Transportation and Utilities</b>																							
15.10	Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building.																						
15.11	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
15.12	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	
15.20	Helipad or helipad																						
15.21	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	
15.22	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MRO	CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRA	GRB	(A)	MH	CD4-	L1	CD4-	L2		CD4-	CD4-	CD4-	CD4-									
<b>16. Wireless Telecommunications Facilities</b>																								
16.10 Satellite dish receiver 42 inches or less in diameter:																								
16.11 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
16.12 Ground-mounted, complying with all yard requirements for the district	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
16.20 Satellite dish receiver more than 42 inches in diameter:																								
16.21 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
16.22 Ground-mounted, complying with all yard requirements for the district	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
16.30 Whip antenna not more than 30 feet in height	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
16.40 Other wireless telecommunications facility not included above	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
																								10.460 (Municipal districts) 10.970 (Wireless telecommunications facilities)



P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations	
	SRB	GRB	GRB	(A)	(A)	MH	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2	CD4-L1	CD4-L2						
<b>17. Agricultural Uses</b>																												
17.10	Farm, not including the keeping of farm animals	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
17.20	Keeping of farm animals	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>18. Temporary Uses</b>																												
18.10	Construction trailer	P	P	F	F	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.20	Temporary structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	18.21 Up to 30 days	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	18.22 31 to 90 days	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	18.23 91 to 180 days	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	18.24 More than 180 days	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
18.30	Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	18.31 Up to 180 days	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	18.32 More than 180 days	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MH		MRO		CD4-		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRA	GRB	GRA	GRB	GRA	GRB	GA	MH	CD4-L1	CD4-L2	CD4-L1	CD4-L2	MRB	CBA	CD5	CD4	GB	GW	B	WB					
18.40 Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>19. Accessory Uses</b>																											
19.10 Accessory use to a permitted principal use, but not including any outdoor storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10.811 (residential accessory uses)
19.20 Home occupation																											
19.21 Home occupation 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	
19.22 Home occupation 2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	
19.30 Concessions and services located within the principal building	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	
19.40 Drive-through facility, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.836 (accessory drive-through uses)	
<b>20. Accessory Storage</b>																											
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		G/A/		MRO		MRB		CBA		CBB		WB	OR	I	WI	Supplemental Regulations
	SRB	GRB	GRB	GRB	(A)	MH	CD4- L1	CD4- L2	CD5	GB	GW	B	CD4	CD4									
20.20 Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
20.30 Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:																							
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.40 Outdoor storage of lobster traps, lobster buoys and associated rope	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10.811.20
20.50 Outdoor storage of raw or partially finished material	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
20.51 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
20.52 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GA/		MRO	MRB		CBA		CBB		WB	OR	I	W1	Supplemental Regulations
	SRB	GRB	GRB	(A)	MH	CD4- L1	CD4- L2	CD5	GB	GW		B	CD4	CD4								
20.60 Outdoor storage of machinery, equipment and vehicles	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
20.61 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
20.62 Marine-dependent (other than allowed by 20.30 or 20.40 above)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

## Proposed Amendments to Table of Uses – April 2015

P = Permitted	S = Special Exception
CU = Conditional Use Permit	
N = Prohibited	

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

1. That the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

- 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 Gateway (GW)”, dated 12-8-2014;

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.

2. That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, subsection 10.734.20 – Lot Requirements, as follows:

~~Front yard, measured from the centerline of Lafayette Road~~

~~Minimum \_\_\_\_\_ 70’  
Maximum \_\_\_\_\_ 90’~~

<b>Front yard</b>	<b>Minimum</b>	<b>Maximum</b>
<b>Measured from the centerline of Lafayette Road</b>	<b>70’</b>	<b>90’</b>
<b>Measured from the sideline of the Route 1 Bypass</b>	<b>30’</b>	<b>n.a.</b>
<b>Measured from any other public or private street</b>	<b>20’</b>	<b>40’</b>

- B. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, subsection 10.734.33, as follows:

10.734.33 No portion of a building shall have a height that is greater than its horizontal distance to the centerline of Lafayette Road from a lot line adjoining a street multiplied by 0.67 **1.5**, rounded to the nearest whole number. The following examples illustrate this requirement:

Distance from street right-of-way line	Maximum building height
<del>56'</del> (minimum front yard, 10' from front lot line)	<del>38'</del>
<del>76'</del> (maximum front yard, 30' from front lot line)	<del>51'</del>
<del>86'</del> (40' from front lot line)	<del>58'</del>
<b>20'</b>	<b>30'</b>
<b>30'</b>	<b>45'</b>
<b>40'</b>	<b>60'</b>
<b>50'</b>	<b>60' (max.)</b>

- C. Amend Article 7, Section 10.738 – Review and Approval Process, subsection 10.738.30 – Modifications of Standards, as follows:

In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in this Section (including development intensity and dimensional standards, and building design standards) provided that the Planning Board finds such modification will promote design flexibility and overall project quality, **or that such modification is required for the development to provide a proposed workforce housing component**, and that such modification is consistent with the purpose and intent set forth in Section 10.731.

- D. Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions in alphabetical order:

**Affordable**

**Housing with combined rental and utility costs or combined mortgage loan debt service, property taxes, and required insurance that do not exceed 30% of a household's gross annual income.**

**Workforce housing**

**A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance.**

**Workforce housing unit**

**A housing unit which qualifies as “workforce housing” under RSA 674:58, IV, including:**

- (a) housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area (HMFA) as published annually by the United States Department of Housing and Urban Development (HUD), or**
- (b) rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the Portsmouth-Rochester HMFA as published annually by HUD.**

**To qualify as a workforce housing unit under this Ordinance, the unit must be subject to enforceable restrictions as to price and occupancy, such as a recorded land lease or deed restriction, as determined by the Planning Board, in order to ensure its long-term availability and affordability. A workforce housing unit is a specific type of affordable unit as defined in this Ordinance. (See also: affordable unit.)**

The City Clerk shall properly alphabetize and/or re-number the ordinances 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



---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 5 Market Street – **Projecting Sign is located on Daniel Street**  
Business Name: Starling Hair & Beauty  
Business Owner: Mary Dolan

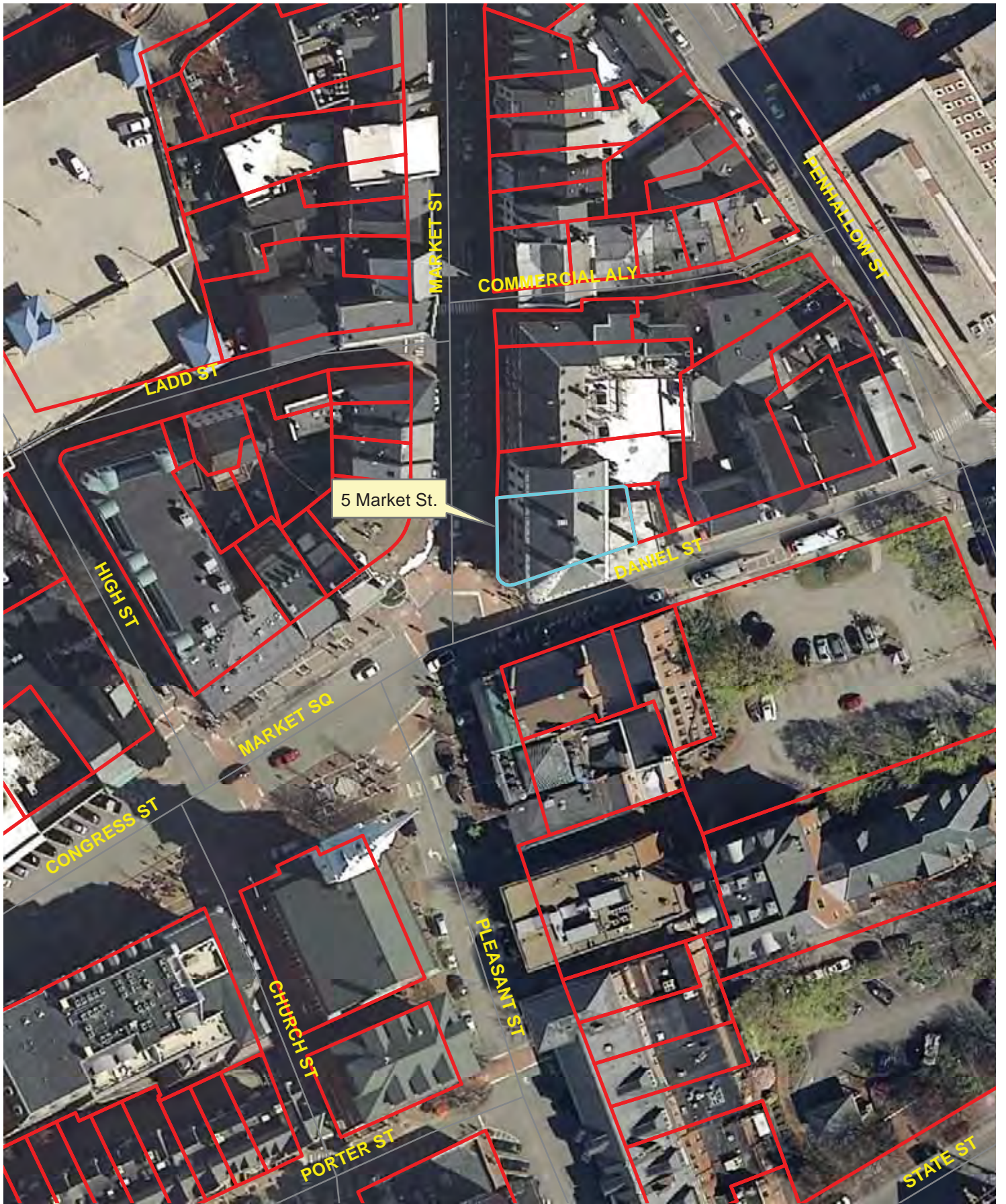
---

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

Sign dimensions: 49.5" x 34.5"  
Sign area: 11.9 sq. ft.  
Height from sidewalk to bottom of sign: 12.0"

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

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



5 Market St.



# Request for Projecting Sign License 5 Market Street

Starling Hair & Beauty  
5 Market Street  
1 Projecting Sign located on Daniel Street



Protecting  
existing sign bracket



A FULL SERVICE SALON  
**Kathleen Gregoire**  
Salon Inc.  
ENTRANCE AT 5 MARKET ST.

Replacing existing 'sign' on bracket.  
EXISTING



35

50"

115" off of ground.

---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 10 Commercial Alley  
Business Name: The Glass Pear  
Business Owner: Patricia M. Snider

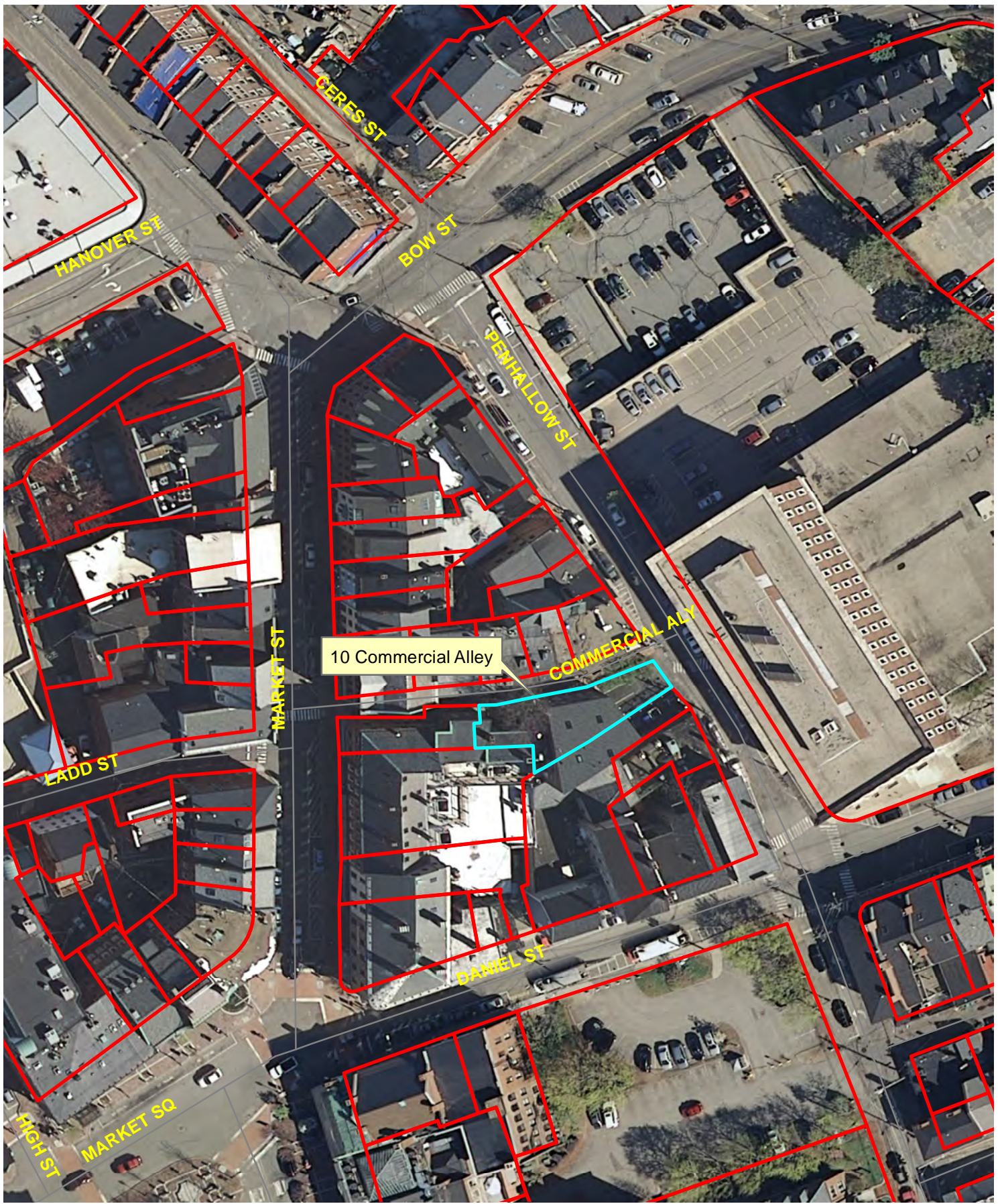
---

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

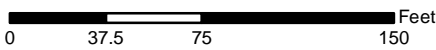
Sign dimensions: 24" x 30"  
Sign area: 5.0 sq. ft.  
Height from sidewalk to bottom of sign: 8.0"

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

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



10 Commercial Alley



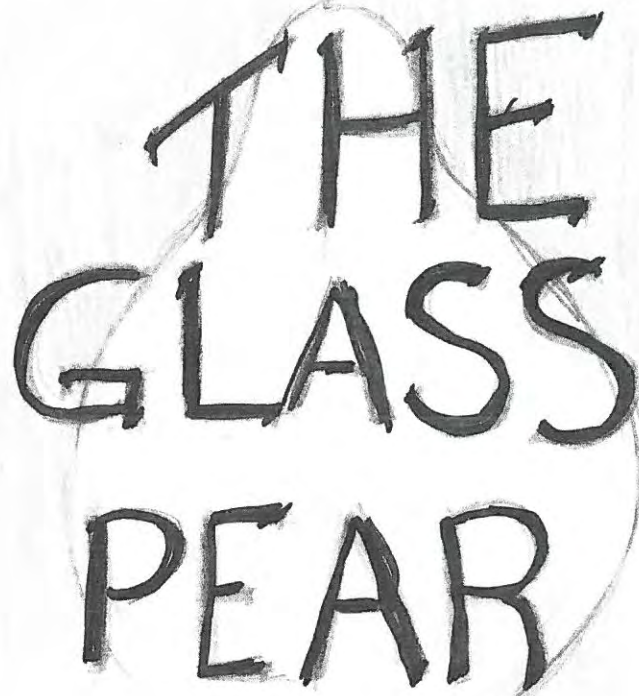
# Request for Projecting Sign License 10 Commercial Alley

The Glass Pear  
10 Commercial Alley  
1 Projecting Sign





---



THE  
GLASS  
PEAR

HOME • GIFTS • BATH

---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 94 Pleasant Street  
Business Name: Wanderbird Floral  
Business Owner: Kristen B. Ward

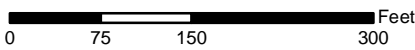
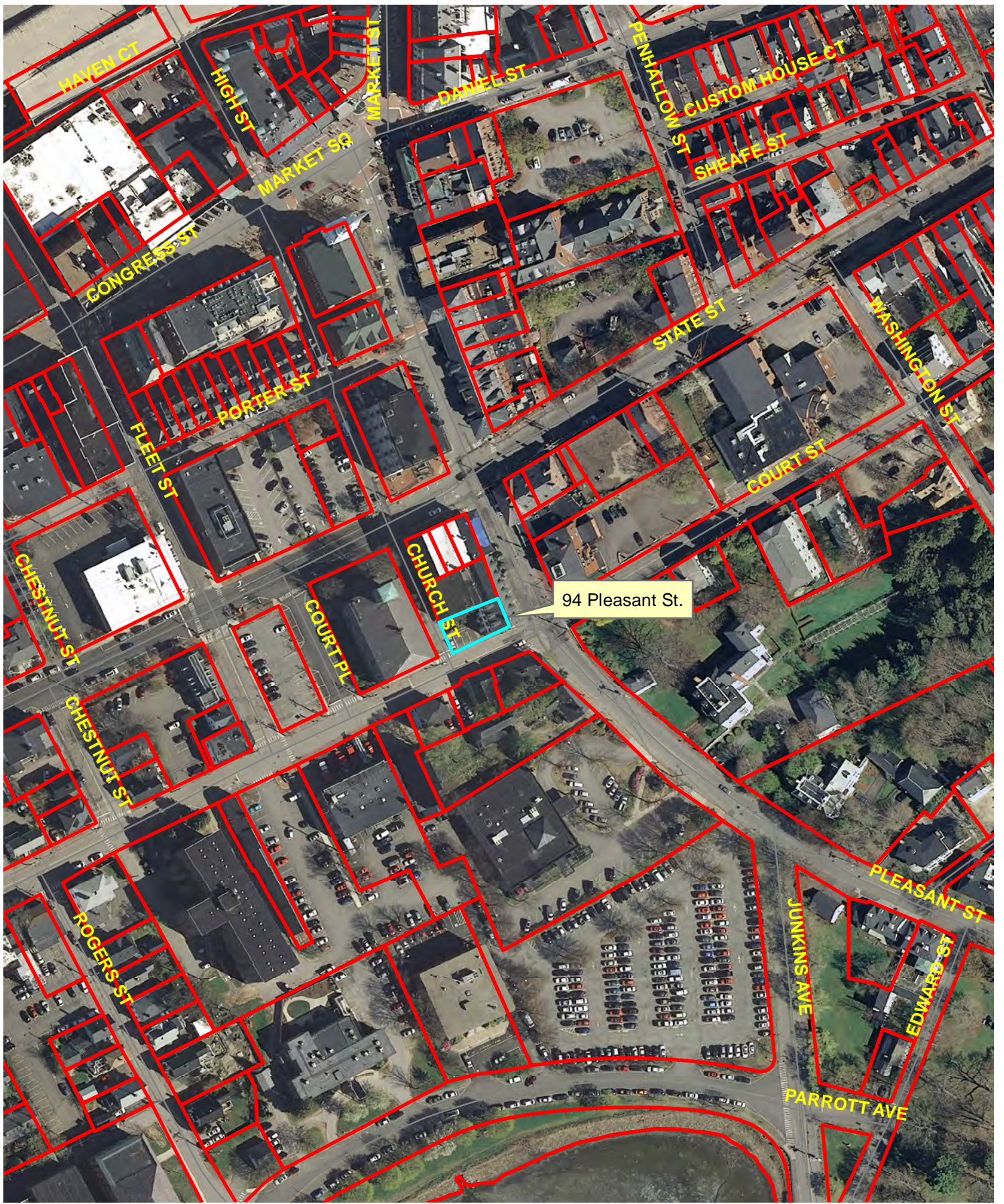
---

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

Sign dimensions: 32" x 24"  
Sign area: 5.3 sq. ft.  
Height from sidewalk to bottom of sign: 8.0"

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

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



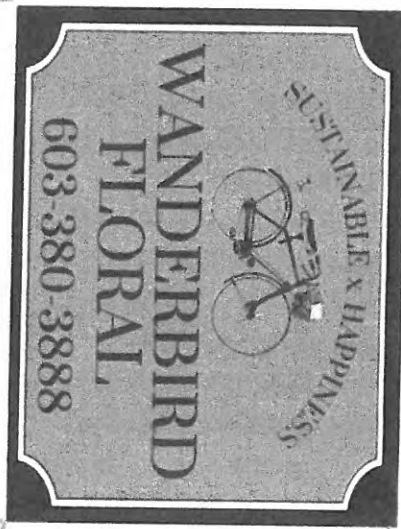
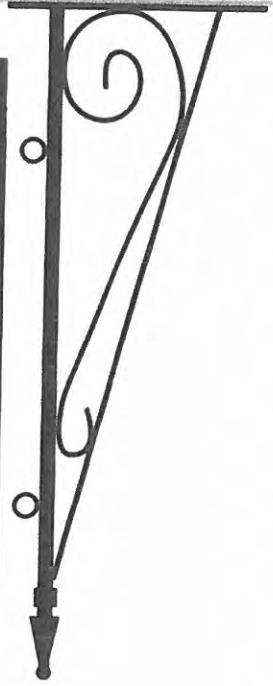
# Request for Projecting Sign License 94 Pleasant Street

Wanderbird Floral  
94 Pleasant Street  
1 Projecting Sign



# Proposed Sign Dimensions and Height from Ground

94 Pleasant St Building



24"X32" SIGN  
WITH 42" BRACKET

32" Wide

24" High

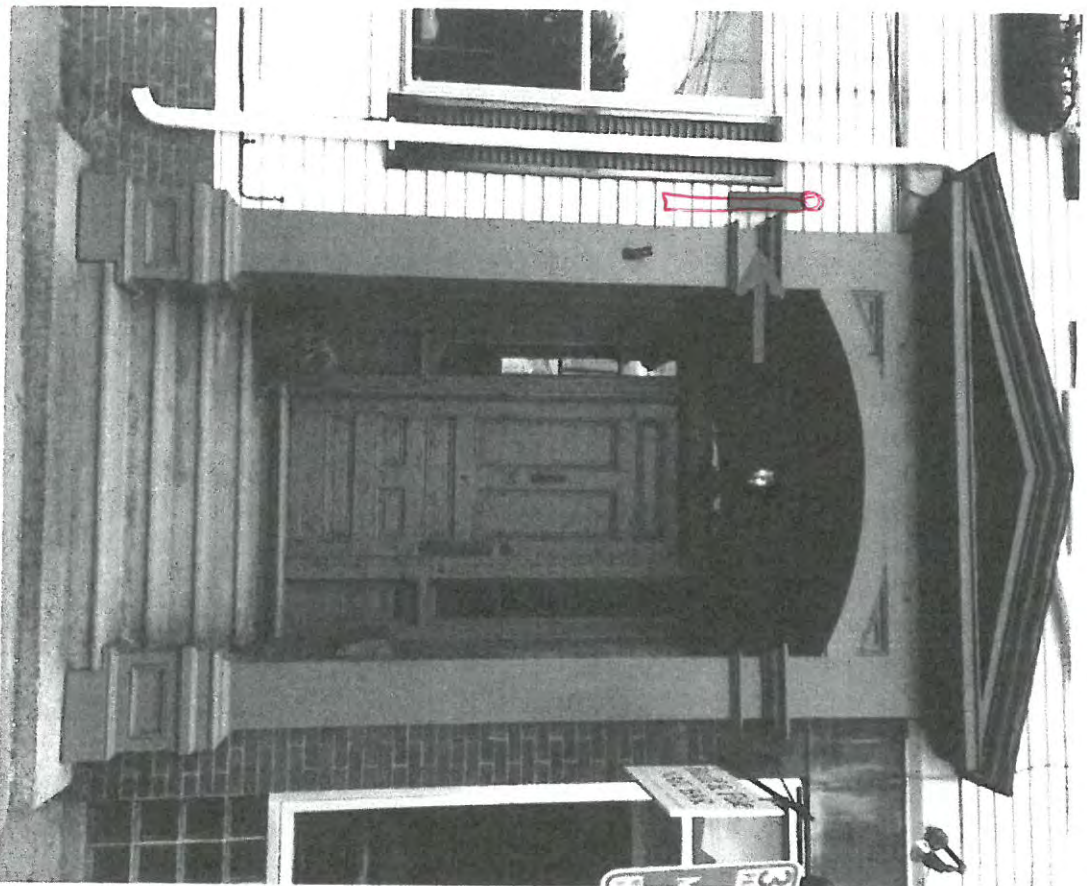
8 Feet Between Bottom  
of Sign and Ground



Ground (Pavement)

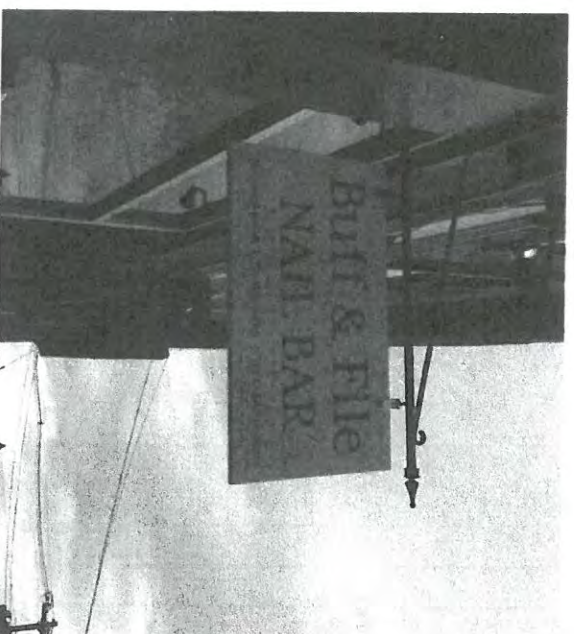
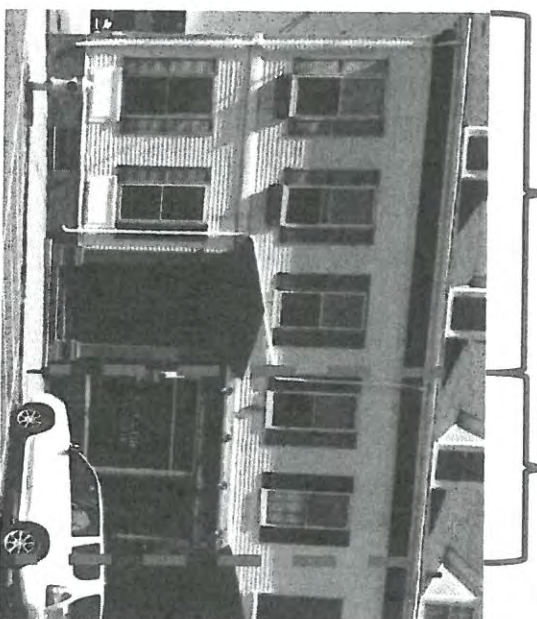


# Proposed Sign Placement at 94 Pleasant St



\* Sign proposed at 94 Pleasant St would use same bracket type as Buff & File and be installed at same height

94 Pleasant St 92 Pleasant St



---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign and Canopy  
Address: 168 Fleet Street  
Business Name: In Boston Salon, LLC  
Business Owner: Nicole Ray & Laurie Rourke

---

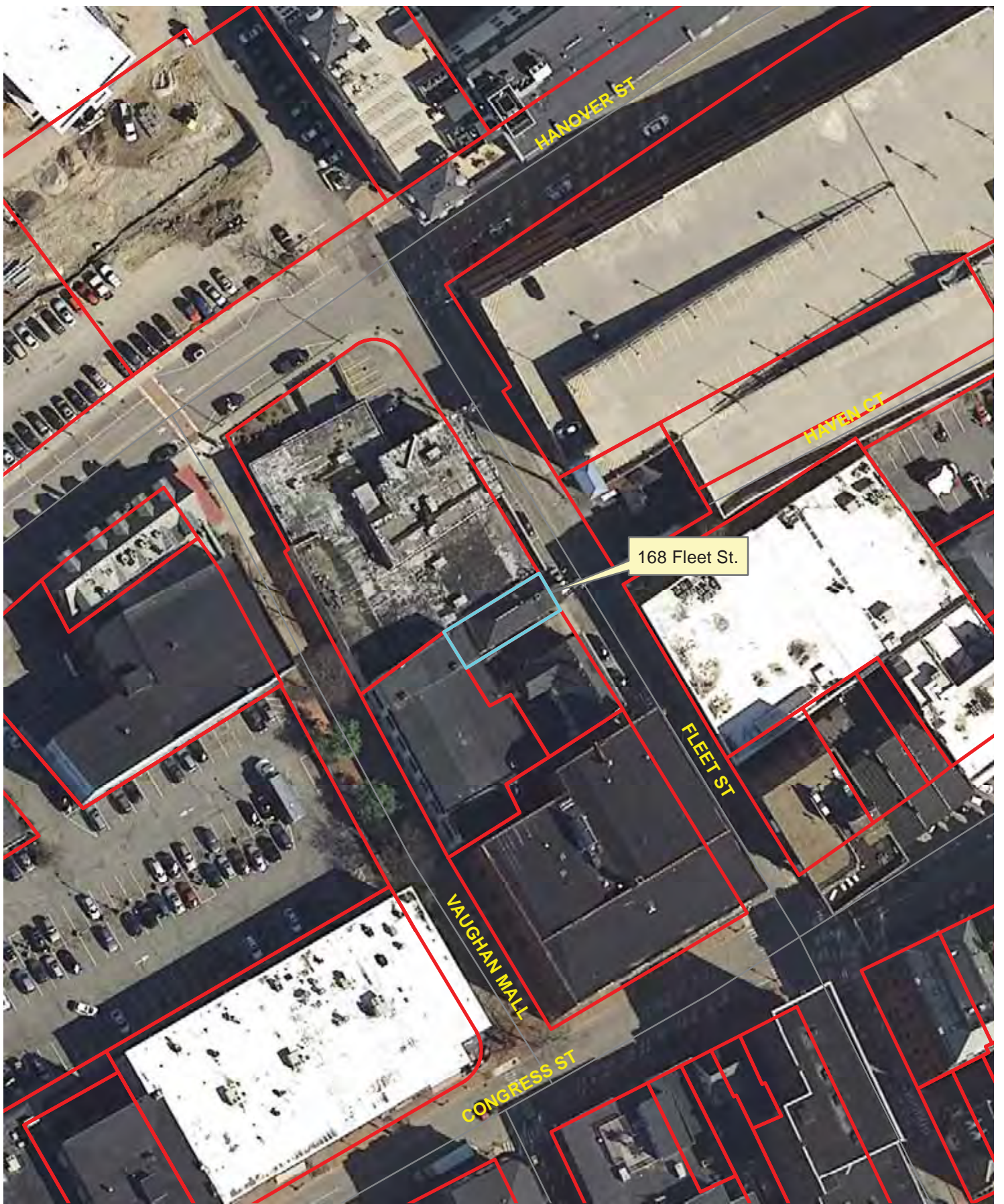
Permission is being sought to install a projecting sign on an existing bracket and a canopy on an existing frame, as follows:

Sign dimensions: 45" x 22"  
Sign area: 6.9 sq. ft.  
Height from sidewalk to bottom of sign: 12.0"

Canopy dimensions: 80" x 41"  
Canopy area: 22.8 sq. ft.

