

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 3, 2015 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION RE: NORTH END CHARACTER-BASED ZONING

I. CALL TO ORDER (6:00 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – JUNE 29, 2015 AND JULY 13, 2015

MAYOR'S AWARD

1. Reverend Dawn Shippee

PRESENTATION

1. Wastewater Treatment Facility Cost Saving Options – Terry Desmarais, City Engineer

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 11, ARTICLE II, SECTION 11.216:B – SEWER USER CHARGES/RECORDS/HOOK-UP BY THE ELIMINATION OF IRRIGATION METERS

- B. 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 TWENTY-FIVE CENTERS (\$1.25) PER HOUR AND EASYPARK RESIDENT DISCOUNT

- C. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE BY THE ADDITIOIN OF CHARACTER-BASED ZONING NORTH END AS FOLLOWS:

- (1) DELETE THE EXISTING ARTICLE 5A – CHARACTER DISTRICTS IN ITS ENTIRETY AND INSERT IN ITS PLACE THE NEW ARTICLE 5A – CHARACTER DISTRICTS DATED “DRAFT – 4/15/2015”;
- (2) AMEND ARTICLES 4, 5, 11, 12 & 15 OF THE ZONING ORDINANCE AS SET FORTH IN THE DOCUMENT TITLED “CONFORMING AMENDMENTS TO ZONING ORDINANCE” (DRAFT 4/14/2015); AND

- (3) AMEND THE ZONING MAP AS SET FORTH IN THE FOLLOWING MAPS CONSIDERED BY THE COUNCIL AT ITS MEETING ON APRIL 20, 2015:
- A. MAP 10.5A21A – CHARACTER DISTRICTS AND CIVIC DISTRICTS;
 - B. MAP 10.5A21B – BUILDING HEIGHT STANDARDS;
 - C. MAP 10.5A21C – SPECIAL REQUIREMENTS FOR FAÇADE TYPES, FRONT LOT LINE BUILDING & USES

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Liberty Mutual Insurance - \$2,000.00 (***Sample motion – move to accept donation from Liberty Mutual Insurance, and further, that the funds be put towards cost associated with improvements needed in the City’s cemeteries***)

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” (***Tabled at the July 20, 2015 City Council meeting***) (***Sample motion – move remove the ordinance from the table***)
- B. First reading of 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
- C. First reading of 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)
- D. First reading of 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)
- E. First reading of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements
- F. First reading of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades
- G. Second reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

- H. Second 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
- I. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End as follows:
- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated “DRAFT – 4/15/2015”;
 - (2) Amendment Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” (Draft 4/14/2015); and
 - (3) Amend the Zoning Map as set forth in the following maps considered by the Council at its meeting on April 20, 2015:
 - a. Map 10.5A21A – Character Districts and Civic Districts;
 - b. Map 10.5A21B – Building Height Standards;
 - c. Map 10.5A21C – special Requirements for Façade Types, Front Lot Line Building & Uses
- J. Third and final reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (*New Proposed Amended Language*)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donation to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00
- (Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Police Department Donations:
- Acceptance of Donations from David “Lou” Ferland to the Police Explorer Cadet Post from the purchase of his book, “Historic Crimes & Justice”
 - a.) Megan McNutt - \$20.00
 - b.) Laurie Anderson - \$40.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)***
- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2016 – Thursday, December 31, 2015
 - Children’s Day, Sunday 1, 2016

- 39th Annual Market Square Day Festival & 10k Road Race – Saturday, June 11, 2016
- 14th Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. on June 25, 2016; July 2, 2016; July 9, 2016; July 16, 2016; July 23, 2016 and July 30, 2016
(Anticipated action – move to refer to the City Manager with power)

- D. Letter from Ralph DiBernardo, Sr., regarding the Transportation Services Ordinance and Uber’s background checks and insurance requirements **(Anticipated action – move to accept and place the letter on file)**
- E. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold a 5k Road Race on September 12, 2015 at 9:00 a.m. at the Pease Tradeport for Families First **(Anticipated action – move to refer to the City Manager with power)**

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Brian Buchner, NACOLE, regarding Civilian Oversight of Law Enforcement
- B. Letter from Arthur Clough requesting an independent investigation into the circumstances and propriety of the payment of severance to former Deputy Chief Corey MacDonald
- C. Letter from Peter G. Weeks, PGW Real Estate Consulting, request from 955 Sagamore Realty Trust property owners seeking that 22,500 square feet of the lot be rezoned to SRB **(Sample motion – move to refer to the Planning Board for report back to the City Council)**

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) (Tabled from the July 20, 2015 City Council meeting)**

- 1.2 First reading of 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 (**Action on this matter should take place under Section IX of the Agenda**)
- 1.3 First reading of 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) (**Action on this matter should take place under Section IX of the Agenda**)
- 1.4 First reading of 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) (**Action on this matter should take place under Section IX of the Agenda**)
- 1.5 First reading of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements (**Action on this matter should take place under Section IX of the Agenda**)
- 1.6 First reading of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
 - 2.1 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**)
 - 2.2 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**)
 - 2.3 First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning – North End (**Action on this matter should take place under Section IX of the Agenda**)
3. Third and Final Reading of Proposed Ordinance:
 - 3.1 Third and Final 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**)

City Manager's Items Which Require Action:

1. Request from the School Board for Approval of the Tentative Agreement between the Portsmouth School Board and School Clericals
2. Acceptance of Reclassification of US Route 1/Lafayette Road
3. Prescott Part Arts Festival Re: Proposed Relocation of Stage
4. Request for Ratification of Gundalow Company Agreement

Informational items

1. Events Listing
2. Report Back Re: Historic Cemeteries Update
3. Report Back Re: Athletic Fields

B. MAYOR LISTER

1. Appointments to be Considered:
 - Kathleen Bergeron to the Citywide Neighborhood Steering Committee
2. Appointments to be Voted:
 - Marie Kelleher to the Citywide Neighborhood Steering 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
3. City Manager's Evaluation
 - Councilor Spear, Chair
 - Councilor Lown
 - Councilor Thorsen
 - Councilor Dwyer
4. Resignation of Gerald Howe, Police Commissioner

C. ASSISTANT MAYOR SPLAINE

1. *Proposal for An Elected Charter Commission

D. COUNCILOR KENNEDY

1. *Charter Commission
2. *Supporting Small Business in Portsmouth

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 9, 2015 meeting (***Sample motion – move to approve and accept the minutes of the July 9, 2015 Parking & Traffic Safety Committee meeting***)

F. COUNCILOR SPEAR

1. Peirce Island Non-Resident Fee Reconsideration

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 May 19, 2015 and June 16, 2015 meetings of the Board of Adjustment are now available on the City's website
2. *Notification that the minutes of the June 10, 2015 meeting of the Conservation Commission are now available on the City's website
3. *Notification that the minutes of the June 17, 2015 meeting of the Historic District Commission are now available on the City's website
4. *Notification that the minutes of the June 18, 2015 and June 25, 2015 meetings of the Planning Board are now available on the City's website
5. *Notification that the minutes of the June 30, 2015 meeting of the Site Review Technical Advisory Committee 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.

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: July 22, 2015
RE: City Council Referral – North End Character-Based Zoning
Planning Board Report and Recommended Revisions

Background

In April 2014 the City Council voted to adopt a new set of “form-based zoning” provisions, which are referred to in Portsmouth as “character-based zoning.” This was done by inserting a new Article 5A titled “Character Districts” in the Ordinance, and by rezoning the core of the Central Business District from the existing districts (CBB, CBA and MRO) to three new Character Districts (CD5, CD4 and CD4-L), along with overlays regulating building height, façade types, and special use regulations.

In May 2014, the Council voted to direct staff to expand the character-based zoning approach to the North End and the Islington Street Corridor (i.e., the West End). To implement this project, the Planning Department once again contracted with Town Planning and Urban Design Collaborative (TPUDC), the consulting firm that assisted in drafting regulations for the original Character Districts.

As the first step in this process, the Planning Department held a community design charrette for the North End in November 2014, similar to the first charrette that took place in June 2013. Over the course of four days, the TPUDC team held a series of meetings and discussions in which residents and business owners helped create a Vision Plan for the North End. The Vision Plan was published on the Planning Department website (<http://planportsmouth.com>) and Facebook page (<https://www.facebook.com/planportsmouth>) and was made available for review over a period of approximately six weeks. In mid-January the Planning Department published a revised Vision Plan, incorporating comments submitted by residents during this review period.

Following the charrette, the Planning Department staff worked with TPUDC to extend the existing Character-Based Zoning to the North End, based on the results of the charrette and the Vision Plan. This has included defining a fourth Character District (CD4-L2), and establishing incentives for developers to provide additional open space and/or workforce housing units.

At the same time, staff undertook a thorough review of the ordinance adopted in April 2014 and drafted proposed amendments to the ordinance to address identified substantive and procedural issues. Many of these issues resulted from the way in which TPUDC’s regulatory model was overlaid on top of the City’s established structure of zoning, site plan review and subdivision review. The proposed amendments are intended to eliminate redundancies and

conflicts, and to better integrate the development review process in the Character Districts into the City's underlying regulatory framework. These changes include:

- Eliminating the requirement for an additional land use application, referred to as a "development plan" in the existing zoning.
- Eliminating the associated "development plan" requirements and review procedure, and adding requirements to the site plan application to ensure zoning compliance.
- Streamlining the "definition" section in Article 5A by removing repetition and conflicts with Article 15.
- Making the terminology in Article 5A consistent with the rest of the Zoning Ordinance. For example, using the term "yard" in Article 5A rather than "setback" when appropriate.
- Redefining terminology for clarity and consistency. For example, "civic space" is now "community space" to avoid confusion with "civic districts"

The proposed zoning amendments submitted to the City Council in April 2015, and referred to the Planning Board, consist of 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".

Zoning Districts

The proposed changes extend Character-Based Zoning north of Deer Street, and further west down Hanover Street. In this latest revision, a new Character District has been added, CD4-L2. The dimensional standards are the same as CD4-L (now called CD4-L1), but limited retail and restaurant uses are allowed in CD4-L2. The core of the North End, defined by Deer Street, Maplewood Avenue, Raynes Avenue and Market Street, is all CD5, the district with the greatest allowed density and allowing the widest range of uses. There is a section of CD4 closer to North Mill Pond, and CD4-L1 on the south side of Maplewood Avenue, between the cemeteries and the Pond. Across the bridge, a mix of CD4-L1 and CD4-L2 surrounds the Maplewood/Dennett intersection.

Building Heights

The Building Height Standards Map designates the greatest allowable height in the interior of the North End, with 5 stories or 65' allowed at the corner of Vaughan Street and Green Street, tapering down to 2 stories or 35' along North Mill Pond.

The Building Height Standards Map also includes a new "Density Bonus Area" where increased height would be allowed in exchange for the provision of workforce housing or community space, pursuant to Section 10.5A43.32 in the proposed Ordinance. This area includes the area bounded by Deer Street, Russell Street, North Mill Pond and Maplewood Avenue, as well as the property at the corner of Deer Street and Bridge Street that contains the site of the proposed Deer Street parking garage.

Review Process and Revisions Since April

At its meeting on April 20, 2015, the City Council voted to schedule first reading on the proposed Zoning Map and Zoning Ordinance amendments for its meeting on June 1, 2015, and to refer the proposed amendments to the Planning Board for recommendations.

On May 5, 2015, the Planning Board held an information session about the proposed amendments in the City Hall Council Chambers.

The Planning Board initially considered the proposed Zoning Ordinance and Map amendments at its meeting on May 21, 2015. The Board then held a public hearing on the proposed amendments at its meeting on June 18, 2015. At the June meeting, the Planning Department presented a set of recommended revisions to the ordinance, based on input received at the May 5 public information session and the May 21 Planning Board meeting, and on communications from members of the public. Additional revisions were needed to address the public-private development project currently being planned on and around the Gary's Beverage parcel at the corner of Deer and Bridge Streets.

The proposed revisions to the draft zoning amendments that had been referred by the City Council to the Planning Board were transmitted to the Board on July 9, 2015, and were posted on the Planning Department website (planportsmouth.com) on the same day.

Proposed Ordinances and Recommended Revisions

At its meeting on July 16, 2015, the Planning Board voted to recommend that the City Council amend the Zoning Ordinance and the Zoning Map as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated “DRAFT – 4/15/2015”, included in the packet for the June and July Planning Board meetings, together with amendments #1-23 as listed in the document titled “Article 5A – Character-Based Zoning: Proposed Revisions to 4/15/15 Draft.”
- (2) Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” (Draft 4/14/15), as further amended by the “Proposed Revisions (7/16/15) in items #1-6 in the document titled “Character-Based Zoning – Conforming Amendments: Proposed Revisions to 4/14/15 Draft,”
- (3) Amend the Zoning Map as set forth in the following maps included in the packets for the June and July Planning Board meetings:
 - (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards (as further amended by the revised Map 10.5A21B presented at the July meeting);
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Building & Uses.

The revisions recommended by the Planning Board are listed in tabular form in the documents titled “Article 5A – Character-Based Zoning Proposed Revisions for City Council Second

Reading” and “Character-Based Zoning – Conforming Amendments Proposed Revisions for City Council Second Reading” date 7/28/15, which are attached to this memorandum. In addition, the final recommended texts of the proposed revision to Article 5A, the final recommended maps and the proposed “conforming amendments” are also attached.

If the City Council concurs, it would be appropriate to vote to amend the ordinance passed at first reading on July 20, 2015 by adopting the amendments proposed by the Planning Board at the meeting of July 16, 2015 and then vote to pass second reading of the amended ordinance and schedule third reading.

Article 5A – Character-Based Zoning
Proposed Revisions for City Council Second Reading

| # | Section # | Proposed Ordinance Referred by the City Council to the Planning Board on 4/20/15 and Passed by the City Council at First Reading on 7/20/15 | Amendments to the Proposed Ordinance as Recommended by the Planning Board on 7/16/15, for Second Reading by the City Council on 8/3/15 | Comments |
|---|---|---|--|--|
| 1 | 10.5A21.10 Map 10.5A21B Building Height Standards | <ol style="list-style-type: none"> 1. "Density Bonus Area" shown on map 2. Increased Building Height Area Setback from the North Mill Pond = 0 feet 3. Maximum Building height for 5 Stories = 65 feet 4. Applicability of multiple Building Height Standards for one lot: 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. | <ol style="list-style-type: none"> 1. Change label to "Increased Building Height Area" 2. Increased Building Height Area Setback from the North Mill Pond = 100 feet 3. Maximum Building height for 5 Stories = 60 feet 4. Applicability of multiple Building Height Standards for one lot: When a lot is assigned to more than one Building Height Standard refer to the requirements listed in Section 10.5A21.22. 5. Add footnote under Height Requirement Area "Penthouse Levels may exceed the maximum building height by 2 feet." | <ol style="list-style-type: none"> 1. Revised to maintain consistency in terminology. 2. Revised to maintain consistency with the Vision Plan. 3. Revised to maintain consistency with the Vision Plan. 4. Revised to clarify how to apply different building height standards for parcels located along the North Mill Pond. 5. Revised to reasonably accommodate Penthouse Levels |
| 2 | 10.5A21.22 | New Section | <p>When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:</p> <ol style="list-style-type: none"> (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street. (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line. (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot. (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body. | Revised to clarify how to apply different building height standards for parcels located along the North Mill Pond. |
| 3 | 10.5A41.10A (CD4-L1, CD4-L2) Lot Occupation | <ol style="list-style-type: none"> 1. Lot Width: 35 feet min, 80 feet max 2. Building Façade Modulation: NR 3. Minimum Entrance Spacing: New Section | <ol style="list-style-type: none"> 1. Maximum Building Block Length: 80 feet 2. Building Façade Modulation: 50 feet 3. Minimum Entrance Spacing: 50 feet | <ol style="list-style-type: none"> 1. Revised to regulate the maximum length of continuous buildings within a block and require a 15 foot break for pedestrian or vehicular access or a community space. 2. Revised to regulate the length of an individual facade. 3. Revised to ensure adequate pedestrian entrances along the street edge. |
| 4 | 10.5A41.10B (CD4) Lot Occupation | <ol style="list-style-type: none"> 1. Lot Width: 18 feet min, 80 feet max 2. Building Façade Modulation: NR 3. Minimum Entrance Spacing: NR | <ol style="list-style-type: none"> 1. Maximum Block Length: 200 feet 2. Building Façade Modulation: 80 feet 3. Minimum Entrance Spacing: 60 feet | <ol style="list-style-type: none"> 1. Revised to regulate the maximum length of continuous buildings within a block and require a 15 foot break for pedestrian or vehicular access or a community space. 2. Revised to regulate the length of an individual facade. 3. Revised to ensure adequate pedestrian entrances along the street edge. |

Red text indicates changes from the original document dated 4/15/15

| # | Section # | Proposed Ordinance Referred by the City Council to the Planning Board on 4/20/15 and Passed by the City Council at First Reading on 7/20/15 | Amendments to the Proposed Ordinance as Recommended by the Planning Board on 7/16/15, for Second Reading by the City Council on 8/3/15 | Comments | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------------|---|---|--|--|---------------------------|------------------------|--------------------------------------|---|---------------------------|----|-----------|---|---|----|---|-------------------------|---------------------------|---------------------------|------------------------|--------------------------------------|---|---------------------------|----|-------------|---|---|----|--|
| 5 | 10.5A41.10C (CD5) Lot Occupation | 1. Lot Width: 18 feet min, 100 feet max 2. Minimum Entrance Spacing: NR 3. Building Footprint: 15,000 sq. ft. (except for parking structures, see Section 10.5A44.35) | 1. Maximum Block Length: 250 feet 2. Minimum Entrance Spacing: 60 feet 3. Building Footprint: 15,000 sq. ft. except for underground parking levels and parking structures and associated liner buildings (see Section 10.5A43.40) | 1. Revised to regulate the maximum length of continuous buildings within a block and require a 15-foot break for pedestrian or vehicular access or a community space. 2. Revised to ensure adequate pedestrian entrances along the street edge. 3. Revised to address underground parking levels and liner buildings connected to parking structures with community space. | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 10.5A41.10C (CD4-L1, CD4-L2) Building Form | 1. Ground Floor Height: 10 foot min. 2. Upper Story Height: 9 foot min. | 1. Ground Story Height: 11 foot min. 2. Upper Story Height: 10 foot min. | 1. Revised to measure from floor to floor. 2. Revised to measure from floor to floor. | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | 10.5A41.10C (CD4, CD5) Building Form | 1. Ground Floor Height: 12 foot min. 2. Upper Story Height: 9 foot min. | 1. Ground Story Height: 12 foot min. 2. Upper Story Height: 10 foot min. | 1. Revised to measure from floor to floor. 2. Revised to measure from floor to floor height. | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 10.5A43.31 | <table border="1"> <thead> <tr> <th>Height Requirement Area</th> <th>Minimum Height in Stories</th> <th>Maximum Height in Stories</th> <th>Maximum Height in Feet</th> </tr> </thead> <tbody> <tr> <td>2-4 stories (short 5th)</td> <td>2</td> <td>4 + short 5th</td> <td>55</td> </tr> <tr> <td>5 stories</td> <td>2</td> <td>5</td> <td>60</td> </tr> </tbody> </table> | Height Requirement Area | Minimum Height in Stories | Maximum Height in Stories | Maximum Height in Feet | 2-4 stories (short 5 th) | 2 | 4 + short 5 th | 55 | 5 stories | 2 | 5 | 60 | <table border="1"> <thead> <tr> <th>Height Requirement Area</th> <th>Minimum Height in Stories</th> <th>Maximum Height in Stories</th> <th>Maximum Height in Feet</th> </tr> </thead> <tbody> <tr> <td>2-4 stories (short 5th)</td> <td>2</td> <td>4 + short 5th</td> <td>60</td> </tr> <tr> <td>2-5 stories</td> <td>2</td> <td>5</td> <td>60</td> </tr> </tbody> </table> | Height Requirement Area | Minimum Height in Stories | Maximum Height in Stories | Maximum Height in Feet | 2-4 stories (short 5 th) | 2 | 4 + short 5 th | 60 | 2-5 stories | 2 | 5 | 60 | Revised to maintain consistency between the Building Height Map and Section 10.5A43.31 and to maintain consistency with the Vision Plan. |
| Height Requirement Area | Minimum Height in Stories | Maximum Height in Stories | Maximum Height in Feet | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2-4 stories (short 5 th) | 2 | 4 + short 5 th | 55 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 stories | 2 | 5 | 60 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Height Requirement Area | Minimum Height in Stories | Maximum Height in Stories | Maximum Height in Feet | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2-4 stories (short 5 th) | 2 | 4 + short 5 th | 60 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2-5 stories | 2 | 5 | 60 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | 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: | An Increased Building Height Area is designated on Map 10.5A21B. In that area, the maximum building height may be increased by one story or up to 10 feet, whichever is lower, provided that the Historic District Commission has granted a Certificate of Approval, and provided that the applicable conditions of either paragraph 10.5A43.32(a) or (b) are met: | Revised to clarify that a Certificate of Approval is necessary for the increased building height within the Historic District. | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 10.5A43.32(a) | (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 ... | (a) For a lot located adjacent to, or within 100 feet of , the North Mill Pond, Hodgson Brook or the Piscataqua River, the lot shall provide a continuous public greenway at least 20 feet in width ... | Revised to maintain consistency with the Vision Plan for lower buildings along the North Mill Pond as well as encourage a public greenway along the pond. | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 10.5A43.32(b) | (b) For a lot not adjacent to the North Mill Pond, Hodgson Brook or the Piscataqua River, the lot shall ... | (b) For a lot not adjacent to, or greater than 100 feet from , the North Mill Pond, Hodgson Brook or the Piscataqua River, the lot shall ... | Revised to maintain consistency with the Vision Plan for lower buildings along the North Mill Pond as well as encourage a public greenway along the pond. | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 10.5A43.32(b)(i)(D) | (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; | (D) The community space shall be open to the public and shall be designed with pedestrian amenities such as overlooks , benches, lighting and other street furniture; | Revised to encourage public waterfront use areas along a greenway. | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 10.5A43.32(b)(i)(E) | (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; | (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 provide waterfront access ; | Revised to encourage public waterfront access from the street and the future greenway. | | | | | | | | | | | | | | | | | | | | | | | | |

| # | Section # | Proposed Ordinance Referred by the City Council to the Planning Board on 4/20/15 and Passed by the City Council at First Reading on 7/20/15 | Amendments to the Proposed Ordinance as Recommended by the Planning Board on 7/16/15, for Second Reading by the City Council on 8/3/15 | Comments |
|----|---------------------|---|---|--|
| 14 | 10.5A43.32(b)(i)(F) | (F) The community space shall be provided on the same lot where the increased building height is proposed, unless the Planning Board grants a Conditional Use Permit as provided in Section 10.5A43.33. | (F) The community space shall be conveyed to the city and be located directly adjacent to the same lot where increased building height is proposed or, it shall be subject to granting of a Conditional Use Permit by the Planning Board as provided in Section 10.5A43.33, and be located off-site but within the Increased Building Height Area as shown on Map 10.5A21B. | Revised to clarify that a CUP is required for any off-site community space. Such space must still be located within the Increased Building Height Area. |
| 15 | 10.5A43.32(b)(ii) | (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). | (ii) Workforce housing option – One or more of the following criteria shall be met: (A) At least 30% of the dwelling units within a story, or at least three 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). Such units shall be at least the average gross floor area of the proposed units in the building or, 1,000 sq. ft., whichever is greater; or (B) At least 10% of the dwelling units within a story, or at least two 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). Such units shall be at least the average gross floor area of the proposed units in the building or, 800 sq. ft., whichever is greater. | Revised to provide more equity between rental and ownership units as well as establish a minimum contribution and clarify that the bonus only applies to the units regardless of where they are located in the building. |
| 16 | 10.5A43.41 | 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. | No building or structure footprint shall exceed the applicable maximum building footprint listed in Figure 10.5A41.10A-C (Character District Standards) except as provided in Sections 10.5A43.42 and 10.5A43.43 below. | Revised to reflect the accurate location of the exceptions. |
| 17 | 10.5A43.42 | New section | A detached liner building(s) that is located in the CD5 District and integrated into a parking structure with community space, access, subsurface parking or other associated improvements shall have a maximum building footprint of up to 25,000 sq. ft. if it meets all other Character District Standards. | Revised to allow for detached liner buildings that are separated from a parking structure with community space and are fully integrated with underground parking and access. |
| 18 | 10.5A43.43 | New section | A building located within the CD5 District may have a footprint of up to 20,000 sq. ft. if it meets all other Character District Standards and includes a ground floor or underground parking level that includes a liner building along all exterior building walls located within 20 feet of a street or vehicular right of way or easement and the story above the underground parking level is no greater than 15,000 sq. ft. | Revised to allow an exception for underground parking levels provided all other requirements are met. |
| 19 | 10.5A43.44 | New Section | A parking structure shall have a footprint no greater than 40,000 square feet and a façade length of less than 300 feet. | Moved from 10.5A44.35 (Parking, Loading, and Driveway Location Standards) to 10.5A.43.40 Maximum Building Footprint, and simplified. |

| # | Section # | Proposed Ordinance Referred by the City Council to the Planning Board on 4/20/15 and Passed by the City Council at First Reading on 7/20/15 | Amendments to the Proposed Ordinance as Recommended by the Planning Board on 7/16/15, for Second Reading by the City Council on 8/3/15 | Comments |
|----|------------|--|--|--|
| 20 | 10.5A43.70 | 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 | Live/ Work Building: A building designed to accommodate a ground floor commercial use and a residential use above or beside . Allowed districts: CD5, CD4, CD4-L1, CD4-L2 Only non-residential uses are allowed on the ground floor in the Downtown Overlay District. | Revised to clarify that live-work units may be located on the ground floor (outside the DOD). |
| 21 | 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. | A parking structure shall have liner buildings along its entire front yard except for driveways and pedestrian entrances. | The first portion of this section was moved from 10.5A44.35 (Parking, Loading, and Driveway Location Standards) to 10.5A.43.40 Maximum Building Footprint, for clarity. The second portion was simplified. |
| 23 | 10.5A46.20 | Any development having an aggregate area of ½ acre or more shall include at least 10% of its gross land area assigned and improved as community spaces. | Any development having an aggregate land area of ½ acres or more, from the date of adoption of this amendment , shall include at least 10% of its gross land area assigned and improved as community spaces. Such community space shall count toward the required open space area listed under Section 10.5A41.10A-C or the community space required under Section 10.5A43.32(b)(i)(B). 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. | Revised to prevent segmentation and also clarify that community space for large developments may also apply to the space required for the density bonus under the Increased Building Height Area as well as the open space requirements. |
| 24 | 10.5A60 | 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. | Community space An area that is dedicated for public use with permanent deeded access to the City of Portsmouth and conforming to the types shown in Figure 10.5A46.10. | Revised to clarify that community space is intended to provide deeded access to the city either through easement or fee. |
| 25 | 10.5A60 | 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. | Liner building A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure. | Revised to allow for detached liner buildings that are integrated into a parking structure. |
| 26 | 10.5A60 | 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 structure A structure containing one or more stories of parking as a principal use. | Parking area An off-street, underground parking level or ground-level open area within a lot for parking vehicles as an accessory use. Not synonymous with parking lot or parking structure . Parking structure A structure containing multiple stories of parking as a principal use. | Revised to clarify that sub-surface parking levels are also parking areas. Revised to clarify that parking structures require more than one level of parking. |

Character-Based Zoning – Conforming Amendments
Proposed Revisions for City Council Second Reading

| # | Section # | Proposed Ordinance Referred by the City Council to the Planning Board on 4/20/15 and Passed by the City Council at First Reading on 7/20/15 | Amendments to the Proposed Ordinance as Recommended by the Planning Board on 7/16/15, for Second Reading by the City Council on 8/3/15 | Comments | | | | | | | | | | |
|------------------------|---|--|---|---|------------|----------------|---|-----|-------------------------|------------|---------------------------|------------------------|-------------------------|---|
| 1 | 10.440 2.11 Assisted Living Center 2.20 Residential Care Facility 2.22 More than 5 residents | CD4, CD5: N CD4, CD5: N | CD4, CD5: P CD4, CD5: P | Revised to add these uses to the character districts. | | | | | | | | | | |
| 2 | 10.517.30 | 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. | All roof appurtenances and other features that exceed the allowed building or structure height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators and stair towers , shall be set back at least 10 feet from any edge of the roof. | Revised to clarify that elevators and stair towers may be located within 10 feet of the edge of the roof. | | | | | | | | | | |
| 3 | 10.1112.30 | <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>Use</th> <th>Required Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>Micro-unit</td> <td>No requirement</td> </tr> </tbody> </table> | Use | Required Parking Spaces | Micro-unit | No requirement | <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>Use</th> <th>Required Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>Micro-unit</td> <td>0.5 space per unit</td> </tr> <tr> <td>Workforce Housing Unit</td> <td>1 space per unit</td> </tr> </tbody> </table> | Use | Required Parking Spaces | Micro-unit | 0.5 space per unit | Workforce Housing Unit | 1 space per unit | Revised to establish a minimum level of parking for micro-units and reduce the level of required parking for the workforce housing units. |
| Use | Required Parking Spaces | | | | | | | | | | | | | |
| Micro-unit | No requirement | | | | | | | | | | | | | |
| Use | Required Parking Spaces | | | | | | | | | | | | | |
| Micro-unit | 0.5 space per unit | | | | | | | | | | | | | |
| Workforce Housing Unit | 1 space per unit | | | | | | | | | | | | | |
| 4 | 10.1114.21 | Parking Dimensions – Stall Layout – Table of Off-Street Parking Dimensions | *Add footnote to Column D: * For a parking structure with 90 degree parking, the minimum width of a two-way maneuvering aisle shall be 22 feet. | Revised to conform to the dimensional requirements and industry standards for designing Class A parking structures. | | | | | | | | | | |
| 5 | 10.1525 | <p>Lot width The length of and horizontal distance measured along the principal front lot line.</p> <p>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.</p> <p>Story Height The distance between the finished floor and the finished ceiling of a story.</p> | <p>Lot width The length of and horizontal distance measured along the principal front lot line.</p> <p>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. For internal courtyards at least 40 feet from a street or vehicular right-of-way or easement, the penthouse shall be setback at least 8 feet from the edge of the roof of the story below.</p> <p>Story Height The floor to floor distance between finished floors.</p> | <p>Revised to replace a minimum lot width with a minimum block length in order to limit the overall length of a continuous length of building façade without breaks for pedestrian and or vehicular passage.</p> <p>Revised to clarify that penthouse setbacks may be reduced when applied to internal courtyards.</p> <p>Revised to allow for shorter floor to floor heights between finished floors. This reduction is also more consistent with the building height standards.</p> | | | | | | | | | | |

Red text indicates changes from the original document dated 4/15/15

| # | Section # | Proposed Ordinance Referred by the City Council to the Planning Board on 4/20/15 and Passed by the City Council at First Reading on 7/20/15 | Amendments to the Proposed Ordinance as Recommended by the Planning Board on 7/16/15, for Second Reading by the City Council on 8/3/15 | Comments |
|---|-----------|--|---|--|
| 6 | 10.1525 | <p>Ground floor Any floor of a building in which the floor is less than six feet above or below the finished grade at any street entrance of the building. Under this definition a building may have more than one ground floor.</p> | <p>Building Block Length Measured along a street or public way, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.</p> <p>Building Entryway A public entrance into a building from a principal or secondary front yard.</p> <p>Building Footprint The total area of a building at or above 18 inches in elevation as measured from the outside walls at the grade plane.</p> <p>Ground floor or story Any floor or story of a building in which the floor is less than six feet above or below the finished grade at any street entrance of the building. Under this definition a building may have more than one ground floor or story.</p> <p>Underground Parking Level A story used for off-street parking that is below the grade plane.</p> | <p>Added to limit the length of a continuous building – including attached buildings or façade changes in the building design – an require at least a 15 foot break between buildings for pedestrian or vehicular access or some larger community space.</p> <p>Added to add a requirement for pedestrian door spacing along the building façade in order to increase pedestrian interest and activity and more closely resemble the small-scale storefront in the downtown.</p> <p>Added to clarify how a building footprint is measured.</p> <p>Revised to clarify that ground “floor” and ground “story” are synonymous.</p> <p>Added to define an underground parking level in order to encourage on-site underground parking.</p> |

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 29, 2015

PORTSMOUTH, NH
TIME: 6:00PM

At 6:00 p.m., A Work Session was held regarding Wastewater Treatment Facility Upgrade – Cost and Treatment Level.

I. CALL TO ORDER

At 7:20 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Brian Wazlaw led in the Pledge of Allegiance to the Flag.

V. Discuss and Act on Charter Amendments as it relates to the Police Commission

Mayor Lister had City Attorney Sullivan speak to his memorandum dated June 24, 2015 on this matter.

City Attorney Sullivan spoke to the City Charter which describes the form of government and how it operates in the City. The Police Commission is listed as a Charter Department under our form of government. He outlined the procedure as follows:

The process which governs the handling of any proposed Charter 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 precede 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.

Assistant Mayor Splaine said he has presented the City Council with 4 suggested amendments to the City Charter. City Attorney Sullivan said he has not read the proposal, but as long as the City Council states what its intention is, it would be possible to go beyond the 3 amendments outlined.

Councilor Dwyer said more than one issue may be placed on the City Council agenda for a public hearing and after the public hearing the City Council can decide how many questions would appear on the ballot.

Councilor Spear moved to bring Option #3 and Option #2 from City Attorney Sullivan's memorandum dated June 24, 2015 forward for consideration and public hearing at the July 13, 2015 City Council meeting. Seconded by Councilor Lown.

Councilor Spear said when the Roberts Report came out he said the Council needed to move forward with an option. He is not opposed to bringing multiple options to the public hearing process in order to have the public speak on the proposals. He stated the issue is not with the Commissioners serving it is with the method of governance. He said the Police Commission and Police Chief are trying to do what is right for the City of Portsmouth. Councilor Spear said Option #3 looks at the rule of oversight in a different way with civilian oversight.

Assistant Mayor Splaine said the Council could have consensus to place two items to a public hearing. He addressed Option #2 being placed on the agenda for a public hearing at the July 13, 2015 City Council meeting.

Councilor Dwyer said the Roberts Report ended with the citizens considering if we are still being best served by having a Police Commission. She said she would like the public to weigh in on this matter. Councilor Dwyer said she does not like eliminating the Police Commission without putting something else in place. She said we need a consistent review of actions the Commission takes.

City Attorney Sullivan spoke to how the current elected Commission came to be.

Councilor Shaheen said she would support Options #2 and #3 to bring back several options for a public hearing. She said she wants to prevent this from ever happening again and restore public trust. She expressed concern with the complexity of items on the ballot and that the questions are very clear what a voter is acting upon.

Councilor Kennedy said she is interested in public comment on this matter. She said we already have a civilian authority of 3 and management like our Police Chief. She said no one wants to get rid of the Police Commission but they want the current members to be voted out. In other communities they're having problems and have voted for a public process to be put in place much like we have.

Councilor Thorsen said he heard good points but, we are dealing with a structural problem. He said there needs to be an elected official on the board and that the Council needs to wait to work through the Roberts Report.

Councilor Lown spoke to the establishment of Police Commissions in the State of New Hampshire and said there are only 2 other cities in NH that have an elected Police Commission and they're Laconia and Rochester.

Councilor Morgan said she does not support eliminating the Police Commission. She said every e-mail she has received does not want the Police Commission eliminated. She said the public should voice their feelings at the November Municipal Election.

Assistant Mayor Splaine moved to amend the motion to allow Option #2 from Assistant Mayor Splaine's memorandum dated June 29, 2015, forward for consideration and public hearing at the July 13, 2015 City Council meeting. Seconded by Councilor Shaheen.

Councilor Thorsen said he is not in favor of Option #3 but is in favor of Option #2. Councilor Shaheen said she feels it should be the right of the public to decide on this matter. Councilor Dwyer said the essence of the Roberts Report is to give the residents an option on whether they want a Commission or not. Councilor Spear said he would vote against the amendment because the amendments should be voted on separately.

Assistant Mayor Splaine withdrew his amendment to the motion and Councilor Shaheen the second to the motion.

On a roll call 5-4, voted to bring option #2 and #3 from City Attorney Sullivan's memorandum dated June 24, 2015 forward for consideration and Public Hearing at the July 13, 2015 City Council meeting. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted opposed.

Option 2

A proposed Charter Amendment which would add two new members to the existing Police Commission, one of which would be the Mayor or his/her designee and the other which would be the City Manager or his/her designee.

Option #3

A proposed Charter amendment which would eliminate the Police Commission and create Charter authority for the City Council to adopt an ordinance providing for a civilian review board which would have the authority to investigate complaints by members of the public concerning misconduct by police officers.

Councilor Thorsen moved to bring Assistant Mayor Splaine's option #4 from his memorandum dated June 29, 2015 forward for consideration and Public Hearing at the July 13, 2015 City Council meeting. Seconded by Councilor Shaheen.

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

Option #4

- *I suggest that we keep the current three-member publicly elected Police Commission, with a two-term limit of continuous service, which would be eight years. That way, we assure more likely turnover and fewer close "relationships" between the Commission members and the police department leadership. The 3 members thus elected would select one among them to be chair for not more than two years of continuous service.*
- *I also suggested that a 4th member be appointed by the City Council in open public ballot at the first meeting of every newly elected Council.*

That member would serve for only two years, and cannot be a City Councilor or an immediate former Councilor.

- *Then I suggest that the City Manager be the 5th member. He or she can be the conduit to the Council, and provide management oversight and service to the police department.*
- *In addition, we should consider having a three-member Civilian Review Board, which I've already called it previously. That could add an additional layer of oversight in an advisory role.*

These members would be nominated by the Mayor and confirmed by the Council, for terms of three years.

VI. ADJOURNMENT

At 8:45 p.m., Councilor Thorsen moved to adjourn. Seconded by Councilor Lown and voted.



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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 13, 2015

PORTSMOUTH, NH
TIME: 7:00PM

At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding the School Clericals Contract.

I. CALL TO ORDER

At 7:05 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer (via conference call), Morgan, Spear and Thorsen

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Joey Giordano, Parking and Transportation Manager led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Edward McDonough, Superintendent of Schools

Superintendent of Schools McDonough was presented by Mayor Lister, City Manager Bohenko and City Council with a City of Portsmouth chair in recognition for his years of service to the City with well wishes in his new endeavor. Superintendent of Schools McDonough accepted the chair and well wishes with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – JUNE 15, 2015

Councilor Shaheen moved to accept and approve the minutes of the June 15, 2015 City Council meeting. Seconded by Councilor Lown.

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

VI. PUBLIC COMMENT SESSION

Mayor Lister announced he would allow 2 minutes per speaker.

Joseph Toolan, Andover, MA, brought forward a petition to bring consumer testing corporation in Portsmouth. He explained the process of testing vendors and would like the City to establish a consumer testing corporation.

Bob Shouse spoke on making some of the major streets 2-way in the City and feels this is a waste of funds. He stated that the City is already pedestrian friendly and making 2-way streets is not what the City needs.

Bess Mosley spoke opposed to the elimination of a Police Commission and would favor the increase of 5 members of the Police Commission with the Mayor and City Manager. She also expressed her opposition to a civilian review board.

Alain Jousse spoke opposed to the elimination of the Police Commission. He supports a 5 member Police Commission that would elect its members.

Becky McBeath spoke in support of amendment #4 proposed by Assistant Mayor Splaine to expand the Police Commission to 5 members to include the Mayor and City Manager and a civilian review board.

Michael Frandzel said he supports Assistant Mayor Splaine's amendment. He said the Police Commission is there to represent the Police Department.

Steve Little spoke in support of AirBNB and short term vacation rentals in the City. He spoke to the funds that come into the City to boost the economy with the short term vacation rentals. He said we all are living in a different City because that is Portsmouth now.

Anthony DiLorenzo spoke regarding the west end zoning and how nothing has happened in many years. He said we need to recognize the City Council makes a decision on how it is zoned. He would like the City Council to recognize the ideas brought forward through the charrettes.

Peter Somssich thanked Mayor Lister for the petition he signed for the Mayor's for Peace. He said it has been signed by 7,000 cities and the only other City in New Hampshire to sign is Concord, NH. The petition is to put an end to nuclear weapons.

Bill St. Laurent spoke on purchasing property on Banfield Road by the City for recreation. He said it would cost \$270,000.00 and the City should not spend the money to purchase this property.

George Dempsey said the Roberts Report is a real concern and asked why criminal charges have not been filed as of yet.

Leonore Weiss Bronson spoke regarding the expansion of Lonza at the Tradeport. She said the expansion is for pharmaceuticals which mean chemicals and that is a concern for the City. She said the City needs to look into this before Lonza is allowed to make the expansion. She also addressed the large amount of traffic on Woodbury Avenue.

Joe Onosko a letter was read by Mr. Onosko in support of Assistant Mayor Splaine's amendment for the Police Commission.

Jeffrey Cooper spoke in favor of AirBNB and said his home should be permitted as a second residential property to allow for short term vacation rentals. He said he and his wife would like to get out from under the cease and desist order on their property which is preventing them from having short term vacation rentals in their home. He further asked the Zoning Board of Adjustment allow for AirBNB as a secondary use.

Michele Duval read a letter from her neighbors supporting her property being used as an AirBNB – short term vacation rental. She is concern what impact this would have on her if the use is no longer allowed.

Joann Lepure said she owns her home and does rent her home to nice people on AirBNB. She said without the AirBNB she would not be able to keep her home.

Arthur Clough said he submitted a letter via email to the City Council and wanted it to be on the agenda which it is not. He said he would be resubmitting his letter for the August 3rd City Council meeting.

Erik Anderson spoke regarding derelict buildings and that they continue to be a problem with some properties. He said that this is blight issue and would like the City Council to address the matter and property in his neighborhood.

Paul Mandle asked the City Council to postpone third reading of the Frank Jones property. He would like the City Manager to look into purchasing the property. He said there is no reason for the City to not purchase the parcel.

Rick Becksted said he concurs with Mr. Mandle's comments. He spoke to the charrettes held on that end of the City and the City could solve problems if it were to purchase this land. The City Council will receive a bond premium which is money we can use towards CIP projects. He spoke in support of voting on the CIP projects this evening.

Tammy Gewehr spoke in support of AirBNB which has been a positive experience for her. She said the AirBNB's are wonderful and allow others that may not be able to come to the City the ability to come and visit.

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 single amendments 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 TO BE AN ELECTED POSITION WITH THE CANDIDATES FOR MAYOR BEING LIMITED TO THOSE PERSONS WHO ARE ALSO CANDIDATES FOR THE CITY COUNCIL

Mayor Lister read the legal notice, declared the public hearing open and called for speakers. He announced he would allow individuals 2 minutes to speak the first round and 5 minutes for the second round of speakers.

The following individuals spoke in favor to the amendment:

Harold Whitehouse
Beth Margeson

The following individuals spoke opposed to the amendment:

Paul Mannle
Ralph DiBernardo (opposed to all items considered for the ballot)
Rick Becksted
Bill St. Laurent (spoke twice)
Ruth Griffin (opposed to any amendments to the Charter)
Martha Fuller Clark
Erik Anderson

With no further speakers, Mayor Lister closed the public hearing.

Councilor Spear moved that subject to state review required by RSA 49-B:5 proposed Charter Amendment #1 to be placed on the ballot for the November 3, 2015 elected. Seconded by Councilor Lown.

Councilor Spear said he heard from many voters that are frustrated with the current system. He explained his reason for bringing this forward.

Councilor Kennedy said she has heard from people that are not in favor of this change. She said both former Executive Councilor Griffin and State Senator Clark are not in favor of the change. She said she would not support the proposal as the people have spoken and are against the change.

Councilor Lown said there is no better way to find out what people want then to let the people decide and this matter should be on the ballot.

Assistant Mayor Splaine said he is conflicted on this matter. The advantage of this is being on the City Council. He said he never wanted to be the Mayor he is a legislator first and there is nothing better than being a City Councilor.

Councilor Thorsen said he enjoys being on the City Council and the sense of community. The City Council works and runs as a team when the City Council becomes elected. He said he supports a Charter Commission.

Councilor Dwyer said this is an issue of neutrality. She said the speakers said that this comes up in our history that the voters want to weigh in on. She said it is something voters ask them selves about the election process.

Councilor Morgan said she agrees with many of the points raised. She said a change in the way we elect our City Council will bring partisanship and more interest groups. She said we need to let the public be heard and not once did she hear that this change was needed.

Councilor Shaheen asked the City Attorney if any of this would call into question our form of government and the dynamic between Mayor and City Manager. City Attorney Sullivan said it states the Mayor functions would not change. She said there is a fundamental difference between being Mayor and being a City Councilor. She said she would like to hear from the people.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he respects everyone's voice on this matter. He said we are only talking about what would be placed on the ballot.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

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

- B. PROPOSED CHARTER AMENDMENT #2 WHICH WOULD EXPAND THE MEMBERHSIP 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

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

The following individuals spoke in favor to the amendment:

George Remick
Bill Downy
Harold Whitehouse (spoke twice)
Ralph DiBernardo
Paul McEachern (spoke twice)
Joe Plaia

The following individuals spoke opposed to the amendment:

Paul Mannle
Rick Becksted (spoke twice)
Arthur Clough (spoke twice)
Ruth Griffin
Jane Zill (spoke twice)
Erik Anderson
Bill St. Laurent

With no further speakers, Mayor Lister closed the public hearing.

- 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

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

Assistant Mayor Splaine said that this amendment would abolish the Police Commission and put the Police Department under the City Manager and create an ordinance for a civilian review board. City Attorney Sullivan said that is correct.

The following individuals spoke in favor to the amendment:

Jane Zill

The following individuals spoke opposed to the amendment:

Martha Fuller Clark
Joe Plaia
Richard Katz
Arthur Clough

With no further speakers, Mayor Lister closed the public hearing.

- 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

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

Assistant Mayor Splaine said this amendment differs from the first amendment consider and allows for the City Council to select a 4th member with the City Manager and a civilian board.

The following individuals spoke in favor to the amendment:

Jane Zill (spoke twice)
Martha Fuller Clark
Arthur Clough
Bill Downy
Richard Katz

The following individuals spoke opposed to the amendment:

Joe Plaia
George Remick
Bess Mosley
Rick Becksted

With no further speakers, Mayor Lister closed the public hearing.

Councilor Lown moved that subject to state review required by RSA 49-B: 5 proposed Charter Amendment #3 be placed on the ballot for the November 3, 2015 election. Seconded by Councilor Spear.

Councilor Lown said most people do not want to move any amendments forward. He said amendment #3 eliminates the Police Commission and the solution is not to increase the size of the Commission the solution is to eliminate the Commission. The system is structurally unsound.

Assistant Mayor Splaine said this is the worst step to take because it is eliminating the Police Commission and places it under the City Manager. The Manager should be 1 of 5 and that is what this would do. He said we need more civilian oversight.

Councilor Kennedy asked City Attorney Sullivan if the City Council or Mayor Lister have a right to put anyone on administrative leave. City Attorney Sullivan said no the City Council does not have that authority.

Councilor Kennedy said she believes there needs to be some citizen oversight. She said she does not agree with items B & C and questions whether she can vote for any of these proposals.

Councilor Dwyer spoke to the idea of a citizen review board and their responsibilities. She said she has brought this forward for the last 10 years which show there is something structurally wrong and we need to change the procedures and structure.

Councilor Thorsen asked City Attorney Sullivan if the Police Commission fall under the same right to know laws for the creation of non-meetings and agenda's. City Attorney Sullivan responded affirmatively. Councilor Thorsen said he would like to see a 5 member Commission. He asked if City Attorney Sullivan attends all Police Commission meetings. City Attorney Sullivan said he attends Police Commission meetings when he is asked to be there.

Councilor Spear spoke to the Roberts Report. He said removing the Police Commission would increase oversight. He said if the City Council was in charge you would see the Council being active and increasing citizen oversight would allow for review by the Council. He said he would like to support item C, there is no leash on the Police Commission at this time. If this does not pass he would reserve the right to act on the other suggested amendments.

Councilor Morgan provided a spreadsheet to City Clerk Barnaby of people that have sent emails on Assistant Mayor Splaine's items. She does not support the ability to remove the rights of voting for the residents. She feels the City Manager should have a seat at the table.

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

Mayor Lister called a brief recess at 10:45 p.m. Mayor Lister called the meeting back to order at 10:55 p.m. He said we would complete the public hearings and votes on the charter amendments and then recess until next Monday, July 20th at 7:00 p.m. Councilor Kennedy said she would like there to be a public comment session at the July 20th City Council meeting.