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

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



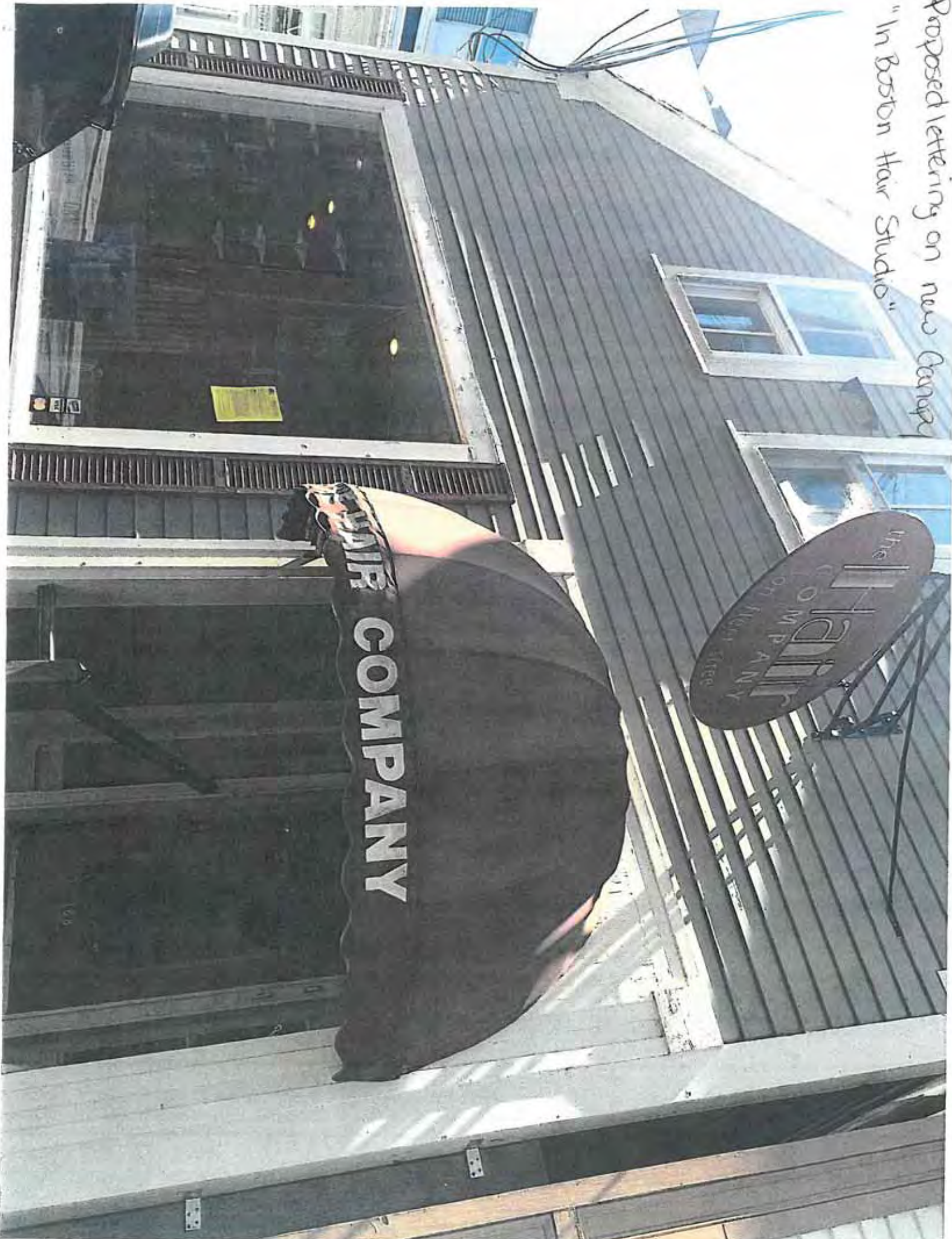
# Request for Projecting Sign License 168 Fleet Street



In Boston Salon LLC  
168 Fleet Street  
1 Projecting Sign & 1 Awning



Proposed lettering on new canopy  
"In Boston Hair Studios"



the Hair  
COMPANY  
on fleet street

THE HAIR

CITY SHOES



**HAIR COMPANY**

168



*In Boston*  
HAIR STUDIO





---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 79 Congress Street  
Business Name: Better Homes & Garden Real Estate  
Business Owner: Melissa Lake

---

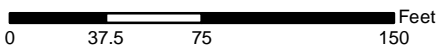
Permission is being sought to install a projecting sign on a new bracket, as follows:

Sign dimensions: 36" x 45"  
Sign area: 11.3 sq. ft.  
Height from sidewalk to bottom of sign: 14.0"

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

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

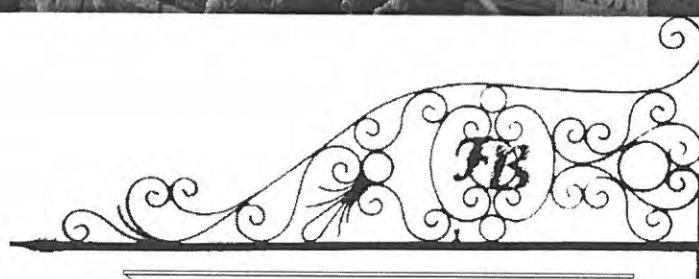
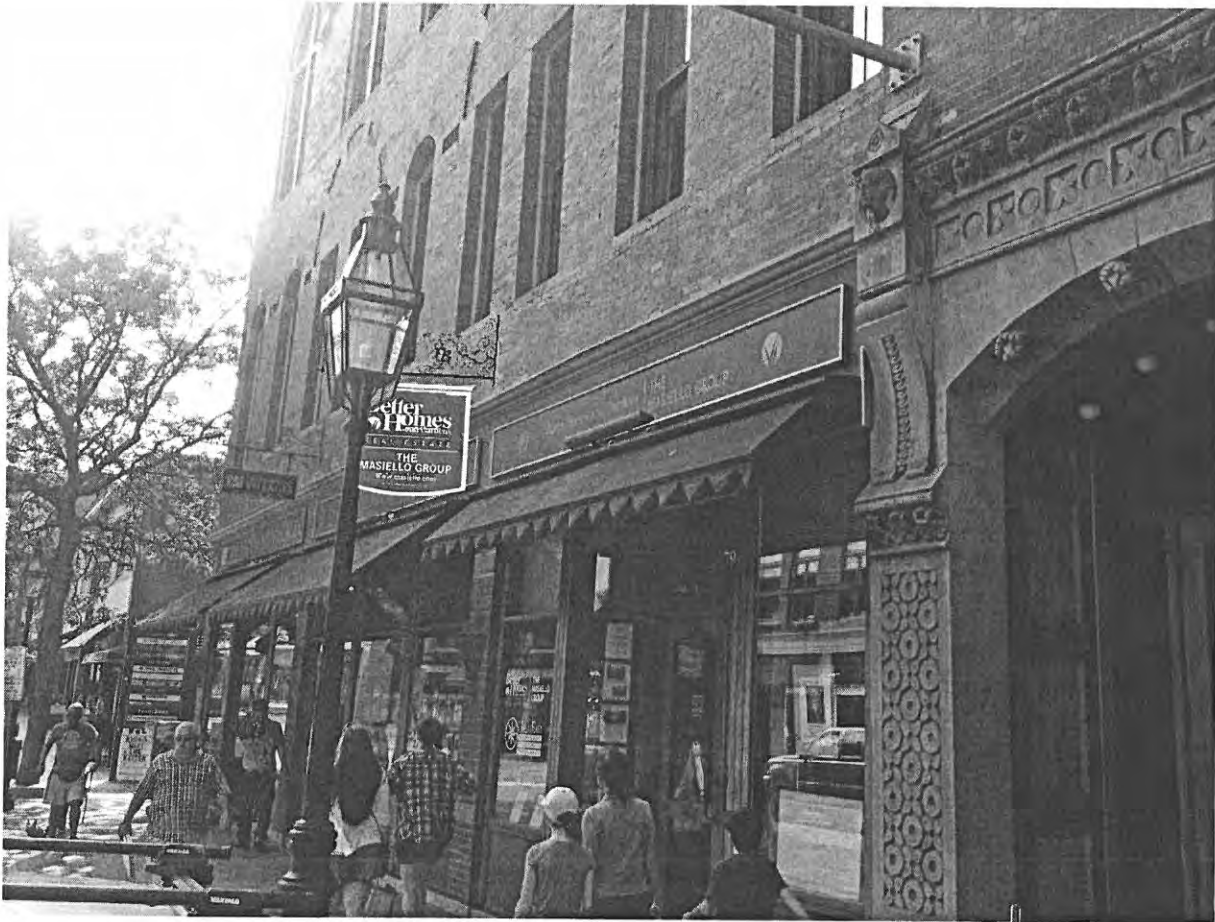




# Request for Projecting Sign License 79 Congress Street

Better Homes & Garden Real Estate  
79 Congress Street  
1 Projecting Sign





RAISED GREEN PANEL  
WITH RAISED TEXT



36"

40"

Measurements On This Artist's Rendering May Vary Slightly From The Actual "AS BUILT" Measurements Upon Final Engineering. Colors and resolutions in proof are not representative of final project due to individual monitor settings.

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



Phone: 603.225.4081  
Fax: 831.303.3578

jason@signarama-concord.com

249 Sheep Davis Road  
Concord, NH 03301  
www.signarama.com

**CLIENT**

Better Homes and Gardens

**DATE**

12-4-2014

**MATERIAL**

Applied Print on PVC/HDU

**COLORS**

SEE PROOF

**DS/SS**

Double

**APPROVAL**

**DUE DATE**

Type

**DESIGNER**

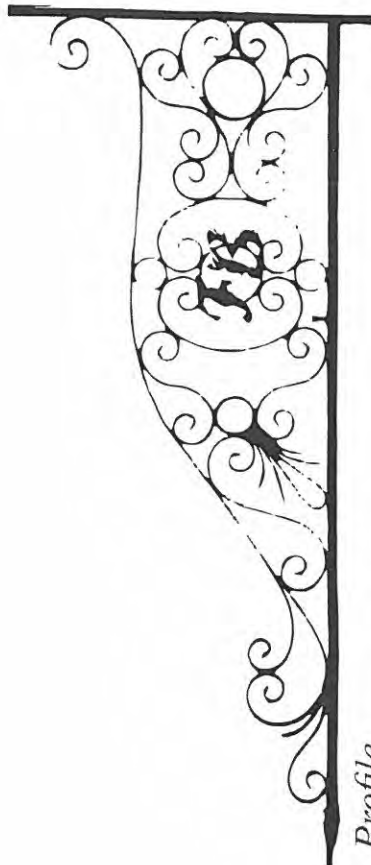
J. Sanville

Designer's Note: PDF file for approval. Colors may vary depending on software, screen and platform.  
Prepared: Authorized pre-release form.

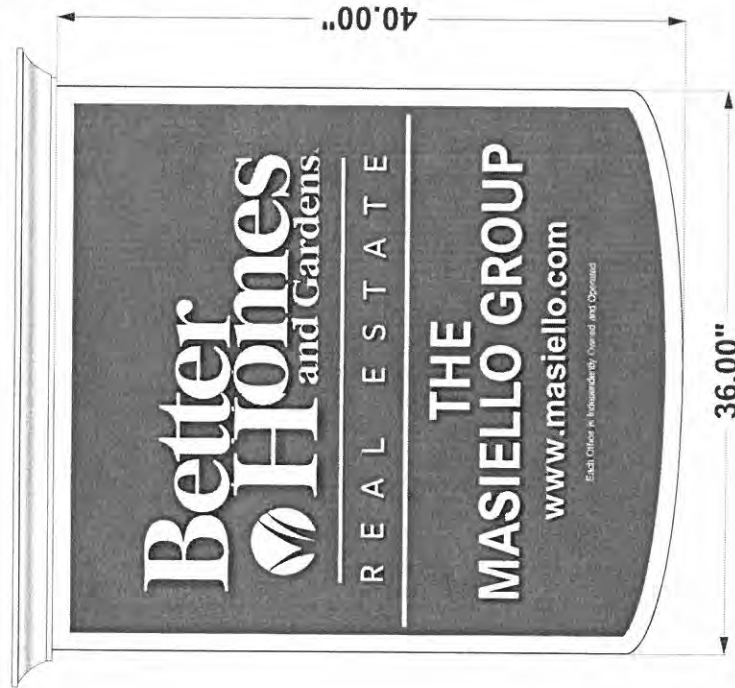
All Rights Reserved. These plans and materials may not be copied, duplicated, replicated or otherwise reproduced in any form without written permission of S.A.R. of Concord.  
This plan is not effective unless signed by a duly authorized agent of S.A.R. Concord.



**NOTE:** Please check with your local town/Municipality for permitting requirements. SAR Concord will not be held responsible for fees or fines acquired within this process.



*Profile*



*Scaled to spec.*



Measurements On This Artistic Rendering May Vary Slightly From The Actual "AS BUILT" Measurements Upon Final Engineering.

*Not Scaled to spec.*

---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 50 Daniel Street  
Business Name: ABC Fine Rugs, Inc.  
Business Owner: Mohammed Enyat

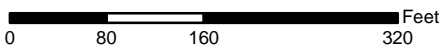
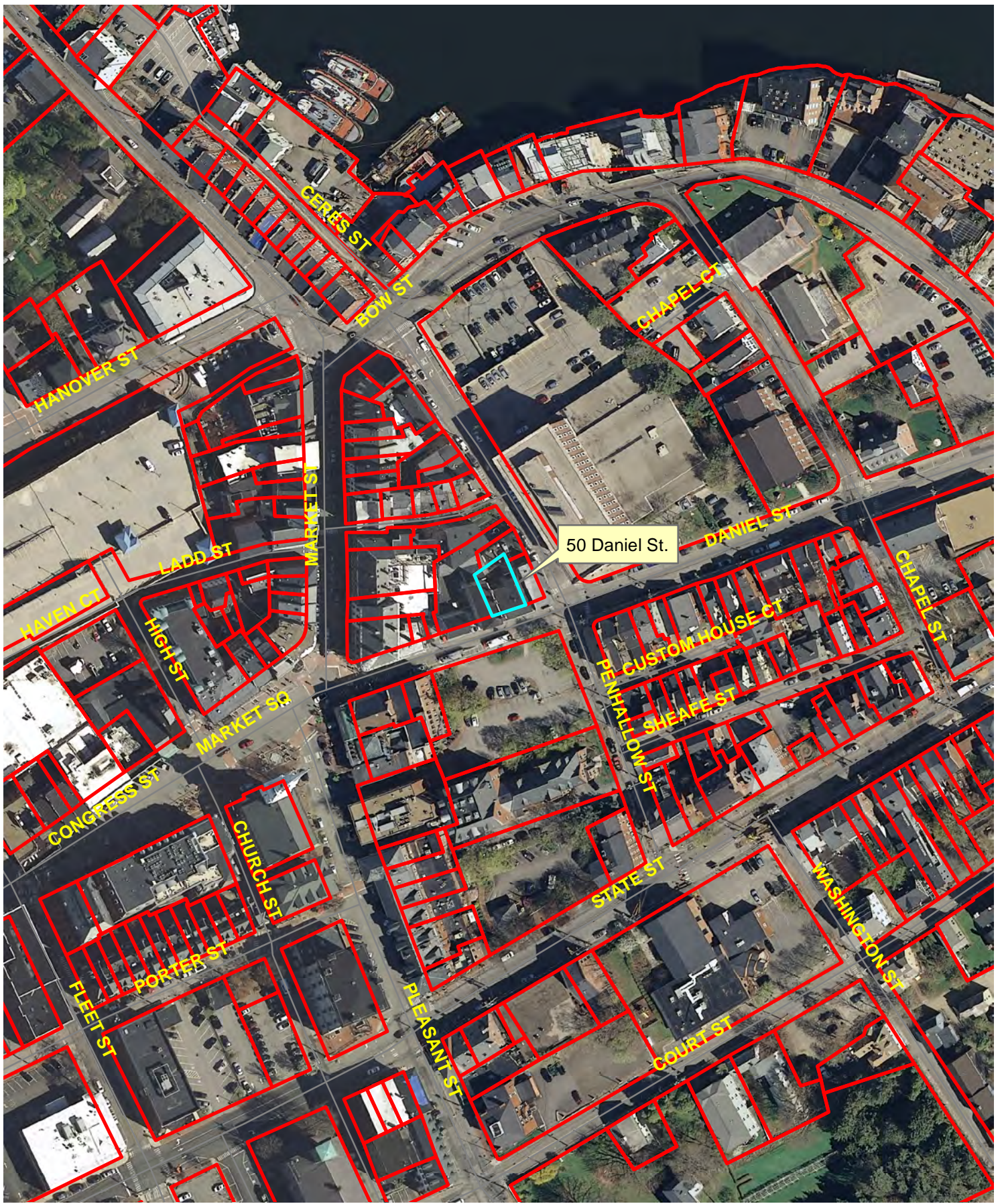
---

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

Sign dimensions: 36" x 48"  
Sign area: 12.0 sq. ft.  
Height from sidewalk to bottom of sign: 18.0"

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

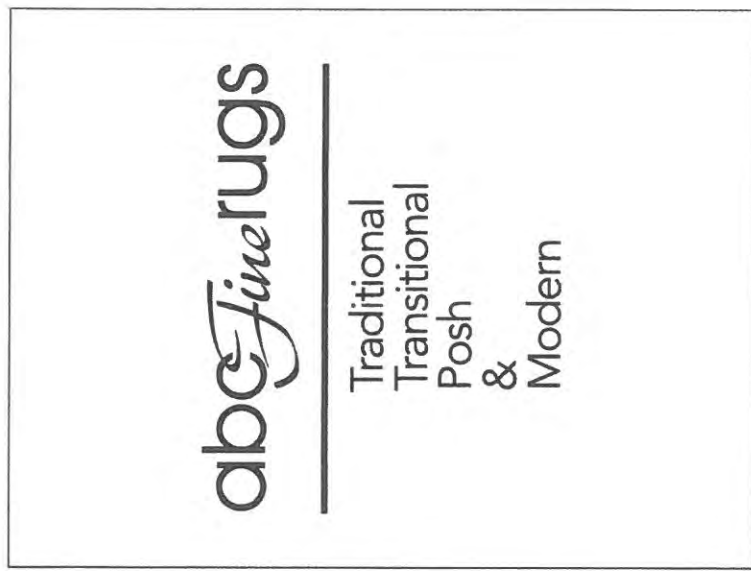
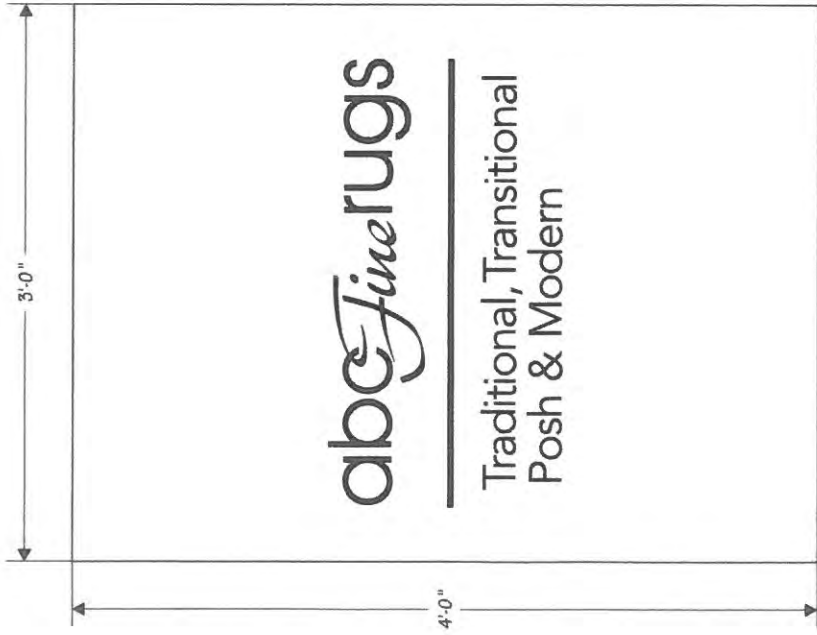
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation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



# Request for Projecting Sign License 50 Daniel Street

ABC Fine Rugs, INC.  
50 Daniel St.  
1 Projecting Sign





Projecting sign

Double-sided projecting sign, to be installed on existing bracket.

Sign to be first surface applied high performance vinyl lettering on sign substrate background.



06/2015 1" = 1'-0" 107 Hollis Street Manchester, NH 03101 627-0003 This drawing is the property of FIRST Sign INC. Complete Storefront Remodeling including Signs - Awnings - Lighting Innovative Design & Flawless Execution of Dimensional Signage



---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** July 13, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 10A Ladd Street  
Business Name: Lashbar  
Business Owner: Rosli Chace

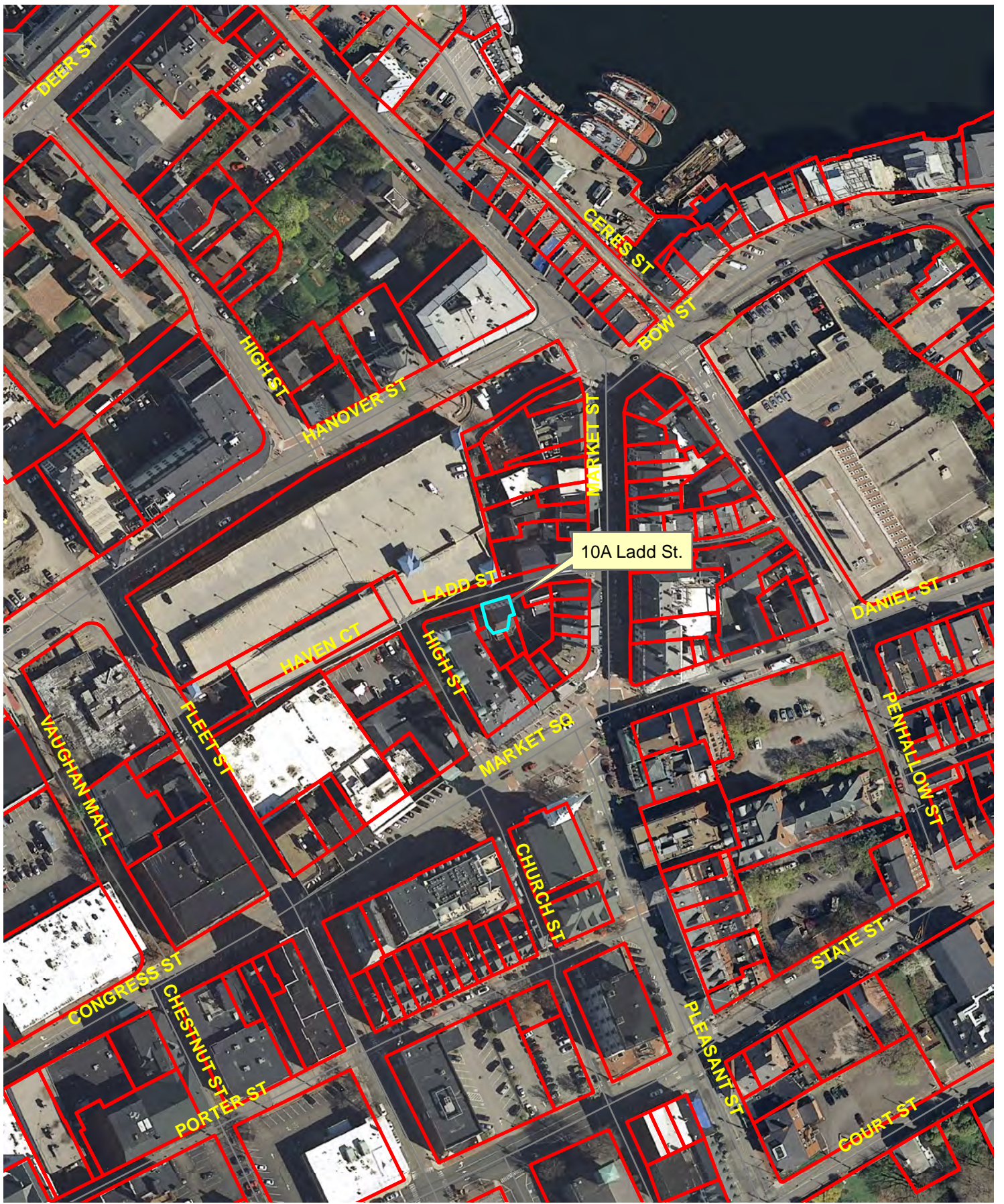
---

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

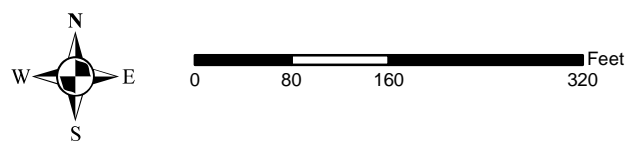
Sign dimensions: 22" x 15"  
Sign area: 2.3 sq. ft.  
Height from sidewalk to bottom of sign: 9.0"

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

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



10A Ladd St.



# Request for Projecting Sign License 10A Ladd Street



10

20

Projecting: Proposed

#11



22" x 15"

2.3 sq ft

TO: John Bohenko, City Manager Portsmouth. NH  
FROM: Martha Netsch, Seacoast Rotary International Chair  
DATE: June 30, 2015  
SUBJECT: October 24, 2015- Polio Plus Memorial Bridge Walk



Last year the Seacoast Rotary Club organized a successful District Wide Bridge Walk to benefit the Rotary International effort to eradicate polio called Bridge the Gap. We would like to hold the event again this year on Saturday, October 24, 2015.

The event would be similar to last year. We would gather in the parking lot area of Prescott Park and walk on the sidewalk across the Memorial Bridge to Kittery, and back.

I have spoken to Mike at Prescott Park, and he has put the event on his calendar.

If you have any questions, or need further information, please don't hesitate to contact me.

Sincerely,

  
Martha Netsch

320 South St.

Portsmouth NH 03801

603-436-4142

Kittiwake21526@comcast.net

received

7/8/15

# pedals for Paws

Greetings Mr. Mayor and Town Selectmen,

My name is John Linville. I am the event coordinator for the "Pedals for Paws" charity bicycle ride and adoption event. This is will be a family bicycle ride and pet adoption day set for August 22, 2015. We will be riding from Great Bay Community College, Pease Tradeport to Dover NH and back.

We are working with Cocheco Valley Humane Society (CVHS) who will be the recipient of all the profits raised by the event. The CVHS and other animal rescues, NHSPCA and Mary's Dogs will be on hand for a meet and greet with the dogs. The animals will be on site at approximately from 10:00am until 2:30pm.

A 1 million-2 million dollar insurance policy is on hand for the event. We will be having a Portsmouth PD detail on the college campus. A safety crew will be monitoring the course. A Road Agent will have a pick up with spare parts if needed. Newington Police and Fire are both on board as well as the City of Dover.

Registration will begin at 7:30am and the ride has a start time of 8:30am. The registration fees will be \$35.00 for singles or \$50.00 for a team/family. There is no additional donation required but any further donations will be gladly accepted. An event t-shirt and "goody bag" will be given to all the riders and extra t-shirts will be available for purchase for the non riders. The start finish line will be at the Great Bay Community College overflow parking lot.

These animals are in need food, blankets, toys, leashes and all other supplies necessary to provide a quality life before reaching the overall goal of a forever home. It is our intension for this event to bring people together for a fun day, have an opportunity to raise funds for these animals and promote a sense of community. Corporate sponsors that donate before July can have their company logo on the event t shirt if they wish to.

We will have door prizes, awards as well as a thank you to all our sponsors. Vendors will be on hand to provide food and refreshments. This is a family friendly event, and is open to riders of all abilities, so come out to Pease International Trade Port and ride with us.

This will event is being organized by the three unions on the Portsmouth Navy Shipyard, The Federal Employees Metal Trades Council, The International Federation of Professional Technical Engineers, and the American Federation of Government Employees.

I look forward to hearing from you.

Respectfully yours,

John Linville , Event Coordinator  
Federal Employees Metal Trades Council  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804  
207 438-1455 pedalsforpaws@yahoo.com

# pedals for Paws

## Mission Statement

Pedals for Paws is a non-profit organization dedicated to improving the lives of animals in our local community.

To engage the hearts and minds of the community and support local adoption.

## Vision Statement

Compassionately and responsibly create a more humane world for animals.

Providing surplus capital for local shelters through creative options.

## Values

Animal Stewardship

Imagining and demonstrating kindness for all human companions

# pedals for Paws

## Board of Directors

Chairman...Paul Hafford, IFPTE

Treasurer... John Linville, Event Coordinator, Point of Contact

Secretary ... Shawn K. Bruce, IBB

Shelter Point of Contact...Alaina Goodnough

Trustee...Ryan Dickey, FEMTC

Trustee... Charles Piazza, IFPTE

Ex Officio Members...Deborah Jennings, President IFPTE Local 4 union

William Webber, President AFGE union

Paul O' Connor, President FEMTC union

Respectfully yours,

John Linville ,Event Coordinator  
Federal Employees Metal Trades Council  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804  
207 438-1455





# Major Players for P4P

## **Pease Development Authority**

Liz LaCava...L.LaCava@peasedev.org 603-766-9267

## **City of Dover**

Parks and Rec. Director...Gary Bannon...g.bannon@dover.nh.gov

Police Department...Sgt. Speidel...m.speidel@dover.nh.gov

## **Town of Newington**

Town Clerk...Ellenor...eboy@townofnewingtonnh.com...603-436-7640

Police Department...Chief of Police Jon Tretter...603-436-7640

Fire EMS Department...Assistant Chief Jeff LeDuc...603-436-9441

## **Great Bay Community College**

Michael Fischer...mfischer@ccsnh.edu...603-427-7644

## **CVHS**

Alaina Goodnough...devassist@cvhsonline.org...603-749-5322...ext.111

## **NHSPCA**

Dianna Currier...dcurrier@nhspca.org...603-772-2921...ext.118

## **MTC**

John Linville, Organizer...pedalsforpaws@yahoo.com...207-438-1455

Jason Bigelow, Road Captain...jason.bigelow@gmail.com

## **IFPTE**

Charles Piazza...charles.piazza@navy.org

Steve Shea (t-shirts)

## **AFGE**

Denise Nemeth...denise.nemeth@navy.mil...207-438-2531

# Pedals for Paws

## Itinerary for Saturday August 22, 2015

all times are approximate

06:00--- Begin set up

06:30--- Volunteers show up

07:30--- Registration begins

09:00--- Registration ends

09:15--- First riders depart

Riders leave at 5 minute intervals

10:00 Last riders depart

12:30 Lunch/awards/thank you's

14:30 Dogs leave

16:00 End of event/begin clean up



AFGE



Cochecho  
Valley  
Humane  
Society

*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**  
6/30/15  
June 29, 2015

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

**Re: Third and Final Reading of Gateway Zoning for the West End**

Dear Mayor Lister and Members of the City Council:

As you know, I represent Portsmouth Land Acquisitions, LLC, the owner of a significant portion of land under consideration of the City Council to be rezoned from "Industrial" and "Office Research" to a "Gateway" zone. At the last meeting of the City Council on June 15<sup>th</sup> for the third and final reading of the zoning change, the vote was tabled until the July 13<sup>th</sup> Council meeting, in what seemingly was an opposition to "any potential" of the land being sold without the City having an opportunity to purchase it for their potential future needs. These needs we heard were a transportation center, a police station, and some sort of additional parking option for city residents, visitors and employees.

As a property owner, my client can certainly appreciate the City needing to plan for the future. My client has been working with the City for over a year in a rezoning effort, following the discussion held by the Council in June 2014 to look at purchasing the land, a purchase which was subsequently dismissed by the Council in short order. Since that time, the Planning Department and the Planning Board have been working on what zone fits the plan for the future of this area. A design charette was held in February 2015 at the Frank Jones Center with participation from many residents, councilors, and planning staff. The result was the Planning Board recommending Gateway zoning for this area as it allowed for all the visions that came out of the charette: housing and workforce housing, a new road, walk-ability, bike paths, parking, and limited mixed use retail and commercial space.

If the Council is now sincerely looking at purchasing the land or a portion of the land, my client is open to beginning discussions with the City on what options may exist, and would even consider what possibilities there could be for a public-private partnership. However, in light of the time spent by all involved over the past year, and the outcome of the Gateway zoning recommendation by the Planning Board to the Council, we would ask the Council pass third and final reading on the zoning to move any possibility for the positive development of this land - public, private or a combination effort - forward. My client is very puzzled as to what negative ramifications the passing of the zoning

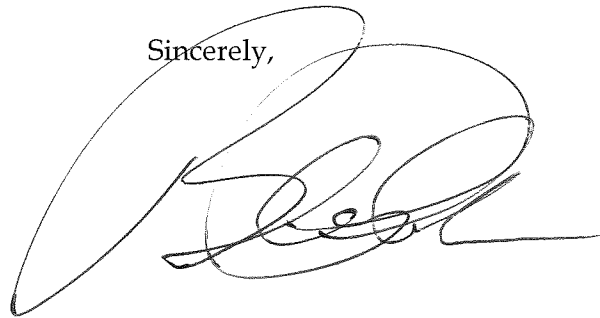
Page Two  
Honorable Mayor Lister  
June 29, 2015

change has to do with the effort by the City to own some of the land. Wouldn't a positive zoning change from industrial zoning to a Gateway zone also be good for the City? We see no negative outcome in a passing of third reading, but the opposite would not yield any of the visioning results.

The tabling or rejection of the zoning will revert the zoning back to "Industrial" and "Office Research". Due to the lack of available industrially zoned land with any proximity to Interstate 95, my client has been approached by two separate industrial users for the property following the Council's tabling of the vote at their last meeting. Both are financially viable tenants for this property. Although we do not feel that a new industrial user on this property would be welcomed, nor fit in with the character of what came out of the charette process, my client has to deal with the realities of the land use code dictated by the City and proceed forward accordingly. The options for workforce housing inclusions, a new connector road, a new West end community, would unfortunately not be possible.

We would urge the Council to look at the open and transparent planning process that has taken place, and decide to move the conversation on developing this area forward with a passing of the third and final reading of the Gateway zoning.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernard W. Pelech". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Bernard W. Pelech

June 22, 2015

Re: Zoning Ordinance changes pertinent to short term vacation rentals

Dear City Councilors,

I am writing to share some thoughts in regards to the proposed revisions to the City's Zoning Ordinance as they pertain to short-term vacation rentals and Bed and Breakfast 1 and 2. As you all are very well aware this is not simply an issue Portsmouth is grappling with but rather a national issue with considerable debate.

I would like to first commend the Council for taking a proactive approach to this issue and applaud the degree of concern it is receiving. I have followed the Council's debate on this issue as best I can and have just recently given a thorough review to the latest draft amendments. Though I feel there has been some solid progress with the latest draft proposal dated June 15, 2015, I still have some concerns I would like to share. (I also apologize if I share information that you are already well aware of).

There are essentially two categories that short-term vacation rentals fall under and this year the Zoning Board of Adjustment has heard detailed petitions regarding each. The first is when an individual rents their entire house, condo, apartment, etc. most often with the assumption the homeowner has vacated the property for that time period. The second type is when an individual simply rents a room(s) from their place of residence with the assumption that the homeowner will be staying at their residence also during this time.

Both of these forms of rentals are what internet sites such as AirBNB and VRBO (Vacation Rental By Owner) are geared towards. Although internet sites such as these along with Uber are the results of 21<sup>st</sup> century technology and marketing, I caution the Council to not lump them together. When an individual chooses to use Uber it is their own personal decision and has essentially no impact on the public at large, yes it impacts the taxi companies, but our roadways are not all of a sudden a dangerous place because of Uber drivers. However the use of private homes as short-term rental properties has already proven at times to have a negative impact in our city as many neighbors have had disrupting experiences.

The current proposed zoning changes have now defined three specific uses that relate to the issue at hand; Short term-vacation rental, Bed and Breakfast 1, and Bed and Breakfast 2. As best I can tell, the definition of Short-term vacation rentals is written to address the rental of an entire residence and the Bed and Breakfast 1 definition is written to address those who wish to only rent a room or two from their residence while they still live there. I would like to address some inherent flaws I see in the proposed definitions.

As the June 15, 2015 draft is currently proposed, the definition of Short-term vacation rental as follows:

*“The rental of a dwelling unit for less than 30 consecutive days. Short-term rental does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses in Section 10.440, Table of Uses.”*

The inherent flaw with this definition is the use of “dwelling unit”. As our Zoning Ordinance is currently written, a dwelling unit is defined as not to include “such transient occupancies as hotels, motels, rooming or boarding houses”. Obviously short term vacation rentals is not included in this definition as it has yet to be defined but it is all but impossible to argue that a short-term vacation rental is not a transient accommodation. How can the Ordinance thus allow the rental of a property for a specific use (transient accommodation) when that property/dwelling unit is not allowed to support that use by definition? Also, unlike the definitions of Bed and Breakfast 1 and 2, the definition of short-term rental does not limit the number of rooms that can be rented or the number of people who can occupy the residence.

Moving on, the proposed new definition of Bed and Breakfast 1 seems to be geared towards AirBNB and the rental of rooms within an owner occupied residence. I am more often than not reluctant to use Wikipedia for research information but I do find their definition of “Bed and Breakfast” to best represent what the general public perceives a bed and breakfast to be, and more clearly passes the common sense test. Wikipedia defines bed and breakfast as:

*“a small lodging establishment that offers overnight accommodation and inclusive breakfast, but usually does not offer other meals. Typically, bed and breakfasts are private homes of family homes offering accommodation with fewer than 10 bedrooms available for commercial use.”*

The proposed new definition for Bed and Breakfast 1 now lowers the number of rooms allowed to a maximum of 2 guest rooms and does not require breakfast to be served. These changes to the definition are obviously an attempt to accommodate those who want to rent rooms from their residence without the commitment involved with owning and operating a true bed and breakfast. For the lack of a better word, I find it “silly” that we would pursue defining the use Bed and Breakfast by stating one does not need to serve breakfast, why not just establish a new use called “Bed”? Again referring back to the Wikipedia definition and the most common sense definition at that, a bed and breakfast is a “small lodging establishment.....for commercial use”.

Lastly, the proposed new definition for Bed and Breakfast 2 essentially stays the same but lowers the number of guestrooms to a maximum of 5. My only concern here is the maximum number of rooms for those truly interested in operating a bed and breakfast. I reflect back on the Governor’s Mansion Bed & Breakfast on Miller Avenue run by the Grossman’s and how that use was such an asset to the

community and in no way negatively impacted the surrounding neighborhood. Such a facility would not be feasible if the number of rooms is limited to 5 as proposed.

Lastly in regards to the proposed definitions, it is unclear to me if the new definitions for Bed and Breakfast 1 and 2 are to include the language “owner occupied” as currently defined in our Zoning Ordinance. This should be clarified as it would prevent a property owner from simply renting out rooms on a nightly basis to increase revenues as opposed to making that unit available as a typical rental unit such as for work force housing.

I would now like to quickly address the proposed zones where these uses would be permitted. I will first note that the changes made between the June 1 and June 15 drafts were commendable on many fronts. The one area where I have concern is in regards to Bed and Breakfast 1, more specifically, it being allowed by Special Exception in the zones GRA and GRB (General Residence A & B). It is all but impossible to explain in written form the areas of Portsmouth that fall into these two zones so I strongly encourage you all to look carefully at our zoning map and identify them. One will quickly acknowledge that both these zones are far and away dominated by single family homes in tightly knit neighborhoods. The Council needs to seriously analyze whether or not these are the type of neighborhoods we want to introduce the AirBNB concept into, especially considering that with the proposed definitions one does not have to operate what one would normally consider a Bed and Breakfast using common sense.

As many Council members know, there is a vast difference between applying for a Special Exception versus applying for a Variance from the Board of Adjustment. The simple truth is that a Special Exception does not have much “teeth” to it. Requiring a Special Exception for a Bed and Breakfast use, for all intent and purpose, conveys that the use is allowed if one meets a few basic requirements such as no hazard to adjacent properties, no excessive demand on public services, no pollutants, etc. The Board of Appeals has very little to hang their hat on to protect Portsmouth citizens who are opposed to short-term rentals in their neighborhood. Requiring a variance however conveys clearly that the use is not allowed and that in order to be granted a variance for that use much stricter criteria must be proven along with a hardship. If the Council does indeed feel that these are not appropriate uses for these neighborhoods then they should consider making Bed and Breakfast 1 a non-permitted use in both zones GRA and GRB.

One area I am still unclear on is parking for the three uses discussed. I have found that there is currently a proposed requirement for short-term vacation rentals to “provide adequate parking based on occupancy”, but again I am not clear what the standards are for Bed and Breakfast 1 and 2. I feel it puts the City in a difficult position to enforce a rule based on the terminology “adequate” as opposed to a specific number of spaces as we do for all other uses in our Zoning. However, my greater fear is how properties will meet their parking requirements for these uses.

As many of you are well aware as witnessed along both Islington Street and Middle Street, when properties such as larger, more historic, single family homes change their use to a multi-unit property, the owner most often is forced to provide parking at the rear of the property where there was once a well landscaped yard. If we allow these uses in tight knit neighborhoods, the openness of backyards and the cohesiveness of them all will be jeopardized by introducing paved areas for cars to meet parking requirements for their short-term rentals.

My final note simply addresses how the City would enforce these uses and the associated requirements as proposed. Does the City have the resources to make sure that someone renting out a bedroom for a weekend has the proper smoke detectors, insurance, egress windows, and is paying the State rooms and meal tax? It is truly hard to fathom. I am also sure that the creative owners would find so many loopholes that it would be all but impossible to enforce some restrictions. For example, in one case before the Board of Adjustment an applicant's listing on AirBNB stated no breakfast is served yet conveyed to the Board that packaged donuts were left out for guests, supposedly to be considered a Bed and Breakfast. Also of interest is this same listing stated that the property can host weddings and other social events in their well landscaped backyard.

*Summary:*

>The Council should further review the proposed definitions for the three uses discussed. The short-term vacation rental definition proposed I feel is contrary to an already established definition for "dwelling unit" per our Ordinance.

>The proposed definition for Bed and Breakfast 1 simply does not pass the "sniff test" once it is changes to not include serving breakfast. At that point it is much closer to the definition of a "boarding house" as defined in our Ordinance. If a use falls under Bed and Breakfast 1 than it should be expected to operate as one, not as a something more closely resembling a boarding house. I question whether the definitions of Bed and Breakfast 1 & 2 need to be weakened as proposed, but rather feel they should be strengthened to include language similar to that shared previously from Wikipedia.

>The proposed definition for Bed and Breakfast 2 all but eliminates the possibility of a true Bed and Breakfast in the City with the proposed limit on the number of rooms.

>Any change to the Zoning Ordinance should have a public benefit. By allowing the proposed uses discussed, the Council should be able to clearly articulate the public benefit, and by that I mean the citizens of Portsmouth. The Board of Appeals has heard two petitions to date in regards to these uses and each applicant shared their specific need for the appeal. One applicant stated the need for additional income to



help pay his property taxes and the other applicant stated they wanted the income to take family trips with their grandchildren.

>All of these uses should be considered for profit business ventures. I agree a property owner has rights with what they can do with their property but as we all know these rights must be weighed against the rights of the general public and more specifically the direct abutters, living next to renters on vacation is a much different experience than living next to your neighbors.

>The issue of enforcement must be greatly considered as this will be a challenging undertaking for City Hall staff. The enforcement burden can however be alleviated by restricting the allowable zones for these uses.

>Lastly, I encourage the Council not allow Bed and Breakfast 1 or any short-term rentals in GRA and GRB. If under certain circumstances one of these uses makes sense in either of these two zones the option of applying for a variance is always available. Again, allowing by Special Exception is essentially stating it is an allowed use once one meets some basic requirements.

I appreciate everyone's time on this issue and getting through this rather longwinded analysis. This issue is being debated daily in cities all across this country with many varying viewpoints. This Council needs to decide what is best for our city and those who live here. We should not feel compelled to accommodate uses simply because it is the latest trend in transient accommodations. There are places in the country that desperately need tourism and the internet is a valuable tool for them. Other places like Portsmouth have developed a vast supply of transient accommodations and tourists that is the envy of many cities, but do we need to expand this into our neighborhoods?

It is also my sense that this issue is by and large flying under the radar for most City residents except for those already negatively impacted, but trust you will hear from the public once the zoning changes are implemented as proposed.

I'd be more than happy to discuss any of these issues further if anyone so desires. Feel free to call me at work at 436-4933 or home at 436-6649.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Witham', written in a cursive style.

David Witham

company: woodsculptor

address: 227 Park St

city: Portsmouth

state: New Hampshire

zip: 03801

comments: Dear Mayor Lister

I recently participated in the Portsmouth Listens dialogues, as a facilitator. A major point of discussion in Group D was to make the development that is occurring here in Portsmouth work to benefit the residents. That is exactly what this is about - Portsmouth residents being allowed to participate fully in the local economy, which includes the tourism industry. The June 15 draft regarding short term rentals essentially bans all in-home tourist rentals in Portsmouth, and that runs exactly counter to the goal expressed by the citizens. Not only that, it sends those tourist dollars to Eliot, York and Kennebunkport.

Before the incidents on Pleasant Point, in-home tourist rentals in Portsmouth were unremarkable. The complaints have come from a handful of vocal nay sayers, not from the hotel owners. As you have seen, special exception was proposed as a solution; but that proved unworkable because it would expand rather than limit our permitted activities, and that permission transfers to future owners.

We realize that you have far more pressing items on the agenda, and this must seem a fly in the ointment topic to you. But for us it's a financial security issue, so I would ask you to consider one more time our proposed solution.

The Home Occupation Permit is simple and convenient because it attaches to the owner, not the property, and can be revoked in case of problems. We think, and we think most Portsmouth residents agree, that the impact on the neighborhoods is no greater than an in home day care, an in home architect or real estate office, a graphic designer, a plumber, painting contractor, web designer, artist studio or any number of other businesses we routinely consider Home Occupations, all of which are currently done in residential zones. No significant changes need to be made to the existing ordinances. The application is already in place and nothing in its list of criteria runs contrary to tourist rentals. Here is a link where you can see exactly what I mean.

<http://www.cityofportsmouth.com/inspection/pdf/BPRESADD.pdf>

Abby and I filed an application last January, but have yet to receive a response.

This is the clause we suggest be added:

- Overnight guests in no more than two guest-rooms in an owner occupied single family residence where such use is clearly secondary, is an allowable Home Occupation in GRA,GRB, SRA , SRB and MR upon obtaining a Home Occupation Permit and compliance with all NH State regulations. On-street advertising is already prohibited therefore need not be mentioned.

Does this make sense to you? If it does, we would be most grateful if you would support that motion at the next opportunity.

Regards

Abby and Jeffrey Cooper

# THE BERNSTEIN SHUR GROUP

Public Affairs | Communications | Political Consulting

Jim Merrill  
New Hampshire State Director  
Direct: (603) 665.8853  
Cell: (603) 540.1394  
Jim.merrill@bernsteinshur.com

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

Re: Proposed Uber Edits to Draft Transportation Services Ordinance

Dear Mayor Lister and Members of the City Council,

On behalf of Uber, we wish to convey our gratitude to all of you for your hard work at crafting the current version of the proposed 'Transportation Services' ordinance. We appreciate the thoughtfulness and many hours of effort that have gone into developing an ordinance that accomplishes your two primary goals – to create a permanent home for ridesharing in Portsmouth, while seeking to 'level the playing field' for taxi and ridesharing companies.

As we indicated at your June 15<sup>th</sup> meeting, we believe the proposed ordinance reflects significant progress towards accomplishing those two goals. However, for Uber to offer its full support for the ordinance, we do have some edits to recommend prior to final passage. These edits are primarily technical in nature to ensure that the regulatory structure you ultimately create best reflects the nature of ridesharing technology while realizing best practices from ordinances passed by other jurisdictions that have successfully created a home for ridesharing.

For your ease of review, the edits are generalized into sections in this cover letter, while attaching a redlined version of the draft ordinance that specifically identifies the edits sought.

I. **Definition Edits**: We propose including a definition of 'Transportation Network Services' in Section 7.202 to more specifically reflect what it is the ordinance seeks to regulate. This will create greater clarity in other sections of the ordinance where such specificity is required to allow the ordinance to operate most effectively.

Other sections that include references to 'Transportation Services' are also amended by including 'Transportation Network Services', e.g the title of the ordinance: 'Chapter 7, Article II – TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK SERVICES'.

II. **Background Check Edits**: In Section 7.204, we offer edits on the scope of what constitutes a satisfactory background check, which we believe are reasonable and address the city's legitimate desire to ensure safety. Additionally, Uber believes that subsection D is unenforceable as a matter of New Hampshire law due to it seeking to look back at criminal

history further than 7 years – RSA 359-B:5 – and recommend it be stricken or amended to conform with state law.

III. **Insurance Edits**: In Section 7.205, our edits here are technical in nature – no changes to the existing language is sought, merely additional language that specifically outlines how Uber’s insurance coverage works. As we have discussed at multiple public hearings, Uber has ample coverage for its riders and drivers, beyond that which is generally required of taxis.

IV. **Fare Regulation Edits**: Similar to the Insurance Edits, in Section 7.209 we don’t seek to amend any existing language. Instead, we seek to add language that offers technical clarity on how riders interface with Uber. As you know, the operator of an Uber does not interact with a rider in determining a fare. The interaction occurs solely between the rider and their Uber app, through which the rider receives a fee quote and can accept or reject the quote prior to entering a vehicle. The language we propose to add here simply reflects this reality, as acceptable for purposes of the ordinance.

V. **Signage Edits**: Once again, similar to the Insurance and Fare Regulation edits, in Section 7.211 we once again seek not to edit existing language, but add new language that accomplishes what the section seeks – visual identification of a vehicle engaged in some form of defined transportation services – while doing so with more specificity, and in harmony with how Uber has accomplished this objective elsewhere.

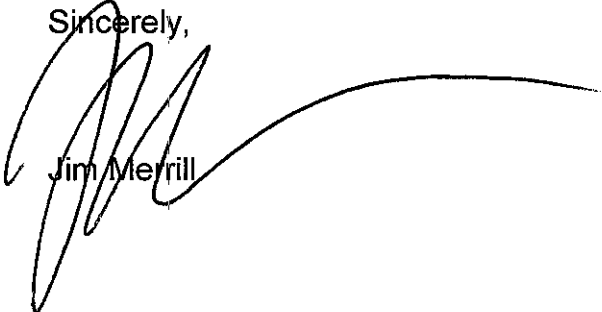
Mr. Mayor and City Councilors, Uber is excited about operating in Portsmouth, providing the city, its residents and visitors with greater transportation options and enhanced economic activity. Uber wishes to continue operating here pursuant to an ordinance that fully embraces ridesharing and its unique innovations, as part of our 21<sup>st</sup> century sharing economy.

An ordinance passed with the edits suggested would accomplish this goal.

Should you do so, not only will Portsmouth become the first city in New Hampshire to officially recognize ridesharing, but it will create an ordinance model for Uber to celebrate and tout nationally and for other cities of Portsmouth’s stature to consider.

It is Uber’s hope that you will consider these modest edits to the current draft ordinance at your July 13<sup>th</sup> meeting, and adopt them as part of a final ordinance.

Sincerely,



Jim Merrill

Suggested amendment proposed by Taxi Commission to the Transportation Services Ordinance which passed first reach on March 2, 2015.

Amend the Ordinance to read as follows:

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - TAXICABS - of the Ordinances of the City of Portsmouth be and the proposed amendment which passed first reading on March 2, 2015 hereby deleted in their entirety and replaced with the following:

**CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK SERVICES**

**Section 7.201: TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK SERVICE**

This ordinance serves to regulate transportation services within the City of Portsmouth, whether described as taxi-cab service, ride-sharing transportation network services or any other conduct in which a motor vehicle is used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger and which transportation has its point of origin within the City.

The definition of Transportation Services shall not include limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions or transportation to locations outside the City or the reverse.

**Section 7.202: TRANSPORTATION SERVICE PROVIDER AND TRANSPORTATION NETWORK SERVICE PROVIDER**

Any person or business entity engaging in the provision of transportation services in the City of Portsmouth is a Transportation Service Provider and is subject to the provisions of this ordinance. Any person or business entity engaging in the provision of transportation network services in the City of Portsmouth is a Transportation Network Service Provider and is subject to the provisions of this ordinance. For purposes of this Chapter, "transportation network services" means the provision of a digital platform to connect passengers with an individual who: (i) receives connections to potential passengers through a digital network controlled by a Transportation Network Service Provider; and (ii) uses a personal, non-commercial vehicle to provide rides upon connection through such digital network.

**Section 7.203: OBLIGATIONS OF TRANSPORTATION SERVICE PROVIDERS**

All Transportation Service Providers or Transportation Network Service Providers shall at all times when engaged in providing Transportation Services or Transportation Network Services:

- A. Maintain on file with the City Clerk a valid and executed application and agreement in a form prepared by the City Clerk indicating that the Transportation Service Provider or Transportation Network Service Provider and that, to the best of Provider's knowledge, all persons operating in any way in conjunction with that Provider will operate at all times in compliance with all provisions of this ordinance. The form shall certify that any person who is in the business of providing Transportation Services or Transportation Network Services under the authority of or in conjunction with the Transportation Service Provider or Transportation Network Service Provider shall do so only in compliance with this ordinance.

The Application and Agreement shall require the Transportation Services Provider or Transportation Network Service Provider to certify that:

1. All operators of vehicles authorized by or operated in any way in conjunction with the Transportation Services Provider or Transportation Network Service Provider shall have passed the background check required by the Ordinance.
  2. All vehicles authorized by or operated in any way in conjunction the Transportation Services Provider or Transportation Network Service Provider shall be insured as required by this ordinance.
- B. All Transportation Services Providers shall pay an annual fee to the City Clerk in the amount of twenty-five dollars (\$25.00) for the operation of one (1) vehicle or one hundred dollars (\$100.00) for the operation of multiple vehicles.

Section 7.204: **BACKGROUND CHECK**

Every Transportation Service Provider and Transportation Network Service Provider shall provide the City Clerk with certification of the Chief of the Portsmouth Police Department that all operator of vehicles used under the authority of or in any way in conjunction with the Transportation Services Provider or Transportation Network Service Provider have passed a background check confirming, at a minimum, compliance with the following criteria:

- A. The individual does not have more than three (3) or more convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.
- B. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.

- C. The individual has not been convicted of a felony or misdemeanor, in this or any other state, in the seven (7) full years prior to the date of the certification.
- D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.