Assistant Mayor Splaine moved that subject to state review required by RSA 49-B:5 proposed Charter Amendment #4 be placed on the ballot for the November 3, 2015 election. Seconded by Councilor Morgan.

Assistant Mayor Splaine spoke in favor of this amendment.

Councilor Lown said he prefers item 2 over item 4.

Councilor Spear said he would vote opposed.

Councilor Shaheen said she would vote in favor to have this as an option. She said the residents need a way to respond as this is the most egregious act of mistrust and we need to fix what is structurally wrong with the Police Department.

Councilor Kennedy asked what the role of the City Manager would be with this amendment. City Attorney Sullivan said the City Manager would be a regular voting member of the Commission and the City Council would vote on a person to serve if this was 5 elected members and the City Council would have 2 votes.

Councilor Thorsen said City Manager Bohenko and the City Council would have full voting rights. He said the investigation of police officers is narrow.

Assistant Mayor Splaine said when we are creating the ordinance for a civilian review board in making changes could they be amended at that time.

Councilor Kennedy said if this motion loses she would bring forward a motion to create a Charter Commission.

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

Councilor Spear moved that subject to state review required by RSA 49-B:5 proposed Charter Amendment #2 be placed on the ballot for the November 3, 2015 election. Seconded by Councilor Shaheen.

Councilor Spear feels this moves the City Council in the right direction.

Assistant Mayor Splaine said he was afraid this would happen if the last vote failed he would need to vote on this motion. He stated he does not like the provision for the City Manager or designee to serve. He said he would rather see the City Manager and not a designee. Assistant Mayor Splaine said he feels the same way when it comes to the Mayor serving. He said he would like to see a term limit and that could be amended and done later. He said we need change in the Police Commission and the Police Department.

Councilor Morgan said she could not support this because there is not a civilian review board and the terms of service are very vague.

Councilor Thorsen said he would support the motion with the flaws. He said he feels we need a Charter Commission to deal with changes.

Councilor Kennedy said she is in a debate mode and feels this is a great stop gate and we need to have a Charter Commission.

Councilor Shaheen said she is comfortable moving forwarding and voting on this matter. She said she feels we need to take action now and we need a Charter Commission. Councilor Shaheen said she would like to work with Councilor Kennedy on bringing a Charter Commission forward.

Councilor Dwyer said this is not perfect but we need to take action.

Assistant Mayor Splaine said he would like to see a strong vote on this matter and that we accept the best we can get.

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

At 11:25 p.m., Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Shaheen.

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

- 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 15th City Council meeting***)

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

Individuals who spoke in favor of the Ordinance:

Joanne Pipkin (spoke twice)
Jim Merrill, UBER Representative (spoke twice)
Paul Kennedy (spoke twice)

Individuals who spoke opposed to the Ordinance:

Merle White, Anchor Taxi (spoke twice)
John Palerlio, Great Bay Taxi (spoke twice)
Joe Plaia, One Sky Community
Rick Szilagyi, NE Livery Association
Peter Bresciano

With no further speakers, Mayor Lister closed the public hearing.

Assistant Mayor Splaine moved to amend the motion and request the Taxi Commission report back by November 15, 2015, on the status of the ordinance and any changes that may be necessary. Seconded by Councilor Spear.

Assistant Mayor Splaine said the Taxi Commission has tried to get this to allow for ride sharing. He said he would not vote for UBER as an employee. He said this is a safety issue as well. Assistant Mayor Splaine said ride sharing is the technology of the future.

Councilor Kennedy said that this is an important matter and asked if the Police Department would have a copy of the background checks. City Attorney Sullivan answered affirmatively. She expressed concern regarding insurance and that UBER be required to have insurance and provide proof of insurance acceptable by the City Attorney before UBER is allowed to operate.

Councilor Morgan said she agrees with Councilor Kennedy's concerns on this matter. She clarified that taxi cabs would be the only vehicles allowed in a taxi stand. City Attorney Sullivan said that is correct. City Attorney Sullivan said the way to determine taxi cabs from UBER vehicles in taxi stands would be that the taxi cabs would keep the medallions for 1 year and then we would develop another mechanism to distinguish the difference between the two vehicles.

Councilor Thorsen feels there needs to be various definitions as part of the ordinance.

Councilor Dwyer said she would support the ordinance but there's still a great deal of questions that need answers. She said we should treat this as a pilot allowed for 1 year and trigger a review at the 1 year mark.

Councilor Shaheen asked what process the Council would need to place this for an automatic review and the City Council could bring that up with the new Council in the New Year. City Attorney Sullivan said the ordinance could be amended with the ordinary process. Councilor Shaheen said she is comfortable bringing forward a request for a review by the Council in 3 – 4 months.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said a great deal of time was spent getting people to follow the rules. He said this is a difficult business to be in. He said he is concerned with public safety of all residents. Mayor Lister said it seems that the Police Department and with all of the Taxi Commission meetings, that the City is doing all the heavy lifting, not UBER. He said we have rules and we need to follow the rules. He is not trying to keep UBER out of the City and does not feel that UBER is meeting the City half way.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

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

On a roll call 6-3, voted to pass second reading with the new proposed amended language of the ordinance with third and final reading at the August 3, 2015 City Council meeting, as amended. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Councilors Kennedy, Morgan and Mayor Lister voted opposed.

At 12:45 a.m., Councilor Kennedy moved to reconvene the City Council meeting on Monday, July 20, 2015 at 7:00 p.m. Seconded by Councilor Shaheen.

On a unanimous voice vote 9-0, motion passed.



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

Peirce Island Wastewater Treatment Facility

Portsmouth City Council
August 3, 2015

DRAFT

1


CITY OF PORTSMOUTH WASTEWATER DIVISION 

Introductions

- Terry Desmarais, City Engineer
- Mark Laquidara, PhD, P.E., AECOM

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2

CITY OF PORTSMOUTH WASTEWATER DIVISION 

AECOM Technical Advisor

- Mark Laquidara, PhD, P.E., AECOM
 - Doctorate in Environmental Engineering
 - Highest Grade Licensed Wastewater Operator
 - Deputy Director of Process Control, MWRA Deer Island WWTF (Boston, MA)
 - 40 Years of Experience with Emphasis on Cost Optimization
 - Technology Leader for AECOM and Project Advisor
- AECOM
 - Global Firm Specializing in Wastewater and Water Treatment
 - Ranked #1 Engineering Design Firm in World (ENR, 2009-current)
 - Focus on Innovative/Alternative Nutrient Removal Systems



CITY OF PORTSMOUTH WASTEWATER DIVISION

Biological Aerated Filter Selection

- Wastewater Treatment Technology Selection
 - 5 Year Process
 - Continuous Review of Best Technology by Multiple Experts
 - Evaluations Focused to Optimize for City's Needs
- Biological Aerated Filter
 - High Rate Treatment Systems
 - Considered New and Innovative
 - 21st Century Technology
 - Proven Operational Track Record

Biological Aerated Filter Selected Based on a Cost and Criteria Matrix as the Technology that Best Met the City's Needs



CITY OF PORTSMOUTH WASTEWATER DIVISION

Project Costs

- Overall Project Costs
 - Capital Replacement ("Maintenance") Costs
 - Other Upgrade Items
- Upgrade Cost Saving Recommendations
- Roadways
- Peirce Island Road Bridge





Capital Replacement (“Maintenance”) Items

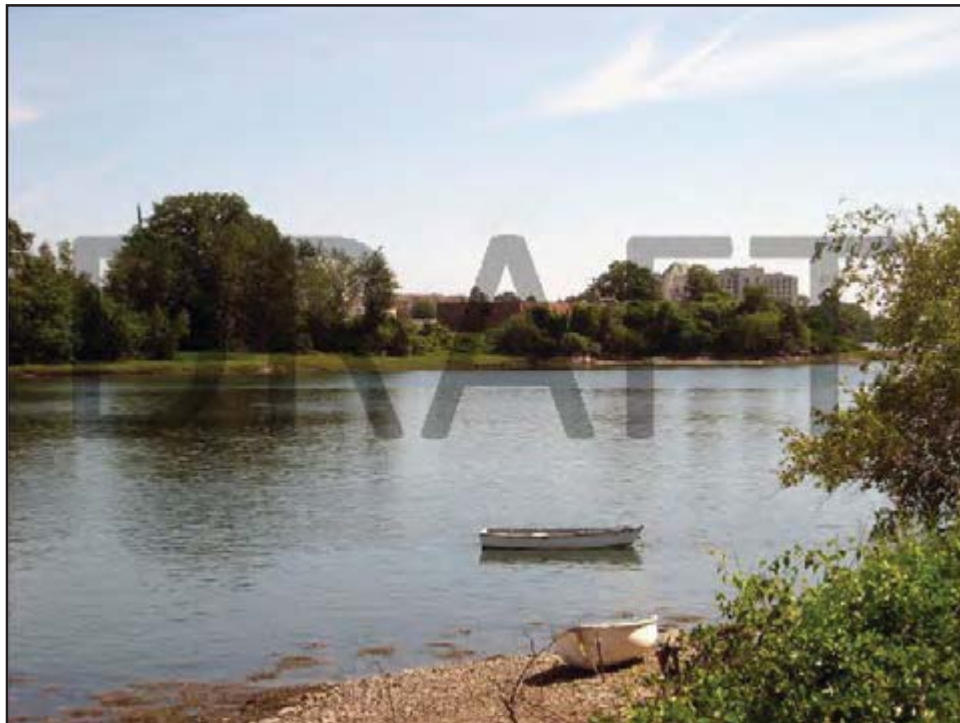
- Replacement of Routinely Serviced Equipment and Other Materials That Have Exceeded Their Intended Useful Life
- Majority of Equipment and Materials from 1990 Upgrade (25 Years of Service)
- Upgrade Cost Components
 - Total Cost \$79.8M
 - Capital Replacement Costs \$25.3M
 - Other Upgrade Items \$54.5M

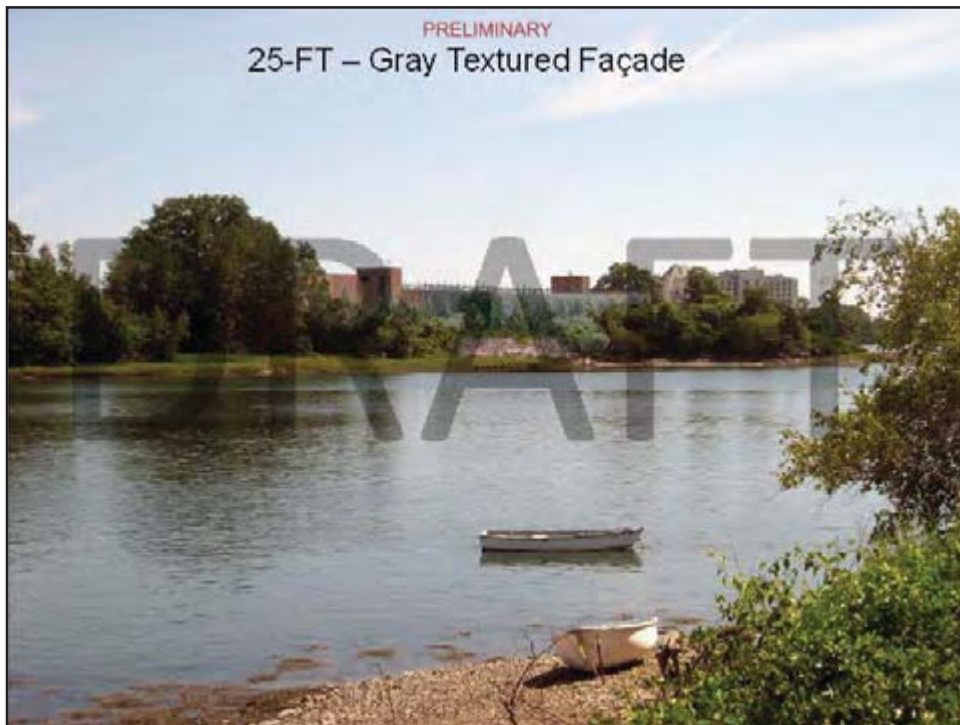
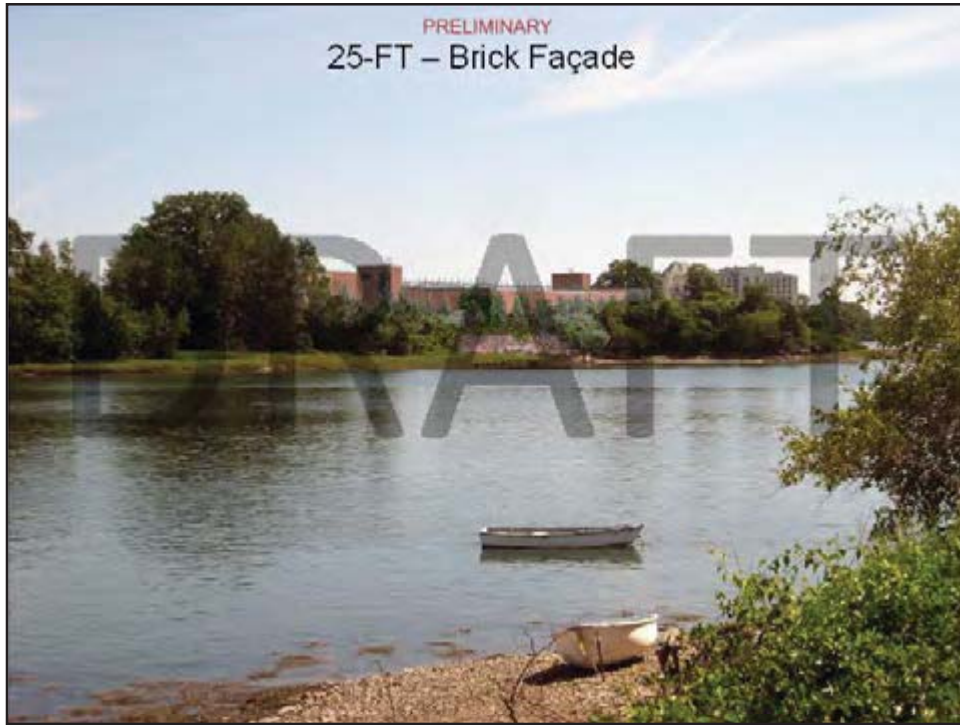


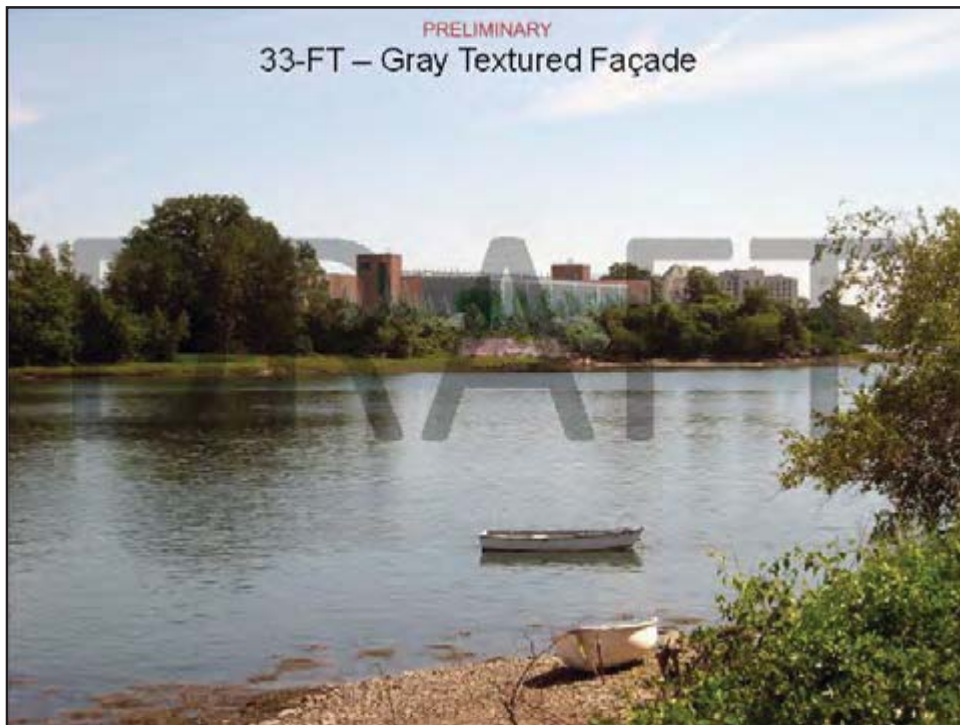
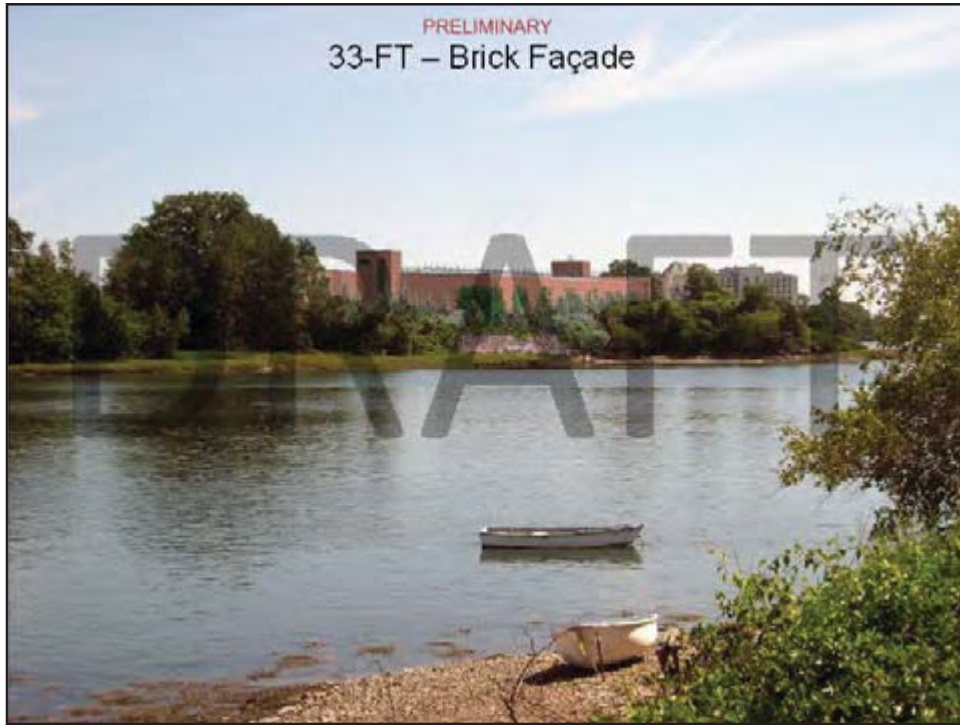
Recommended Cost Reduction Items

| Item | Estimated Cost Reduction (\$Million) |
|--|--------------------------------------|
| Close Island (at Four Tree Is.) During Const | (\$0.4) |
| Eliminate Odor Control | (\$1.8) |
| Increase Height of BAF to 33-feet | (\$2.2) |
| Use Gray Textured Façade on Portions of BAF | (\$0.2) |
| Use Overhead Electric from Pool to Facility | (\$0.7) |
| Use Exterior Finish Insulation System | (\$0.5) |
| Subtotal Reduction Items | (\$5.6) |
| Secondary Only Treatment | (\$6.5) |
| Total Reduction Items | (\$12.3) |









Upgrade Scenarios

| | Current Design | Alternative 1 | Alternative 2 | Staff Recommended |
|-----------------------------|---------------------------|---------------------------|------------------------------------|---------------------------|
| Treatment Technology | Biological Aerated Filter | Biological Aerated Filter | Conventional Activated Sludge | Biological Aerated Filter |
| Treatment Level | Nitrogen Removal | Secondary | Secondary | Nitrogen Removal |
| Site Limits | In Fence | In Fence | Outside Fence | In Fence |
| Cost | ~\$79.8M | ~\$73.3M | ~\$70.0M | ~\$77.0M |
| Cost Savings | - | ~\$6.5M | ~\$10.0M | ~\$2.8M |
| Expansion Costs | - | >\$6.5M | >>\$10M (Further Outside Fence) | - |

Roadways

- Normal Wear and Tear Ongoing
 - Public Projects, Private Projects, Travelling Public, Business Use, and Weather
- Pavement Index and CIP Currently Sets Schedule
- Roadways
 - Focus on Proposed Haul Routes and Current Pavement Condition Index
 - Impact from Normal Wear and Tear and Other Construction Projects Needs to be Considered
 - Potential Paving Cost Range \$0.75M to \$0.95M



Peirce Island Road Bridge

- Originally Constructed 1958 (57 Years Old in 2015)
- Typical Lifespan of Bridge in this Environment is 50 Years
- Consultant Evaluated Overall Bridge Condition
 - Bridge Can be Used for Construction Project with Limitations on Traffic
 - Rehabilitation of Bridge More Costly than Replacement
 - Recommend Replacement of Bridge Regardless of Construction Project in Next 5 to 10 Years
- Potential Replacement Cost Range \$5M to \$7M
- Could be Eligible for NHDOT Municipal Bridge Aid Program with 80% Grant Funding

17

CITY OF LISBURN, WASHIETA & LEVISTON



Questions

DRAFT

18

CITY OF LISBURN, WASHIETA & LEVISTON



Mark Laquidara

Technical Leader

Professional History

01/2005 - Present, AECOM Wastewater Technology Leader
08/2000 - 01/2005, Veolia Water NA Vice President & Director of Plant Support
11/1987 - 08/2000, Massachusetts Water Resources Authority Deputy Director Process Control and Engineering

Education

BS, Environmental Engineering, University of Lowell, 1976
MS, Environmental Engineering, University of Lowell, 1978
PhD, Environmental Engineering, Northeastern University, 1985

Registrations

Professional Engineer, Massachusetts

Years of Experience

With AECOM: 10
With Other Firms: 30

Professional Affiliations

Water Environment Federation
New England Water Environment Association

Training

Certified Wastewater Treatment Plant Operator, Massachusetts
Wastewater Treatment Plant Operator, Class VII (5288)

Certifications

Dr. Laquidara is a wastewater practice leader, which involves providing technical input to various projects, as well as defining technical procedures to be followed during project execution. He has more than 35 years of experience in the public and private sectors, mostly involving water and wastewater plant engineering, processes, operations, and troubleshooting. Dr. Laquidara has particular experience in solving plant compliance issues and optimizing processes through engineering investigations by applying cost-effective operations and capital improvement solutions.

Experience

City of Portsmouth, Wastewater Master Plan Value Engineering, Portsmouth, New Hampshire. Technical advisor for the value engineering review of the city's wastewater master plan.

Various Clients, Biomass-to-Energy Conversion, Various Locations.

Performed numerous feasibility and engineering services for various biomass-to-energy conversion projects involving anaerobic degradation, sludge digestion, hazardous waste biodegradation, and industrial and municipal wastewater treatability studies.

Various Clients, Nutrient Removal Programs, Various Locations.

Technical advisor for biological nutrient removal and enhanced nutrient removal programs for the New York City, Long Island Sound, and Chesapeake Bay initiatives, which involve the planning and upgrade of existing facilities to achieve BNR and ENR removal goals through plant optimization, retrofits, and additional unit processes. Provided advice on new technologies, improved operation, and process engineering evaluations to define long-term needs.

Various Clients, Water Pollution Control Facilities Nutrient Removal Upgrades, Various Locations.

Wastewater process specialist for new and retrofit upgrades of various water pollution control facilities for nitrogen and/or phosphorus removal including Meriden, Cheshire, Jewett City, and Bridgeport, Connecticut; Keene and Newport, New Hampshire; Westborough, Massachusetts; Cranston, Rhode Island; Moorefield, West Virginia; Back River, Patapsco, Maryland; and Blue Plains, Washington, DC, among others.

Town of Moorefield, Facility Planning, Design, and Construction of Regional Wastewater Collection, Treatment, and Disposal Facilities, Moorefield, West Virginia. Technical advisor for the planning and design of a new regional wastewater treatment facility incorporating biological nutrient removal.

City of Spokane, Phosphorus Reduction Program, Spokane,

Washington. Blue ribbon panel member for a low phosphorus treatment piloting program involving the investigation of new technologies to achieve very low (<0.01 mg/L) total phosphorus.

Water Environment Research Foundation, Nutrient Removal Study. AECOM's core team member for the program.