**Comment [A1]:** Under NH law, transportation network service provider cannot disqualify an applicant who has committed a crime that antedates an application by over seven years. See N.H. Rev. Stat. § 359-B:5. Accordingly, we have struck subsection (d).

Section 7.205: **INSURANCE**

(a)(1) Every Transportation Service Provider shall maintain at all times in the office of the City Clerk satisfactory proof, on a form approval by the Legal Department, of commercial personal injury and property damage liability insurance covering any vehicle used under the authority of or operated in any way in conjunction the Transportation Service Provider and any person who might drive that vehicle in the performance of Transportation Services for any time period in which the vehicle might be providing Transportation Services. The personal injury coverage shall be not be less than \$100,000.00 for injury to one person with a total coverage of not less than \$300,000 for each accident. The property damage coverage shall be not less than \$50,000 per occurrence.

(2) If the required insurance coverage terminates, expires or is suspended the right to provide Transportation Services under this ordinance shall immediately terminate and expire. All required insurance policies shall contain a provision which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Said notice shall be provided to the City Clerk.

(b) Every Transportation Network Service Provider, and all drivers that partner with such Transportation Network Service Provider shall comply with the following requirements:

(1) During the time that a driver who is authorized to accept trip requests through the Transportation Network Service Provider's digital platform ("TNSP Driver") is logged into the Transportation Network Service Provider's digital platform and available to receive requests for transportation but is not en route to pick up a passenger or conducting a trip with a passenger, there shall be an automobile liability insurance in place that provides \$50,000 for bodily injury per person, \$100,000 for bodily injury to all persons per incident, and \$25,000 for property damage per incident.

(2) The following automobile liability insurance requirements shall apply during the time period when the TNSP Driver has accepted a ride requested by a passenger through the Transportation Network Service Provider's digital platform, continue while the TNSP Driver transports the passenger, and end when the last requesting passenger departs from the driver's vehicle:

- A. The policy must provide primary automobile liability insurance that recognizes the driver's provision of transportation network services; and
- B. The policy must provide primary automobile liability insurance of at least \$1,000,000 for death, bodily injury, and property damage per incident.

(3) The coverage requirements of this subsection (b) may be satisfied by any of the following: automobile liability insurance maintained by the TNSP Driver; automobile liability insurance maintained by the Transportation Network Service Provider; or any combination of the immediately preceding two.

(4) In every instance where insurance maintained by a TNSP Driver to fulfill the insurance requirements of this subsection (b) has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a Transportation Network Service Provider shall provide the coverage required by this section beginning with the first dollar of a claim.

(5) Insurance required by this subsection (b) may be placed with an insurer authorized to do business in the state or with an eligible surplus lines insurer rated A- (Excellent) or better by AM Best.

**Section 7.206: TRANSPORTATION SERVICE LOCATIONS**

The City Council may designate any portion or portions of the public street or highway to be used as a place in which vehicles may stand or park to solicit business in accordance with the provisions of this ordinance. Such locations may be identified as "taxi" stands or by any other designation approved by the City Council.

For a one (1) year transition period commencing with the date of adoption of this ordinance the use of such transportation service locations shall be limited to those companies or individuals holding taxi medallions to operate within the City as of February 18, 2015. Thereafter, only vehicles bearing valid Transportation Service placards and actually soliciting Transportation Services may park in designated Transportation Service locations.

**Section 7.207: SAFETY INSPECTIONS**

All vehicles engaged in the provision of Transportation Services or Transportation Network Services must be lawfully inspected for vehicle safety in accordance with the laws of the State of New Hampshire.

**Section 7.208: ANNUAL RENEWAL**

Every Transportation Service Agreement and Transportation Network Service Agreement must be renewed on May 1<sup>st</sup> of every year.

**Section 7.209: FARE REGULATION**

There shall be no regulation of fares. However, prior to the initiation of any Transportation Service being provided to any individual, the operator of the Transportation



Service vehicle and the passenger engaging such services, verbally or electronically, the amount which will be paid by the passenger to the operator for the Transportation Service. Prior to the initiation of any transportation being provided by an individual in connection with a Transportation Network Service Provider, the Transportation Network Service Provider shall provide the passenger with notice of the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNSP Driver's vehicle.

Any disputes which may arise with regard to the fare for any Transportation Service may be brought to the Transportation Service Commission for resolution. Any determination made by the Transportation Service Commission shall be final and binding on all parties.

Section 7.210:     **TRANSPORTATION SERVICE COMMISSION**

There is hereby established a Transportation Service Commission. On the date of adoption of this ordinance the Transportation Service Commission shall consist of the members of the Taxi Commission holding office immediately prior to that date. Thereafter, the Transportation Service Commission shall be comprised of (1) City Councilor; (1) member of the business community; (4) citizens of the City of Portsmouth; who shall be selected by the Mayor with the approval of the City Council; and the Chief of Police or his/her designee; . The Transportation Service Commission shall serve co-terminus with each City Council and shall annually elected one of its members to be Chair.

The Transportation Service Commission shall serve in an advisory role to the City Council with respect to all matters relating to Transportation Services. The Transportation Service Commission shall also resolve any fare dispute and impose any penalty as authorized by this ordinance. All Transportation Services providers shall cooperate with the Transportation Services Commission in reviewing any complaints or issues which arise in any way in connection with the provision of Transportation Services in the City.

Section 7.211:     **SIGNAGE**

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A. A placard issued by the City Clerk identifying the vehicle and the Transportation Service Provider which shall be plainly visible from the exterior of the vehicle.
- B. A notice providing passengers with the full text of Section 7.209 of this ordinance.

All vehicles that accept trip requests via a digital platform controlled by a Transportation Network Service Provider shall at all times when the driver of the vehicle is logged into the platform display trade dress consisting of a logo, insignia, or emblem of the Transportation Network Service Provider that is:

- A. Sufficiently large and color contrasted so as to be readable during daylight hours at a distance of at least 50 feet; and
- B. Reflective, illuminated, or otherwise patently visible in darkness.

All Transportation Network Service Providers shall provide the full text of Section 7.209 of this ordinance on its website.

Section 7.212: **PENALTIES FOR VIOLATION**

The owner or operator of any vehicle engaged in the provision of Transportation Services, or any Transportation Network Service Provider, who fails to operate in compliance with the provisions of this ordinance shall be subject to the following:

- A. Suspension or revocation of the Transportation Service Agreement or Transportation Network Service Provider under which Transportation Services or Transportation Network Services may be provided by vote of the Transportation Service Commission and/or
- B. An administrative penalty as may be determined by the Transportation Service Commission, in an amount not to exceed five hundred dollars (\$500.00) for a first offense or one thousand dollars (\$1,000.00) for a second offense, payment of which shall be a condition of continued maintenance of the Transportation Service Agreement or the Transportation Network Service Agreement; and/or
- C. Payment upon conviction by a Court of competent jurisdiction of any amount determined by the Court up to the maximum permissible penalty authorized by state law for violation of a municipal ordinance.

The owner or operator of any vehicle engaged in the provision of transportation provided in connection with a Transportation Network Service Provider who fails to operate in compliance with the provisions of this ordinance shall be subject to the following:

- A. An administrative penalty as may be determined by the Transportation Service Commission, in an amount not to exceed five hundred dollars (\$500.00) for a first offense or one thousand dollars (\$1,000.00) for a second offense; and/or
- B. Payment upon conviction by a Court of competent jurisdiction of any amount determined by the Court up to the maximum permissible penalty authorized by state law for violation of a municipal ordinance.

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 COUNCIL:

Kelli L. Barnaby, City Clerk

DRAFT

h:\ordinances\ordinances\7.2\transportation services

TO: Honorable Mayor Robert Lister  
Members of the City Council

DATE: July 6, 2015

SUBJECT: Councilor Thorson's Proposed Transportation Ordinance

Dear Mayor Lister and distinguished Members of the City Council

I am writing to you regarding Councilor Thorson's suggested revision (dated June 21) to the proposed new transportation ordinance that you will consider at the July 13<sup>th</sup> City Council Meeting. I believe his proposal would not serve in Portsmouth's best interest.

Councilor Thorson made the following suggestion:

**"Please consider exempting ride-share operations on equal footing with limousines, and restricting them from behaving like taxis – unless a driver elects to operate as a taxi and is willing to adhere to city regulations."**

I found this proposed amendment to have little merit. It would do harm to the transportation industry and perhaps unnecessarily jeopardize public safety. Here is why:

1. This amendment would legalize the status quo of ride sharing, which currently is under no regulation while city taxi owners are regulated. Many cities have chosen this path to avoid confrontation with powerful ride sharing companies. By keeping the status quo, it does little to allow competition to flourish for the vast majority of Portsmouth's transportation market.
2. The amendment bifurcates the transportation service industry into regulated taxis and unregulated rideshare services. This is clearly not a level playing field, and as such, handicaps taxi owners, now and in the future. It is just not fair to our taxi owners.
3. The chart shown in Mr. Thorson's letter compares taxis, ride share and limousines. He said that ride share and limousine services are similar but he overlooked the most important criterion, one which the Taxi Commission used, namely "Date/Time of Requested Service." In this criterion, riders call/contact/hail taxis and ride share services for immediate pickup ("on-demand"). Conversely, limousines are hired well in advance, very seldom on the same day. In Uber's case, it is **impossible** to schedule a pickup several

days in advance using its 'app.' Thus, by any logical definition, rideshare services (e.g., Uber X, XL, Black) are similar to taxis, not limousines.

4. By not regulating ride share services, the City would not be able to verify if and how any background checks were performed on its drivers. In light of the Houston White Paper and numerous complaints nationwide about serious flaws in the methodology used by ride share companies (allowing recent felons to become drivers in some cases), the proposed amendment ignores affording more protection for Portsmouth's ridership. It is best to let Chief DuBois determine if a company is performing these checks in an adequate way, then be able to follow up to see if the drivers are properly screened. We would not be able to do these if ride share services are unregulated.
5. Again, by not regulating rideshare services, our City Attorney would be unable to review commercial insurance coverage of these vehicles-for-hire. Unless we could verify appropriate coverage for passengers and others who may be injured in an accident, the passengers would be subject to possible self-insuring. What if they do not have that coverage? City taxis are required to have proper coverage; so should ride share vehicles.

For these reasons, I ask that you do not take this proposed amendment seriously.


We, on the Taxi Commission, have done extensive research that led to the proposed ordinance before you and believe that, if approved, it will serve in the best interest of our residents and visitors. It is my hope that sometime in the future, we would deregulate transportations services altogether. Let's see how this proposed ordinance works before taking that next step.

Sincerely,

Lawrence Cataldo  
Commissioner  
Portsmouth Taxi Commission

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** July 9, 2015  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on July 13, 2015 City Council Agenda

---

**6:30 p.m. Non-meeting with counsel regarding negotiations in accordance with RSA 91-A:2, I (b)**

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

---

***Presentation:***

1. **Presentation to Edward McDonough, Superintendent of Schools.** On Monday evening, the Mayor and City Council will make a presentation to Edward McDonough, Superintendent of Schools.

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

1. **First Reading of Proposed Ordinances.**
  - 1.1. **First Reading of Proposed Ordinance amending Chapter 10, Section 10.440, Table of Uses - Short-Term Vacation Rentals and Other Lodging Uses.** As you will recall, at the June 1, 2015, City Council meeting, the Council did not pass first reading of a proposed Ordinance regarding Short-Term Vacation Rentals and Other Lodging Uses, and instead scheduled a work session on June 15<sup>th</sup> to discuss issues and concerns about these uses. At the June 15<sup>th</sup> work session, there was a general consensus that Short-Term Vacation Rentals should only be allowed in the central business district and the Islington Street corridor and neighborhoods, and that Bed and Breakfasts should only be allowed in those areas and the immediately

surrounding neighborhoods. Further, the Council indicated that annual inspection and permitting of such uses should be pursued in addition to regulation through zoning.

Based on the work session, staff have prepared the [attached revised Ordinance](#), which maintains the existing limits on Bed and Breakfast uses with respect to zoning districts, and limits Short-Term Vacation Rentals to the central business districts (including the CD4 and CD5 character districts) and the Business district. In addition, the revised Ordinance includes a provision (sec. 10.837.27) stating that “Noncompliance with any condition listed ... or any other condition of the granting of a special exception for the short-term vacation rental use, shall be deemed to constitute abandonment of said use resulting in the termination of the special exception.”

*I recommend that the City Council pass first reading and schedule a second reading of the proposed Ordinance, as presented, at the August 3, 2015, City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

- 1.2 **First Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up - by the Elimination of Irrigation Meters.** As a result of the June 15<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Ordinance](#) amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up regarding the elimination of irrigation meters.

Chapter 11 Section 11.216:B of the City’s Ordinance currently allows single-family residential water customers on the City’s water and sewer system to have separate irrigation meters which are only billed for water usage:

“Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, watering gardens or washing cars, except for single residential customers who have installed at their cost a second meter, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. (Amended 11/17/97)”

As part of the recent Water and Sewer Rate Study, the City’s rate consultant, Municipal and Financial Services Group, Inc. (MFSG), reviewed various policy options for changing the City’s rate structure. One of the options explored and brought forward to City Council would allow for the expansion of irrigation meters to other customer categories. The consultant recommended that the City not expand irrigation meter availability to multi-family and commercial customers as this would be inconsistent with the City’s sustainability goals. This would also be contradictory to the City’s recent implementation of water efficiency rebate programs. In addition, the City has recently been contacted by legal counsel

representing a number of businesses that feel that the current ordinance treats them unfairly as it allows for second meters for single family residential properties only. Therefore, they may litigate to be able to have second meters installed for irrigation the same as our residential customers.

MFSG's analysis showed that if second meters were allowed to be expanded to multi-family and commercial properties, sewer rates would have to be increased anywhere from 10 to 15% due to the potential loss of metered sewer revenue (\$1.4 to \$2.1 million/year). This could result in an annual increase of \$117.00 for an average residential customer using five units of water per month.

The current high demand of water in our water supply system has also highlighted the impact that irrigation is having on the City's water system. Recent water demands show that irrigation can increase our water demand by 50%. Expanding irrigation meters to a larger customer base would likely increase this demand more. Again, this is inconsistent with the City's sustainability goals.

There are currently 300 irrigation meters in our water system. These customers paid the cost to re-plumb their irrigation systems from their existing water plumbing to provide a separate water line for this usage. They also paid the City for the meter, radio and labor to install the meter, at a total cost of \$258.00 (based on a 5/8 inch meter) per customer. If Council votes to eliminate irrigation meters from the system, it would be recommended to reimburse each customer \$300.00 for the cost they paid to the City for the installation and not remove the meter from the property, however, charge both meters for water and sewer usage and charge only one monthly service fee.

Therefore, City staff recommend that the City Ordinance allowing for second meters for irrigation be eliminated.

*I recommend the City Council move to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.*

- 1.3 **First Reading of Proposed Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollar and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollar and twenty-five cents (\$1.25) per hour and EasyPark Resident Discount.** In a continuing effort to improve parking utilization, the Fee Committee reviewed on-street parking patterns and has recommended the expansion of the Downtown High Occupancy Meter Zone, changes to the existing rates, and the creation of a Residents Discount Program.

The Committee looked at parking utilization in the Downtown High Occupancy Meter Zone and the surrounding areas and makes the recommended changes ([see attached maps](#)).



Additionally, the Fee Committee has also recommended the current rate of \$1.50 per hour in the Downtown High Occupancy Meter Zone be increased to \$1.75 per hour. Parking in all other Zones will be increased \$0.25 from \$1.00 to \$1.25 per hour. This increase is consistent with parking management recommendations made by Donald Shoup in his book, *The High Cost of Free Parking* and Mike Mansfield's presentation to PS21 in April of this year.

[Attached under Section IX of the Agenda is a redlined proposed ordinance change amending Chapter 7, Article 1, Section 7.1 – Parking Meters.](#)

In an effort to minimize impact to residents, a Residential Parking Discount Program has been recommended to accompany these rate increases. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, would be at a rate of \$0.25 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Tax Collector.

To facilitate this Resident Discount Program, the EasyPark Personal Parking Meter would be utilized. A resident could purchase this device and, after residency verification, park at the discounted rate.

An example of the savings from this program is as follows: a resident who parks in the Downtown High Occupancy Meter Zone for 10 hours a week and participates in the Residential Parking Discount Program would save over \$84 a year compared to a non-resident or resident not participating in the program.

*I recommend the City Council move to pass first reading and schedule a public hearing and a second reading of the proposed Ordinance for the August 3, 2015 City Council meeting, as presented.*

- 1.4 **First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End.** As you will recall, the Planning Department and its consultants, Town Planning and Urban Design Collaborative (TPUDC), have been working to extend the existing character-based zoning to the North End, based on the results of a charrette held in November 2014. At the same time, staff have undertaken a thorough review of the character-based zoning ordinance that was adopted in April 2014, and have drafted proposed revisions to address identified substantive and procedural issues. The proposed revisions are intended to eliminate redundancies and conflicts, and to better integrate the development review process in the Character Districts into the City's broader regulatory framework.

[Attached in your packet are the following three documents:](#)

- (1) [a proposed revision to Article 5A – Character Districts;](#)

(2) a set of four maps showing the expanded Character-Based Zoning Area, proposed districts for the North End, and some minor revisions to the zoning in the original study area; and

(3) a document titled “Conforming Amendments to Zoning Ordinance.”

At the April 20<sup>th</sup> meeting, the Council voted to refer the proposed Zoning Ordinance and Zoning Map amendments to the Planning Board for recommendations and to schedule first reading for June 1, 2015. At the June 1<sup>st</sup> meeting, the Council voted to postpone first reading to the July 13<sup>th</sup> meeting in order to allow additional time for the Planning Board to conduct its public hearing and review.

Following a public hearing at its meeting on June 18, 2015, the Planning Board voted to report to the Council that it is moving toward a favorable recommendation on the North End zoning, but continued the matter to its July 16<sup>th</sup> meeting for further consideration of workforce housing, building heights and other issues. It is anticipated that the Board will vote on its report at that time, and will present additional revisions to the proposed amendments in time for a public hearing at the Council’s meeting on August 3, 2015.

*I recommend that the City Council pass first reading and schedule a public hearing and second reading of the proposed Ordinances at the August 3, 2015, City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

## 2. **Public Hearings:**

- 2.1 **Public Hearing/Proposed Charter Amendment Re: Election of Mayor.** As a result of the June 15<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back the [attached proposed Charter Amendment regarding the Election of the Mayor and vote on this matter at Monday’s meeting.](#)

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

- 2.2 **Public Hearings Re: Police Commission.** As a result of the Monday, June 29, 2015 Special City Council Meeting, under Section VII of the Agenda, the Council will hold public hearings regarding proposed Charter amendments as it relates to the Police Commission.

[NOTE: Public Hearings A, B, C and D each concern proposed Charter Amendments on which the City Council will vote whether or not to place the question on the ballot for referendum vote on November 3, 2015. Per RSA 49-B:5, alternative statements of a single amendment are prohibited from referendum vote. For any Charter Amendment to be adopted it must pass by at least 3/5 of the ballots cast at the municipal election.]

*If the Council wishes to move forward with any of the proposed amendments an appropriate motion would be:*

*MOVED that subject to state review required by RSA 49-B:5 proposed Charter Amendment #\_\_\_\_\_ be placed on the ballot for the November 3, 2015 election.*

- A. Proposed Charter Amendment #1 which would allow for the Mayor to be an elected position with the candidates for Mayor being limited to those persons who are also candidates for the City Council.*
- B. Proposed Charter Amendment #2 which would expand the membership of the Police Commission from three (3) members to five (5) members by the addition of the Mayor and the City Manager or their respective designees.*
- C. Proposed Charter Amendment #3 which would eliminate the Police Commission so that the Police Department would be administered under the Council / Manager form of government, in the same manner as any regular City Department and which would provide the City Council with authority to create a Civilian Police Review Board by ordinance to investigate complaints by members of the public concerning misconduct of police officers.*
- D. Proposed Charter Amendment #4 which would expand the membership of the three (3) member Police Commission to five (5) members by the addition of the City Manager and a member to be selected by the City Council and which would provide the City Council with authority to create a Civilian Police Review Board by ordinance to investigate complaints by members of the public concerning misconduct of police officers.*

3. **Public Hearing/Second Reading of Proposed Ordinance.**

- 3.1 **Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II - Transportation Services (New Proposed Amended Language).** As a result of the June 15<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached new proposed Transportation Services Ordinance with amended language. The Ordinance was brought forward for second reading at the June 15<sup>th</sup> City Council meeting by Assistant Mayor Jim Splaine also serving as Member of the Taxi Commission.

Therefore, before passage of second reading, the City Council has established a public hearing on this matter for your July 13, 2015 meeting.

*Move to pass second reading as amended at the June 15, 2015 City Council meeting, and schedule a third and final reading at the August 3, 2015 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

4. **Third and Final Reading for Proposed Ordinance.**

4.1 **Third and Final Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions (Tabled from the June 15, 2015 City Council meeting).**

As you will recall at the June 15<sup>th</sup> City Council meeting, the Council tabled third and final reading of the aforementioned proposed Ordinance. Under Section IX of the Agenda, [attached is a copy of the proposed Ordinance](#) amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions.

As you are aware, the Planning Board recommended the following amendments, which were voted on by the City Council at the June 1<sup>st</sup> City Council meeting:

- (1) The “workforce housing incentives” in the previous draft has been replaced by the new “modification of standards” language (item 2.C on page 2 of both versions) as discussed above; and
- (2) A stand-alone definition of the term “affordable” has been added, where previously it was embedded in the definition of “workforce housing unit” (item 2.D on pages 2-3).

[Attached is a letter from Attorney Bernard Pelech under Section XI of the Agenda, regarding this matter.](#)

*I recommend that the City Council move the following motions:*

- 1) Move to remove from the table; and,*
- 2) Move to pass third and final reading on the proposed Ordinance amendment, as presented.*

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

## ***Consent Agenda:***

1. **Request for License to Install Projecting Signs.** Attached under Section X of the Agenda are requests for a projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):
  - Mary Dolan, owner of Starling Hair & Beauty for property located at 5 Market Street (Projecting Sign is located on Daniel Street).
  - Patricia M. Snider, owner of The Glass Pear for property located at 10 Commercial Alley.
  - Kristen B. Ward, owner of Wanderbird Floral for property located at 94 Pleasant Street.
  - Nicole Ray & Laurie Rourke, owner of In Boston Salon, LLC for property located at 168 Fleet Street.
  - Melissa Lake, owner of Better Homes & Garden Real Estate for property located at 79 Congress Street.
  - Mohammed Enyat, owner of ABC Fine Rugs, Inc. for property located at 50 Daniel Street.
  - Rossli Chace, owner of Lashbar for property located at 10A Ladd Street.

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

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

1. **Replacement of Municipal Alarm System.** Attached is a copy of a memorandum from Fire Chief Steve Achilles regarding the municipal alarm system. In order to move forward with replacement of the municipal alarm system, in accordance with the City Ordinance, Chapter V, Section 5.503, the City Council must approve permanent removal of the fire alarm boxes. Chief Achilles will be present to answer any questions that the City Council may have regarding this matter.

*I recommend the City Council move to approve the request for the permanent removal of the municipal fire alarm boxes.*

2. **Report Back Re: Donation of Land to City (Map 296, Lot 2).** As you will recall at the June 15, 2015 City Council meeting, the Council referred the attached request from the Michael J. Decristofaro Revocable Trust 2015, to the Planning Board and Conservation Commission for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, regarding the donation of a 6.6-acre parcel (Map 296, Lot 2) to the City. At its meeting on June 18, 2015, the Planning Board voted unanimously to recommend that the City accept the donation of the parcel.

At its meeting on July 8, 2015, the Conservation Commission voted unanimously to recommend that the City accept the donation of the 6.6 acre Decristofaro parcel (Map 296, Lot 2). [See attached memorandum from Peter Britz, Environmental Planner.](#)

*I recommend the City Council move to accept the donation of the 6.6-acre parcel (Map 296, Lot 2) as recommended by the Planning Board and the Conservation Commission, and further, authorize the City Manager to execute all necessary documents.*

3. **Request for First Reading Re: Bonding Resolutions.** I am requesting that the City Council schedule a first reading for the list of proposed bonding projects identified in the Capital Improvement Plan at the August 3<sup>rd</sup> City Council meeting ([see attached CIP Pages](#)). As you are aware, Borrowing Resolutions require two readings and adoption, which includes a public hearing and two-thirds vote of the City Council.

## **GENERAL FUND**

### **I. Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars (\$6,100,000) for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements.**

***a. Bicycle/ Pedestrian Plan Implementation - \$1,000,000 (page 94 of CIP FY16-21):***

This project is to implement the bicycle and pedestrian related projects identified in the Bicycle/ Pedestrian Plan. Demand for bicycle/ pedestrian access and related equipment has increased. These funds are to meet the current need and expansion of the City's bicycle/ pedestrian infrastructure.

- Department: Public Works
- Project Location: Citywide
- Project Type: New or Upgraded Facilities
- Justification: Supports City Bicycle/ Pedestrian Friendly Policy, identified in Bicycle/Pedestrian Plan.

***b. Citywide Sidewalk Reconstruction - \$800,000 (page 96-97 of CIP FY16-21)***

This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing sidewalk upgrades, the DPW will be including sidewalk condition to their annual road condition assessment starting in FY16.

- Department: Public Works
- Project Location: Citywide
- Project Type: Upgraded Existing Facilities
- Justification: Upgrade Existing Facilities

**c. *Islington Street Sidewalk - \$250,000 (page 99 of CIP FY16-21):***

This project will install a new sidewalk along Islington Street from the Plains Ball Field to U.S. Route 1 Bridge. This project is to accommodate increased pedestrian traffic along this section of roadway.

- Department: Public Works
- Project Location: Islington Street (Plains to Route 1)
- Project Type: New Construction
- Justification: Improves quality of existing service, identified in the Bicycle/ Pedestrian Plan.

**d. *Market Street Gateway Improvements - \$550,000 (page 110 of CIP FY16-21):***

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from I-95 to Deer Street. The next phase is in design and is anticipated to be constructed in FY16 and includes improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by a final construction phase once the Sarah Long Bridge is completed.

- Department: Public Works
- Project Location: Market Street
- Project Type: Upgraded Existing Facilities
- Justification: Identified in Planning Document

**e. *Street Paving, Management and Rehabilitation - \$3,000,000 (page 111-112 of CIP FY16-21):***

In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and aids in setting priority for the best dollar investment as well as shows “What If” scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 years.)

- Department: Public Works

- Project Location: Citywide
- Project Type: Upgraded Existing Facilities
- Justification: Alleviates Substandard Conditions.

*f. **Islington Street Improvements - \$500,000 (page 113 of CIP FY16-21):***

The Islington Street Improvement Action Plan was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process. Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated Spring 2016.

- Department: Public Works
- Project Location: Islington Street
- Project Type: Rehabilitation of Existing Facilities
- Justification: Improves quality of existing services, identified in Islington Street Improvement Action Plan 2009.

**II. Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus Page 39 of CIP FY16-21):**

This project continues the CIP Rolling Stock replacement program for large apparatus. This allocation will purchase a new custom rescue pumper with a 4-person cab with medical compartments, 500 gallon water tank, 1,500 gpm pump, and related equipment to replace the 1987 Emergency One pumper. Funds include complete set-up (including radio, lettering and striping and equipment).

- Department: Fire Department
- Project Location: Station 3
- Project Type: Equipment acquisition
- Justification: Improves quality of existing services

**III. Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Page 50-51 of CIP FY16-21):**

The Portsmouth School Department has maintenance responsibilities for seven buildings with over 600,000 square feet of space. The tri-annual appropriation will be used for building improvement projects such as: roof, windows, and boiler replacement and improvements to security and climate control system infrastructure.



- Department: School Department
- Project Location: District Wide
- Project Type: Rehabilitation of existing facilities
- Justification: Alleviates substandard conditions or deficiencies.

## **WATER FUND**

### **IV. Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements**

***a. Stage Two Disinfection By-Product Rule - \$3,600,000 (Page 127 of CIP FY 16-21):***

This item addresses the impact the EPA Stage Two Disinfection By-product rule will have on the City's water distribution system. This rule came into effect in 2013 and requires additional treatment of surface water prior to entering the distribution system. Upgrades to Newington Booster Station will be necessary to install treatment of water at booster tank. Work will also include complete replacement of pumps and associated electrical equipment which are over 60 years old. Design of these upgrades is currently underway.

\*\* Intent to modify Memorandum of Agreement with the Air Force to include \$1.2 million in reimbursement for cost associated with the Booster System dedicated to the Pease International Trade Port. \*\*

- Department: Water Enterprise
- Project Location: Water System
- Project Type: Rehabilitation
- Justification: Responds to Federal Safe Drinking Water Act requirement

***b. Water System Pressure and Storage Improvements - \$500,000 (page 130 of CIP FY16-21):***

This project consists of design and construction of a new water main, a new water tank and/or pump systems to improve flow and pressure in the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and the recently completed water system master plan update.