Various Clients, Wastewater Treatment Plant Operations Evaluations, Various Locations. Technical specialist for assistance and evaluation of specific technical issues related to operations at wastewater treatment plants in Meriden, Cheshire, and Bridgeport, Connecticut; Cranston, Rhode Island; and Nashville, Tennessee, as well as others.

Various Clients, Treatment Plant Operations Consulting, Various Locations. Managed a contract operations firm's central plant support department, which provided technical services for the operation of more than 275 wastewater and 75 water treatment works in North America. Oversaw the development of technical programs involving applied standard process control and plant engineering practices. Worked with plant personnel to conduct margin enhancement efforts and correct process performance and compliance issues. Margin enhancements efforts normally included a full-scale demonstration before implementation. Introduced new technologies and provided general troubleshooting services.

City of Honolulu, Water Reclamation Plant Contract Operations, Honolulu, Hawaii. Provided expert services for contract operations at a 12-mgd water reclamation plant. Provided operational troubleshooting for the ultraviolet-coagulation-direct filtration process train. [Prior to AECOM]

City of Manchester, Wastewater Treatment Plant Secondary Clarifier Evaluation and Upgrade, Manchester, New Hampshire. Wastewater treatment process technical specialist for the expansion and upgrade of the city's wastewater treatment plant, which involved planning for a 25-year planning period and design services in phases.

Various Clients, Wastewater Treatment Plant Designs and Process Reviews, Various Locations. Conducted technical advisory team process quality reviews for more than 50 wastewater treatment plant designs and technical advisory team process reviews for all types of treatment including wastewater treatment, biosolids processing, energy recovery, water reuse, odor control, process operations, and nutrient removal, as well as advanced treatment for biological nutrient removal and enhanced nutrient removal, wet weather protection operation, and fixed film systems.

Various Clients, Wastewater Treatment Plant Upgrades, Various Locations. Wastewater treatment process technical specialist for the expansion and upgrade of wastewater treatment plants in Lee, Massachusetts; Manchester, New Hampshire; Cranston and Warrick, Rhode Island; Meriden, Bridgeport, and Southington, Connecticut; Moorefield, West Virginia; and Upper Marlboro, Maryland (Western Branch), all of which involved planning and design services.

Various Clients, Wastewater Treatment Plant Upgrades, Various

Locations. Wastewater treatment process technical lead for the upgrade of wastewater treatment plants in Nashville, Tennessee (wet weather treatment); Honolulu, Hawaii; and Columbia, South Carolina, all of which involved planning and conceptual design.

Various Clients, Membrane Bioreactor Plants, Various Locations. Lead technical reviewer for various membrane bioreactor plants treating domestic wastewater, including those for Davie, Florida (6 mgd); Aramco, Saudi Arabia (0.3 mgd); LNR (private developer), Weymouth, Massachusetts (0.5 mgd); and Kukuiula, Hawaii.

Metropolitan Water Reclamation District of Greater Chicago, North Side Water Reclamation Facility Master Planning, Chicago, Illinois. Process and operations technical specialist on a value engineering value-added program as part of the master planning effort for the 300-mgd advanced treatment North Side water reclamation facility, to define the plant's needs over a 25-year period.

Metropolitan Water Reclamation District of Greater Chicago, North Side Water Reclamation Facility Master Planning, Chicago, Illinois. Process and operations technical specialist on a value engineering value-added program as part of the master planning effort for the 300-mgd advanced treatment North Side water reclamation facility, to define the plant's needs over a 25-year period.

Logan Township Municipal Utilities Authority, Wastewater Reclamation and Beneficial Reuse System, Logan Township, New Jersey. Participated on the technical review team for a specialty membrane bioreactor project, which combined an MBR with advanced oxidation and reverse osmosis for indirect potable water reuse.

Town of Cohasset, Membrane Wastewater Treatment Facility Evaluation, Cohasset, Massachusetts. Provided technical assistance in correcting and defining actual field limitation of membrane flux rates at a 300,000-gpd membrane wastewater treatment facility. Evaluated and corrected operational and warranty issues. As owner's representative, pointed out and helped define the original design flaw with respect to the maximum winter flux rate. [Prior to AECOM]

Various Clients, California Title 22 Assistance, , California. Worked with USFilter W&T and Kruger to obtain California Title 22 reuse acceptance status for the UV Ultra Guard unit process and the Kruger disk filter. [Prior to AECOM]

Massachusetts Water Resources Authority, Deer Island Wastewater Treatment Plant Design, Boston, Massachusetts. Process engineering specialist on the transition team during the conceptual and detail design periods of the new 350-mgd wastewater treatment plant. Conducted all conceptual and detail design reviews relating to process and control, bridged the owner-operator-design engineer gap, and ensured staff and system readiness for startup and turnover.

Massachusetts Water Resources Authority, Deer Island Wastewater Treatment Plant Construction and Startup, Boston, Massachusetts.

Manager of process control during construction and startup of the new 350-mgd wastewater treatment facility. Defined operating parameters, developed and implemented new control strategies, and oversaw construction turnover, system check-out, and startup for all new facilities. Conducted first-pass energy and performance optimization.

Massachusetts Water Resources Authority, Deer Island Wastewater Treatment Plant Construction and Startup, Boston, Massachusetts.

Deputy director of process control and engineering at the 350-mgd wastewater treatment plant. Provided technical direction, budget development and oversight, day-to-day management, and work products review for the 30-plus technical staff members. Oversaw day-to-day process control including process set-up and evaluation, permit development and daily compliance, reporting, plant engineering, process and energy optimization, control system operation and maintenance, warranty tracking and monetary recovery, and process engineering.

City of Spokane, Water Reuse Planning, Spokane, Washington.

Program lead for the development of a water reuse plan. Considered several membrane reuse treatment options, including membrane filtration for a hard plumbed system for use near the water reclamation facility as well as membrane bioreactor satellite sewer mining options for management of potentially 10 to 15 percent of total plant flow. Conducted a large pilot demonstration to obtain public acceptance for this technology.

Florida Power and Light, Reuse Water Treatment Concept Design, Cranston, Rhode Island. Developed concept design and a pricing proposal for the addition of upflow sand filters to treat reuse water and discharged effluent at a 13-mgd wastewater treatment plant, which provides 3 mgd of reuse water to FPL's electric generating facility. [Prior to AECOM]

City of Cranston, Scrubber Water Treatability Studies, Cranston, Rhode Island. Conducted treatability studies and full-scale trials of scrubber water from the multiple hearth furnace at the 13-mgd wastewater treatment facility, resulting in the implementation of a full-scale once-through biological treatment process to lower cyanide levels, thereby minimizing impacts to the nitrification process from the recycle stream.

City of Woonsocket, Wastewater Treatment Plant Cyanide Impact Studies, Woonsocket, Rhode Island. Conducted controlled full-scale trials at the wastewater treatment plant to determine the impact of cyanide in the multiple hearth furnace's scrubber water on the liquid train of this total nitrogen plant. Implemented a standard operating procedure to increase the hearth temperature, thereby lowering cyanide in the scrubber water.

Town of Southbridge, Advanced Wastewater Treatment Facility Leachate Stream Assessment, Southbridge, Massachusetts. Provided an assessment of impacts and recommended facilities required to minimize process performance impacts when accepting leachate stream for a 3.8-mgd advanced wastewater treatment facility that provides a portion of effluent for power generation cooling. [Prior to AECOM]

Town of Hopkinton, Gray Water Reuse Process Improvements,

Hopkinton, Massachusetts. Provided recommendations for instrumentation equipment and control schemes to improve process performance at an 80,000-gpd direct gray water reuse sequencing batch reactor process. Evaluated and made recommendations for a secondary disinfection unit process and developed a dissolved solids mass balance for use in assessing and optimizing a make-up water scheme. [Prior to AECOM]

Various Clients, Overland Flow Treatment Review, Heavener, Oklahoma. Provided detailed operational and design review of a 0.32-mgd overland flow treatment scheme to improve an underperforming process. Recommended intermittent operation and alternation of crops. [Prior to AECOM]

Various Clients, Effluent Process Train Studies, Various Locations, . Provided troubleshooting services for numerous wastewater treatment plants that produce high-quality effluents, generally for surface or groundwater discharge. Evaluated process trains such as biological nitrogen transformation/removal, phosphorus removal, oxidation, and chemical treatments. Conducted detailed mass balancing and treatability studies or piloting of process engineering changes.

Passaic Valley Sewerage Commissioners, Harbor Wastewater Treatment Plants Nutrient Removal Cost Estimates, , New Jersey. Technical advisor for a nutrient reduction cost estimation study for the New Jersey Harbor Dischargers Group, a consortium of ten authorities in northern New Jersey that collectively discharge 750 mgd of treated wastewater to the New York-New Jersey Harbor. Provided advice and guidance in the development of technologies to achieve varying levels of nitrogen and carbon removal in conventional activated sludge plants, pure oxygen activated sludge plants, and trickling filter plants. Reviewed capital and operation and maintenance cost estimates and corresponding cost curves for each plant to achieve high, medium, and low levels of additional nitrogen and carbon removal.

Selected Publications and Presentations

"Improving WAS Settling & Effluent Quality Through Adjusting Biofloc Aluminum Ion Content - Full Scale Trials," Water Environment Federation, 2005 (with M. Abu-Orf, J. Novak, C. Muller, and C. Park).

"For Your Plant's Sake, Adjust Aluminum Flocc Content: The Case of Sioux City WWTF," Iowa Water Pollution and Control Association, 2003 (with M. Abu-Orf, C. Muller, C. Park, P. Nolan; R. Livermore; M. Sandvold, and J. Novak).

"Role of an On-Line Organic Analyzer (RACOD) in the Operational Optimization of a Wastewater Treatment Plant," Water Environment Federation, 2003 (with S. Basu, J. Stannard, and B. Stetson).

"Inhibiting the Production of Odors From Dewatered Residuals Using Nitrates and Anthraquinones," Water Environment Federation, 2002 (with M. Abu-Orf, C. Peot, M. Rameriz, L. McConnell, H. Kim, and D. Hunniford).

"Dewatering and Pasteurizing Biosolids in One Step," Water Environment Federation/American Water Works Association Biosolids and Residuals

Specialty Conference, 2002 (with M. Abu-Orf, R. Junnier, S. Dentel, and J. Mah)

“Disinfecting Municipal Wastewater Treatment Effluents of Varying Water Qualities Using Low-Pressure High-Intensity UV Lamps,” International Ultra Violet Association, 2001 (with C. Mysore and others).

“The Honoliuli Water Reclamation Facility - A DBFOO Experience,” Water Reuse Annual Symposium, 2001 (with C. Mysore and others).

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 3, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a on a proposed Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters. 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, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

PH-00125414

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 3, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a 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 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

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

PM00125418

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.]

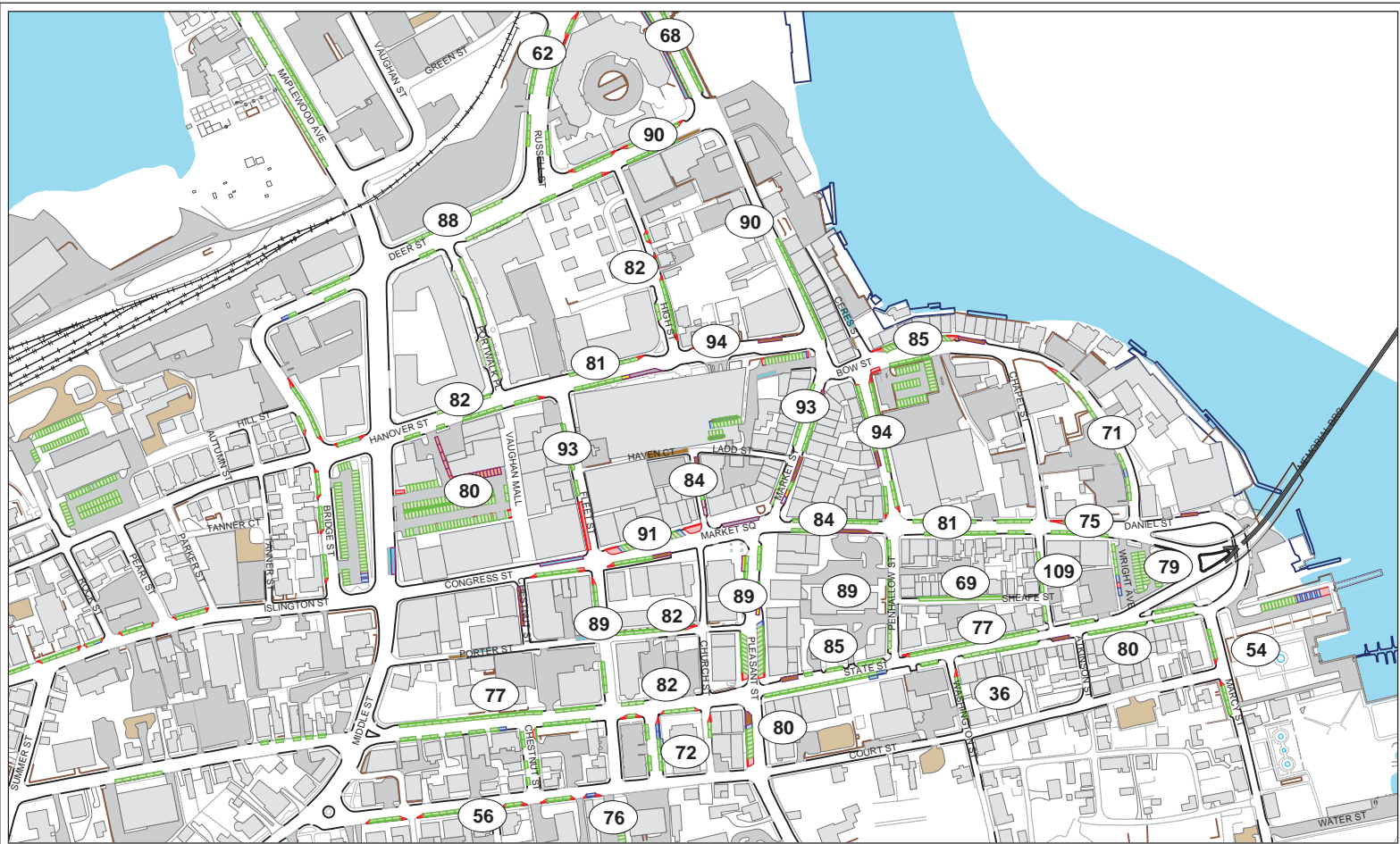


CITY OF PORTSMOUTH
DOWNTOWN HIGH OCCUPANCY METER ZONE PROPOSED CONDITIONS

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

1 inch = 220 feet

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 ,

02/02/2015

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 3, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a on a proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated “DRAFT – 4/15/2015”;
- (2) Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” (Draft 4/14/15); and
- (3) Amend the Zoning Map as set forth in the following maps considered by the Council at its meeting on April 20, 2015:
 - a. Map 10.5A21A – Character Districts and Civic Districts;
 - b. Map 10.5A21B – Building Height Standards;
 - c. Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Building & Uses.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

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- (1) Delete the existing Article 5A - Character Districts in its entirety and insert in its place the new Article 5A - Character Districts dated “DRAFT - 4/15/2015”;
- (2) Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” (Draft 4/14/15); and
- (3) Amend the Zoning Map as set forth in the following maps considered by the Council at its meeting on April 20, 2015:
 - a. Map 10.5A21A - Character Districts and Civic Districts;
 - b. Map 10.5A21B - Building Height Standards;
 - c. Map 10.5A21C - Special Requirements for Facade Types, Front Lot Line Building & Uses.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

PM00125416

Table of Contents

| | |
|--|----------|
| ARTICLE 5A CHARACTER-BASED ZONING | 1 |
| 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

10.5A21.21 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.

10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:

- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.

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

| | | |
|-----------------------|-----|--|
| Urban Center District | CD5 | <ul style="list-style-type: none"> • High density development center • Mix of building types • Residential, retail and other commercial uses • No front yards • No side yards • Limited landscaping • Streets with curbs, sidewalks and street trees that define small to medium blocks |
|-----------------------|-----|--|

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)**

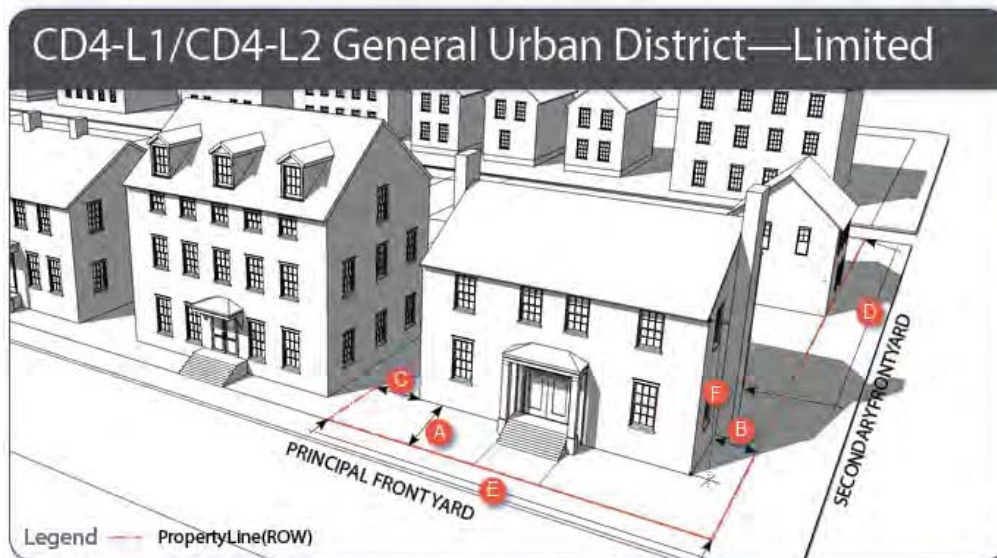
CD4-L1 General Urban District—Limited.

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

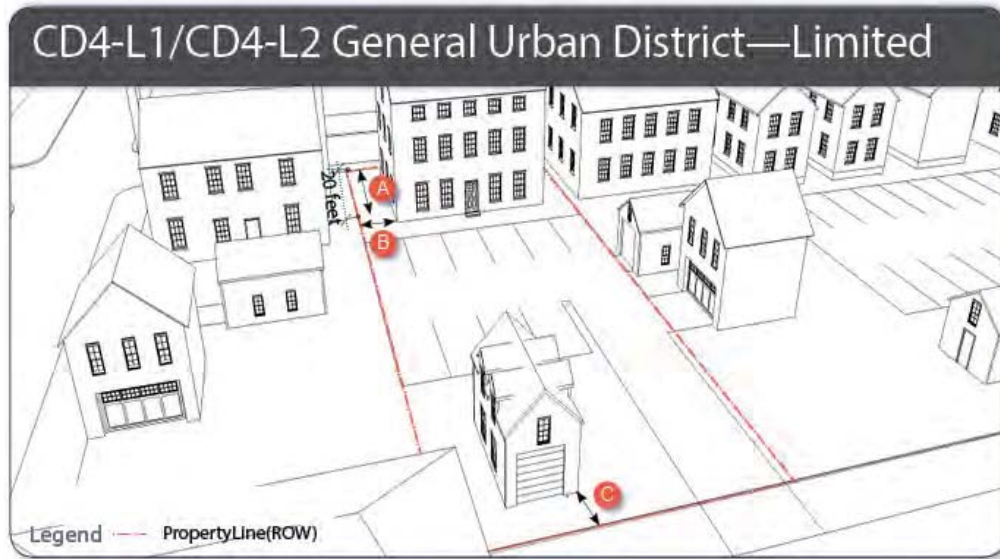
LOT OCCUPATION

| | |
|-------------------------------|----------|
| Maximum Building Block Length | 80 ft |
| Building Façade Modulation | 50 ft |
| Minimum Entrance Spacing | 50 ft |
| 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 Map 10.5A21.B & Section 10.5A43.30 | F |
| Finished Floor Surface of Ground Floor Above Sidewalk Grade | 0”-36” | |
| Ground Story Height | 11 ft min | |
| Upper Story Height | 10 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 | A |
| Side Yard | 3 ft min | B |
| Rear Yard | 3 ft min | C |

PARKING

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

BUILDING TYPES

| BUILDING TYPES | (See Figure 10.5A43.70) |
|---------------------------|--|
| 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 Section 10.5A32 |
| CD4-L2 allows some retail & restaurant uses on the ground floor |

FAÇADE TYPES & ENCROACHMENTS

| FAÇADE TYPES | (See Figure 10.5A43.10) | (see Table 10.5A21C) |
|---|--|------------------------------|
| 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 Map 10.5A21C) | |
| Officefront | not permitted unless required (see Map 10.5A21C) | |
| 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 | |

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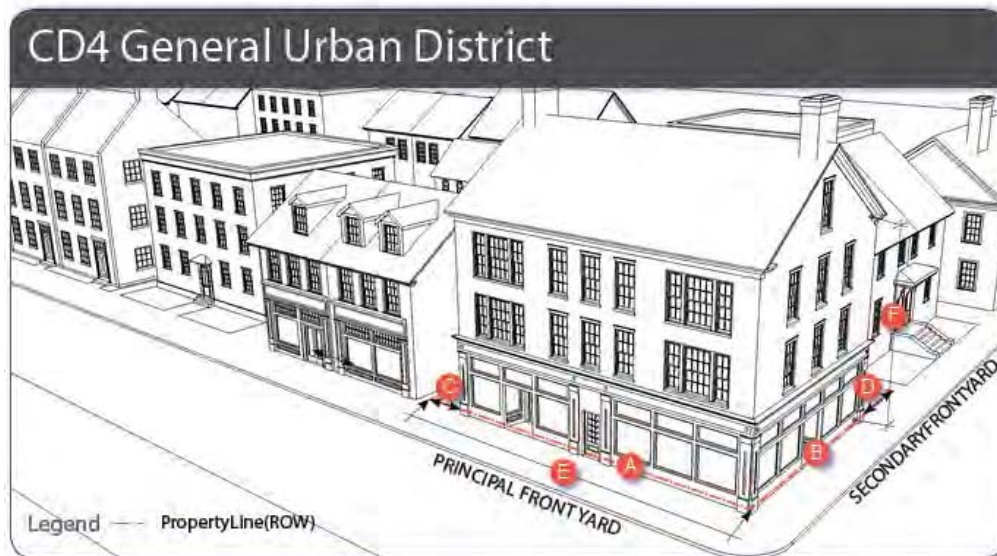
**FIGURE 10.5A41.10B CHARACTER DISTRICT STANDARDS
GENERAL URBAN DISTRICT (CD4)**

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

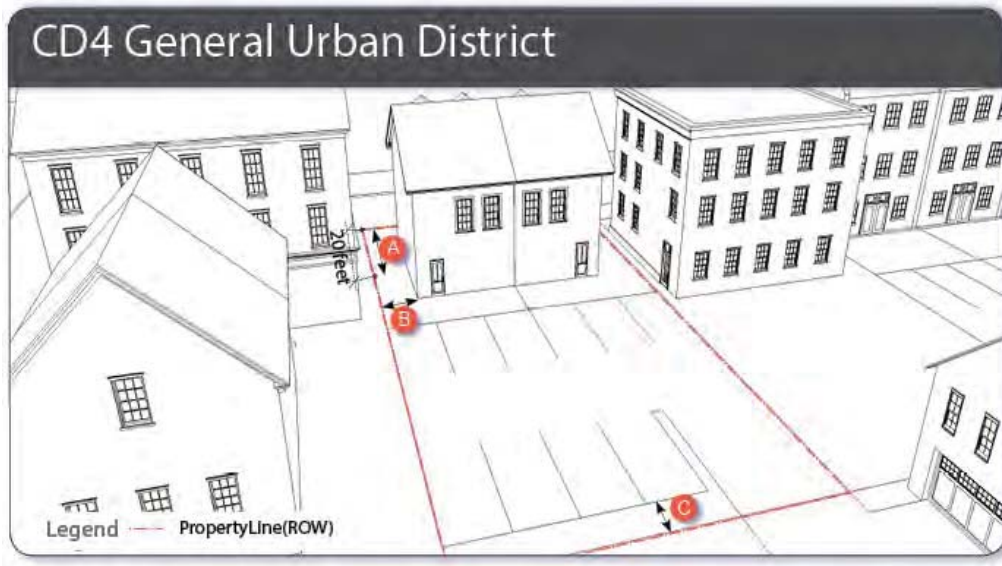
BUILDING FORM – PRINCIPAL BUILDING

| | | |
|---|---|----------|
| Building Height | See Map 10.5A21.B & Section 10.5A43.30 | F |
| Finished Floor Surface of Ground Floor Above Sidewalk Grade | 0”-36” | |
| Ground Story Height | 12 ft min | |
| Upper Story Height | 10 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 | |

LOT OCCUPATION

| | |
|-------------------------------|---|
| Maximum Building Block Length | 200 ft |
| Building Façade Modulation | 80 ft |
| Minimum Entrance Spacing | 60 ft |
| Building Coverage | 90% max |
| Max Building Footprint | 10,000 SF (except parking structures, See Section 10.5A44.35) |
| Min Lot Area | 2,000 sf |
| Min Lot Area/Dwelling Unit | NR |
| Open Space | 10% min |

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



BUILDING PLACEMENT – OUTBUILDING

| | | |
|------------|---------------------------------------|----------|
| Front Yard | Principal building setback +20 ft min | A |
| Side Yard | 0 ft min | B |
| Rear Yard | 3 ft min | C |

PARKING

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

BUILDING TYPES

| BUILDING TYPES | (See Figure 10.5A43.70) |
|---------------------------|---------------------------------|
| 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 Figure 10.5A43.10) | (see Table 10.5A21C) |
|--|---------------------------------|------------------------------|
| 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)**

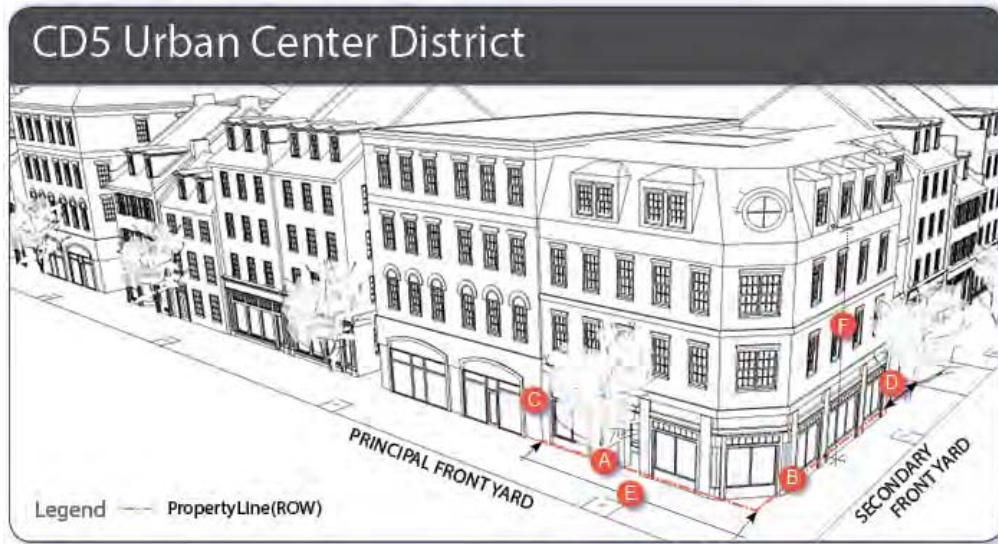
CD5 Urban Center District.