- Department: Water Enterprise
- Project Location: Water System
- Project Type: Rehabilitation
- Justification: Identified in Water System Master Plan

## SEWER FUND

### V. Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades

#### a. *Fleet Street Utilities Upgrade - \$500,000 (page 148 of CIP FY15-20):*

This item is a utilities upgrade project which will be done prior to the road and streetscape improvements along Fleet Street from Court Street to Hanover Street. The project will replace sewer and drain pipes which have outlived their design life.

- Project Location: Fleet Street (from Court Street to Hanover Street)
- Project Type: New construction or expansion of existing facility, street or utility
- Justification: Improves quality of existing services; Reduces long-term operating costs.

\*This is a carry-over item from FY15 CIP

#### b. *Lafayette Road Pumping Station Upgrade - \$3,500,000 (page 138 of CIP FY16-21):*

This pumping station project involves replacement of equipment that has exceeded its design life and modifications to the facility to meet current standards as well as improve odor control. The work will include replacement of 50 year old pumps, upgrades to the stations electrical systems, an odor control system and potential expansion of the building to house the standby generator. Design of the improvements are ongoing.

- Department: Sewer Enterprise
- Project Location: 605 Lafayette Road
- Project Type: New construction or expansion of existing facility, street or utility

*I recommend the City Council move to authorize the City Manager to bring back for first reading the various proposed CIP projects to be bonded, as presented, for the August 3, 2015 City Council meeting.*

4. **Request to Dispose of Surplus Equipment and Vehicles.** The City currently has for disposal, various rolling stock/equipment from the Public Works and Police Departments (see attached). As in the past, we have disposed of surplus inventory through a sealed bid process in which the item is sold to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

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

5. **Request for Acceptance of Sidewalk Easement Re: 233 Vaughan Street, LLC.** As part of the approved site plan for the mixed use project at 233 Vaughan Street, the applicant, 233 Vaughan Street, LLC, was required to provide an easement to the City for future construction of a sidewalk in the area. The easement area is highlighted on the [attached plan](#). The Legal Department has approved the form of the easement.

*I recommend the City Council move to authorize the City Manager to accept a required sidewalk easement from 233 Vaughan Street, LLC.*

6. **Report Back Re: St. Nicholas Orthodox Church Back Lot (Map 229, Lot 6-A).** As you will recall, at the June 1, 2015 City Council meeting, the Council referred the [attached request from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church](#), regarding St. Nicholas Greek Orthodox Church Back Lot (Map 229, Lot 6-A) to the Planning Board for report back to the City Council.

[Attached is a memorandum from Rick Taintor, Planning Director](#), regarding this matter.

At its meeting on June 18, 2015, the Planning Board acted on the Church's requests as follows:

- A. Voted to recommend that the City Council accept Ledgewood Drive up the cul-de-sac as a City Street.
- B. Voted to recommend that the City Council defer action on the requested easement until a specific site plan has been prepared for submission to the Planning Board.

*I recommend the City Council accept the Planning Board's aforementioned recommendation.*

### ***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 15, 2015. In addition, this can be found on the City's website.
2. **Report Back Re: Roberts Investigatory Panel Report.** As you will recall at the June 15, 2015 City Council meeting, Assistant Mayor Splaine requested legal counsel to determine the legal options, rights, remedies and obligations that the City Council has concerning the findings of the Roberts Investigatory Panel Report. [Attached is a memorandum from City Attorney Sullivan](#) regarding this matter.



# Portsmouth Fire Department

---

## *Administration*

**To:** City Manager John Bohenko  
**From:** Fire Chief Steven Achilles  
**Date:** 6/22/2015  
**Re: Request for Meeting with City Council Regarding  
Municipal Alarm System**

---

The department is moving forward with the replacement of the Master Box system in our municipal buildings with a commercial radio transceiver system. This project has been identified in the FY15 CIP and is a result of our need to comply with recent changes to *NFPA 101 - Life Safety Code* or *NFPA 72 - National Fire Alarm Code* (requirement that the system monitor not only alarms, but trouble and supervisory signals).

Additionally, our department is looking at transitioning the entire municipal alarm system from city-owned master and street boxes to private, central station alarm monitoring services over the next couple years. We are currently directing new occupancies to this approach.

City Ordinance, Chapter V, Section 5.503 requires approval of the City Council for permanent removal of fire alarm boxes. I am therefore requesting an opportunity to present this project to the Council at their next available meeting before we begin installation. I look for your support and guidance regarding this request.

*Department Memorandum*

---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** June 30, 2015  
**RE:** City Council Referral –  
Request by the Michael J. Decristofaro Revocable Trust 2015, Michael J. Decristofaro, Trustee, that the City accept as a donation a parcel of land abutting the Rye Town line

---

Mr. Michael Decristofaro is offering a 6.6-acre parcel (Map 296 Lot 2) to the City as a donation. The parcel directly abuts the Rye Town line and is very close to the Greenland town line (see attached maps). This is an unimproved forested parcel with about 1/3 wetland and 2/3 upland. The assessed value is \$3,300.

The parcel is adjacent to a large tract of City-owned conservation land (see attached maps). In addition, the parcel abuts the abandoned Hampton Branch rail line which is planned to be converted into a multi-use trail, which will enhance the future accessibility and recreational value of the parcel.

At its meeting on June 18, 2015, the Planning Board voted unanimously to recommend that the City accept the donation of the parcel.

The Conservation Commission will consider the request at its meeting on July 8, 2015.



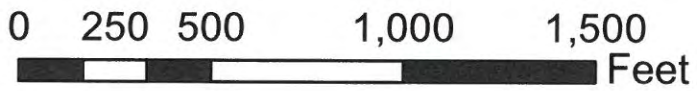
Portsmouth  
Greenland

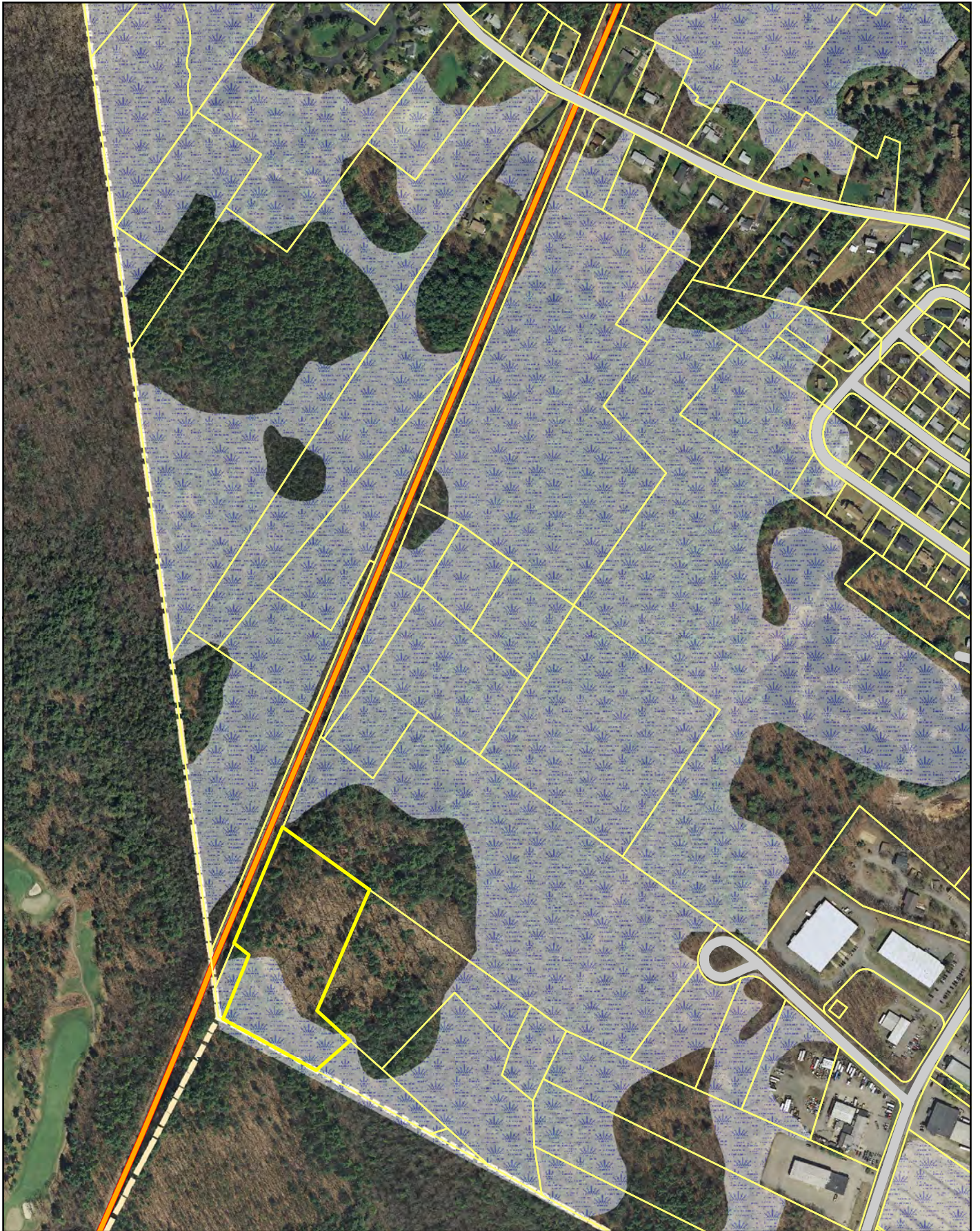
Dicristofaro Property  
outlined in blue

Rye

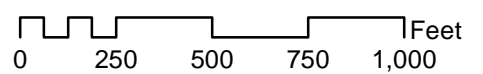
**Legend**

- Streets
- ▭ Municipal Boundary
- ▭ Parcels
- ▭ City Owned Land





Proposed Land Donation to City  
Map 296 Lot 2



# Memorandum

To: John P. Bohenko, City Manager  
From: Peter Britz, Environmental Planner  
Date: 7-9-2015  
Subject: Decristofaro Donation



---

At the July 8<sup>th</sup> meeting of the Conservation Commission the Commission voted unanimously to recommend the City Council accept the donation of the 6.6 acre parcel of land (Map 296 Lot 2) from Michael Decristofaro.





Mayor Lister and Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

June 10, 2015

Dear Mayor and City Councilors:

I am writing to request that the City of Portsmouth accept as a donation a parcel of land I own in the Southern part of the City. This parcel does not have access to any city street but is located along the abandoned Hampton Branch rail line. By way of this letter I am asking that the City accept the parcel in fee and that the City utilize the parcel for conservation and recreation going forward.

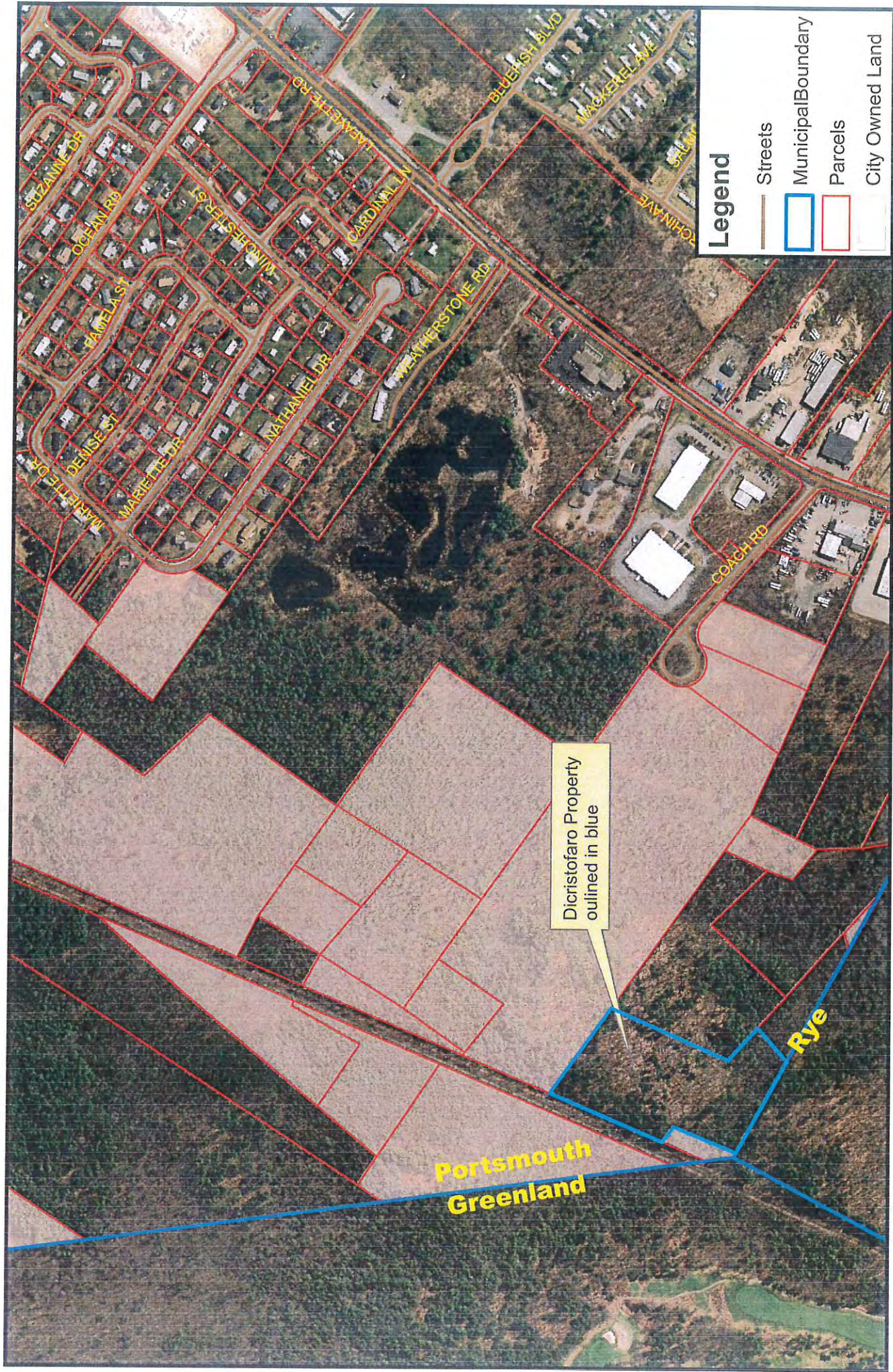
The parcel is 6.6 acres, directly abuts the Rye Town line and is very close to the Greenland town line. The property is about 1/3 wetland and 2/3 upland with a fairly large hill on the property. The property is listed on the City Tax maps as Map 296 Lot 2 and is owned me.

Please let me know if you have any questions or need additional information to respond to this donation request.

Sincerely,

Michael J. Decristofaro, Trustee  
Michael J. Decristofaro Revocable Trust 2015

Cc: John P. Bohenko, City Manager  
Peter Britz, Environmental Planner



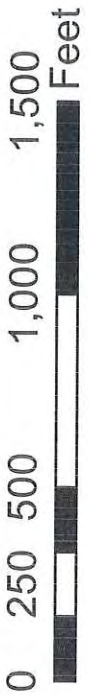
Dicristofaro Property  
outlined in blue

Portsmouth  
Greenland

Rye

### Legend

- Streets
- Municipal Boundary
- Parcels
- City Owned Land



## **TMS-CITY-09: BIKE/PED: Bicycle/Pedestrian Plan Implementation**

Department: Public Works

Project Location: City Wide

Project Type: New or Upgraded Facilities

Description: This project is to implement the bicycle and pedestrian related projects identified in the Bicycle/Pedestrian Plan. Demand for bicycle/pedestrian access and related equipment has increased. These funds are to meet the current need and expansion of the City's bicycle/pedestrian infrastructure. Sidewalk improvement funds are identified elsewhere in this CIP

Justification: Supports City Bicycle/Pedestrian Friendly Policy, identified in Bicycle/Pedestrian Plan



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	23%		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	\$50,000	\$300,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	77%	\$1,000,000						\$1,000,000	\$0	\$1,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$1,000,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$1,250,000</b>	<b>\$50,000</b>	<b>\$1,300,000</b>
Commence FY: On=Going		Quarter: 1st		Priority: I		Impact On Operating Budget: Negligible				

## **TSM-CITY-11: BIKE/PED: Citywide Sidewalk Reconstruction Program**

Department: Public Works

Project Location: City Wide

Project Type: Upgrade Existing Facilities

Description: This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing sidewalk upgrades the DPW will be including sidewalk condition to their annual road condition assessment starting in FY16.

Justification: Upgrade Existing Facilities



South Street



Dennett Street

Please see following page for detailed projects.

		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$800,000		\$800,000		\$800,000		\$2,400,000	\$1,400,000	\$3,800,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$800,000</b>	<b>\$0</b>	<b>\$800,000</b>	<b>\$0</b>	<b>\$800,000</b>	<b>\$0</b>	<b>\$2,400,000</b>	<b>\$1,400,000</b>	<b>\$3,800,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			

**TSM-CITY-11: BIKE/PED: Citywide Sidewalk Reconstruction Program**

PROPOSED CAPITAL IMPROVEMENTS - EXISTING SIDEWALKS

<u>Sidewalk</u>	<u>Cost</u>	
Pleasant Street	\$250,000	FY-16
Misc. Downtown	\$100,000	FY-16
Misc. Citywide	\$250,000	FY-16
Parrott Ave	\$200,000	FY-16
<hr/>		
<b>TOTAL IMPROVEMENTS</b>	<b>\$800,000</b>	

**TSM-NHDOT/CITY-13: BIKE/PED: Islington Street Sidewalk**

Department: Public Works

Project Location: Islington Street (Plains to Route 1)

Project Type: New Construction

Description: Project will install new sidewalk along Islington Street from the Plains Ball Field to U.S. Route 1 Bridge. This project is to accommodate increased pedestrian traffic along this section of roadway.

Justification: Improves quality of existing service, identified in the Bicycle / Pedestrian Plan.



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$250,000						\$250,000	\$0	\$250,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
<b>Totals</b>		<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$250,000</b>
Commence FY: 2016		Quarter: 1st		Priority: I		Impact On Operating Budget: Negligible				

**TSM-City-24: ROADWAY: Market Street Gateway Improvements**

Department: Public Works

Project Location: Market Street

Project Type: Upgrade Existing Facilities

Description: This project is a continuation of phased improvements along the Market Street right-of-way as it extends from I-95 to Deer Street. The next phase is in design and is anticipated to be constructed in FY15 and includes improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by a final construction phase once the Sarah Long Bridge is completed.

Justification: Identified in Planning Document



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	15%		\$120,000					\$120,000	\$240,000	\$360,000
Fed/State	0%		\$5,000					\$5,000	\$0	\$5,000
Bond/Lease	82%	\$550,000		\$550,000				\$1,100,000	\$850,000	\$1,950,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP(Portwalk)	3%							\$0	\$75,000	\$75,000
	<b>Totals</b>	<b>\$550,000</b>	<b>\$125,000</b>	<b>\$550,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,225,000</b>	<b>\$1,165,000</b>	<b>\$2,390,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:		Negligible		

## **TSM-CITY-25: ROADWAY: Street Paving, Management and Rehabilitation**

Department: Public Works

Project Location: City-wide

Project Type: Upgrade Existing Facilities

Description: In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and a priority ranking for the best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 years).

Justification: Alleviates Substandard Conditions

Please see following page for detailed projects.



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0		\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$3,000,000		\$3,000,000		\$3,000,000		\$9,000,000	\$5,000,000	\$14,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$3,000,000</b>	<b>\$0</b>	<b>\$3,000,000</b>	<b>\$0</b>	<b>\$3,000,000</b>	<b>\$0</b>	<b>\$9,000,000</b>	<b>\$5,000,000</b>	<b>\$14,000,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			



**TSM-CITY-25: ROADWAY: Street Paving, Management and Rehabilitation**

PROPOSED CAPITAL IMPROVEMENTS-STREETS  
Fiscal Years 2016 and 2017

<u>Street</u>	Estimated <u>Cost</u>
Andrew Jarvis	\$50,000
Creek Area	\$500,000
Greenleaf (From Route 1 to Lafayette)	\$50,000
Edmond Ave	\$200,000
Patricia Dr	\$50,000
Martha's Terr	\$150,000
Buckminster	\$350,000
FW Hartford	\$350,000
West Road	\$200,000
Durgin Lane	\$75,000
Osprey Landing Area	\$300,000
Walker Bungelow	\$50,000
Misc	\$675,000
<b>TOTAL IMPROVEMENTS</b>	<b>\$3,000,000</b>

**TSM-CITY/NHDOT-26: ROADWAY: Islington Street Improvements**

Department: Public Works

Project Location: Islington Street

Project Type: Rehabilitation of Existing Facilities

Description: The Islington Street Improvement Action Plan was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process.

Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated Summer 2015.

Justification: Improves quality of existing services, identified in Islington Street Improvement Action Plan 2009



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	25%		\$200,000					\$200,000	\$300,000	\$500,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	75%	\$500,000		\$500,000				\$1,000,000	\$500,000	\$1,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$500,000</b>	<b>\$200,000</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,200,000</b>	<b>\$800,000</b>	<b>\$2,000,000</b>
Commence FY:	2016	Quarter:	1st	Priority:	I	Impact On Operating Budget:		Negligible		

**VE-FD – 02: VEHICLE REPLACEMENT – FIRE ENGINE 4**

Department: Fire Department

Project Location: Station 3

Project Type: Equipment acquisition

Description: This project continues the CIP Rolling Stock replacement program for large apparatus. This allocation will purchase a new custom rescue pumper with a 4-person cab with medical compartments, 500 gallon water tank, 1,500 gpm pump, and related equipment to replace this 1987 Emergency One pumper. Funds include complete set-up including radio, lettering and striping and equipment.

Justification: Improves quality of existing services



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16 - 21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$600,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$0</b>	<b>\$600,000</b>
Commence FY:	2016	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			

## **BI-SD-05: SCHOOL FACILITIES CAPITAL IMPROVEMENTS**

Department: School Department

Project Location: District Wide

Project Type: Rehabilitation of existing facilities.

Description: The Portsmouth School Department has maintenance responsibilities for seven buildings with over 600,000 square feet of space. The tri-annual appropriation will be used for building improvement projects such as, roof, windows, and boiler replacement and improvements to security and climate control system infrastructure.

Justification: Alleviates substandard conditions or deficiencies.

Please see the following page for detailed projects.



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$500,000			\$500,000			\$1,000,000	\$1,000,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$2,000,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			

## **BI-SD-05: SCHOOL FACILITIES CAPITAL IMPROVEMENTS**

Fiscal Years 2016-18

<u>Facility</u>	<u>Improvement</u>	<u>Estimated Cost</u>	<u>Total Facility</u>
District Wide	Roof Replacement not completed in 2012	\$250,000	\$250,000
Elementary	Repairs to Elementary Playgrounds and	\$125,000	\$125,000
High School	Auditorium Lighting Controls	\$50,000	
	Security and Climate controls system.	\$75,000	\$125,000
<b>TOTAL IMPROVEMENTS</b>			<b>\$500,000</b>

## **EF-WD-02: STAGE TWO DISINFECTION BY-PRODUCT RULE**

Department: Water Enterprise

Project Location: Water System

Project Type: Rehabilitation

Description: This item addresses the impact the EPA Stage Two Disinfection By-product rule will have on the City's water distribution system. This rule came into effect in 2013 and requires additional treatment of surface water prior to entering the distribution system. Upgrades to Newington Booster Station will be necessary to install treatment of water at booster tank.

Justification: Responds to federal Safe Drinking Water Act requirement



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	29%	\$1,200,000						\$1,200,000	\$0	\$1,200,000
Bond/SRF	57%	\$2,400,000						\$2,400,000	\$0	\$2,400,000
Other	0%							\$0	\$0	\$0
Revenues	14%		\$100,000					\$100,000	\$474,000	\$574,000
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$3,600,000</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,700,000</b>	<b>\$474,000</b>	<b>\$4,174,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			

## **EF-WD-05: WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS**

Department: Water Enterprise

Project Location: Water System

Project Type: Rehabilitation

Description: Project consists of design and construction of new water main, a new water tank and/or booster pump system to improve flow and pressure in the southerly portion of the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update currently in progress.

Justification: Identified in Water System Master Plan



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	98%	\$500,000	\$500,000	\$500,000				\$1,500,000	\$500,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	2%							\$0	\$50,000	\$50,000
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,500,000</b>	<b>\$550,000</b>	<b>\$2,050,000</b>
Commence FY:	2015	Quarter:	1st	Priority:	II	Impact On Operating Budget:		Negligible		

**EF-SD-01: FLEET STREET UTILITIES UPGRADE**

This item is a utilities upgrade project which will be done prior to the road and streetscape improvements along Fleet Street from Court Street to Hanover Street. The project will replace sewer and drain pipes which have out lived their design life.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	100%	500,000						\$500,000	\$80,000	\$580,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$80,000</b>	<b>\$580,000</b>
Commence FY:	2015	Quarter:	1st	Priority:	I	Impact On Operating Budget:		Negligible		



## **EF-SD-05: LAFAYETTE ROAD PUMPING STATION UPGRADE**

Department: Sewer

Project Location: 605 Lafayette Road

Project Type: New construction or expansion of existing facility, street, or utility

Description: This pumping station project involves replacement of equipment that has exceeded its design life and modifications to the facility to meet current standards and improve odor control. The work will include replacement of 50 year old pumps, upgrades to the stations electrical systems, an odor control system, and potential expansion of the building to house the standby generator. Design of the improvements are ongoing.

Justification: Improves quality of existing services;  
Reduces long-term operating costs



		FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	Totals 16-21	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$3,000,000						\$3,000,000	\$500,000	\$3,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$3,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,000,000</b>	<b>\$500,000</b>	<b>\$3,500,000</b>
Commence FY:	2015	Quarter:	3	Priority:	2	Impact On Operating Budget:		Negligible		

Police Department Surplus Vehicles

Car#	Police Department	Model	Make	Year	Mileage	VIN#	Comments
Old CR#10	Blk & White Cruiser	Ford	Crown Vic	2010	105,955	VIN 2FABP7BV5AX124229	Known problems: check eng. Light, oil leak, needs right rear window regulator, rear axles vibration, front susp. Loose, and steering shaft
Old CR#16	Blk & White Cruiser	Ford	Crown Vic	2008	103,573	VIN 2FAHP71VX8X131022	Known problems: O2 sensor rich, O2 sensor stuck, ABS and Brake Lt on,ABS valve relay, Fuel pump,shift linkage and paint peeling off.
Old CR#29	Blk & White Cruiser	Ford	Crown Vic	2011	101,090	VIN 2FABP7BV3BX128037	Known problems; check eng light, blown intake manifold, speedometer circuit board, and axle vibration
Van	White with some black	Chevy	3500	2004	41,480	VIN 1GHG35R911429947	Known problems: rocker panels rusted out, rear floor boards rusted, i.e. shackles through the floor, engine & transmission are fine.