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.



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**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

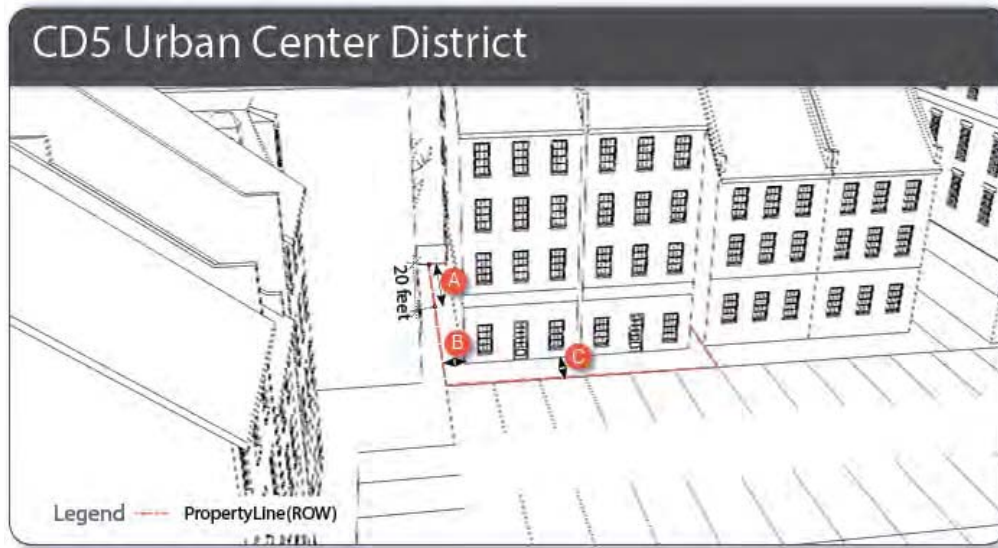
| | |
|----------------------------|---|
| Maximum Block Length | 250 ft |
| Building Façade Modulation | 100 ft max |
| Minimum Entrance Spacing | 60 ft |
| Building Coverage | 95% max |
| Max Building Footprint | 15,000 sq. ft. except for underground parking levels and parking structures and associated liner buildings (see Section 10.5A43.40) |
| Min Lot Area | 2,000 sf |

| | |
|----------------------------|--------|
| Min Lot Area/Dwelling Unit | NR |
| Open Space | 5% min |

BUILDING FORM – PRINCIPAL BUILDING

| | | |
|---|---|----------|
| Building Height | See Map 10.5A21.B & Section 10.5A43.30 | F |
| Finished Floor Surface of Ground Floor Above Sidewalk Grade | 0”-36” | |
| Ground Story Height | 12 ft min | |
| Upper Story Height | 10 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 | A |
| Side Yard | 0 ft min | B |
| Rear Yard | 3 ft min | C |

PARKING

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

BUILDING TYPES

| BUILDING TYPES | (See Figure 10.5A43.70) |
|---------------------------|---------------------------------|
| 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 Figure 10.5A43.10) | (see Table 10.5A43.10) |
|--|---------------------------------|--------------------------------|
| 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

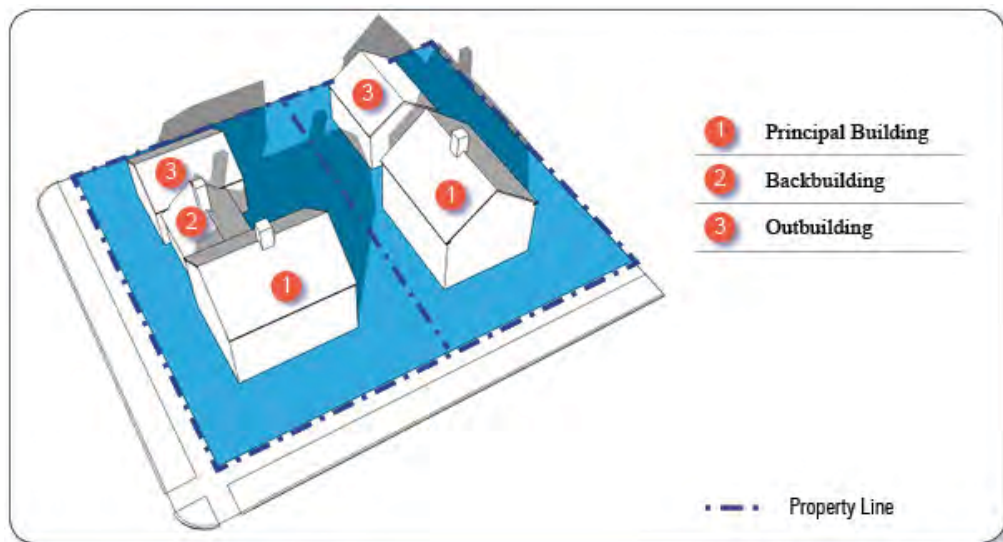
| | | |
|---|----------|--|
| Porches, Stoops, and other Elements may encroach the indicated yards by the following distances | | |
| Principal Front Yard | NA | |
| Secondary Front Yard | NA | |
| Rear Yard | 5 ft max | |

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

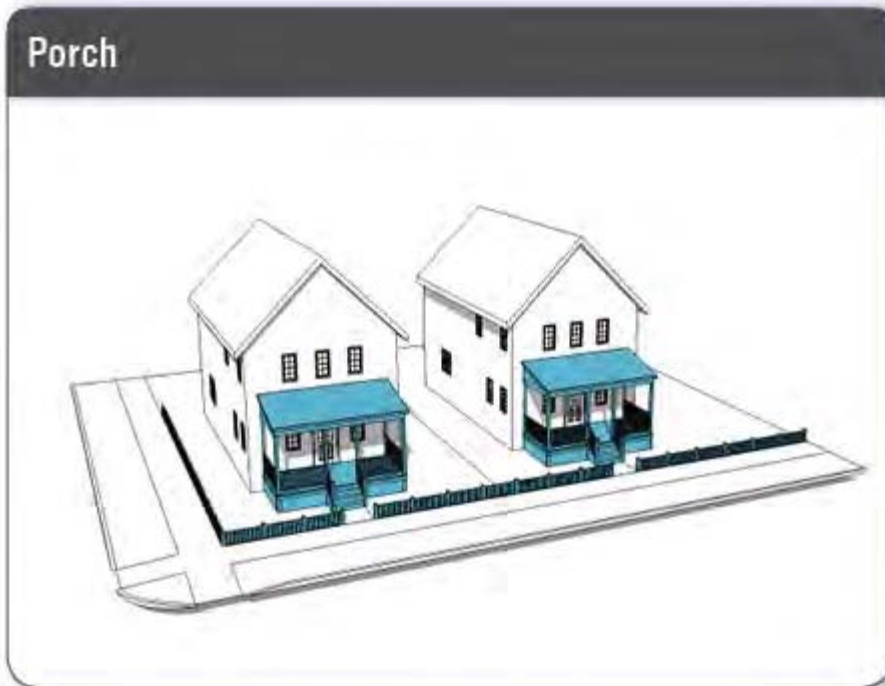
10.5A43.10 Façade Types– General

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

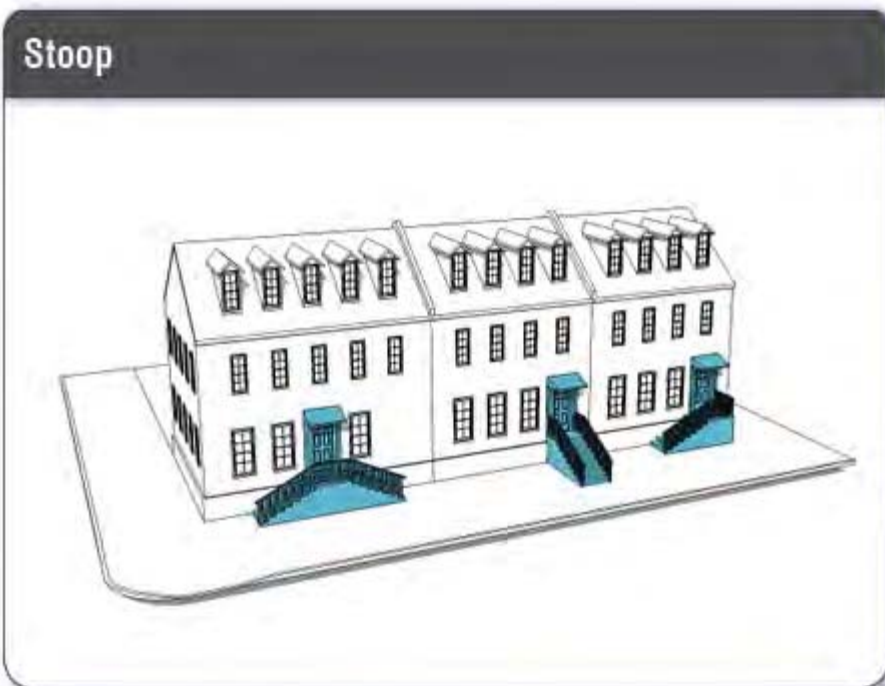
- 10.5A43.21 Except as listed in 10.5A43.22, any façade shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the maximum façade modulation dimensions listed in Figures 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.

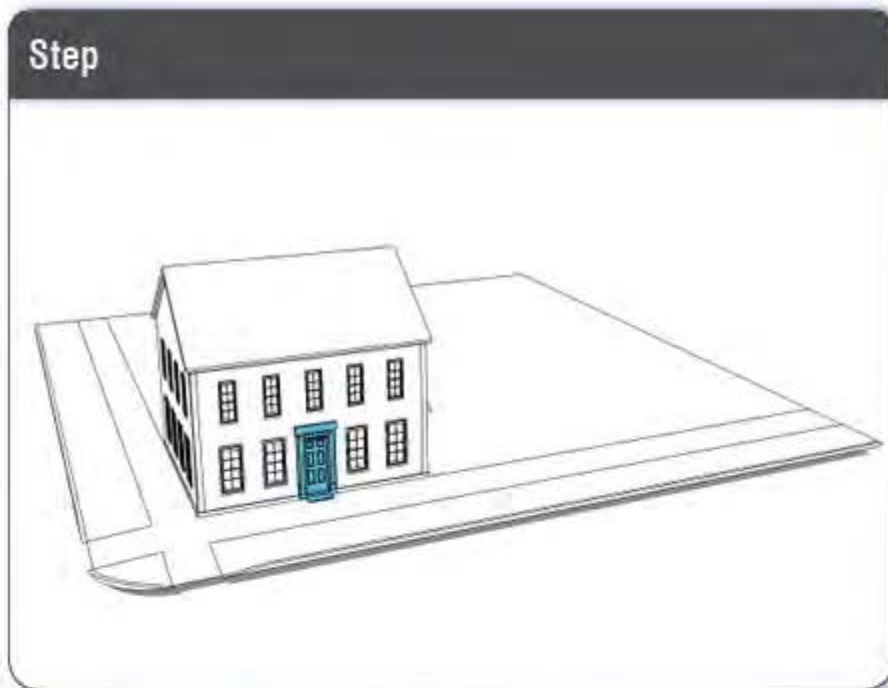
Allowed districts:
CD4, CD4-L1, CD4-L2



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)

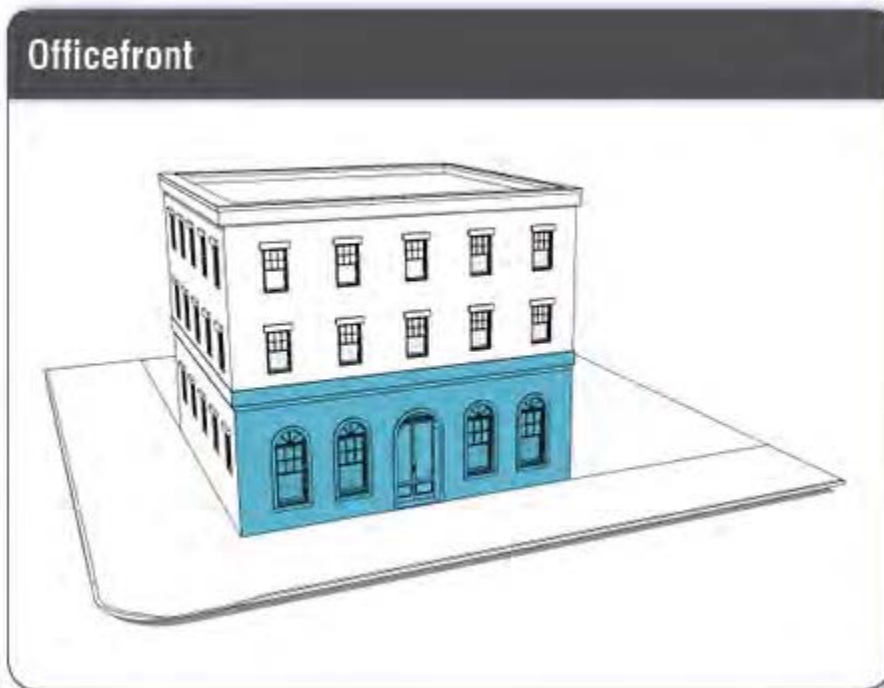


A façade type in which the façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor. The building may have an awning that may extend over the sidewalk to within 2 feet of the curb. This type is conventional for retail,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

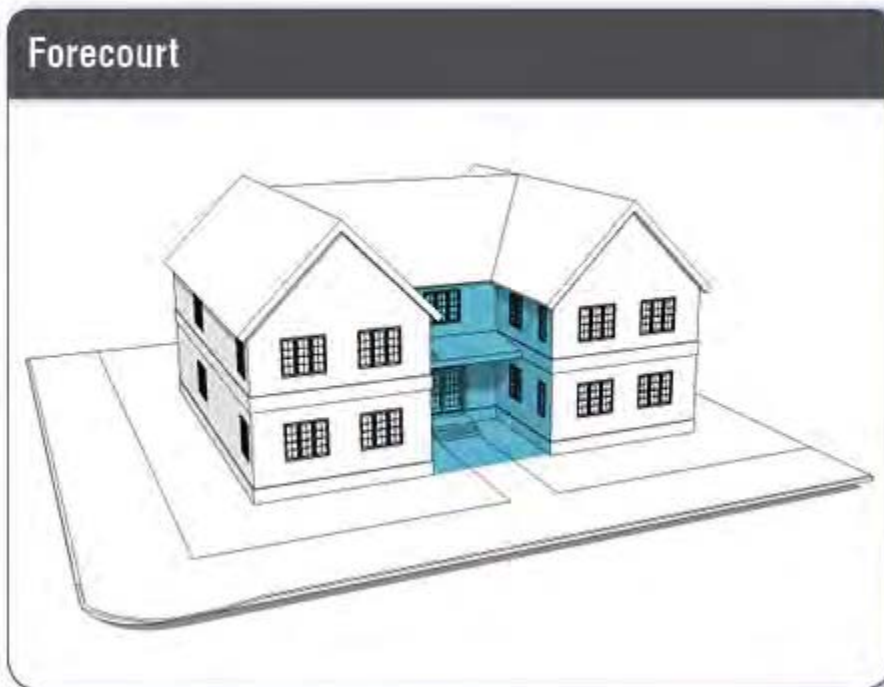
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



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:

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

10.5A43.32 An Increased Building Height Area is designated on Map 10.5A21B. In that area, the maximum building height may be increased by one story or up to 10 feet, whichever is lower, provided that the Historic District Commission has granted a Certificate of Approval, and 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 100 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, or greater than 100 feet from, 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 overlooks, 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 provide waterfront access;
- (F) The community space shall be conveyed to the city and be located directly adjacent to the same lot where increased building height is proposed or, it shall be subject to granting of a Conditional Use Permit by the Planning Board as provided in Section 10.5A43.33, and be located off-site but within the Increased Building Height Area as shown on Map 10.5A21B.

(ii) Workforce housing option – One or more of the following criteria shall be met:

- (A) At least 30% of the dwelling units within a story, or at least three 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). Such units shall be at least the average gross floor area of the proposed units in the building or, 1,000 sq. ft., whichever is greater; or
- (B) At least 10% of the dwelling units within a story, or at least two 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). Such units shall be at least the average gross floor area of the proposed units in the building or, 800 sq. ft., whichever is greater.

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

- 10.5A43.41 No building or structure footprint shall exceed the applicable maximum building footprint listed in Figure 10.5A41.10A-C (Character District Standards) except as provided in Sections 10.5A43.42-44 below.
- 10.5A43.42 In the CD5 district, a detached liner building that meets all Character District Standards and is integrated into a parking structure through the provision of community space, shared access, or other improvements may have a building footprint of up to 25,000 sq. ft.
- 10.5A43.43 In the CD5 district, a building that meets all Character District Standards may have a building footprint of up to 20,000 sq. ft. if all the following criteria are met:
 - (a) The building contains a ground floor parking level or underground parking level;
 - (b) There is a liner building along all exterior building walls within 20 feet of a street or vehicular right of way or easement; and
 - (c) No story above the underground parking level is greater than 15,000 sq. ft.
- 10.5A43.44 A parking structure shall have a building footprint no greater than 40,000 sq. ft. and a façade length of less than 300 feet.

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.

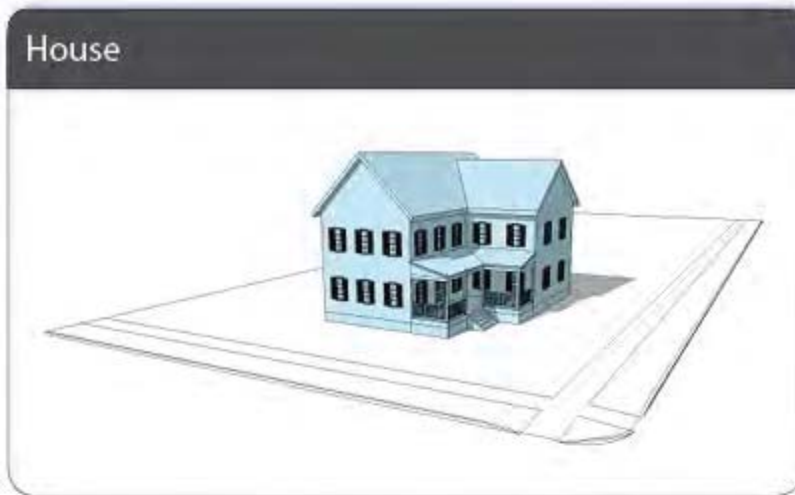
10.5A43.60 Streetscreens

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

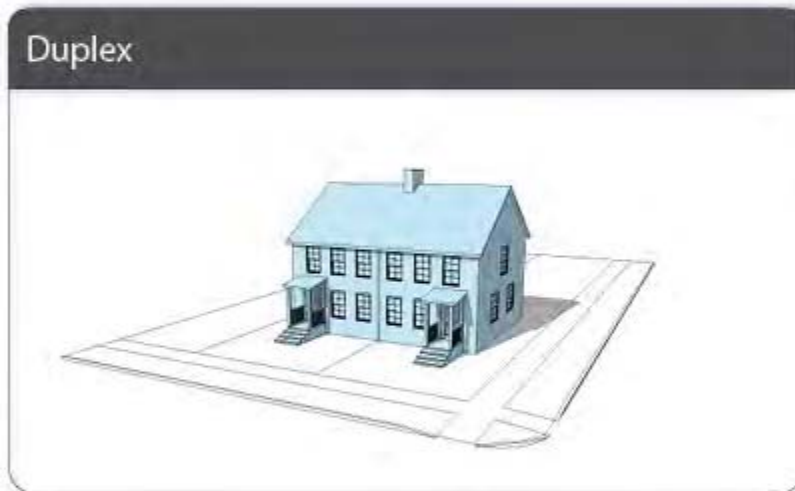


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

Allowed districts:

CD4-L1, CD4-L2

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

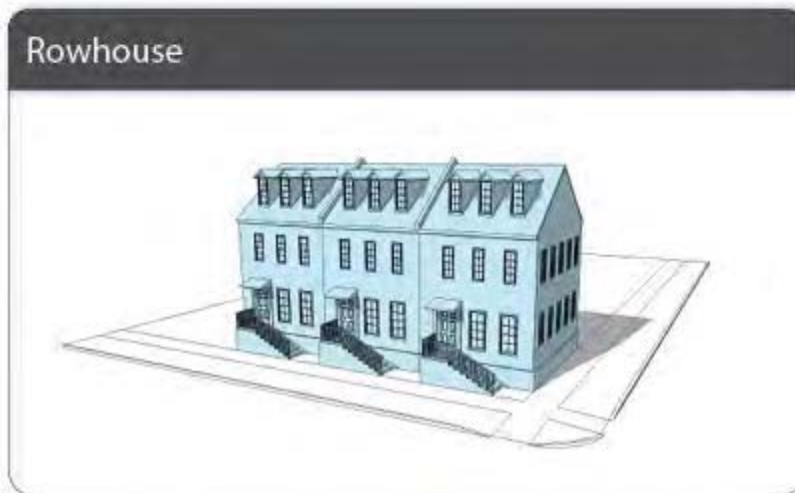


A residential building with two vertically-separated units with separate entrances. The building may have yards on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character District.

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 or beside.

Allowed districts:

CD5, CD4, CD4-L1, CD4-L2

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

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 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 A parking structure shall have liner buildings along its entire front yard except for driveways and pedestrian entrances.
- 10.5A44.36 A parking area or parking lot containing more than 75 parking spaces shall have least one internal pedestrian walkway at least eight (8) feet wide 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 landscaped island for every 10 parking spaces.
 - (b) Parking lots with more than one landscaped island shall have such islands distributed throughout the parking lot.
 - (c) Each landscaped 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 land area of ½ acres or more, from the date of adoption of this amendment, shall include at least 10% of its gross land area assigned and improved as community spaces. Such community space shall count toward the required open space area listed under Section 10.5A41.10A-C or the community space required under Section 10.5A43.32(b)(i)(B). 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.

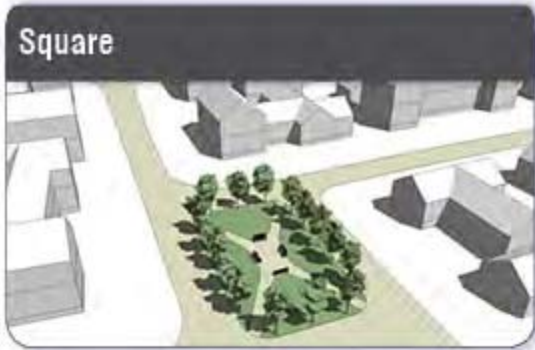
Allowed districts: CD5, CD4, CD4-L1, CD4-L2



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.

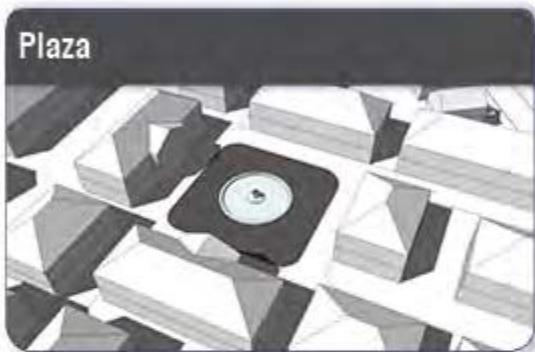
Allowed districts: CD5, CD4, CD4-L1, CD4-L2

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 area that is dedicated for public use with permanent deeded access to the City of Portsmouth and conforming to the types shown in Figure 10.5A46.10.

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 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

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, underground parking level or ground-level open area within a lot for parking vehicles as an accessory use. Not synonymous with parking lot or parking structure.

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 multiple 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.

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. |
| Character District 4-L1 | CD4-L1 | |
| Character District 4-L2 | CD4-L2 | |
| 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 not exceed 33 percent of the total roof area of the structure **and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.**

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 |
|-------------------------------|---------------------------|
| Micro-unit | 0.5 space per unit |
| Workforce Housing Unit | 1 space per unit |

2. Amend Section 10.1114.21 as follows:

Parking spaces and accessways shall be laid out in compliance with the minimum dimensions set forth in the Table of Off-Street Parking Dimensions.

Table of Off-Street Parking Dimensions

| A Angle of Parking (degrees) | B Width of Parking Space | C Depth of Parking Space | D* Width of Maneuvering Aisle | |
|--|--|--|--|------------------|
| | | | 1-way traffic | 2-way traffic |
| 0° | 8.5' | 20' | 14' | 24' |
| 45° | 8.5' | 19' | 16' | 24' |
| 60° | 8.5' | 19' | 18' | 24' |
| 90° | 8.5' | 19' | 24' | 24' |

***For a parking structure with 90 degree parking, the minimum width of a two-way maneuvering aisle shall be 22 feet.**

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 Character District 4-L Character District 4-L1 Character District 4-L2 |

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

| | |
|--------------------|------------------|
| Forecourt | Shopfront |
| Officefront | Step |
| Porch | Stoop |

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 |
| Civic District | Penthouse level |
| Civic space | Placement |
| Community space | Plaza |
| Configuration | Principal entrance |
| Cornice | Principal frontage |
| Curb | Private frontage |
| Development | Public frontage |
| Development Plan | Rearyard |
| Edgeyard | Regulating Plan |
| Elevation* | Second lot layer |
| Encroach | Secondary frontage |
| Encroachment | Setback |
| Façade | Shopfront |
| Façade glazing | Short story |
| Façade modulation | Sidewalk |
| First lot layer | Sideyard |
| Floor height | Special requirements |
| Frontage* | Square |
| Frontage line | Step frontage |
| Garage | Stoop 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.

Building Block Length

Measured along a street or public way, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

Building Entryway

A public entrance into a building from a principal or secondary front yard.

Building Footprint

The total area of a building at or above 18 inches in elevation as measured from the outside walls at the grade plane.

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.

Ground floor or story

Any floor or story of a building in which the floor is less than six feet above or below the finished grade at any street entrance of the building. Under this definition a building may have more than one ground floor **or story**.

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.

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. For internal courtyards at least 40 feet from a street or vehicular right-of-way or easement, the penthouse shall be setback at least 8 feet from the edge of the roof 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 floor to floor distance between finished floors.

Underground Parking Level

A story used for off-street parking that is below the grade plane.

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.

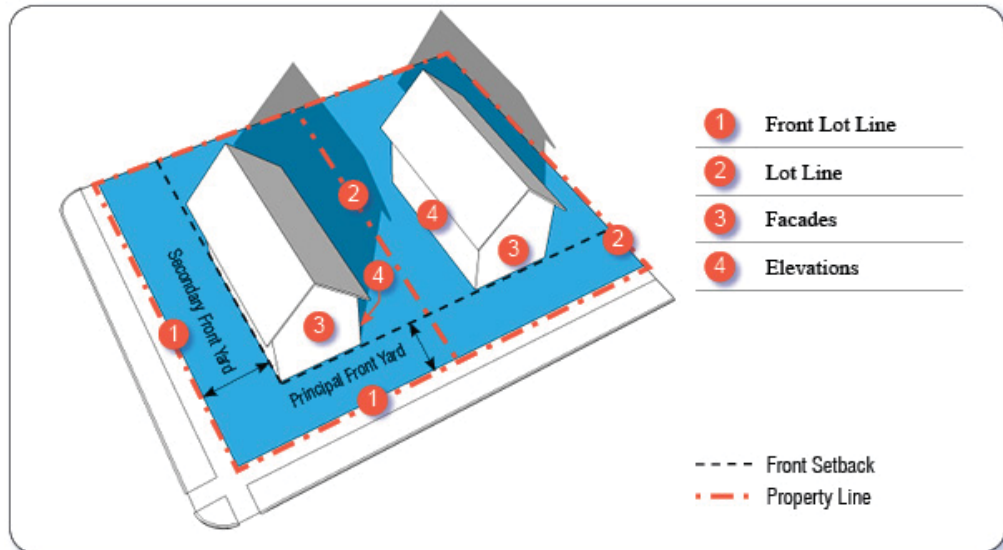
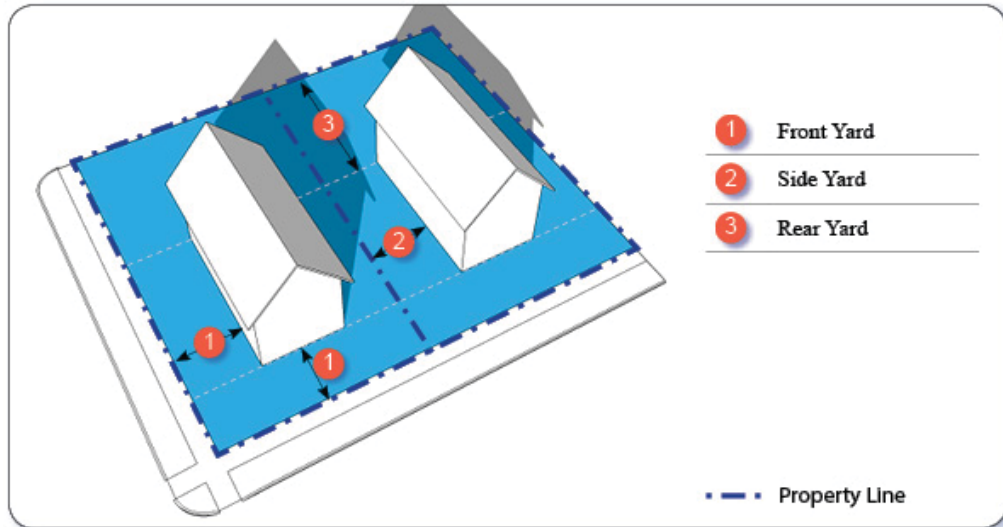
Principal front yard

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

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 SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4- L2 | MRB | CBA | CBB/ CD5/ CD4 | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|--|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|--|
| 1. Residential Uses | | | | | | | | | | | | | | | | | | |
| 1.10 Single family dwelling | P | P | P | P | N | P | P | P | P | P | N | N | N | N | N | N | N | |
| 1.20 Two-family dwelling | N | N | P | P | P | P | P | P | P | P | N | N | N | N | N | N | N | 10.640 (Downtown Overlay district) |
| 1.30 Townhouse | N | N | S | P | P | P | P | P | P | P | N | P | N | N | N | N | N | 10.640 (Downtown Overlay district) |
| 1.40 Multifamily dwelling | | | | | | | | | | | | | | | | | | 10.640 (Downtown Overlay district) |
| 1.41 3 or 4 dwelling units | N | N | S | P | P | P | P | P | P | P | N | N | P | N | N | N | N | 10.730 (Gateway district) |
| 1.42 5 to 8 dwelling units | N | N | N | S | P | P | P | P | P | P | N | N | P | N | N | N | N | 10.813 (Multifamily Dwellings in the Business District) |
| 1.43 More than 8 dwelling units | N | N | N | N | P | N | N | N | P | P | N | N | P | N | N | N | N | |
| 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 | | | | | | | | | | | | | | | | | | 10.640 (Downtown Overlay District) |
| 1.51 To 2 dwelling units | N | N | S | S | N | P | P | P | S | S | N | N | N | N | N | N | N | 10.812 (Conversion of Existing Dwelling to Multifamily Dwelling) |
| 1.52 To 3 or 4 dwelling units | N | N | S | S | N | P | P | P | S | S | N | N | N | N | N | N | N | |
| 1.53 To 5 to 8 dwelling units | N | N | N | S | N | S | S | S | S | S | N | N | N | N | N | N | 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 | |
| 1.60 Live/work unit | N | N | N | N | N | P | P | P | P | P | N | N | P | N | N | N | N | |

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

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4- L2 | MRB | CBA | CBB/ CD5/ CD4 | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|--|----|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|------------------------------------|
| 1.70 Manufactured housing park | N | N | N | N | P | N | N | N | N | N | N | N | N | N | N | N | N | |
| 1.80 Planned unit development (PUD) | | | | | | | | | | | | | | | | | | 10.720 (Planned Unit Developments) |
| 1.81 Open space PUD | CU | CU | 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 | |
| 2. Institutional Residence or Care Facilities | | | | | | | | | | | | | | | | | | |
| 2.10 Assisted living facility | | | | | | | | | | | | | | | | | | |
| 2.11 Assisted living center | N | N | N | N | N | N | N | N | N | P | P | CU | P | N | N | N | N | |
| 2.12 Assisted living home | S | S | S | S | S | S | S | S | N | N | N | N | N | N | N | N | N | |
| 2.20 Residential care facility | | | | | | | | | | | | | | | | | | |
| 2.21 5 or fewer residents | S | S | S | S | S | S | S | S | N | N | N | S | S | N | N | N | N | |
| 2.22 More than 5 residents | N | N | N | N | N | S | S | S | N | P | S | S | S | N | S | 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 | S | S | S | S | S | N | N | N | N | |
| 3.12 Other nonprofit | N | N | N | N | N | S | S | S | S | S | S | S | S | N | N | N | N | |

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

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4 L2 | MRB | CBB/ CD5/ CD4 | CBA | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|---|---|------------|------------|------------|-----------|--------------------|-----------|-----|---------------------|-----|----|----|---|----|----|---|----|--|
| 3.20 School | | | | | | | | | | | | | | | | | | |
| 3.21 Primary or secondary | N | N | N | N | N | S | S | P | P | P | P | P | P | P | N | N | N | |
| 3.30 Post-secondary | N | N | N | N | N | S | S | P | P | P | P | P | P | N | P | P | N | |
| 3.30 Historic preservation building | S | S | S | S | S | P | P | P | P | P | P | P | P | N | P | N | N | 10.821 (Historic Preservation Buildings and Museums) |
| 3.40 Museum | N | N | N | N | N | P | P | N | P | P | P | P | P | N | P | N | N | 10.821 (Historic Preservation Buildings and Museums) |
| 3.50 Performance facility | | | | | | | | | | | | | | | | | | |
| 3.51 Indoor performance facility | | | | | | | | | | | | | | | | | | |
| 3.511 Occupancy up to 500 persons | N | N | N | N | N | N | N | N | P | P | P | P | P | N | N | N | N | 10.592 (location) 10.860 (hours of operation) |
| 3.512 Occupancy more than 500 | N | N | N | N | N | N | N | N | S | S | P | P | N | N | N | N | N | |
| 3.52 Outdoor performance facility | | | | | | | | | | | | | | | | | | |
| 3.521 Occupancy up to 500 persons | N | N | N | N | N | N | N | N | S | S | S | S | S | N | N | N | N | 10.592 (location) 10.822 (yards) 10.860 (hours of operation) |
| 3.522 Occupancy more than 500 | N | N | N | N | N | N | N | N | N | S | S | S | S | N | N | N | N | |
| 3.60 Cemetery | S | S | 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 | S | N | P | S | S | S | 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 | For other municipal uses see Section 10.460 (Municipal districts) |

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

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4- L2 | MRB | CBA | CBB/ CD5/ CD4 | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|--|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|--|
| 4. Recreational Uses | | | | | | | | | | | | | | | | | | |
| 4.10 Religious, sectarian or private non-profit recreational use | N | S | N | N | N | S | S | N | P | P | P | P | P | N | N | N | N | |
| 4.20 Cinema or similar indoor amusement use with no live performance | N | N | N | N | N | N | N | N | P | P | P | P | P | 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 | P | P | P | P | P | N | N | N | N | 10.825 (noise) 10.860 (hours of operation) |
| 4.40 Health club, yoga studio, martial arts school, or similar use | | | | | | | | | | | | | | | | | | |
| 4.41 Up to 2,000 sq. ft. GFA* | N | N | N | N | N | S | S | P | P | P | P | P | P | N | N | S | N | |
| 4.42 More than 2,000 sq. ft. GFA | N | N | N | N | N | N | N | N | S | S | P | P | S | N | N | S | N | |
| 4.50 Outdoor recreation use | N | N | N | N | N | N | N | N | N | N | S | S | 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 | |
| 5. Office Uses, Non-Medical | | | | | | | | | | | | | | | | | | |
| 5.10 Professional office | N | N | N | N | N | P | P | S | P | P | P | P | P | N | P | P | N | 10.834 (Mixed Residential districts) |
| 5.20 Business office (incl. real estate office) | N | N | N | N | N | P | P | P | P | P | P | P | P | N | P | P | N | 10.834 (Mixed Residential districts) |

* GFA = gross floor area.

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|---|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|--------------------------|
| 5.30 Financial institution | | | | | | | | | | | | | | | | | | |
| 5.31 Financial services office | N | N | N | N | N | P | P | P | P | P | P | P | P | N | P | P | N | |
| 5.32 Retail bank | N | N | N | N | N | N | N | P | P | P | P | P | P | N | S | N | N | |
| 5.40 Social service campus | | | | | | | | | | | | | | | | | | 10.823 |
| 5.41 Nonresidential | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | N | |
| 5.42 Residential | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | N | |
| 5.50 Media studio | | | | | | | | | | | | | | | | | | |
| 5.51 Excluding any transmitting antenna tower | N | N | N | N | N | S | S | S | P | P | P | P | P | N | N | P | N | |
| 5.52 Including accessory transmitting antenna tower | N | N | N | N | N | N | N | N | N | N | S | S | S | N | N | S | N | 10.835 |
| 5.60 Publishing facility or similar electronic production operation | N | N | N | N | N | S | S | S | P | P | P | P | P | N | P | P | N | |
| 5.70 Call Center | N | N | N | N | N | N | N | N | N | N | P | N | N | N | N | S | N | |
| 6. Medical Services and Health Care | | | | | | | | | | | | | | | | | | |
| 6.10 Hospital | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | N | |
| 6.20 Medical offices and clinics (outpatient only) | N | N | N | N | N | S | S | S | S | P | P | P | P | N | P | N | N | |
| 6.30 Clinics with inpatient care | N | N | N | N | N | N | N | N | N | N | S | S | S | N | S | N | N | |

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|---|---|------------|------------|------------|-----------|--------------------|-----------|-----|-----|-------------|----|----|---|----|----|---|----|---|
| 6.40 Ambulatory surgical center | N | N | N | N | N | N | N | N | N | N | S | S | S | N | S | 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 | |
| 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 | |
| 7. Services, Other Than Health Care | | | | | | | | | | | | | | | | | | |
| 7.10 Day Care | | | | | | | | | | | | | | | | | | |
| 7.11 Family day care facility | P | P | P | N | N | P | P | P | N | N | N | N | N | N | N | N | N | |
| 7.12 Group day care facility including private preschool and kindergarten | S | S | S | S | N | S | S | P | P | P | P | P | P | 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 | S | P | P | P | P | P | N | N | N | N | |
| 7.30 Consumer services such as copy shop, bicycle repair, and pet grooming | N | N | N | N | N | N | N | S | 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 | S | N | P | P | P | P | N | P | P | P | All storage of materials and equipment shall be located within a building |
| 7.50 Veterinary Care | N | N | N | N | N | N | N | S | N | N | S | S | S | N | S | S | N | 10.833 |

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|--|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|--------------------------|
| 7.60 Laundry and dry cleaning establishments | | | | | | | | | | | | | | | | | | |
| 7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site | N | N | N | N | N | P | 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 | S | S | P | N | S | 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 | P | N | |
| 7.70 Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium | N | N | N | N | N | N | N | P | N | N | P | P | P | N | N | N | N | |
| 8. Retail Trade | | | | | | | | | | | | | | | | | | |
| 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 | N | N | N | N | |
| 8.112 24 hours per day operation | N | N | N | N | N | N | N | N | S | P | P | P | S | 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 | |

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|--|---|------------|------------|------------|-----------|--------------------|------------|----------|-----|-------------|----|----|---|----|----|---|----|--|
| 8.122 24 hours per day operation | N | N | N | N | N | N | N | N | S | S | S | P | S | 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 | N | S | S | 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 | 10.860 (hours of operation) |
| 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 | N | P | P | P | P | P | N | N | P | N | Maximum of 5 persons employed in manufacture |
| 8.80 Gateway planned development | N | N | N | N | N | N | N | N | N | N | N | CU | 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 | S | N | N | N | N | N | N | 10.930 (Sexually Oriented Businesses) |
| 9. Eating and Drinking Places | | | | | | | | | | | | | | | | | | |
| 9.10 Nightclub or bar | | | | | | | | | | | | | | | | | | 10.590 (location) |
| 9.11 Occupant load less than 250 | N | N | N | N | N | N | N | N | P | P | P | P | N | N | N | N | N | |
| 9.12 Occupant load from 250 to 500 | N | N | N | N | N | N | N | N | S | S | S | 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 | |

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|---|---|------------|------------|------------|-----------|-------------|------------|-----|------|-------------|----|----|---|---|----|--------------------------|----|--|
| | | | | | | /CD4 -L1 | CD4- L2 | MRB | CBA | CD5/ CD4 | GB | GW | B | | | | WB | OR |
| 9.20 Restaurant, take-out only | N | N | N | N | N | N | N | N | P | P | P | P | P | N | N | N | N | |
| 9.30 Restaurant, fast food | N | N | N | N | N | N | N | N | P | P | P | P | P | 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 | P | N | P | P | P | P | P | N | N | N | N | |
| 9.50 Restaurant, place of public assembly or function room | | | | | | | | | | | | | | | | | | 10.590 (location) 10.860 (hours of operation) |
| 9.51 Occupant load less than 250 | N | N | N | N | N | N | N | N | P | P | P | P | P | N | N | N | N | |
| 9.52 Occupant load from 250 to 500 | N | N | N | N | N | N | N | N | S | P | S | S | N | N | N | N | N | |
| 9.53 Occupant load greater than 500 | N | N | N | N | N | N | N | N | S | S | S | N | N | N | N | N | N | |
| 9.60 Permanently moored vessel used as restaurant or bar , with occupant load less than 250 | N | N | N | N | N | N | N | N | S | N | N | N | N | N | N | N | N | |
| 10. Lodging Establishments | | | | | | | | | | | | | | | | | | |
| 10.10 Boarding house | N | 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 | S | P | P | P | N | N | P | N | N | N | N | |
| 10.22 Bed and Breakfast 2 | N | N | N | N | N | S | S | P | P | P | N | N | P | N | N | N | N | |
| 10.30 Inn | N | N | N | N | N | N | N | S | P | P | P | P | P | N | N | N | N | |

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|--|---|------------|------------|------------|-----------|--------------------|-----------|-----|-----|-------------|----|----|---|----|----|---|----|---|
| 10.40 Hotel or motel | | | | | | | | | | | | | | | | | | |
| 9.51 Up to 125 rooms | N | N | N | N | N | N | N | N | S | P | S | S | N | N | P | N | N | 10.837 (Office Research districts) |
| 9.52 126 to 250 rooms | N | N | N | N | N | N | N | N | S | P | S | S | N | N | S | N | N | 10.837 (Office Research districts) |
| 9.52 251 to 500 rooms | N | N | N | N | N | N | N | N | S | P | S | S | N | N | N | N | N | |
| 9.53 More than 500 rooms | N | N | N | N | N | N | N | N | S | P | S | S | N | N | N | N | N | |
| 10.50 Conference hotel | N | N | N | N | N | N | N | N | S | P | P | P | N | N | N | N | N | |
| 10.60 Conference center | N | N | N | N | N | N | N | N | S | P | P | P | N | N | N | N | N | |
| 11. Motor Vehicle-Related Uses | | | | | | | | | | | | | | | | | | |
| 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 | P | P | S | 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 | S | S | S | N | N | S | 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 | S | S | S | N | N | S | N | 10.581 (lot area) 10.592 (location) 10.843 (motor vehicle related uses) |

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|--|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|-------------|----|----|---|----|----|---|----|---|
| 11.40 Impound lot (principal or accessory use) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | N | |
| 11.50 Truck fueling facility | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | 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 | S | N | 10.592 (location) 10.843 (motor vehicle related uses) |
| 12. Marine Craft Related Uses | | | | | | | | | | | | | | | | | | |
| 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 | N | N | N | N | |
| 12.12 Fishing boat landing 1 | N | S | S | N | N | N | N | N | P | P | P | P | N | P | N | N | P | 10.838.10 (Residential districts) |
| 12.13 Fishing boat landing 2 | N | N | N | N | N | N | N | N | N | N | S | P | N | S | N | N | P | |
| 12.20 Marina | | | | | | | | | | | | | | | | | | |
| 12.21 With no repair, servicing or fueling facilities | N | N | N | N | N | N | N | N | P | N | N | S | N | P | N | N | N | |
| 12.22 With repair, servicing or fueling facilities | N | N | N | N | N | N | N | N | S | N | N | S | N | S | N | N | N | 10.581 (lot area) 10.592 (location) 10.860 (hours of operation) |

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| 12.30 Repair of commercial marine craft and marine-related structures | N | N | N | N | N | N | N | N | N | N | N | N | N | S | 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 | P | N | N | N | N | P | N | N | P | |
| 13. Wholesale Trade, Warehousing and Distribution | | | | | | | | | | | | | | | | | | |
| 13.10 Wholesale use | | | | | | | | | | | | | | | | | | |
| 13.11 Not marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | N | |
| 13.12 Marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | P | |
| 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 | P | P | P | P | P | 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 | P | P | P | 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 | P | N | |