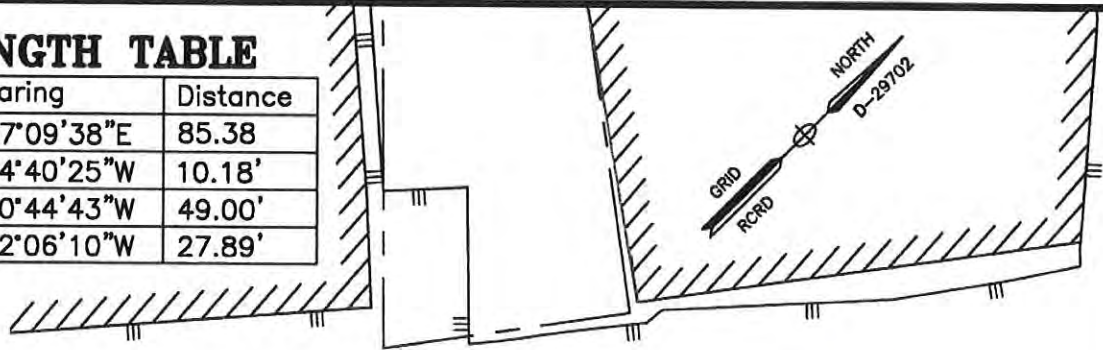
Division	City #	Model	Make	Year	Mileage/Hours	Serial /VIN	Purch. Year	Purch \$	Useful Life	Comments
Highway	H003	Classic 4 door Sedan (white)	Chevrolet	2005	26541 MILES	1G1ND52F65M234676	2006	\$ 12,781	8	K- FRAME ROTTED
Highway	H006	Classic 4 door Sedan(white)	Chevrolet	2005	18951 MILES	1G1ND52F75M234847	2006	\$ 12,781	8	K-FRAME STARTING TO ROT
Highway	H069	Classic 4 door Sedan (white)	Chevrolet	2005	34225 MILES	1G1ND52F35M234909	2007	\$ 12,990	8	K-FRAME ROTTED
Highway	H042	4900 Dump	International	1999	67578 MILES	1HTSDAAR2XH656716	1998	\$ 72,343	12	TRUCK RUSTED OUT
Highway	P-42	Plow 11'/ Wing 10'	Frink	1999	n/a	N/A	1999	\$ 10,000	12	GOES W/#42 TRUCK
Highway	H095	Mower	Bolens	1980	2195 HOURS	200594			5	ENG WORN OUT
Highway	H152	Compressor	Davey	1994	51HOURS	934417	N/A			WORN OUT
Highway	H153	Compressor	Davey	1994	350 HOURS	934540	N/A		N/A	WORN OUT
Highway	81A	Air Compressor	I/RAND	N/A	990 HOURS	15250	N/A	N/A	N/A	COMPRESSOR WORN OUT
Highway	N/A	MILITARY GENERATOR	N/A	Nov-73	17 HOURS	FZ-00309	N/A	N/A	N/A	WORN OUT
Highway	H141	SIGN BOARD	AMRCN SINGL	2001	N/A	1A9AS23211228574	2001	\$ 6,000	N/A	CIRCUIT BOARD AND BATTERIES WORN O
Highway	N/A	ALAMO MOWER SIDE WALK TRT	ALAMO	N/A	N/A	N/A	N/A	N/A	N/A	OUT DATED FOR SIDEWALK TRTS
Highway	N/A	TORO WHEEL HORSE	TORO	N/A	741 HOURS	8901262	N/A	N/A	N/A	ENG WORN OUT MOWER DECK
Highway	N/A	JONES BROTHERS TRL	JONES BRO TRL	N/A	N/A	N/A	N/A	N/A	N/A	OUT DATED, ROTTED OUT
Highway	N/A	AMBULANCE	FORD	2002	101296 mi	IFDXE45F81HB05453	N/A	N/A		FRAME ROTTED RIGHT FRONT
Highway	N/A	SINGLE AXLE HOT BOX #116	N/A	N/A	N/A	PLATE#G09640		N/A		WORN OUT
Highway	N/A	SINGLE AXLE HOT BOX	N/A	N/A	N/A	76309	N/A	N/A	N/A	WORN OUT
Highway	N/A	BIO-DIESEL TANK	FEDCO MFG	N/A	N/A			N/A		BIO DIESEL TANK( NO LONGER USED)
Highway	N/A	Tank	STI/P3 STEEL	N/A	N/A		N/A	N/A	N/A	TANK 500 GAL (NO LONGER USED)
Highway	N/A	Tank	FEDCO MFG	N/A	N/A		N/A	N/A	N/A	TANK 750 GAL (NO LONGER USED)
Highway	#4	325-D GROUNDMASTER	TORO	N/A	1376 HOURS					WORN OUT
Highway	N/A	TORO PROLINE	TORO	N/A	N/A	30176-690224	N/A	N/A	N/A	OUT DATED WORN OUT PARTS
Highway	N/A	TORO PROLINE	TORO	N/A	N/A	30176-690222	N/A	N/A	N/A	OUT DATED WORN OUT PARTS
Highway	N/A	TORO Z-MASTER	TORO	N/A	1423 HOURS	74226-220000223	N/A	N/A	N/A	ENG WORN OUT,MOWER DECK BAD
Highway	N/A	TORO Z-MASTER	TORO	N/A	1325 HOURS	74226-210000916	N/A	N/A	N/A	ENG WORN OUT MOWER DECK BAD
<b>LIGHT FIXTURES</b>										
20 Lithonia Light Fixtures										
The ballast is #TX400MTBHSG										
They are complete with with diffusers, cages, and hangers.										
Some might be in better shape than others. They were in working condition when they were taken out of spinnaker.										

**NOTES:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 124 AS LOT 14.
- 2) OWNER OF RECORD:  
233 VAUGHAN STREET, LLC  
3 PENSTOCK WAY  
NEWMARKET, N.H. 03857  
5144/1916
- 3) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH FOR A FUTURE SIDEWALK.

**LENGTH TABLE**

No.	Bearing	Distance
B1	N37°09'38"E	85.38
B2	S04°40'25"W	10.18'
B3	S40°44'43"W	49.00'
B4	S42°06'10"W	27.89'



**GRAPHIC SCALE**

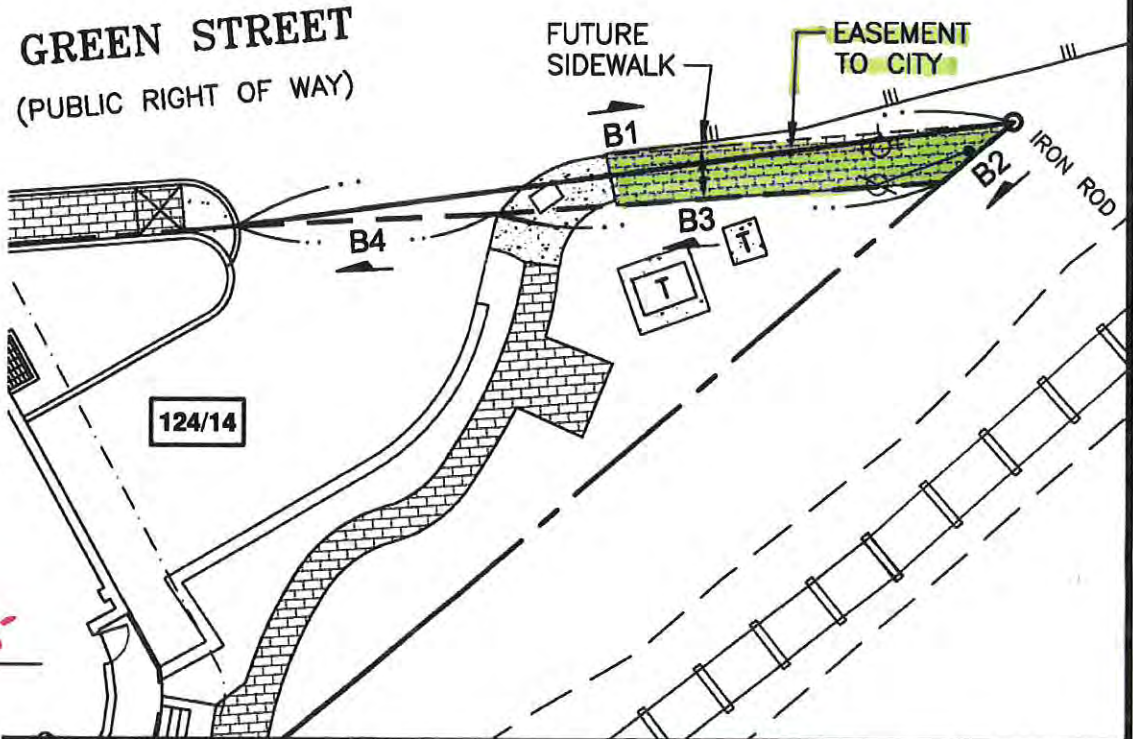


I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

*John R. Chagnon*

JOHN R. CHAGNON, LLS #738

*6/2/15*  
DATE



**AMBIT ENGINEERING, INC.**

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

**LOCATION:**

TAX MAP 124, LOT 14  
233 VAUGHAN STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

**EASEMENT TO CITY  
OF PORTSMOUTH  
FROM  
233 VAUGHAN STREET, LLC**

SCALE:  
1" = 20'


DATE:  
6/2/15

JOB:  
1687

---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** June 30, 2015  
**RE:** City Council Referral –  
Letter from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church,  
regarding St. Nicholas Greek Orthodox Church Back Lot (Map 229, Lot 6-A)

---

The St. Nicholas Greek Orthodox Church is interested in developing a 1-acre vacant back lot in their ownership, zoned SRB (Single Residence B). At this point no specific plan has been proposed, but according to the letter from Fr. Robert J. Archon dated May 21, 2015, housing, possibly including a component of affordable housing, is being considered. In order to facilitate such development, the Church is requesting (1) that the City accept Ledgewood Drive as a public street, and (2) that the City grant an easement from the Ledgewood Drive right-of-way to the Church's lot.

The lot abuts the City-owned parcel that includes the High School. Ledgewood Drive crosses this parcel as a right-of-way but has never been accepted as a City street. As part of the State project that replaced the Route 1 Bypass "flyover" with a signalized intersection, the New Hampshire Department of Transportation reconstructed Ledgewood Drive and relocated it slightly so that the road is now completely within the right-of-way. (The two maps attached to this memo show the conditions before and after the intersection improvements.) The intention has been for the City to accept the road as a City street once the State construction project was complete; however, no action has been taken on this yet.

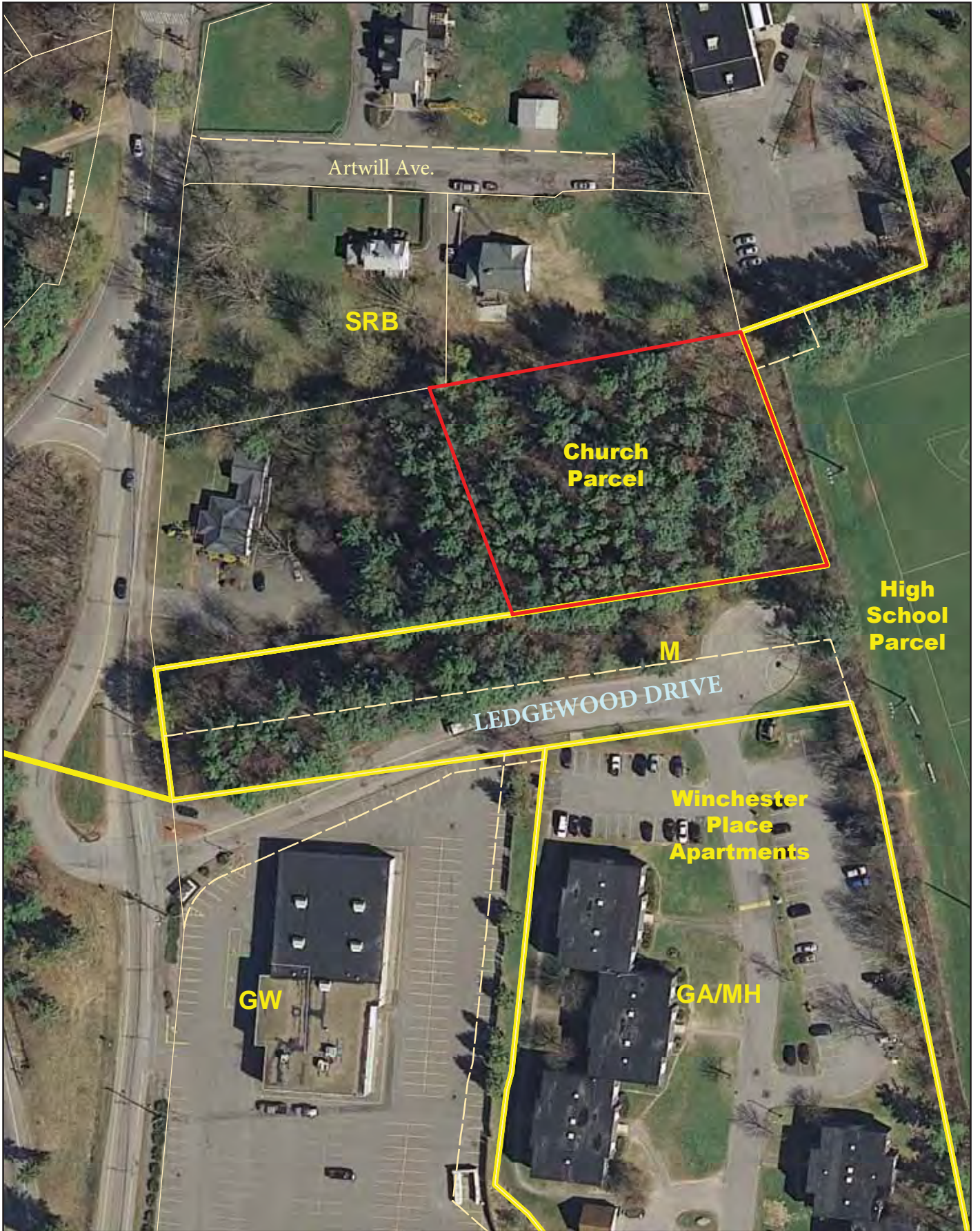
As stated in the letter from Fr. Archon, since Ledgewood Drive is not a public street the Church lot has no frontage on a public way and is therefore unbuildable, and the Church is therefore requesting that the City accept Ledgewood Drive as a public street.

In addition, the edge of Ledgewood Drive is parallel to and approximately 25 feet from the Church vacant lot boundary, so even when the road has been accepted the lot will technically still not have frontage. Therefore, the Church is also requesting an access easement over the property for the purpose of ingress and egress, with the exact location being deferred until the development process and site plan approval by the Planning Board.

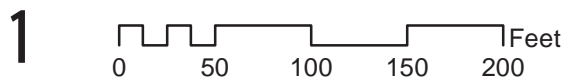
This parcel is currently zoned SRB which means that the only permitted use on this property is a single family dwelling. If any other use is proposed it will likely require relief from the Zoning Board of Adjustment or rezoning by the City Council. Also, it would be appropriate to grant any specific access easement in conjunction with a proposed site plan.

At its meeting on June 18, 2015, the Planning Board acted on the Church's requests as follows:

- A. Voted to recommend that the City Council accept Ledgemere Drive up to the cul-de-sac as a City street.
- B. Voted to recommend that the City Council defer action on the requested easement until a specific site plan has been prepared for submission to the Planning Board.

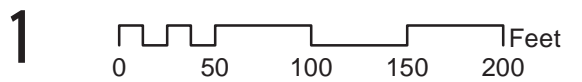


Ledgewood Drive  
Before Improvements to Intersection of  
Route 1 Bypass & Route 1 / Lafayette Road





Ledgewood Drive  
After Relocation of Easement  
And Reconstruction of Road







METROPOLIS  
OF BOSTON

# Saint Nicholas Greek Orthodox Church

Rev. Fr. Robert J. Archon, Protopresbyter

received  
5/20/15

May 21, 2015

Mayor Robert Lister &  
Portsmouth City Councilors  
City Hall  
Junkins Avenue  
Portsmouth, NH 03801

Re: St. Nicholas Greek Orthodox Church Back Lot -Tax Map Lot 229-6A

Dear Mayor Lister & City Councilors:

As you may be aware, the St. Nicholas Greek Orthodox Church owns a vacant lot on Ledgewood Drive which is Tax Map Lot 229-6A. The back corner of the vacant property touches the rear corner of the Church property that has frontage on Andrew Jarvis Drive. Over the years, we have been looking for the productive development of this lot in a way that will benefit the Church and community. Now that Ledgewood Drive has been redone, we are investigating the possibility of building housing, including a component of affordable housing, on the lot.

Before we can even consider development possibilities, there are two issues that we are requesting City action on. First, although Ledgewood Drive has been redone, it is our understanding that it has not been "accepted" by the City. Ledgewood Drive is now located completely on City property and the Church back lot abuts the City property. The St. Nicholas Greek Orthodox Church is, therefore, respectfully requesting that the City "accept" Ledgewood Drive as a public street.

Second, the edge of Ledgewood Drive is parallel to and approximately 25 feet from the Church vacant lot front boundary. It is our understanding that to access Ledgewood Drive, the Church needs an easement from the City permitting it access to Ledgewood Drive. We are asking the City to grant the Church an easement appurtenant to the back lot permitting the Church to cross over the property to for the purpose of ingress and egress. We assume that the exact location and width of access can be deferred until the development process and site plan approval by the Planning Board.

The Church does not anticipate selling off the property. It expects to own, develop and manage the property directly or through a Church-related entity. This will be a benefit to the community because the lot will be taxable and we fully expect to include a component of affordable housing on this lot.



METROPOLIS  
OF BOSTON

# **Saint Nicholas Greek Orthodox Church**

**Rev. Fr. Robert J. Archon, Protopresbyter**

---

Should you have any questions or concerns, please do not hesitate to contact me or Church legal counsel, James G. Noucas, Jr. Thank you for your consideration in this matter.

Sincerely,

Fr. Robert J. Archon

## Event Listing by Date

Starting Date: 7/ 1/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
7/ 3/2015 7/ 3/2015	FIREWORKS Rus Wilson, Recreation Director is the contact for this event. The fireworks display begins at 9:15 p.m.	South Mill Pond	City of Portsmouth	/ /
7/ 4/2015 7/ 4/2015	CELEBRATIC This is the 12th Annual American Celebration. This is the Naturlization Ceremony organized by the U.S. Citizenship & Immigration Services. Greg Brackett is the contact for this event at 422-7502.	Strawbery Banke	Strawbery Banke Musuem	/ /
7/ 4/2015 7/ 4/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
7/ 4/2015 7/ 4/2015	RACE This race is part of the Run Portsmouth Road Race Series 5K Races for 2015. David Hampson is the contact for this event. david.hampson@willis.com; Tel. 334-3032	Strawbery Banke	Easter Seals Veteran's Count	12/22/2014
7/11/2015 7/11/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/18/2015 7/19/2015	BIKE TOUR Chris Vlangas, Development Director and Thomas MacLennan, Logistics Specialists are the contacts for this event.	Coastline and Mainland from Kittery, ME	Cystic Fibrosis Foundation	12/22/2014
7/18/2015 7/18/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/25/2015 7/25/2015	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
8/ 1/2015 8/ 1/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
8/ 1/2015 8/ 1/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Justin Finn is the contact for this event. justinf@secureplanninginc.com; Tel. 433-5515	Strawbery Banke Museum	Portsmouth Rotary Club - Thund	12/22/2014
8/ 8/2015 8/ 8/2015	FUND Tim Dame is the contact for this event. Contact #603-834-1896 This event is from 8:00 a.m. to 5:00 p.m.	Market Square - MDA Boot Drive	Portsmouth Professional Fire F	5/ 4/2015
8/22/2015 8/22/2015	BIKE TOUR Emily Christian is the Logistics Associate This event begins in Stratham Hill, over to Kittery, back through Portsmouth by way of Marcy Street to 1B.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	1/ 5/2015

## Event Listing by Date

Starting Date: 7/ 1/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
9/ 7/2015 9/ 7/2015	ROAD RACE Contact: Sister Mary Agnes	Pease International Tradeport	St. Charles Children's Hme	5/ 4/2015
9/12/2015 9/12/2015	SABR Peter Newbury is the contact for thsi event. This event opens a small number of neighborhood streets to pedestrian and cycling activity by diverting motor vehicle traffic and will run for approximately 4 hours. Open Streets Portsmouth is a division of SABR (Seacoast Bicycle Riders advocacy organization).	Various Neighbors with the CityWide Neighborhood A	Open Streets	6/ 1/2015
9/13/2015 9/13/2015	RIDE Thomas Martin, Race Director and Thomson Riley, Race Director are the contacts for this event. www.PortsmouthCrit.com	Market Square	Portsmouth Criterium Race	6/15/2015
9/13/2015 9/13/2015	ROAD RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Wendy McCoolle is the contact for this event. wendy@mybreastcancersupport.org. Telephone No. 759-5640	Portsmouth Middle School	Celebrate Pink 5K Road Race &	12/22/2014
9/19/2015 9/19/2015	WALK Ken La Valley is the contact for this event. This event is from 10:00 a.m. to Noon Registration begins at 8:30 a.m.	Peirce Island	American Foundation for Suicid	3/ 2/2015
9/26/2015 9/27/2015	BIKE TOUR Donna Hepp is the contact for this event. dhepp3@gmail.com or 414-258-3287	Rte. 1B over Memorial Bridge	Granite State Wheelmen	11/17/2014
9/26/2015 9/27/2015	FESTIVAL David Hallowell is the contact for this event.	Pleasant Street	Portsmouth Maritime Folk Festi	12/ 8/2014
9/26/2015 9/27/2015	TOUR This event is for two days. Caroline Amport Piper is the contact. Tel. (603) 686-4338	South End	Friends of the South End	11/17/2014
10/10/2015 10/10/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015. Catherine Edison of Community Child Care Center of Portsmouth is one of the contacts. CEdison@communitycampus.org and Ben Anderson or Meghan Toner of Prescott Park Arts Festival Tel. 436-2848	Start Memorial Bridge Portsmouth - Finish Prescott	Memorial Bridge Road Race	12/22/2014
10/17/2015 10/17/2015	FUND Mary-Jo Monusky, Executive Director is the contact for this event. This event is a 5k walk/fundraiser. Starts and ends at 11 Jewell Court from 9:00 a.m. to 11:00 a.m.	11 Jewell Court - start and finish	Arts in Reach	4/ 6/2015
11/ 8/2015 11/ 8/2015	ROAD RACE Jay Diener is the contact for this event. This event begins at 8:00 a.m.	Portsmouth, New Castle and Rye	Seacoast Half Marathon	4/20/2015

Run: 7/09/15  
9:05AM

## Event Listing by Date

Page: 3

Starting Date: 7/ 1/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
11/26/2015 11/27/2015	RACE Matt Junkin of Seacoast Rotary Club is the contact for this event. mrjunkin@gmail.com; Tel. 591-0083	Strawbery Banke	Seacoast Rotary Club - Turkey	12/ 8/2014

---

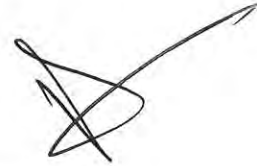
**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: July 8, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: CITY COUNCIL REQUEST RELATING TO ROBERTS  
INVESTIGATORY PANEL REPORT



---

At the meeting of the City Council on June 15, 2015 it was voted on the motion of Assistant Mayor Splaine to, "request [legal counsel] to determine the legal options, rights, remedies and obligations that [the City Council has] concerning the findings of the Roberts Investigatory Panel Report" for the City Council meeting of July 13, 2015. It was apparent from City Council discussion on the motion that the thrust of the Council inquiry was the division of responsibility between the City Council and the Police Commission.

The specific recommendations summarized on page 1 of the Roberts Report are as follows:

- Training and ensuring familiarity with the applicable ethical obligations by all members of the Portsmouth Police Department must be a high priority for the City.
- Internal Affairs procedures need to be reviewed, revised as needed, and scrupulously followed.
- The Duty Manual should be updated and clarified.
- Performance evaluations should be instituted at all levels.
- The Department should consider obtaining accreditation from a recognized national accreditation organization such as the Commission on Accreditation for Law Enforcement Agencies (CALEA).

The City Charter provides in relevant part that, "the City Council shall be the policymaking entity of the City except where this Charter expressly otherwise allocates policymaking authority", Section 1.3. The Charter does, however, otherwise allocate policymaking authority with regard to the Police Department. To wit, "The policymaking body for the Police Department in the City of Portsmouth shall be a Police Commission", Amendment E. Moreover, "The Commission shall assume all administrative responsibilities which would otherwise be vested in the City Manager under this Charter relating to the administration of the Department", Charter Amendment E.

Thus, with respect to the Police Department, the Charter provides the Police Commission with both the policymaking responsibility that the City Council bears in connection with other municipal departments and the administrative authority which the City Manager holds with respect to those same departments.

When the foregoing Charter provisions are applied to the Roberts Report recommendations summarized above, it is evident clear that the “legal options, rights, remedies and obligations... concerning the findings of the Roberts Investigatory Panel Report” lie entirely within the authority of the Police Commission. The Report itself seems to recognize this conclusion on page 24 where it is written, “It is also clear that under City Charter Amendment E “Rules and Regulations” that the Commission has both the authority and the obligation to adopt and implement modern rules and regulations including codes of conduct.”

However, the Roberts Report does note that, “The Department and the Police Commission “in cooperation with the City Council and the public” should take immediate steps to place the focus back on the critical work being performed every day by officers of the Portsmouth Police Department”, page 22. This provision in the Report appears to contemplate that the Police Department and Commission determine the immediate “steps” necessary and that the City Council cooperate as necessary. The primary area in which the City Council would have the power to determine such cooperation would be in the area of the budget, which is a function of government that the City Charter allocates primarily to the City Manager and City Council.

Finally, the Roberts Report does contain the following comment which is relevant to the question presented by the City Council, “The citizens of Portsmouth may want to consider whether the Police Commission continues to be the appropriate governing entity of the Police Department and whether a Charter Amendment should be considered eliminating the Police Commission. We neither endorse nor oppose such an amendment, but rather raise the point for further public discussion”, Report page 25. As it so happens, the City Council will be considering that very question as well as related Charter Amendments on the evening of July 13, 2015.

cc: Portsmouth Police Commission  
Stephen DuBois, Police Chief  
Stephen H. Roberts, Esq.



# 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: CITY WIDE NEIGHBORHOOD

603.592.2340 ©

Name: MARIE KELLEHER Telephone: 603.436.7832 (#)

Could you be contacted at work?  YES  NO If so, telephone # 603.436.7325

Street address: 297 PEVERLY Hill Rd ; PORTSMOUTH, NH

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

Email address (for derk's office communication): MARIEKELLEHER297@aol.com

How long have you been a resident of Portsmouth? 40+

Occupational background:  
DENTAL ASSISTANT  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list experience you have in respect to this Board/Commission:  
ATTENDED MANY CITY WIDE NEIGHBORHOOD COMMITTEE MEETINGS OVER THE PAST 3 YEARS, AND HAVE FOUND THEM VERY INFORMATIVE.  
\_\_\_\_\_  
\_\_\_\_\_





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: TO TRY TO BE SOMEONE THAT OUR NEIGHBORS CAN GO TO WITH ISSUES AND BE THAT PERSON THAT CAN FOLLOW-UP AND REPORT BACK TO THOSE W/ ISSUES.

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

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

1) DR. DAOLA PARSONS, DMD 230 LAFAYETTE #C 436-5500  
Name, address, telephone number

2) DR. MELANIE HARDEN 230 LAFAYETTE BLDG C 436-2325  
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: 6/17/15

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

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

JUN 11 2015  
Renewing applicant  
By

Committee: HDC

Name: RICHARD SHEA Telephone: 603 501 0005

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

Street address: 19 HOWARD STREET

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

Email address (for clerk's office communication): RMSHEAJR@GMAIL.COM

How long have you been a resident of Portsmouth? 5

Occupational background:

ARCHITECT

CONSTRUCTION MANAGER

\_\_\_\_\_  
\_\_\_\_\_

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

Reasons for wishing to continue serving: I HAVE ONLY BEEN ON THE BOARD 4 MONTHS. I AGREED AND COMMITTED TO AT LEAST ONE YEAR WHEN I FIRST JOINED.

\_\_\_\_\_  
OVER

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

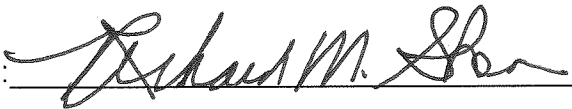
NA

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

- 1) LLOYD GRAVES 603 964 5215  
Name, address, telephone number
- 2) ART ATHANASIOU 603 332 0802  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 6/9/2015

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 6-1-2018

Annual Number of Meetings 13 Number of Meetings Absent: 0  
JAN-JUNE 2015

Date of Original Appointment: 1-20-2015

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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



Committee: Peirce Island

Name: Sylvia Olson Telephone: 781-301-1196

Could you be contacted at work? YES/NO If so, telephone# Yes-207-439-4277

Street address: 41 Newcastle Ave. #3

Mailing address (if different): none

Email address (for clerk's office communication): Snowmt106@yahoo.com

How long have you been a resident of Portsmouth? 8yrs.

Occupational background:  
see attached

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



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: See attached

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

~~None~~ See attached  
FOSF

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Steve McGrath 39 Newcastle Ave. 603-436-3385

Name, address, telephone number

Amy Baker - 75 Humphrey's Court - 617-416-3009

2) Harold Whitehouse - Humphrey's Court

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: Sylvia Chou Date: 2/18/2015

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

Sylvia Olson

41 Newcastle Ave. #3

Application for Peirce Island Committee Addendum

February 18, 2015

***Occupational Background:***

I worked for 18 years for the City of Rochester, NY, as a Senior Personnel Analyst. Parks and Recreation was one of my departments, so I was very familiar with the work performed by members of the Parks Department. I was responsible for the employment, payroll, and civil service functions for Parks and Recreation employees. The department administered numerous city parks of all sizes, more than a dozen recreation facilities, and two gigantic operational Victorian cemeteries. The Forestry division maintained thousands of trees lining the streets and in the parks. My other departments included Public Housing, Finance, and the Library. I also participated in the hiring of police, firefighters, and 911 operators, as well as many other job titles.

Prior to working for the City, I worked in community organizing, assisting residents with energy conservation in older housing. I also worked briefly as a social worker in adult services and as a Recreation Leader.

Having worked for 23 years total in community, public, and social services, I took a break from that, and now work in retail.

***Experience relevant to the Peirce Island Committee:***

I have no direct experience with the Committee. However, I am a volunteer for the Adopt-A-Spot program, maintaining (with my neighbors), the Humphrey's Court Community Garden. I'm a member of Friends of the South End. As I've already mentioned, I have a good deal of knowledge and experience with parks, recreation, and forestry operations and administration. I also have a good deal of experience attending and conducting goal-oriented meetings.

I walk around Peirce Island regularly, and it's one of my favorite spots in Portsmouth.

***Reasons for wishing to serve:***

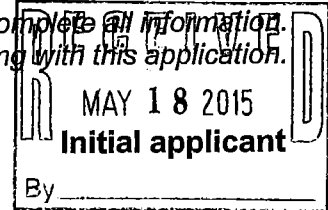
I dedicated my professional life to public service, and I'd like to continue in a volunteer capacity. Portsmouth means a great deal to me, and I'd like to contribute my talents in some small way. I might consider volunteering for other boards in the future. In the meantime, this is a great beginning. It's also a good way to get to know my neighbors better. I've enjoyed everyone I've met in the South End.



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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



Committee: PEIRCE Island

Name: WILLIAM TOWNSEND Telephone: 603.498.1051

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

Street address: 161 WIBIRD ST PORTSMOUTH NH

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

Email address (for clerk's office communication): TOWNSEND Bill J @ GMAIL.COM

How long have you been a resident of Portsmouth? 25 YEARS

Occupational background:

Over 30 years as an Administrative and Financial manager for a non-profit association and several years in Social Services work

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

Extensive experience in budgeting, project management and decision-making.

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 have enjoyed visiting Perci Island on many days and in all kinds of weather. I see the island as an invaluable resource for the Portsmouth community and would like to assist in the preservation and maintenance of the island.

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

I maintain memberships in the Seacoast Artistic Association (Exeter, NH), the Kittery Artist Association, and the Plymouth Guild for the Arts (Plymouth, MA) and have exhibited in their photography shows. I also participate in the Seacoast Photographers Group and the Portsmouth Photographers Group.

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

1) Donald Tarabassi 271 Lafayette Road Portsmouth 603-433-9352  
Name, address, telephone number

2) Sally Mulhern Mulhern & Scott 153 Fleet St Portsmouth 603-436-1211  
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: M. Dornlund Date: 5/15/2015

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**

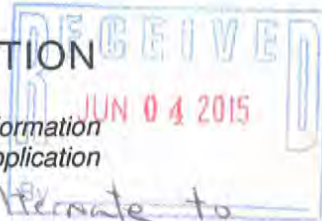




CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: HISTORIC DISTRICT COMMISSION

current alternate to Fill Melchior  
**Renewing applicant** Vacancy

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): \_\_\_\_\_

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

How long have you been a resident of Portsmouth? 29 YEARS

Occupational background:  
PLEASE SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Reasons for wishing to continue serving: PLEASE SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

PLEASE SEE ATTACHED

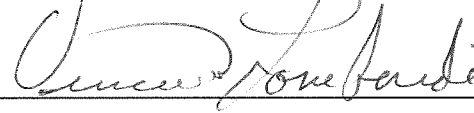
Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) TERIE NORELLI, 35 MIDDLE RD, PORTSMOUTH, NH 03801 <sup>436-2108</sup>  
Name, address, telephone number

2) MARTHA CLARKE, 152 MIDDLE ST. PORTSMOUTH, NH 03801 <sup>431-6626</sup>  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: June 3, 2015

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: 1 Number of Meetings Absent: 0 - 2014

Date of Original Appointment: 8-4-2014

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

## **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.

#### **Reasons for wishing to continue serving:**

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.

#### **Experience related to this Board/Commission:**

I have been an HDC Alternate since September 2014

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) .



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: JOHN MAYER Telephone: 603.422.9551 (H)  
603.969.3913 (C)

Could you be contacted at work?  YES/NO If so, telephone# 207.774.1822 ext 224

Street address: 62 CABOT ST. PORTSMOUTH 03801

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

Email address (for clerk's office communication): JMAYER.NH@GMAIL.COM

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

Occupational background:

• MUSEUM CURATOR & DIRECTOR FOR  
30 years

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

- served 4 years (1988-92) on the Historic Review Board for New Castle Co, Delaware;
- Professional responsibilities for care and management of historic bldgs. (20 years)
- Personal experience as owner of historic homes (currently ca. 1813 Market House)



members - Rawlings and Ruedig

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 contribute my skill/expertise to my community; and I would like to contribute to a positive process of supporting preservation of historic resources in Portsmouth.

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

- Portsmouth Historical Society - currently member of Building & Grounds Com.;
- Board member & Secretary of PRISMS, inc support group for families (www.prisms.org)

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

- 1) DAN RAWLING, 411 MIDDLE ST. - 603-430-4013  
Name, address, telephone number
- 2) REAGAN RUEDIG, 70 HIGHLAND ST., 603-342-9275  
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: 5.18.14

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

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

JOHN W. MAYER

68 Cabot Street  
Portsmouth, NH 03801  
(603) 422-9551  
jmayer.nh@gmail.com

SUMMARY

Over twenty five years of professional experience in museums and non-profit organizations. Progressive responsibilities and extensive experience in collection research, care, and management, exhibit development and production, preservation of historic structures, museum administration, donor relations, and fundraising.

COLLEGE EDUCATION

University of Delaware  
Newark, Delaware

Masters Degree in History, Certificate in Museum Studies, August 1986

Sponsored by a Hagley Fellowship

Studies -- US History, History of Technology, Material Culture, Museum Studies

Research topics: Industrial History, 19th-century American Technology

California College of Arts and Crafts  
Oakland, California

Bachelor of Fine Arts with Distinction in Film Arts, June 1976

Studies -- Film Arts, Print-making, Design, Art History

MUSEUM EXPERIENCE

Maine Historical Society  
Portland, Maine

Curator of Museum Collections -- Department head and senior staff member responsible for a broad range of museum programs, grant writing, managing changing exhibit program, oversight of 1785 Wadsworth-Longfellow house, and growth and care of museum collections.

5/02 - present

Strawbery Banke Museum  
Portsmouth, New Hampshire

Curator -- Served as Head of the Collections Department and managed the activities of the Curatorial, Library, and Archaeology Divisions. Major projects included restoration of the Thomas Bailey Aldrich House and Memorial, and the design and implementation of a comprehensive environmental improvement program for furnished buildings and museum collections.

12/97-12/01

Manchester Historic Association  
Manchester, New Hampshire

Director - Successfully activated this local history museum with a \$300K operating budget. Accomplishments included institutional growth and rebuilding base of community support. Overall responsibility for board and staff leadership, long-range planning and institutional visioning, fund-raising, personnel and financial management, and collections care.

6/92-12/97

Atwater Kent Museum  
Philadelphia, Pennsylvania

Curator of Exhibits/Coordinator of Curatorial Affairs -- Planned, scheduled, and coordinated the diverse activities of the six-member Curatorial Department. Individual responsibilities included research for interpretive exhibits focusing on urban and industrial history, development of technology collections, and management and installation of exhibits in all galleries.

5/87-5/92

Rockwood Museum  
Wilmington, Delaware

Curator -- Responsibilities focused on collections management problems. Established collections-care policies, designed and implemented a phased storage plan, and developed a successful IMS grant proposal for a comprehensive environmental survey.  
11/86-5/87

Mid-Atlantic Association of Museums  
Newark, Delaware

Acting Director -- Coordinated the operations of this regional museum association, including planning for the 1986 Annual Meeting, presenting workshops, managing office activities of this 500 member organization, and writing the MAAM quarterly newsletter.  
6/86-10/86

Hagley Museum  
Wilmington, Delaware

Restoration/ Exhibit Specialist -- Worked on all phases of curatorial projects including exhibit design and installation, coordinating and supporting volunteer projects, and development of storage systems (with specific focus on the industrial-machinery collection).  
6/82-7/84  
Curatorial Assistant/ Exhibits Preparator -- Primary responsibilities focused on restoration of the 19th-century machine tool collection, model making, and exhibit fabrication and installation.  
9/80-9/81

MIT Museum  
Massachusetts Institute of Technology  
Cambridge, Massachusetts

Curatorial Assistant/ Exhibits Preparator -- Responsibilities included collection care, general exhibit preparation, and research for an exhibit on the history of the MIT Electrical Engineering Department.  
12/81-6/82

Pasadena Museum of Modern Art  
Pasadena, California

Assistant Instructor -- Assisted in multi-media art workshops and classes designed for ages that ranged from school age to adult.  
4/72-7/72

#### **CURRENT or RELEVANT BOARD/COMMITTEE MEMBERSHIP**

- American Alliance of Museums -- MAP Advisory Com., Curators Committee (Board member at-large, 2005 - 2009; Chair - Ethics Policy workgroup)
- Portsmouth Historical Society (Trustee, Chair, Building Com., Treasurer 2004 - 2006)
- PRISMS (Parents and Researchers Interested in Smith-Magenis Syndrome) (Secretary, 2008 - present)

#### **PROFESSIONAL AND CONSULTING PROJECTS**

- Museum Studies Internship Coordinator, University of New Hampshire, 2005 - 2006
- Fellowship Director, Old York Historical Society, Summer, 2002
- Assistant Director & Lecturer, Collections Care Training Program, 1990 - 1998
- Peer-reviewer. AAM Museum Assessment Program (Active reviewer since 1990)
- Independent exhibit research and development, 1988 - present

#### **PROFESSIONAL MEMBERSHIPS**

- American Alliance of Museums
- New England Museum Association
- Cape Cod Frosty Sailing Association - Fleet 9

John Mayer  
68 Cabot St.  
Portsmouth, NH 03801  
[jmayer.nh@gmail.com](mailto:jmayer.nh@gmail.com)

May 18, 2014

City Clerk's Office  
Portsmouth City Hall  
1 Junkins Ave.  
Portsmouth, NH 03801

Dear Kelli Barnaby,

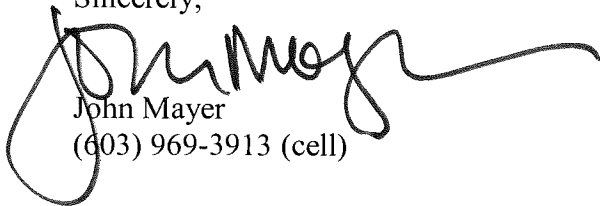
Enclosed please find my *Appointment Application* for a position on the city of Portsmouth's Historic District Commission, and a copy of my resume.

I apologize for my hand-writing – I could not find a way to complete the form on my computer.

Please let me know if you have any questions about the information I have provided on the application.

I look forward to hearing from you or someone else with the City regarding the status of my application.

Sincerely,



John Mayer  
(603) 969-3913 (cell)



**ACTION ITEMS AND MINUTES**  
**PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – Thursday, June 11, 2015  
City Hall – Eileen Dondero Foley Council Chambers

---

**Action Items requiring an immediate ordinance during the next Council meeting: none**  
**Temporary Action Items requiring an ordinance during the annual omnibus: none**

**ACTIONS:**

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held May 14, 2015.
- [2] Accepted and placed on file the Financial Report for May 2015.
- [3 (V.F.)] **Action Item:** Request for crosswalk on Marcy Street at Humphrey's Court – **VOTED** to table the item and have staff report back at next meeting.
- [4 (V.B.)] **Action Item:** Request for crosswalk on Woodbury Avenue at Cottage Street – **VOTED** to table the item and have staff explore a crosswalk across from Cottage Street.
- [5 (VI.B.)] **Action Item:** Valet Parking renewals, Atlantic Parking Services – 3 locations; 100 Club – 1 location – **VOTED** to renew the valet parking licenses for another year.
- [6 (VI.C.)] **Action Item:** Two-way downtown traffic study – **VOTED** to recommend to the City Council the downtown two-way traffic study of \$50,000 be included in the Capital Improvement Plan for Fiscal Year 2017. Eric Eby will provide a memorandum to the City Manager identifying funds.
- [7 (VI.D.)] **Action Item:** New on-street parking locations – **VOTED** to send proposal back to Public Works for an in-depth analysis and report back to the PTS Committee.
- [8 (VI.E.)] **Action Item:** Water Country exit signing for I-95 – **VOTED** to install improved signage at specified locations.
- [9 (VI.F.)] **Action Item:** No Truck signs on Banfield Road – **VOTED** to install no truck signs on Banfield Road.
- [10 (VI.G.)] **Action Item:** Crosswalk near Sanders Market on Marcy Street – **VOTED** to approve the installation of a pedestrian warning sign at Marcy Street crosswalk and to have Public Works do additional analysis on bump-outs at the crosswalk area near Sanders Market on Marcy Street.

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

**Members Present:**

Councilor, Brad Lown  
Public Works Director, Peter Rice  
Deputy Fire Chief, James Heinz  
Police Lieutenant, Darrin Sargent  
Member, Harold Whitehouse  
Member, Ted Gray  
Member, Shari Donnermeyer  
Member, Ronald Cypher  
Alternate Member, Mary Lou McElwain  
Parking and Transportation Engineer, Eric Eby

**Staff Advisors Present:**

Transportation Planner, Juliet Walker

**Absent:**

City Manager, John Bohenko

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to amend the Meeting Minutes from May 14, 2015. He requested that the minutes reflect his absence as excused.

**Moved to accept PTS Amended Meeting Minutes of May 14, 2015.**

Harold Whitehouse motioned to accept minutes. Ron Cypher seconded.

**Motion passed 8-0.**

IV. FINANCIAL REPORT:

**Moved to accept May 2015 Financial Report and place on file.**

Harold Whitehouse motioned to accept May 2015 Financial Report. Ted Gray seconded.

**Motion passed 8-0.**

Chairman Lown requested a motion to suspend the rules to allow item V.F. to be heard first on the request of a citizen. Ted Gray motioned to suspend the rules. Peter Rice seconded.

**Vote 8-0, to suspend the rules.**

V. NEW BUSINESS:

F. Request for crosswalk on Marcy Street at Humphrey's Court – Harold Whitehouse stated there was a site visit on Tuesday, June 9, 2015. The committee members met with several

neighbors who expressed concerns about speeding. They discussed a crosswalk with a curb cut and wheel chair accessibility, but determined there would be a financial impact.

The Department of Public Works staff will investigate a sidewalk option on the west side of road with a perpendicular crosswalk. It would improve the sight line with the traffic coming around the corner. Peter Rice, Public Works Director, stated there is a concern of creating a feeling of safety in an area that is not necessarily safe due to sight issues.

Mary Lou McElwain asked if the Safe Routes to School program, or a group that represents the schools and children walking to school exists. If it does, she wanted to know if they have input at the Parking and Traffic Safety Committee.

Peter Rice stated that staff will present recommendations to the Parking and Traffic Safety Committee at the next meeting. If the committee approves, the recommendation will most likely be executed before the school year begins. Staff will conduct this review in a comprehensive manner. Due to budget constraints, signage and road surface painting will most likely be implemented as part of the recommendation.

Harold Whitehouse motioned to table item and send it back to Public Works with a report due at the next meeting. Ron Cypher seconded.

**Vote 8-0, to table the item and have staff report back at next meeting.**

A. Introduction of new Parking Manager – Joseph (Joey) Giordano was introduced as the new Parking Manager.

B. Request for crosswalk on Woodbury Avenue at Cottage Street – Shari Donnermeyer led the discussion. A citizen requested the crosswalk. However, the proposed location would eliminate parking. Eric Eby stated that 18 feet is needed for a parking space. He will measure the location and review the area. Shari Donnermeyer stated there is another crosswalk down the road, but there is no sidewalk and the plowed snow creates a problem.

Shari Donnermeyer motioned for Public Works to explore placing a crosswalk across from Cottage Street. Peter Rice seconded. **Vote 8-0, to table the item and have staff explore a crosswalk across from Cottage Street.**

C. Request to improve safety of existing crosswalk on Middle Street at Richards Avenue and Austin Street - Peter Rice informed the committee that this intersection is currently included in a Safe Routes to School design organized by Transportation Planner, Juliet Walker. He recommends the committee wait for the final design before moving forward with this item.

Harold Whitehouse commented on the difficulty of school buses making left hand turns on to Middle Street. It is challenging to make turns due to parked cars and the snow bank on the Austin Street side during the winter. He hopes the design will take these challenges into consideration.

Janice Henderson, 284 New Castle Ave, asked if anything would be done by the start of school. Peter Rice clarified that it is a design and will be constructed, but a project timeline cannot be provided. Janice asked if anything could be done by the start of school and also requested an in-street pedestrian sign in the interim. Eric Eby explained that the sign must be used in proper

locations because it could cause travel issues on narrow streets. He stated he would do a comprehensive review and determine if the sign would be appropriate for the area. Eric will provide recommendations at the next meeting.

Kathleen Logan, 21 Blossom Street, strongly encourages the committee to do something prior to the design by Planning. She frequently rides a bike in the area and uses the crosswalk. She has experienced discourteous drivers and elevated traffic speeds. She would like to see a stronger police presence in the area and intersection.

Janice Henderson asked the staff to observe traffic in the morning when children walk to school, and after school when they travel home, or to the library.

Shari Donnermeyer asked the committee if there is anything that can be done in the interim. Peter Rice stated it is a challenging intersection and traffic speeds are excessive at times. Eric Eby will review the intersection and provide interim recommendations.

Darrin Sargent, Police Lieutenant, asked for clarification about times of high traffic pedestrian and/or bicycle travel through the intersection so that police presence may be increased, if possible. Juliet Walker stated that bicycle and pedestrian counts exist and could be reviewed by the police department. Darrin Sargent will follow-up with Juliet Walker regarding the data.

Ron Cypher asked if there is a crossing guard at the intersection. Shari Donnermeyer asked who appoints crossing guards. Peter Rice stated that it is a hired position through the parking division and staff will report back regarding the crossing guard question.

**No action item.** The committee will wait for the final design. Eric Eby will provide interim recommendations by the next meeting.

D. Request for crosswalk on Spinney Road at Islington Street – A resident requested a crosswalk be installed across Spinney Road. It is a wide area to cross. Eric Eby stated it is a difficult area to place a crosswalk because there are no sidewalks and there is 90 degree parking in the area. There is a long-term project in Public Works to realign the intersection into a “T” style intersection. The project would include construction of sidewalks on both sides of Spinney Road and a shorter crosswalk for pedestrians at the intersection. The challenges include a need for an easement or land acquisition from an abutting property owner. There is not a short-term solution for this particular intersection.

James Heinz, Deputy Fire Chief, expressed grave concern and opposition over the narrowing of streets and intersections. He cautions the committee of the on-going shrinking of roads. He requested that these issues be taken into consideration.

Harold Whitehouse asked if the Spinney Road sidewalk was part of the capital budget. Peter Rice confirmed that it is included.

**No action item.**

E. Request for pedestrian instruction signs at signalized crosswalks – A resident requested this item because she witnessed pedestrians ignoring signs and signals. Eric Eby provided a graphic of standardized signage at push button controlled crosswalks. Crosswalk intersections can be reviewed on a case-by-case basis and correct signage assigned and installed. By law, pedestrians can only cross (in the crosswalk) at the walk signal.

Harold Whitehouse suggested looking at University of New Hampshire lighted crosswalks as a possible solution. Lights rotate around the signal alerting traffic when the crosswalk button is activated for a pedestrian to cross.

**No action item.**

G. Proposed bicycle and moped parking policy – A request was made to develop policy to address abandoned or illegally parked bicycles and mopeds. Eric Eby confirms that there is currently no ordinance addressing this issue. A policy would provide clarity on enforcement and better understanding for the public. One provision is a 72-hour limit on bicycle or moped parking on a street or other public property.

Juliet Walker, Transportation Planner, stated that the City has made many legal bike parking spaces available. The legal spaces available will decrease the illegal bike parking.

Peter Rice informed the committee that this policy is an initial draft. Eric Eby will refine the policy and come back to the committee with a recommended ordinance change. Then it will be forwarded to the City Council as an omnibus or a separate ordinance change.

Chairman Lown sought clarification on parking on a sidewalk or a roadway. Eric Eby clarified that roadway parking means in a bike corral. Chairman Lown asked how the 72-hour limit would be enforced. Eric Eby stated it would be similar to a tire marking. Chairman Lown suggested a notice or tag be affixed to the bike or moped.

Mary Lou McElwain asked if a fine would be issued if policies were broken. Eric Eby stated that it has not been addressed: this is a draft policy.

Shari Donnermeyer asked if the items listed on the draft policy are being seen in the City. Eric Eby confirmed there are some specific areas where complaints have been received addressing these issues. For example, near taxi zones it has been a problem because of bicycles or mopeds parked on the street.

**No action item.** Eric Eby will refine the policy and come back to the PTS Committee with a recommended ordinance change.

VI. OLD BUSINESS:

A. Sheafe Street Pay and Display Meter Installation – Eric Eby restated a comment from the residents of Sheafe Street from the May 14<sup>th</sup>, 2015 meeting. The residents stated that Sheafe Street was not the only street without parking meters in the area. Eric Eby presented a map showing parking meter locations. Sheafe Street is the only street in the area without meters at this time. The map was provided for informational purposes only.

B. Valet Parking renewals, Atlantic Parking Services – 3 locations; 100 Club – 1 location – Ron Cypher motioned to renew the three valet parking agreements. Ted Grey seconded. Peter Rice requested a stipulation to the renewals that the companies work with City staff to ensure they do not use additional areas and/or block parking. They must stay within the designated areas. If they fail to adhere to these stipulations, they jeopardize the agreements with the City. Representatives from the valet companies were present and put on notice about the stipulations.

Eric Eby confirmed there are three applications from Atlantic Parking Services and one from the 100 Club.

The motion was amended to include all four valet parking renewals. Ted Grey motioned to amend the motion. Shari Donnermeyer seconded.

**Vote 8-0, to renew three valet parking agreements with Atlantic Parking Services and one valet parking agreement with the 100 Club.**

C. Two-way downtown traffic study – Eric Eby stated this was referred to him at the last meeting as a City Council request. He reviewed what needed to be done to implement a two-way traffic plan downtown. A traffic study would need to be conducted. The City would need to hire a consultant to do an extensive study. The targeted streets would be Congress, State and Pleasant, based on their width. Based on Eric Eby's professional experience, a traffic study of this detail would be in the range of \$50,000. If feasible, a design plan would cost another \$50,000, with construction costs in the area of \$1,000,000. A memorandum to City Manager, John Bohenko, dated June 3, 2015, details the steps necessary to pursue the idea of two-way traffic in downtown.

Rick Chellman, 224 State Street, is a traffic engineer with extensive experience in the field. He stated two-way streets are much more pedestrian friendly, and believes that downtown needs to be more pedestrian friendly.

Peter Rice noted that the last line of the memo stated there are no monies in the budget at this time. If it was recommended by the committee and forwarded to the City Council, it would be recommended for inclusion in the Capital Improvement Budget for 2017.

Harold Whitehouse motioned to recommend to the City Council the downtown two-way traffic study of \$50,000 be included in the CIP for Fiscal Year 2017. Ron Cypher seconded.

**Vote 8-0, to recommend to the City Council the downtown two-way traffic study of \$50,000 be included in the Capital Improvement Plan for Fiscal Year 2017.**

D. New on-street parking locations – Eric Eby stated this item is in response to Rick Chellman's presentation and suggestions on where the City can gain on-street parking in the downtown area. Eric has done analysis on three locations and provided the following comments: Pleasant Street at Market Square: make seven parallel parking spaces next to the church into 14 angle parking spaces. It can be done with striping and minor work. It would also eliminate a second left turn lane.

James Heinz, Deputy Fire Chief, expressed grave concern and opposition over the shrinking of city streets. The large fire trucks need to be able to navigate in the streets. As an example, it has been a problem getting trucks from the Rusty Hammer to the bridge in the summer due to traffic. He

supported the idea of a two-way street at that location. He stated that the three proposals outlined are not good for the Fire Department.

Ted Gray asked Eric if the parallel parking on Pleasant Street opposite of the diagonal parking would be eliminated. Eric stated that it would remain. Shari Donnermeyer asked what the decrease in width would be from this proposal. Eric estimated about 10 feet.

Mary Lou McElwain commented on the difficulty she has experienced in Exeter regarding diagonal parking, and cautions about the implementation.

Chairman Lown confirmed that this is the appropriate time for all issues to be presented, such as the Fire Departments concern over street width. The committee discussed the travel lane width and Eric confirmed it to be 12 feet.

The second location of diagonal parking is at Penhallow Street and Bow Street. The change would be four parallel parking spaces to eight diagonal spaces. One travel lane would be used for both left and right turns. The travel lane width is 12 feet.

The third location is Hanover Street at Bridge Street and Maplewood Avenue. The proposal is to remove the right hand lane and add two parallel parking spaces next to the curb. The left turn lane would be restriped as an all-purpose general turn lane.

Peter Rice suggested that the committee send the proposals back to Public Works for in-depth analysis, while taking into account the Fire Department's concerns.

Shari Donnermeyer motioned to have Public Works do a further evaluation of the proposals, taking the Fire Department's concerns into account, and report back to the committee. Harold Whitehouse seconded with comment that the proposals submitted are classified as information only. **Vote 7-1, to send proposal back to Public Works for an in-depth analysis and report back to the committee. James Heinz, Deputy Fire Chief, opposed.**

E. Water Country exit signing for I-95 – This in response to the Banfield Road residents' request to improve the flow of traffic. The recommendation is to install the I-95 shield signage so people have clear direction to the interstate. It improves signage for I-95 North and South.

Harold Whitehouse motioned to install improved signage. Shari Donnermeyer seconded. **Vote 8-0, to install improve signage at specified locations.**

F. No Truck signs on Banfield Road – There are conflicting ordinances regarding truck usage of Banfield Road. This proposal is to install "NO THROUGH TRUCKS" signs on Banfield Road. Install a "TRUCK ROUTE" right arrow sign on Constitution Avenue. Install "NO TRUCKS, ALL TRUCKS MUST TURN LEFT" signs on Banfield Road at Heritage Avenue. Install a "ALL TRUCKS MUST TURN RIGHT" sign on Heritage Avenue.

Ted Gray motioned to install no truck signs on Banfield Road. Shari Donnermeyer seconded. **Vote 8-0, to install no truck signs on Banfield Road.**

G. Crosswalk near Sanders Market on Marcy Street – The committee did an on-site visit last month. This is an area of high activity. The best location for the crosswalk would be at the south end of the bridge over the South Mill Pond spillway. Although this location is optimal, the requirement by the Americans with Disabilities Act of wheelchair ramps at each end of the crosswalk would make this difficult and expensive due to the bridge. Modifications to the bridge slab, railing, and sidewalk would be required. A long-term solution would be the reconstruction of the South Street and Marcy Street intersection to provide a 90 degree intersection with sidewalks and crosswalks.

Eric Eby recommends a pedestrian warning sign be installed to alert motorists of pedestrians crossing Marcy Street in the area of Sanders Market.

Harold Whitehouse motioned to approve the recommendation of installing a pedestrian warning sign. Shari Donnermeyer seconded. **Vote 8-0, to approve the installation of a pedestrian warning sign at Marcy Street crosswalk.**

Walter Hamilton, 47 Mariette Drive, asked about the pedestrian crossing on the other side of the bridge. He asked if it could be put back. Eric Eby stated there is a faded crosswalk, but there are several problems with it. It leads into a parking space and it is not wheelchair accessible. To improve the crosswalk, parking spaces must be eliminated and ramps would need to be constructed. It is not a feasible option at this time.

Kathleen Logan, 21 Blossom Street, agreed that a new crosswalk is needed in the area. She is concerned about the New Castle traffic and prefers the old crosswalk.

Peter Rice stated that the entire intersection needs to be reconfigured due to sight issues and speed. At this point, caution pedestrian crossing signage is being recommended.

Shari Donnermeyer asked about installing a stop sign. Peter Rice directed the committee to refer the matter back to Public Works for a warrant study to determine if stop signs are appropriate in this location.

Chairman Lown asked about putting bump-outs on either side of the area and if it would decrease costs and shorten length of crosswalk. Eric Eby stated he could come back to the committee with a plan showing bump-outs and how they impact the roadway and speeds.

Shari Donnermeyer motioned to have Public Works do additional analysis on bump-outs in the area. Harold Whitehouse seconded. **Vote 8-0, to have Public Works do additional analysis on bump-outs at the crosswalk area near Sanders Market on Marcy Street.**

## VII. PUBLIC COMMENT:

Andrea Amico, 820 Banfield Road, asked about the proposal to divert traffic from Water Country to West Road. Peter Rice agrees that pushing traffic from the residential area into a signalized area is optimal. However, it is not a simple solution. There is no mechanism to have Water Country change their traffic pattern. They have an approved site plan. There may be opportunities in the future and the City will be responsive when the time comes. The sign packages approved at the meeting were a short-term solution in the interim to help citizens on Banfield Road.