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| 13.32 Marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | S | |
| 13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use | | | | | | | | | | | | | | | | | | |
| 13.41 Not marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | N | |
| 13.42 Marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | P | |
| 14. Industrial Uses | | | | | | | | | | | | | | | | | | |
| 14.10 Light industry | | | | | | | | | | | | | | | | | | |
| 14.11 Not marine-dependent | N | N | N | N | N | N | N | N | N | N | S | S | N | N | N | P | N | |
| 14.12 Marine-dependent | N | N | N | N | N | N | N | N | N | N | S | S | N | N | N | P | P | |
| 14.20 Research and development | | | | | | | | | | | | | | | | | | |
| 14.21 Not marine-dependent | N | N | N | N | N | N | N | P | N | N | S | S | S | N | S | P | N | |
| 14.22 Marine-dependent | N | N | N | N | N | N | N | N | N | N | S | S | S | P | S | P | P | |
| 14.30 Food processing | | | | | | | | | | | | | | | | | | |
| 14.31 Not including seafood processing | N | N | N | N | N | N | N | N | N | N | P | P | N | N | N | P | P | 10.592 (location) 10.851 (use contained in building) |
| 14.32 Including seafood processing | N | N | N | N | N | N | N | N | N | N | S | S | N | N | N | S | S | |
| 14.40 Electronics manufacturing | N | N | N | N | N | N | N | N | N | N | S | S | S | N | N | P | N | |

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| 14.50 General manufacturing | | | | | | | | | | | | | | | | | | |
| 14.51 Not marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | P | N | |
| 14.52 Marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | P | N | P | S | |
| 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 | S | N | |
| 14.62 Marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | S | |
| 14.70 Recycling facility and plant | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | N | 10.592 (location) 10.853 |
| 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 | S | N | 10.593 (location) |
| 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 | |

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|---|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|--------------------------|
| 15. Transportation and Utilities | | | | | | | | | | | | | | | | | | |
| 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 Essential to service the area in which it is located | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | S | |
| 15.12 Providing community-wide or regional service | N | N | N | N | N | N | N | N | N | N | S | S | N | N | N | S | S | |
| 15.20 Heliport or helipad | | | | | | | | | | | | | | | | | | |
| 15.21 Helipad, as an accessory use to a permitted hospital use | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | S | S | |
| 15.22 Heliport | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | |

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| 16. Wireless Telecommunications Facilities | | | | | | | | | | | | | | | | | | |
| 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 | |
| 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 | |
| 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 | |
| 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 | |
| 16.30 Whip antenna not more than 30 feet in height | S | S | S | S | S | S | S | S | P | P | P | P | P | P | P | P | P | |
| 16.40 Other wireless telecommunica-tions facility not included above | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 10.460 (Municipal districts) 10.920 (Wireless telecommunica-tions facilities) |

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

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4 L2 | MRB | CBA | CBB/ CD5/ CD4 | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|---|---|------------|------------|------------|-----------|--------------------|-----------|-----|-----|---------------------|----|----|---|----|----|---|----|--------------------------|
| 17. Agricultural Uses | | | | | | | | | | | | | | | | | | |
| 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 | |
| 17.20 Keeping of farm animals | S | S | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | |
| 18. Temporary Uses | | | | | | | | | | | | | | | | | | |
| 18.10 Construction trailer | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 18.20 Temporary structure | | | | | | | | | | | | | | | | | | |
| 18.21 Up to 30 days | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 18.22 31 to 90 days | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | P | |
| 18.23 91 to 180 days | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | S | S | |
| 18.24 More than 180 days | 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 | | | | | | | | | | | | | | | | | | |
| 18.31 Up to 180 days | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 18.32 More than 180 days | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | P | P | |

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

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4- L2 | MRB | CBA | CBB/ CD5/ CD4 | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|---|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|----|----|----|---|----|---------------------------------------|
| 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 | P | P | P | P | P | N | P | P | P | |
| 19. Accessory Uses | | | | | | | | | | | | | | | | | | |
| 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 | 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 | N | N | N | N | |
| 19.22 Home occupation 2 | S | S | S | S | N | S | S | P | P | P | P | P | P | N | N | N | N | |
| 19.30 Concessions and services located within the principal building | N | N | N | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 19.40 Drive-through facility, as accessory use to a permitted principal use | N | N | N | N | N | N | N | N | N | N | CU | CU | CU | N | CU | N | N | 10.836 (accessory drive-through uses) |
| 20. Accessory Storage | | | | | | | | | | | | | | | | | | |
| 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 = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 CD4- MRB -L1 L2 | | | CBB/ CBA CD5/ GB GW B WB OR CD4 | | | | | | | I | WI | Supplemental Regulations | |
|--|---|------------|------------|------------|-----------|--------------------------------|---|---|---------------------------------------|---|---|---|---|---|---|---|----|--------------------------|-----------|
| | | | | | | | | | | | | | | | | | | | |
| 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 | | |
| 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 | | |
| 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 | | |
| 20.40 Outdoor storage of lobster traps, lobster buoys and associated rope | P | P | P | P | P | P | P | P | N | N | P | P | P | P | P | N | P | P | 10.811.20 |
| 20.50 Outdoor storage of raw or partially finished material | | | | | | | | | | | | | | | | | | | |
| 20.51 Not marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | S | N |
| 20.52 Marine-dependent | N | N | N | N | N | N | N | N | N | N | N | N | N | S | N | S | S | | |

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

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO /CD4 -L1 | CD4- L2 | MRB | CBA | CBB/ CD5/ CD4 | GB | GW | B | WB | OR | I | WI | Supplemental Regulations |
|---|---|------------|------------|------------|-----------|--------------------|------------|-----|-----|---------------------|----|----|---|----|----|---|----|--------------------------|
| 20.60 Outdoor storage of machinery, equipment and vehicles | | | | | | | | | | | | | | | | | | |
| 20.61 Not marine-dependent | N | N | N | N | N | N | N | N | N | N | S | S | S | N | N | S | 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 | S | S | S | S | N | S | S | |

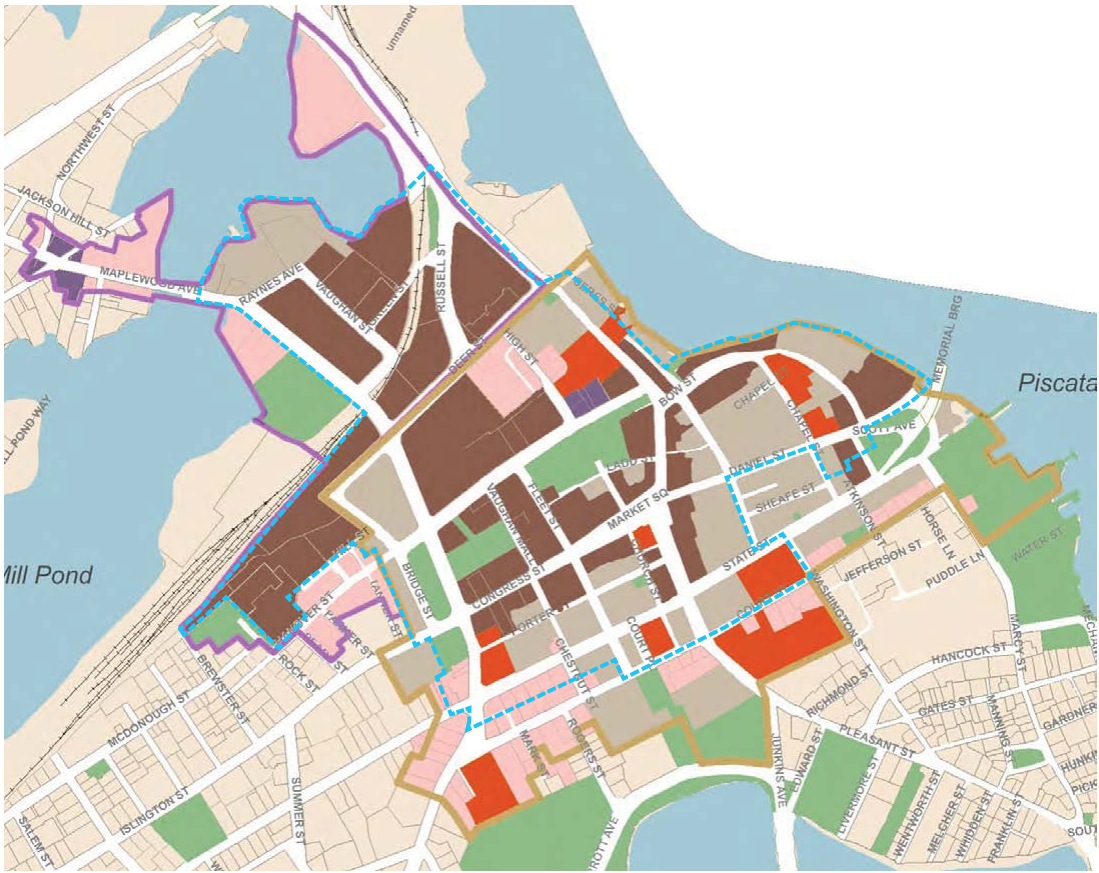
BOUNDARY MAP



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 District

Municipal District

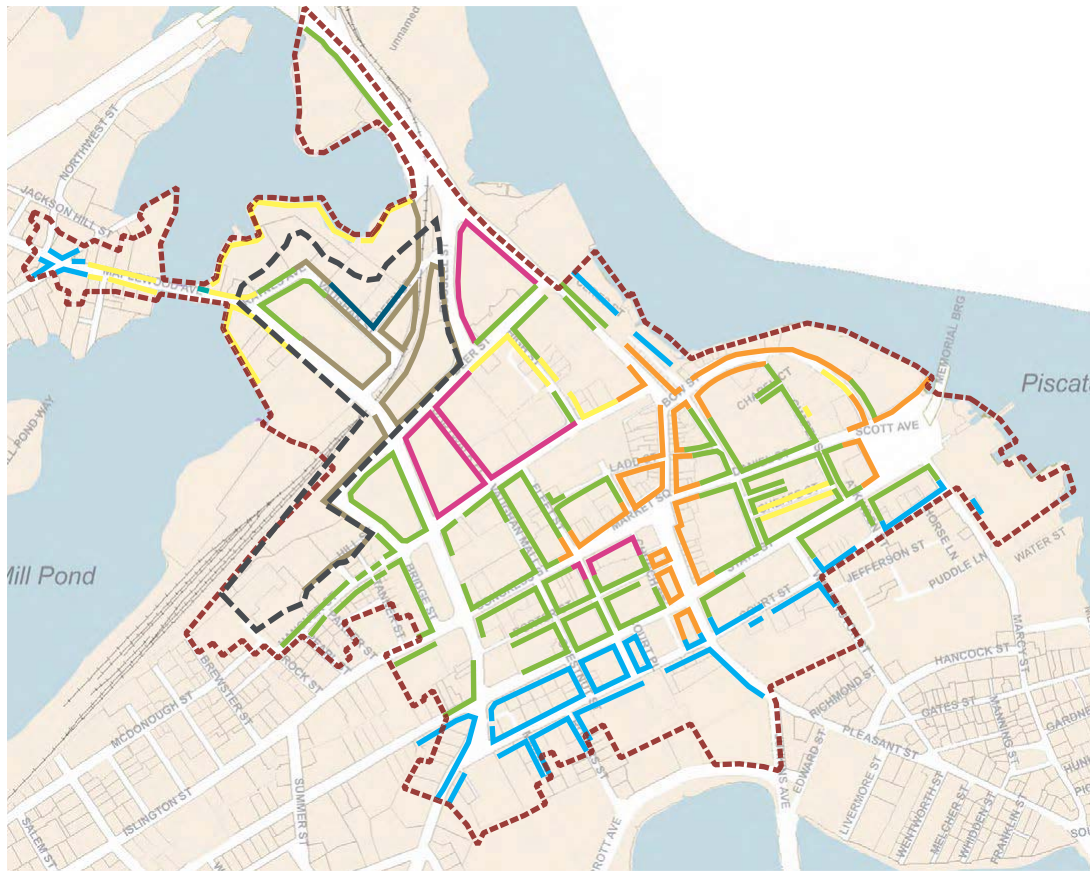
- Municipal District

Downtown Overlay District

- Downtown Overlay District

Proposed revisions for City Council second reading 7-22-15

MAP 10.5A21B 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' |
| 2-5 Stories | 60' |

*Penthouse Levels may exceed the maximum building height by 2 feet.

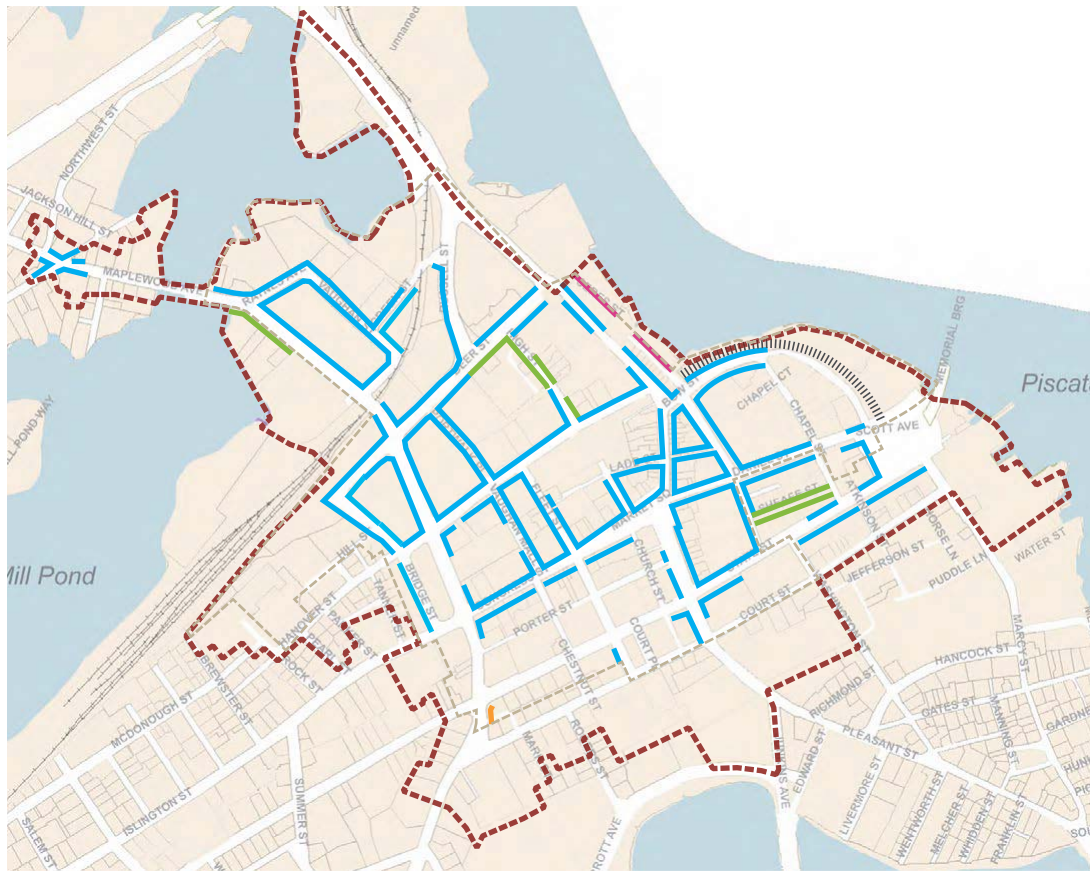
— — — — — Increased Building Height Area
 The indicated Maximum Building Heights may be increased pursuant to Section 10.5A43.32

Between Maplewood Avenue and Russell Street, the boundary of the Increased Building Height Area is established at 100 feet from the mean high water line

— — — — — Character-Based Zoning Area

1. A short story includes either:
 - 1) use of a top story below the cornice line of a sloped roof that 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 Building Height Standard refer to the requirements listed in Section 10.5A21.22
3. Attic space 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 FACADE TYPES, FRONT LOT LINE BUILDOUT & 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 use regulations for the Central Business A District set forth in Section 10.440.



RECEIVED

JUL 23 2015

Executive Offices

July 17, 2015

Mr. David Moore
Community Development Director
City of Portsmouth, NH
1 Junkins Ave
Portsmouth, NH 03801

Dear Mr. Moore,

Thank you for welcoming Liberty Mutual Insurance employees during this year's *Serve with Liberty* program. In total, we had 28,000 employees in 21 countries serving in their local communities this year. Your participation gives our employees insight into the meaningful work you do every day.

As a token of our gratitude for hosting a significant number of our employees, I am enclosing a check from Liberty Mutual to City of Portsmouth, NH in the amount of \$2,000.

We hope you'll join us again next year for *Serve with Liberty*, May 9-13, 2016!

Sincerely,

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

Melissa M. MacDonnell
Vice President, Director Corporate Public Affairs
Liberty Mutual Insurance

Thanks for having us.

**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 |
|-----------------------------------|---|
| Short-term vacation rental | 2 spaces (see also Sec. 10.837.23) |

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 |
|--|----------|------------|------------|------------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--|
| 10. Lodging Establishments | | | | | | | | | | | | | | | | | |
| 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 | N | N | N | P | N | N | N | N | |
| 10.22 Bed and Breakfast 2 | N | N | N | N | N | S | P | P | N | N | N | P | N | N | N | N | |
| 10.30 Short-term vacation rental | N | N | N | N | N | N | N | P | N | N | N | P | N | N | N | N | 10.837.20 (Short-term vacation rentals) |
| 40.30 10.40 Inn | N | N | N | N | N | N | S | P | P | P | P | P | N | N | N | N | |
| 40.40 10.50 Hotel or motel | | | | | | | | | | | | | | | | | |
| 9-51 10.51 Up to 125 rooms | N | N | N | N | N | N | N | S | P | S | S | N | N | N | N | N | 10.837 (Office Research districts) |
| 9-52 10.52 126 to 250 rooms | N | N | N | N | N | N | N | S | P | S | S | N | N | N | N | N | 10.837 (Office Research districts) |
| 9-52 10.53 251 to 500 rooms | N | N | N | N | N | N | N | S | N | P | S | S | N | N | N | N | |
| 9-53 10.54 More than 500 rooms | N | N | N | N | N | N | N | S | N | P | S | S | N | N | N | N | |
| 40-50 10.60 Conference hotel or conference center | N | N | N | N | N | N | N | S | P | P | P | N | N | N | N | N | |
| 40-60-Conference-center | N | N | N | N | N | N | N | S | P | R | R | N | N | N | N | N | |

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

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

RESOLUTION # 17-2015

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO SIX MILLION ONE HUNDRED THOUSAND
DOLLARS (\$6,100,000) FOR COSTS RELATED TO FISCAL
YEAR 2016 CITYWIDE STREET AND SIDEWALK
IMPROVEMENTS.**

BE IT RESOLVED:

THAT, the sum of **Six Million One Hundred Thousand Dollars (\$6,100,000)** is appropriated for Fiscal Year 2016 Citywide Street and Sidewalk Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Six Million One Hundred Thousand Dollars (\$6,100,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT That the expected useful life of the project is determined to be at least ten (10) years, and;

THAT That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

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 |
| | Totals | \$1,000,000 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$1,250,000 | \$50,000 | \$1,300,000 |
| 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 |
| | Totals | \$800,000 | \$0 | \$800,000 | \$0 | \$800,000 | \$0 | \$2,400,000 | \$1,400,000 | \$3,800,000 |
| 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/> | | |
| TOTAL IMPROVEMENTS | \$800,000 | |

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 |
| Totals | | \$250,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$250,000 | \$0 | \$250,000 |
| 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 |
| | Totals | \$550,000 | \$125,000 | \$550,000 | \$0 | \$0 | \$0 | \$1,225,000 | \$1,165,000 | \$2,390,000 |
| 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 |
| | Totals | \$3,000,000 | \$0 | \$3,000,000 | \$0 | \$3,000,000 | \$0 | \$9,000,000 | \$5,000,000 | \$14,000,000 |
| 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 |
| TOTAL IMPROVEMENTS | \$3,000,000 |

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 |
| | Totals | \$500,000 | \$200,000 | \$500,000 | \$0 | \$0 | \$0 | \$1,200,000 | \$800,000 | \$2,000,000 |
| Commence FY: | 2016 | Quarter: | 1st | Priority: | I | Impact On Operating Budget: | | Negligible | | |

**THE CITY OF PORTSMOUTH
TWO THOUSAND FIFTEEN
PORTSMOUTH, NH**

RESOLUTION # 18-2015

A RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES, OR EXECUTION OF LEASE PURCHASE AGREEMENT OF UP TO SIX HUNDRED THOUSAND (\$600,000) FOR THE ACQUISITION OF ONE FIRE APPARATUS.

BE IT RESOLVED:

THAT the sum of **Six Hundred Thousand Dollars (\$600,000)** be and is hereby appropriated for the acquisition of one Fire Apparatus.

THAT in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Six Hundred Thousand Dollars (\$600,000)** through the issue of bonds and/or notes of the City under the Municipal Finance Act and/or the execution of lease purchase agreements.

THAT the expected useful life of the fire apparatus is determined to be at least 10 years.

THAT this resolution shall take effect upon its passage.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

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 |
| | Totals | \$600,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$600,000 | \$0 | \$600,000 |
| Commence FY: | 2016 | Quarter: | 1st | Priority: | I | Impact On Operating Budget: | Negligible | | | |

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

RESOLUTION # 19-2015

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO FIVE HUNDRED THOUSAND DOLLARS
(\$500,000) FOR COSTS RELATED TO FISCAL YEAR 2016
SCHOOL FACILITIES IMPROVEMENTS.**

RESOLVED:

THAT, the sum of **Five Hundred Thousand Dollars (\$500,000)** is appropriated for Fiscal Year 2016 School Facilities Improvements;

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

THAT, the expected useful life of the projects is determined to be at least ten (10) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

BI-SD-05: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

Department: School Department

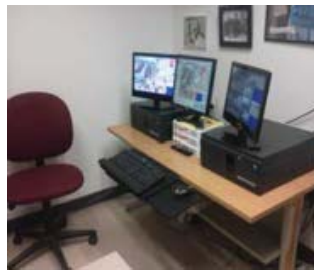
Project Location: District Wide

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 |
| | Totals | \$500,000 | \$0 | \$0 | \$500,000 | \$0 | \$0 | \$1,000,000 | \$1,000,000 | \$2,000,000 |
| 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 |
| <hr/> | | | |
| TOTAL IMPROVEMENTS | | | \$500,000 |

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

RESOLUTION # 20-2015

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION ONE HUNDRED THOUSAND DOLLARS (\$4,100,000) RELATED TO WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS AND STAGE TWO DISINFECTION BY-PRODUCT RULE IMPLEMENTATION.

RESOLVED:

THAT, the sum of up to **Four Million One Hundred Thousand Dollars (\$4,100,000)** is appropriated for Water System Pressure and Storage Improvements and Stage Two Disinfection By-Product Rule Implementation;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Four Million One Hundred Thousand Dollars (\$4,100,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Water System Pressure and Storage Improvements and Stage Two Disinfection By-Product Rule Implementation;

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

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

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 |
| | Totals | \$3,600,000 | \$100,000 | \$0 | \$0 | \$0 | \$0 | \$3,700,000 | \$474,000 | \$4,174,000 |
| 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 |
| | Totals | \$500,000 | \$500,000 | \$500,000 | \$0 | \$0 | \$0 | \$1,500,000 | \$550,000 | \$2,050,000 |
| Commence FY: | 2015 | Quarter: | 1st | Priority: | II | Impact On Operating Budget: | | Negligible | | |

**CITY OF PORTSMOUTH
TWO THOUSAND AND FIFTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # 21-2015

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION DOLLARS (\$4,000,000) FOR COSTS RELATED TO THE LAFAYETTE ROAD PUMPING STATION UPGRADE AND FLEET STREET UTILITY UPGRADES.