Walter Hamilton, 47 Mariette Drive, asked about the signs on Banfield Road. He asked if traffic could be directed to Lafayette. Eric Eby responded by saying the shortest route to I-95 is by way of Banfield Road. The agreement with Water Country is to have traffic routed through Banfield Road and avoid congestion on Route 1.

Walter Hamilton, 47 Mariette Drive, asked about the pedestrian crossing at the Wal-Mart intersection. Peter Rice responded that it is State controlled road. It is not something that will happen immediately.

Janice Henderson, 284 New Castle Ave, asked about pedestrian signage and speed enforcement. Darrin Sargent, Lieutenant, stated he would speak to Captain Warchol about the speed enforcement sign. He also suggested a device that collects speed data. Darrin Sargent, Lieutenant, will put the road on the list at the Police Department.

#### VIII. INFORMATIONAL:

- A. Status update on handicap parking time restriction in High Occupancy Meter (HOM) zone – Eric Eby stated the 3-hour time limit signs have been installed. The 15-minute signs are currently being installed. Once complete, warnings will be issued to the handicap parkers that exceed the 15-minute or 3-hour limit.
- B. Parking citation statistics - Mary Lou McElwain clarified her question from last week. She is interested in how many issued parking tickets get paid to the City. She questioned the term “voided citations”. Eric Eby stated that voided meant it was excused and/or voided. Eric Eby will investigate.
- C. Credit Card upgrades in Parking Garage – Eric Eby stated credit cards will be accepted at the parking garage in the near future. Details are being discussed with the vendor.

IX. ADJOURNMENT - At 9:33 a.m., voted to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary to the Committee

# MEMO

TO: Honorable Mayor Robert Lister  
Members of the City Council  
Councilor Brad Lown, Chair, Parking and Traffic Safety Committee  
Cristy Cardoso, Chair, Citywide Neighborhood Committee

FROM: Jack Thorsen, City Councilor

DATE: July 6<sup>th</sup>, 2015

SUBJECT: Parking Programs

---

*This memo recommends that the City Council initiate discussion to devise a set of parking programs to address parking concerns mentioned below. I add as an addendum to this memo, a list of suggested elements that might be included in such programs.*

## **The Concerns**

### **1. Fee Structure Changes:**

During the debates over the new parking garage, it became clear to me, and other councilors, that the City of Portsmouth would need new parking fee structures to support the losses that would be realized by that project until its bond was paid. Rate changes were subsequently proposed by the City Manager as a means to mitigate this cost.

We also listened to parking experts brought in by PS21, who suggested several ways the city could improve the parking situation by way of rate increases and structural changes such as longer operating hours for on-street parking and elimination of parking time limits. The key message was that parking fees should be set so that there is always no more than 85% of the parking spaces filled at any given time. They called this "utilization."

### **2. Impact on Residents:**

Raising rates to cover the cost of the new garage would negatively impact residents who depend on downtown parking, so a solution to remove that burden is needed.

### **3. Neighborhood Parking:**

Also, for some time now, we have heard from residents of neighborhoods that about the downtown area that the parking issues of the downtown are spilling over into their neighborhoods, making it difficult for them to find parking where they live.

#### **4. Workforce Parking:**

Many employees of downtown businesses need ample and affordable parking. Raising parking fees will impact this group. Also, employees who do not live in the city would be affected if restrictions were placed on parking in neighborhoods.

City Councilor Stefany Shaheen and I met with the City Manager, to discuss how to address the impact and interplay regarding the cost of the new garage, raising rates, the impact on residents and downtown employees, and the need for a set of neighborhood parking solutions. We felt we had the beginnings of a good plan, which we announced, and which was reported by the Portsmouth Herald. We discussed rate hikes and other fee structure changes, discount programs, and ideas for neighborhood parking solutions.

This memo extends that original discussion.

#### **Plan Recommendations**

Attached to this memo, please find a list of potential elements that might be included in a plan or set of plans to address the above concerns. These are just my thoughts at present, and I propose them only as a starting point for discussion.

#### **Request for action by the City Council, the Safety and Traffic Commission, the Fee Study Committee, and the Citywide Neighborhood Committee:**

I foresee that this effort will be a combined effort of the City Council (Council), the Traffic and Safety Commission (TSC), the Fee Study Committee (FSC), and the Citywide Neighborhood Committee (CNC), involving as well the individual neighborhood groups that the CNC represents, and residents directly.

I request that the Council set up a joint discussion or discussions with the TSC and CNC to put together an action plan. The TSC and CNC should be heavily involved in the impact of resident parking programs, and changes to the operation of on-street parking.

The FSC is already made up of one City Councilor, the City Manager, and a representative of the city's Finance Department, so no formal discussion is needed there until the final fee structure is reviewed and brought back to the CC.

I also foresee the need to make amendments to city ordinances to add flexibility in handling rate changes, and there may be a need to raise some issues to the state legislative level.

There are a lot of moving parts to this discussion, so I hope that we can put together a strategy that will walk us through the discussion so that we reach good results.

*As always, thank you for reading and thoughtfully considering this memo.*

*Sincerely,*

*Jack Thorsen  
City Councilor  
City of Portsmouth, New Hampshire*

ADDENDUM TO MEMO TO THE MAYOR, ET AL  
July 6<sup>th</sup>, 2015

## **PARKING PROGRAMS Suggestions for Discussion**

### **General Parking Program – Parking Fees and Operational Changes**

We learned from experts recently that the optimum utilization of a parking area, which could be as small as one side of a city block, is when there is always no more than 85% of the spaces filled at any given time, even when there is no time limit.

Optimizing utilization, which guarantees that a driver can always find a parking spot, should not be confused with optimizing revenue.

Pricing is the main activator to achieve a proper utilization rate. If the utilization is greater than 85%, then the price should be increased. If the utilization is less than 85%, then the price should decrease.

The measurement of utilization should be made at various days of the week and times of the day, and the price could be different depending on time of day. As an example, the price at 6pm on a Friday night might be higher than the price for that same spot at 6am that very morning.

Pricing policy should be analyzed for 24 hour a day operation. As an example, if utilization is greater than 85% at 3am, then the price should go up. If it is lower, then the price could drop. Free parking can occur, but only when utilization would still be less than 85%.

Removing the time limit would increase on-street demand, resulting in further price increases, but would improve the visitor's experience.

Special high volume events that substantially increase parking demand could trigger parking premiums.

On-street parking rates are governed by city ordinances and based on state enabling statutes. Rather than set pricing in the ordinance, the ordinance should allow for price adjustments based on a formula that takes in the utilization data, or similar language. If state statutes need to change to allow this to happen, then state legislators should be asked to make those changes.

I fully expect that fees could double or triple in the core downtown areas at certain times of the day or week. There would always be, however, spaces available for those that need them.

Areas outside the downtown should be included in the utilization analysis. In all likelihood, however, utilization would be less than 85% in most areas of the city outside the downtown.

Analysis should begin immediately and not wait for the new garage to open. The reason for this is 1) the need to get ahead of the cost of the new garage as much as we can, and 2) the rationale for going to a utilization model exists now. There is no reason to delay.

### **Recommendations:**

1. Raise parking fees until 85% utilization is achieved.
2. The first fee change should be substantial.
3. Remove time limits on parking.
4. 24 hour per day utilization analysis.
5. Time of day utilization analysis that allows for setting different pricing on different days of the week and at different times of day.
6. Utilization analysis should be on small parking areas that share very similar behavior.
7. Change parking fee ordinances (on-street parking) to allow for a flexible pricing formula developed by the Fee Study Committee and based on quarterly utilization data.
8. Make parking fee adjustments on a quarterly basis after analysis of the previous quarter's utilization data. If not too burdensome, the fee adjustment frequency could increase to once per month.
9. Develop the systems to support parking analysis and reporting.
10. Include the whole city in the utilization analysis.
11. Discounts for residents and the local workforce as explained below.
12. Begin price adjustments based on utilization now rather than later.

### **Resident Discount Parking Program**

When the proposal to raise parking fees to mitigate the impact of the cost of the new garage on residents was first discussed, I realized that residents would end up paying for the garage anyway, through those increased rates. This led to the idea that residents should receive parking rate discounts which are at least equal to those increases.

If fees double, then the resident discount should be 50%.

Technology already exists for residents to receive discounts, if they would use the automated "Easy Park" parking devices available from the city for on-street parking. A qualified resident would be able to purchase time at a discount. This technology may or may not be adequate for tracking the right fee when the resident parks

during a transition from one rate to another, as could happen when he or she parks in the afternoon at one rate and leaves in the late evening at a different rate.

For parking garages, simply showing a resident drivers license to the parking attendant should suffice, but this is cumbersome. Instead, residents should be given Recycling Center stickers when they register their cars. Another method would be needed if the resident parks in a garage with no parking attendant. Payment cards could be sold at a discount by the city for this purpose. Parking pass cards could be used for this purpose, but rather than be a pass for a month, it would keep track of charges.

Discounts would also apply for residents using parking passes.

Car stickers would also work well for areas that are for residents only, or where resident parking is free.

Abuse is possible, such as when a resident gives his card or devise to a non-resident. Appropriate fines or penalties should be laid in cases of abuse.

### **Recommendations:**

1. Give residents a discount on all parking fees equal to the increases instituted.
2. Promote the use of "Easy Park" devices, which are prepaid at a discount.
3. Discount payment cards for use with automated garage egress.
4. Issue Recycling Center stickers to residents when they register their cars.
5. Review all automated payment system programming to allow for the above.
6. Fine or penalty system for program abuse.

### **Workforce Parking Program**

Employees of companies located in the downtown area are also affected by parking fee increases. Resident employees will take advantage of the Resident Discount Parking Program. We may decide that non-resident employees should also receive some similar mechanism for discounted parking.

It is not necessary that the non-resident employee get the same discount that a resident receives. Part of the reason for sharp discounts for residents is that residents are paying for the new garage and other infrastructure. In a sense, non-resident employees already get a discount in that they don't pay city taxes, nor rent from landlords who do.

Non-resident employees would need a means of qualifying for the discount. This might take the form of employer validation, but could be easily abused. So, the initiator should be the business, rather than the employee, with fines for abuse levied to the business.

In addition, the employer of the qualified employee should report the vehicle license number to an online system set up for this purpose. There are other system related questions that should be addressed.

Non-resident employees will be affected by parking restrictions that are implemented in nearby neighborhoods. This will drive the employees back into parking fee areas. For this reason, the city should consider specific employee parking areas, possibly free if remote.

**Recommendations:**

1. A discount parking mechanism for non-resident employees of downtown businesses, similar to the Resident Discount Parking Program.
2. A mechanism for qualifying a non-resident as eligible for the program, based on employer reporting.
3. Employee designated parking areas or lots, if feasible.
4. Fine or penalty system for program abuse.

**Neighborhood Parking Program**

Many residents of neighborhoods abutting the downtown have come forward with concerns about people parking in their neighborhoods to avoid having to pay for parking. Many of these residents do not have parking space on their property and rely on street parking for their parking needs. So, when the spaces near their homes are filled, they have nowhere to park. For this reason, we need to consider how to protect the residential street parking areas.

Solutions can take several forms, depending on the needs of the neighborhood. Each neighborhood group, as part of the Citywide Neighborhood Committee, should discuss a set of options provided by the city and decide for themselves which solution or set of solutions best meet their needs. I am confident that residents can design a solution that works for them.

Although most of the concern is over neighborhoods that abut the downtown, there is no reason that any neighborhood group could not consider these options for their own neighborhood. They would know best, I think. So, I would like to see an invitation for discussion opened up to all of Portsmouth and coordinated by the Citywide Neighborhood Committee.

In many neighborhoods, there is no reason for metered parking. But a neighborhood might want to consider it if some portion of the revenue is allowed to be used for neighborhood transportation projects that are not in the Master Plan or the Capital Improvement Plan.



Existing parking lots are covered in the General Parking Program. A neighborhood could, however, ask to treat a lot as neighborhood parking, and design a specific parking program for it. An example might be the Parrott Avenue lot, which is currently free and over-utilized. Under the General Parking Program, metering might be placed there if utilization is over 85%. Under a Neighborhood Parking Program, the neighborhood might design a different approach to meet their needs.

Some lots, like the Parrott Avenue lot, may have a wider use than just supporting the neighborhood. In that case, a combination of neighborhood feedback, as well as feedback from others who use the lot would be appropriate.

**Suggested Options (may be combined or mapped out on a space by space basis):**

**1. Open Parking**

Anyone can park with no time limit or extended time limit. This is the default case.

**2. Resident Only Parking**

Parking would require a sticker such as one used in the Resident Discount Parking Program. Non-residents would be fined and towed.

**3. Metered Parking where residents park for free**

Parking prices would be adjusted so that utilization is at 85%.

Non-residents would be allowed to park and pay the parking fee. Residents with stickers would park for free.

**4. Metered Parking**

Parking prices would be adjusted so that utilization is at 85%. Residents would park at a discount according to the Resident Discount Parking Program.

**5. Visitor Placards**

Residents could be given a placard that their visitors can use in areas that are using options #1-3. Placards should have addresses on them, or a serial number, so that they are only used in the local area nearby the resident.

**6. Captured Parking Revenue**

A neighborhood could put in metered parking under #2 and #3 above with the incentive that a substantial part of the parking revenue, less the cost of enforcement, would be available to the neighborhood. Revenue could be used for transportation infrastructure projects in their neighborhoods, such as for better roads and walkways that might be beyond the standard offered by the city or not in the city plans. Neighborhoods would have increased autonomy to decide what level of infrastructure they want or need if they chose to put metered parking in an area that currently does not have metering. (Metering can take many forms, not just the single meter devices.)

This option does not replace the need to continue to provide basic planned infrastructure maintenance and improvements.

## **7. Neighborhood Parking Lots**

Some neighborhoods have parking lots, either municipal or private. In some cases, it may make sense to involve the neighborhood in decisions regarding whether to meter those lots, or otherwise place restrictions on them.

### **Recommendations:**

1. Develop a set of parking options that neighborhoods can use to design parking solutions.
2. Create revenue sharing incentives.
3. Make a survey of parking lots to determine if neighborhood parking options could apply.
4. Solicit neighborhood engagement to design parking solutions.
5. Open up the discussion to all neighborhoods.

### **Parking Pass Program**

In a sense, the current parking passes used in the garage are no more than a discount card that might be issued under the Resident Discount Parking Program or the Employee Parking Program, except that a parking pass holder has priority over others. So, the parking passes should not cost less than in those other programs. In fact, a premium should be charged for the priority parking privilege.

At the moment, parking passes are issued for the High-Hanover garage, but will soon be available at the new Deer Street garage. The quantity and pricing would be different and an incentive should be created so that people choose the latter garage. But that would mean a pass holder could only park in one garage.

Rather than continue to issue cards on a flat fee per month, a combination of a lower flat fee and a variable fee based on where the vehicle is parked may make sense. But, this starts to look like any discount parking card, so it could be that all cards

become the same system, but with different payment agreements. Priority would be a chargeable element of the agreement, if desired.

Parking passes may have a steep discount already, or not, depending on how many hours are actually used in a month. Analysis might give us an idea on how to set the price.

Demand for parking passes is reflected by the level of backlog. Pricing should be set such that there is no backlog and passes are readily available. But, pricing alone is not enough. We may need to consider if a maximum number of parking passes should be allowed.

### **Parking Agreement Options:**

1. One flat fee per month.
2. A base fee and an hourly charge.
3. A premium charge for parking priority.
4. 24 hour vs. daytime vs. evening passes.
5. Participation in residential and employee discount programs.

### **Recommendations:**

1. Evaluate the actual value of parking passes based on usage.
2. Evaluate the value of priority parking privileges.
3. Combine all discount programs with the Parking Pass Program into a single mechanism for pre-paid parking.
4. Offer several pricing options.
5. Reduce backlog by raising prices.
6. Determine if a maximum number of priority parking passes is needed.

## MEMO

TO: Honorable Mayor Robert Lister  
Members of the City Council  
Chairman Peter Bresciano, Taxi Commission

FROM: Jack Thorsen, City Councilor

DATE: June 21<sup>st</sup>, 2015

SUBJECT: Transportation Ordinance

---

*In this memo, I raise the question of how to classify ride-sharing services vis a vis taxi and limousine services, for purposes of regulation.*

At our June 15<sup>th</sup> City Council meeting, one of the speakers during public comment brought up the point that he has seen Uber drivers hailing fares and otherwise trolling the streets of Portsmouth looking for riders. If that is true, then clearly this is activity restricted to taxis, making the Uber driver no different than a taxi service, and should be treated as such.

But, this begs the question. If it takes a ride-share service to act outside its normal behavior to become like a taxi, then does that mean that if it acts inside its normal behavior it can also NOT act like a taxi? Could it be that a ride-share service could just as easily act like a limousine service? How should we distinguish the three?

To answer that question, I found myself referring back to my memo to the Council on the subject (attached), dated March 30<sup>th</sup>, 2015, where I outlined the problem showing that ill-formed definitions were causing difficulties in identifying what exactly a ride-share service was.

Following that memo, the transportation ordinance was changed so that there was no distinction between taxi and limousine services, and thus no need to distinguish ride-share. Instinctually, however, everyone knew it was not correct to put limousine services under taxi regulations. The amendment was adjusted to exclude limousines.

But why? On what basis were limousines excluded? Limousines are excluded because they are... limousines? What does that mean? We fell back to nearly the original inadequate definitions, and are left with the same problem that they still don't give us a clear way to determine the nature of ride-sharing services.

So, I thought a chart might be helpful. The following lists the characteristics of each transportation service, for comparison.

<b>OPERATIONAL</b>	<b>TAXI</b>	<b>RIDE-SHARE</b>	<b>LIMOUSINE</b>
Uses taxi stands	Yes	No	No
Hails fares in public	Yes	No	No
Made by prior appointment	No*	Yes	Yes
Rider pays the driver	Yes	No	No
Driver accepts cash (excl. tips)	Yes	No	No
Rider identification	No	Yes	Yes
Luxury/specialty vehicle	Not a differentiating factor		
To a discrete event	Not a differentiating factor		
To and from the city	Not a differentiating factor		
<b>Regulated by the city</b>	<b>Yes</b>	<b>??</b>	<b>No</b>

\* Typically

If the above chart were any indication, a typical ride-share service would appear to be more like a limousine service than a taxi service.

As already mentioned, however, if a ride-share driver acts like a taxi by hailing fares on the street, wishes to use the taxi stands, takes cash from anonymous riders, etc., then his operation would start to look like a taxi service, and that ride-share service should be regulated by the city as a taxi.

Bottom line is that it's not what the service is called that is important; it's how it operates. Frankly, if one were a ride-share driver, one could very well call his operation a limousine service. Who can show it's not?

So, I go back to my original March memo suggestion. The only proper way to distinguish between taxis and non-taxis is to determine whether or not the operation acts like a taxi, by doing things only taxis do. The definitions should be based on hailing, taxi stands, public interaction, and nature of payment; not on inconsequential factors like whether the car is a few feet longer or heading to a wedding.

**Please consider exempting ride-share operations on equal footing with limousines, and restricting them from behaving like taxis – unless a driver elects to operate as a taxi and is willing to adhere to city regulations.**

*As always, thank you for reading and thoughtfully considering this memo.*

*Sincerely,*

*Jack Thorsen  
City Councilor  
City of Portsmouth, New Hampshire*

ADDENDUM TO MEMO TO THE MAYOR, ET AL  
June 23<sup>rd</sup>, 2015

**COPY OF PREVIOUSLY PUBLISHED MEMO:**

**MEMO**

TO: Honorable Mayor Robert Lister & Members of the City Council

FROM: Jack Thorsen, Councilor

DATE: March 30, 2015

SUBJECT: Transportation Services Ordinance Policy Analysis

---

*The following Transportation Services Ordinance Policy Analysis is offered to you for your consideration.*

**The Taxi Commission was right.**

The Taxi Commission was right to recognize the need for sweeping changes in the city's transportation ordinance to align them with today's reality. I applaud the Taxi Commission for taking this bold step, especially with regard to eliminating the medallion system, removing fare regulation, and restructuring the commission into a new form.

I believe, however, that the proposed ordinance change went too far by folding limousine services into the regulatory structure for taxis. Nevertheless, I agree with many of the reasons to simplify the ordinance, its definitions, and its regulatory requirements.

**Basic definitions.**

Current city ordinances (Section 7.201) define taxis in very general terms, and then specifically exempt limousine services that fit a narrower definition, as follows:

A taxi service is:

- 1) Any motor vehicle used for the transportation of passengers for hire; and
- 2) The destination and route of which are under the direction and control of the passenger.

A limousine service is a taxi service that is:

- 1) Made by prior appointment;

- 2) And either
  - a) Provides a designated luxury or specialty vehicle for a discrete function; or
  - b) Whose operator is limited to the transport of passengers from locations within the City of Portsmouth to destinations located outside of the City or the reverse.

### **How limousine services are different.**

The differentiating elements in the current definition of a limousine service are:

- 1) Whether the service is providing a luxury or specialty vehicle for a discrete function;
- 2) Whether the service originates or terminates outside the city;
- 3) Whether a service is made by prior appointment.

It is my opinion that the first element (vehicle type and purpose of trip) doesn't help us determine whether a service should be regulated. I believe that this distinction arose from an effort to make accommodations to limousine services, which do not need to be regulated the same way as taxis services hailed on the street, while protecting taxis; it was a carving up of the marketplace, based on historical considerations. This element should be eliminated, as it is merely a marketplace contrivance.

The next element (origin/destination) has a complexity that makes uniform regulation unfeasible. That is, rides that originate or terminate outside of the city often involve companies that do not exclusively operate in the city. It seems to me impractical to try to regulate all transport companies in New England, just because some trip locations might include the city. Further, it would be unfair to put a greater burden on local companies than those the city is not able to regulate. So, this element alone argues that we cannot have a uniform definition for transportation services. We are left with the need to make a distinction and continue an exemption. Nevertheless, this element does not help us determine the need for regulation, so it is also inconsequential for classification purposes.

That leaves us with the final and only possible distinguishing element that has a bearing on public safety, and that is whether a service is made by prior appointment, or whether it makes direct public contact. For purposes of this discussion, direct public contact means soliciting fares on the street as opposed to obtaining fares by prior appointment.

(There are other policy considerations, such as whether there is a robust and verifiable process for vetting drivers, the level of autonomy and checks and balances in the record generation process, liability insurance, inspection of vehicles, and other business practices that are very important, but which are not useful in making distinctions in the classification of services.)

**Recommendation #1: Transportation services that make no direct public contact do not need to be regulated by the city.**

This is already proven by the fact that limousine services have operated in the city for many years without concern.

Limousine services acquire fares through advertising and word of mouth. They rely on customers to contact them. The contact is essentially a private interaction, away from the public eye. Other than having no direct public contact, they are otherwise allowed to operate within the city and between the city and other cities, just like taxis.

By contrast, a taxi may pick up a fare without appointment, usually by the rider hailing the taxi, or at taxi stands. There are safety factors that arise from public operation and direct public contact, including but not limited to sudden stopping in traffic to do a pickup or drop off, anonymous interaction with riders, street level competition between taxis, and a higher potential for unrecorded transactions and service details. Taxis operate in the public square much like street vendors, buskers, or political rallies. Permits are reasonable.

**Recommendation #2: Transportation services made by appointment are better regulated at the state level.**

Limousine services, to the degree they are regulated, are already regulated by the state. It is my opinion that the state is the proper jurisdiction for regulating any transportation service made by prior appointment. If we believe that a transportation service made by prior appointment is not adequately regulated, then our job would be to point that out to our state delegation, legislatures, or the Governor's office for action.

**Recommendation #3: Ride sharing services are made by prior appointment and should be classified alongside limousine services.**

Ride sharing services (e.g. Uber and Lyft) are transportation services made by prior appointment, through an Internet service, and do not make direct public contact, so it is my opinion that they do not need to be regulated by the city. In this regard, they resemble a limousine service more than they do a taxi service.

The many concerns raised about these services suggest, however, that it may be prudent for the city to take action by notifying the state of these concerns, so that the state can determine if regulation is needed.

**Recommendation #4: The proposed ordinance should be sent back for modification.**

The following modifications should be considered:



- 1) A transportation service that is made by prior appointment should not be regulated by the city. The limousine service exemption should be reinstated in the new ordinance as an exemption for all services made by prior appointment.
- 2) The vehicle type, function type, and location elements in the definition of exempt services should be removed, as these are distinctions without substance.
- 3) Medallions should be eliminated, as the new ordinance sets forth; taxis only need a permit to make direct public contact within the city.
- 4) Taxi stands should be made available only to taxis that are permitted to make direct public contact.
- 5) Any public safety concern regarding transportation services made by prior appointment should be sent to the state for review and action.

*Thank you for reading and considering this analysis. I hope that it is useful to you in your evaluation of the new transportation ordinance before us.*

*Sincerely and respectfully,*

*Jack Thorsen  
City Councilor  
City of Portsmouth, New Hampshire*

# MEMO

TO: Honorable Mayor Robert Lister  
Members of the City Council

FROM: Jack Thorsen, City Councilor

DATE: July 8<sup>th</sup>, 2015

SUBJECT: Electronic Communications

---

*In this memo, I recommend that the City Council discuss or hold a work session to discuss the impact of changing electronic communication technology and social media on city policy and City Council rules. Specifically, what types and manners of public meeting communication are allowed by state and city regulations, and what restrictions on City Councilors' communications might be appropriate.*

## **Background**

I develop software technology for the Internet as a profession. In a few weeks I am introducing a real-time public feedback platform that allows residents to communicate to board members during participating public meetings, and with each other, in a manner that is public, transparent, and where the communication can be made public record. The platform also operates as a public-only social media tool for use during non-participating public meetings.

In the course of researching the legal constraints that would apply to using the new platform, or any technology that enhances public feedback during a public meeting, I had a discussion with the City Attorney to show him the platform and ask what legal parameters might apply to the platform so as to say within the law. We realized quickly that we, as a city government, needed to answer a set of much broader questions regarding electronic communication in public meetings, of which those raised by the proposed platform are but a small subset.

## **Electronic Communication**

Generally speaking, all communication during open public meetings must be made public at the time they are communicated, and recorded in the official minutes, or by other means. Governing regulations are in place on state and local levels. But, are all manner of communication considered public communication that should adhere to regulations?

Let me give a few examples.

1. My wife texts me during a City Council meeting to ask if we are going past midnight, again. I answer, "Who knows." Clearly, this is a private communication with no bearing on the deliberations at-hand, and so is likely not illegal. It could, however, be restricted if the body that is meeting has a rule against texting while in session.
2. City Councilor A sends a text to City Councilor B saying, "Vote no," or "Bring up that motion we discussed earlier." Just as clearly, this communication is likely illegal.
3. Someone in the public sends a text to a City Councilor saying, "Vote no." Now we are getting into a grey area. Restrictions cannot apply to a non-official's behavior, and the official hasn't participated if the official doesn't see the communication, or if he doesn't respond and if there is no effect on the official's decision-making.
4. The City Councilor answers the person in #3 above via texting. Probably not advisable, but is it illegal?
5. The City Councilor engages in a back and forth text dialog with someone in the public, or has handlers in the public feeding the Councilor information or giving the Councilor direction on how to vote, which influences the Councilor's vote. This is probably illegal.
6. A City Councilor has his computer open and is using it in a manner unrelated to the meeting. Maybe a grey area, but probably not illegal, in my opinion.
7. A City Councilor looks up some information on his computer for discussion in the meeting. If the information is cited, then it is probably acceptable. If not cited, then the public does not see what is leading the Councilor to bring that information forward. The latter might be a grey area.
8. A City Councilor posts tweets or other social media comments during the meeting. Grey area, or just subject to the rules of the body?
9. The City Councilor tweets during a meeting and gets feedback from a person that influences the Councilor's voting decision. Probably illegal.

I could go on. My suppositions on the legality of each example are just my opinions.

Note that any of the above grey areas or outright illegal communications might be made legal by immediate disclosure and the ability to record the communication openly and for the record. We don't have rules and mechanisms for doing this.

### **Request for discussion or a work session on electronic communication**

I request a City Council discussion on the matter of electronic communication during public meetings for the following purposes:

1. To inform the City Council regarding the legal aspects of communications during public meetings.
2. To discuss whether the City Council rules be amended to cover communications, electronic or otherwise.

3. To discuss whether and to what degree city departments, boards, commissions, or committees should adhere to or implement new rules or regulations that cover electronic communications.
4. What transparency and recordation mechanisms might we put in place that would make an otherwise illegal communication legal.

*Thank you for your kind consideration in this matter.*

*Sincerely,*

*Jack Thorsen  
City Councilor  
City of Portsmouth, New Hampshire*