RESOLVED:

THAT the sum of up to **Four Million Dollars (\$4,000,000)** is appropriated for the Lafayette Road Pumping Station upgrade and Fleet Street Utility Upgrades;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Four Million Dollars (\$4,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Lafayette Road Pumping Station upgrade and Fleet Street Utility Upgrades;

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

That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

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 |
| | Totals | \$500,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500,000 | \$80,000 | \$580,000 |
| 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 |
| | Totals | \$3,000,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$3,000,000 | \$500,000 | \$3,500,000 |
| Commence FY: | 2015 | Quarter: | 3 | Priority: | 2 | Impact On Operating Budget: | | Negligible | | |

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 1st 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

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

JUL 17 2015

CITY MANAGER
PORTSMOUTH, NH

DATE: JULY 15, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: DONATIONS

At the July 15th, 2015 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following donations:

1. Donations: At the request of retired chief David "Lou" Ferland, the following people have donated money equivalent to the purchase price of his book, "Historic Crimes & Justice in Portsmouth, New Hampshire", to the Portsmouth Police Explorer Cadet Post:
 - a.) \$20 from Megan McNutt
 - b.) \$40 from Laurie Anderson

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

Respectfully submitted,



John P. Golumb, Chairman
Board of Police Commissioners



Stephen J. DuBois, Chief of Police

copies: Board of Police Commissioners
Finance Director Judie Belanger
Admin. Mgr. Karen Senecal
Business Assistant Tammie Perez



July 17, 2015

Mayor Lister and the City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Dear Mayor Lister and Council:

On behalf of Pro Portsmouth, Inc., I am requesting the City's permission to produce the following:

- **First Night@ Portsmouth 2016**, Thursday, December 31, 2015
Ice Sculpture – Market Square/North Church
Fireworks – South Mill Pond – 7:30pm (Parrott Avenue plus various lot closures for fire safety zone)
Street closures – Church Street @ Congress Street – 1pm to midnight (assembly of ice sculpture, heavy pedestrian traffic), Pleasant Street from Porter to the Square at 4pm (Dance: 5:00pm – 12:00am)
Entertainment/music/children's activities – 4:00pm – Midnight (approx. 10 indoor venues)
School bus 'shuttle service' between indoor venues – 4pm - Midnight
- **Children's Day**, Sunday, May 1, 2016 – Noon – 4pm.
Street closure – Pleasant Street – State Street to Market Square: no parking on Market Street – Bow Street to ISSCo. Entrance
- **39th Annual Market Square Day Festival & 10K Road Race**, Saturday, June 11, 2016 - 9am – 4pm.
Street closures – Downtown streets from 4am – 6pm; race course – 9am (roving closures)
- **14th Annual Summer in the Street**, Saturday evenings 5pm – 9:30pm – June 25, July 2, 9, 16, 23, 30.
Street Closures – Pleasant Street – Porter Street to Market Square

I look forward to meeting with you to discuss the permitting process for all of our upcoming events.

Thank you in advance for your consideration.

Best regards,

Barbara Massar
Executive Director

cc: John P. Bohenko, City Manager

Pro Portsmouth by the numbers...

- **\$3.5 million:** Annual economic impact of our events in the Community.
- **2,925,585 hits, 323,691 page views and 139,963 visits:** Website activity for the first six months of 2015 - www.proportsmouth.org
- **125,000:** Number of people our events bring to Portsmouth each year.
- **\$125,000.00:** Payments made to local musicians and artists over the past five years for event performances.
- **4,587:** Recipients of our Pro Portsmouth e-newsletters. This list is comprised of our volunteers, road race participants and other community partners and contacts.
- **\$3,000.00:** Total prize money awarded since 2013 to local artists for our Event Logos (Market Square Day, First Night® Portsmouth).
- **2,000:** Runners and walkers who participated in the 2015 Market Square Day 10K.
- **38:** Our age! With Market Square Day 2015, Pro Portsmouth celebrated 38 years of events' production. Why is that significant? We have staying power and we're committed to the City of Portsmouth and our Community partners.
- **29/23/13:** 2015 anniversary dates for First Night® Portsmouth/Children's Day/Summer in the Street.
- **1:** The only organization in Portsmouth whose sole Mission is to create destination events for the Community: Pro Portsmouth.

With numbers like these, Pro Portsmouth's sponsors, partners, supporters, participants, artists and the City all benefit. It pays to be "Pro Portsmouth"!



Mayor and City Council
Portsmouth, NH



On August third at the Portsmouth City Council meeting the amended transportation services ordinance (Uber) will be up for a third and final reading. If approved, it will allow ride –sharing service in the city. The ordinance requires Uber as well as other services to meet certain conditions. The most critical of those conditions is the requirement that the method used by Uber for background checks of their drivers be approved by the city attorney and police chief. This is necessary because the Portsmouth Police Department will not do background checks on Uber drivers and will not be provided with names or information of drivers.

The third reading should not take place until the City Council has the documentation of the approval by the city attorney and police chief. Good government, good legal practice and public safety dictate that approval should not be given before we are assured by the city's legal and law enforcement representatives that criminals and undesirables will not slip through the Uber background check as reported by the Portsmouth Herald and various Texas news media.

Please put safety first and approval second.

Sincerely,

Ralph A. DiBernardo Sr.
1374 Islington Street
Portsmouth NH

July 15, 2015

July 15, 2015

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



Dear Mr. Bohenko –

We are writing today on behalf of Bottomline Technologies, located at 325 Corporate Drive, Portsmouth as we have received approval from the Pease Development Authority to host another 5K. You may remember we reached out last year seeking approval for a 5k road race in September, on the Pease Tradeport, to raise money and awareness in support of local charities. This year's beneficiary is Families First. We plan to hold this race on September 12, 2015 at 9:00am, utilizing the same race route as last year. As one of the primary resources offering to coordinate the event, we'd like to gain your approval, and with that reach out to the Police Captain to get Police Detail scheduled. We would be more than happy to set up a meeting at your convenience to discuss this further.

Thank you in advance for your consideration and we look forward to hearing from you soon.

We can be reached via email/phone
mmikulski@bottomline.com or 603-501-5335
h Tennent@bottomline.com or 603-501-6653

Kind regards,

Holly Tennent and Melissa Mikulski





RECEIVED

JUL 17 2015

CITY MANAGER
PORTSMOUTH, NH

July 13, 2015

The Honorable Mayor Lister
Distinguished Members of City Council
City of Portsmouth
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

To the Honorable Mayor Lister and Distinguished Members of City Council:

As President of the National Association for Civilian Oversight of Law Enforcement (NACOLE), I write to offer the support of NACOLE in your efforts to reevaluate the structure and authority of the Portsmouth Police Commission. Effective oversight leads to more effective policing. An investment in oversight is an investment in the police. Strong, independent oversight can help lead to greater cooperation between the Portsmouth police and the public in achieving the ultimate goal of decreased crime and increased public safety.

The Portsmouth Police Commission is one of our newest Organizational Members (as of May 2015) and as such, it is our desire that the Commission avails itself to the benefits of NACOLE membership. Established in 1995, NACOLE is a non-profit organization that works to enhance accountability and transparency in policing and building community trust through civilian oversight. To further our mission, we hold an annual conference that brings together the growing community of civilian oversight practitioners, law enforcement officials, journalists, elected officials, students, community members, and others to meet and exchange information and ideas about issues facing civilian oversight and law enforcement. In addition to the annual conference, NACOLE offers year-round training, support, and professional growth and development opportunities for oversight practitioners across the nation, as well as in other countries. More information about NACOLE can be found on our website, www.nacole.org.

Our experience over the last 20 years has shown us that strong, independent oversight builds legitimacy and public trust through increased police transparency and accountability to communities. Oversight fosters accountability through independent investigations or auditing of police misconduct complaints, and can also identify needed changes in police practices and training, provide a meaningful voice or forum for the public, and form a crucial bridge between the public and the police. For oversight to be truly effective, the oversight entity must have

P.O. Box 87227 • Tucson, Arizona 85754 • (317) 721-8133
E-mail: info@nacole.org • Website: www.nacole.org

7/11/15

unfettered access to the police agency's personnel, as well as to its internal reports, investigations, related documents, and decision-makers. Many civilian oversight entities across the nation accomplish this through charter or statutory authority or subpoena power.

Civilian oversight provides a mechanism to bring together the many stakeholders involved in supporting trusted, respectful, and effective law enforcement efforts. Oversight breaks down the walls between police and the public, enhancing understanding by reminding police that they ultimately serve the public's interests and educating the community on the unique and difficult challenges officers encounter every day. Although the public discourse and rhetoric has turned ugly in places, civilian oversight practitioners constantly strive to work collaboratively with all interests involved to ensure careful, unbiased evaluation of facts and policies and to achieve solutions that build public trust and promote effective policing.

I urge you to invest in the relationship between the public and the Portsmouth Police Department by supporting a strong Police Commission. For your review and consideration, please find attached the NACOLE Code of Ethics and NACOLE's recent written testimony for President Obama's Task Force on 21st Century Policing on the topic of building trust and legitimacy.

Should you have questions or would like to consult with NACOLE on this matter you can contact me directly by phone or email at 317-721-8133 or buchner@nacole.org.

Kind regards,



Brian Buchner
President
NACOLE

Attached: NACOLE Code of Ethics
NACOLE's Written Testimony to the President's Task Force on 21st Century Policing

Copy: John Bohenko, City Manager

NACOLE CODE OF ETHICS

Preamble

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and to the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

Personal Integrity

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

Independent and Thorough Oversight

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality

Conduct oversight activities openly and transparently providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination including but not limited to the following protected classes: age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status or political beliefs.

Outreach and Relationships with Stakeholders

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialog with your stakeholders. Educate and learn from the community.

Agency Self-examination and Commitment to Policy Review

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

Professional Excellence

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

Primary Obligation to the Community

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.



The President's Task Force on 21st Century Policing:
Building Legitimacy and Public Trust Through Civilian Oversight
Submitted by The National Association for Civilian Oversight of Law Enforcement
January 9, 2015

I. Introduction

The current crisis of mistrust and breaking or broken relationships between police and the communities they are sworn to serve and protect is one of the most pressing challenges facing the nation. In communities of color particularly, policing practices that are perceived to be overly harsh, unjust, or unfair, regardless of whether those practices are deemed lawful, can undermine police legitimacy. A single officer-involved shooting has the potential to not only shake the public's confidence in the police but, as has been seen in Ferguson, Missouri, rock its very foundation. When the members of one racial group are significantly more likely to be stopped, searched, arrested, or even shot by the police, maintaining trust becomes immensely more difficult. A lack of transparency only serves to increase the divide.

Time and again, cities everywhere have found themselves scrambling to establish civilian oversight in the wake of a scandal and complaints of law enforcement misconduct (irrespective of whether or not allegations are substantiated). People are demanding changes, but what does it mean when the cry for civilian oversight is issued?

The public expects, and experience has shown, that strong, independent oversight builds legitimacy and public trust, through increased police transparency and accountability to the public served. Oversight fosters accountability through independent investigations or auditing of police misconduct complaints, and also can identify needed changes in police practices and training, provide a meaningful voice or forum for the public, and form a crucial bridge between the public and the police. Just as importantly, oversight encourages enhanced transparency about the work of law enforcement. Increased transparency, trust, and communication between the police and the public, facilitated through effective oversight, can lead to greater cooperation between the police and the public in achieving the ultimate goal of decreased crime and increased public safety.

Importantly, civilian oversight provides a mechanism to bring together the many stakeholders involved in supporting trusted, respectful, and effective law enforcement efforts. Oversight breaks down the walls between police and the public and enhances their understanding of each other by reminding police that they ultimately serve the public's interests, and by educating the community on the unique and difficult challenges officers encounter every day. While many take polarizing, divisive positions regarding the role of law enforcement, civilian oversight practitioners strive to work collaboratively with all interests involved to ensure careful, unbiased evaluation of facts and policies in order to achieve solutions that address both the needs of police to protect public safety and the needs of the public to trust their police.

Citizen oversight of law enforcement is a critical facet of any well-founded effort to strengthen the relationship between police and communities and to build public trust, all while promoting effective policing. And it is one of the only mechanisms proven to ensure sustainable reforms. Civilian oversight alone is not sufficient to yield the legitimacy in which both the public and law enforcement share an interest; without outside oversight, however, no collection of efforts to secure such legitimacy can be considered complete or directly responsive to the public's demands for greater participation in, and understanding of, their local law enforcement.

II. Background of civilian oversight of law enforcement and NACOLE

In its simplest meaning, civilian oversight may be defined as one or more individuals outside the sworn chain of command of a police department who take up the task of holding that department and its members accountable for their actions. Contrasted with internal accountability mechanisms commonly found in law enforcement (i.e., internal affairs), independent police review offers a method of civilian involvement in accountability that is often, but not always, external to the department. Its independence from the agency or the sworn chain of command that it seeks to hold accountable allows it to address a wide range of concerns without any actual or perceived bias, and to ensure that policing is responsive to the needs of the community.

Civilian oversight may be established in response to recurring problems in a particular law enforcement agency, such as a pattern or practice of the use of excessive force or repeated complaints of racial profiling. Sometimes oversight is initiated proactively by a local municipality to identify and correct such issues before they become more widespread and difficult to rectify. Often, however, oversight is generated in response to a single, particularly high-profile allegation or incidence of police misconduct. Whatever the circumstances, police oversight is now found in cities and counties both large and small, and in every geographic region of the nation, as well as in other countries.

While practices vary according to the roles of the oversight entity or the laws of its jurisdiction, it is common for civilian oversight agencies to be both an independent source and a repository of qualitative and quantitative data. Oversight agencies may issue public reports on the number, type, and outcome of misconduct investigations; lawsuits; uses of force; or detentions and arrests. They may provide on-scene monitoring of critical incidents, such as officer-involved shootings, or of mass social gatherings, including protests and demonstrations; and they may subsequently provide the public with a singularly independent account of the actions taken by the police, evaluating whether those actions were appropriate under the circumstances or showed a need for some measure of reform. In addition to the issuance of public reports, qualified and experienced oversight entities may also assess a police department's policies, training curricula, and recruitment standards, among other procedures, in order to compare them against the prevailing standards in a perpetually dynamic profession. The effectiveness of oversight in any particular community is dependent on a host of factors including political and budgetary support, ready access to information including police files, records, and performance data, the training and expertise of oversight personnel, and acceptance by the local law enforcement agency and community.

In 1995, as citizen oversight experienced significant growth and expansion across the country—one of several growth periods in the last thirty years—the National Association for Civilian Oversight of Law Enforcement (NACOLE) was established as the nation's only professional

association of organizations and individuals working directly in oversight. With hundreds of members across the nation and around the world, NACOLE has legitimized police oversight as a professional field of study and practice and facilitated the development of professional standards, including a Code of Ethics, as well as core competencies and training guidelines for oversight practitioners. NACOLE also hosts an annual training conference where civilian overseers and other interested stakeholders meet and exchange information and ideas about issues facing law enforcement oversight.

III. Defining the role of police in a democratic society

In a democratic society, the principle obligations of the police are to protect citizens' fundamental rights and freedoms and to prevent crime and disorder. Sir Robert Peel recognized that police must maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police. Peel's principles form the basis of American law enforcement, and comprise an approach to policing derived almost exclusively from public cooperation, continuously earned and maintained through public approval, trust, and perceptions of legitimacy.

The proper role for police, thus generally defined, is not static. As society changes, what the public expects from police changes. Broadly, the U.S. Constitution provides a framework of limitations for the police, and state legislatures may also pass laws dictating police roles and conduct; but ultimately, the police are required to be responsive to their specific community. However, the needs and views of that community may change over time. Through active dialogues with the public and law enforcement, civilian oversight brings stakeholders together and provides valuable feedback to law enforcement about how their policies and practices are perceived by their specific community, avoiding divisive discourse and toxic rhetoric. Through review of police practices and training, outside auditors and practitioners can help law enforcement identify areas where their perception of their role has become outdated. Oversight also communicates back to the public about how their police force is performing and whether the department's policies and programs maximize the public's interests and reflect local values.

IV. Building a culture of transparency

Civilian oversight, in even its most basic forms, inherently enhances transparency – it allows individuals from outside a law enforcement agency's sworn chain of command access to the inner workings of that agency, albeit to different degrees. A primary focus of civilian oversight is using this expanded transparency to increase accountability and also to advance community understanding of the work of law enforcement. Police departments are often accused of having an insular culture; those departments that have embraced civilian oversight have been able to neutralize this criticism, and ensure appropriate information is made available for public review. Moreover, in those jurisdictions where strict laws prevent public disclosure of significant amounts of information, a properly designed oversight entity can be the eyes and ears for the public, even if unable to release specific, identifiable information itself.

V. Procedural justice

Central to police legitimacy is the idea of procedural justice: perceptions of fairness in the administration of justice and the fair and impartial exercise of police discretion. And, while officers have an obligation to be impartial and enforce the law fairly, procedural justice also calls upon officers to treat people with dignity and respect, as doing so is equally as important, if not

more so. Procedural justice encompasses not only the way an officer interacts with the public, but also requires that members of the public have an effective procedure to raise concerns about police conduct. Unfortunately, individuals who feel they have been wronged by a police officer are often hesitant to approach the department that employs the officer with their concerns. They may feel intimidated, or doubtful that the department will be interested in, or even capable of, taking a truly unbiased look at their concern. Without an alternative procedure to raise concerns about officer behavior, some members of the public are left to conclude that they have no trustworthy, legitimate avenue for such redress and, even more troublingly, view the entire law enforcement "system" as structured in a way for the police to avoid being held accountable.

Outside review of the police provides an opportunity for those who seek to complain against the police to raise their concerns with fellow citizens, who do not fall within the sworn chain of command of the police department. Acknowledging that oversight agencies' authorities vary from place to place, it is often these agencies that skeptical complainants can turn to in order to feel that their concerns will truly be heard and responded to fairly. Beyond providing procedural justice for specific complaints, overseers can also establish a procedure for review of critical and high profile incidents, such as officer-involved shootings, in-custody deaths, and uses of a TASER, all of which can leave a community clamoring for justice and, potentially, lacking faith in the involved police department's ability to remain unbiased. Furthermore, as civilian overseers look at individual complaints or critical incidents, they gain unique insights and perspectives that put them in a position to identify systemic issues that are most effectively addressed through a change in department-wide policy or training. Ultimately, this impact on systemic issues can further improve police-public interactions and strengthen the community's belief that their police are procedurally just.

Finally, as law enforcement agencies work to adopt a culture of procedural justice, civilian oversight can help communicate to the public the steps being taken and why they are worthy of trust and will serve legitimacy. Police oversight also can audit such efforts to provide the community with reliable information about police agency progress. Law enforcement agencies that are proactively and genuinely striving to provide constitutional policing that is responsive to community needs can find that their own attempts to communicate their efforts to the public are futile because the agency has lost credibility with the public. However, when independent overseers who are charged with looking critically at the department communicate the same message about the department's reform efforts, the public may be more receptive to the message. This is one more illustration of how civilian oversight acts as a bridge connecting, or in some cases reconnecting, law enforcement agencies with the communities they serve.

VI. Protection of civil rights

Police oversight is an important mechanism for ensuring civil rights protections. Civilian oversight has its roots in the Civil Rights Movement. Issues of race and policing are central to the history of oversight, as well as NACOLE. Thus, the oversight community recognizes the important role it plays in identifying, understanding, and addressing discriminatory and unconstitutional police practices. Accordingly, oversight practitioners are at the forefront of investigating, reviewing, and auditing individual cases or patterns of potential civil rights violations, foremost amongst them allegations of racial profiling and biased policing, as well as complaints of illegal searches, excessive force, or unlawful detentions and arrests.

Citizen oversight also helps to ensure police engage in long-term, meaningful outreach to historically disenfranchised and marginalized communities, such as persons with mental illness, the LGBTQ community, homeless individuals, and persons with disabilities. Additionally, independent overseers provide a voice and a forum for these communities, both before and after major incidents involving them and the police have occurred. As with other types of complaints, police oversight entities improve the overall quality of internal investigation of allegations of bias and discrimination in police encounters. With the backing of civilian oversight, many law enforcement agencies across the nation support and vigorously protect the rights of minority and marginalized communities in their jurisdictions.

VII. Recommendations

1. Ensure that police officers continue to have the proper tools, guidance, training, and supervision to carry out their law enforcement responsibilities safely and in accordance with individuals' constitutional rights.
2. Make constitutional policing and transparency core values of policing, as well as building systems of accountability that include independent oversight to carry out those values to support the many police officers who uphold their oaths, engendering greater public trust.
3. Ensure police continue to function as a part of the community; that police continue to work to cultivate legitimacy by engaging with the community fairly, impartially, and respectfully; and, that the police become more directly responsive to the community.
4. Improve the quality and integrity of police disciplinary systems, including investigations of misconduct complaints and uses of force, while vigilantly safeguarding the rights of officers.
5. Ensure that independent oversight is a part of efforts to identify and resolve underlying systemic problems within law enforcement, with a primary focus on reducing and preventing misconduct and enhancing accountability, as well as promoting effective policing and developing strategies for positive organizational change.

Respectfully submitted,



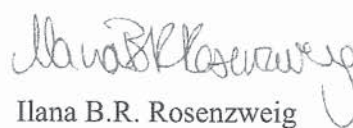
Brian Buchner
NACOLE President



Philip K. Eure
NACOLE Past-President



Kathryn Olson
NACOLE Past-President



Ilana B.R. Rosenzweig
NACOLE Past-President



Mark P. Smith
NACOLE Board Member At-Large

June 25, 2015

To Mayor Bob Lister and the City Council,

Regarding the questionable payout severance to former Deputy Chief MacDonald, I agree with Allen Norelli, whose letter to the editor was published in the Portsmouth Herald on June 19th. I also am surprised that there has been a lack of response in the media over the resignation of Deputy Chief Corey MacDonald and the windfall payment of over \$60,000 he received at the taxpayers' expense.

I believe that MacDonald's conduct in the Goodwin matter was under investigation at the time of his resignation. The Roberts report even establishes that there were ethical and legal violations by the "command staff". As deputy chief, the #2 man in the department, he was clearly a principal member of that staff.

The circumstances surrounding the resignations of Deputy Chief MacDonald and Officer Tim Black, who are also partners in a private legal practice, and the excuses given for those resignations cause me great concern. It makes no sense unless there was some form of wrongdoing.

According to published reports, Macdonald stated that his resignation would be effective in August 2015, however, Chief Dubois, who obviously has a very close relationship with Macdonald, gave offered an implausible excuse for accepting his resignation immediately. Dubois claimed that he was letting MacDonald go in order to search for his replacement. It doesn't make any sense at all because nothing would have prevented the chief from searching for MacDonald's replacement while Macdonald was still working, right up until August. As a matter of fact all it did, according to MacDonald himself, was to trigger a provision in the contract to pay him severance because he was being terminated "without cause". Clearly the chief and police commission must have been familiar with the terms of MacDonald's contract. I believe that there is some impropriety with the chief's wanting to terminate MacDonald immediately.

As a city taxpayer I'm also concerned how the way that MacDonald's resignation affects us in the future with regard to retirement paid out to MacDonald. If Macdonald was under investigation for any improper conduct which could have led to his dismissal "for cause", would he be entitled to receive the same long-term retirement benefits as he would receive being terminated "without cause". I'm further concerned that MacDonald has been treated as a Teflon coated employee and I wonder what influence the historic and ongoing donations from the Fuller Foundation, of which he is an chair and family member, have had on this and other police matters.

Macdonald has publically stated he was resigning because he would have been prevented from practicing law concurrent to being the future chief. That too doesn't pass the sniff test because he was only a few only a few years away from reaching retirement age and could have practiced law while receiving a pension. There was also no guarantee that he would become chief. According to testimony in the probate case, Macdonald actively solicited the help of other attorneys to change the Webber will. Because he was soliciting for this estate change and

because Goodwin was an underling, there was either a tacit, implied, or explicit endorsement of the officer's actions having been vetted and endorsed by the Portsmouth PD.

It's my opinion that MacDonald was not only under investigation in the Goodwin matter, but was also potentially under investigation or pending investigation involving the criminal action filed against Oneta Bobbett while he was a police leader and concurrent to the divorce action with her former husband Jonathan Bobbett. Jonathan Bobbett provided office space for Corey MacDonald and Tim Black that I suspect was without charge. I find it interesting to say the least that after the court ordered every employee of the police department to preserve all email, correspondence and texts with Jonathan Bobbett or anyone involved in his ex-wife's pending criminal case, that the county attorney settled the case. I believe that there is much more to former Deputy Chief Macdonald's resignation than has been uncovered and disclosed to the public and I believe a full independent investigation into his conduct in the Bobbett and the Webber matter must be undertaken immediately.

On a final note, it's my understanding that Corey Macdonald might have worked out of Roberts's office or his partners for a time. If that's true, it causes me to reach a disturbing conclusion as to why specific individuals are indirectly referred to as "command staff" rather than by name in the Roberts report. It would be appropriate for this concern to be clarified.

I am therefore asking the Portsmouth City Council to commission an independent investigation into the circumstances and propriety of the payment of severance to former Deputy Chief Corey Macdonald. I would like this to be placed on the council agenda for the July 13, 2015 council meeting so that we might discuss this further.

Very Truly Yours,

Arthur Clough

[431 Pleasant St](#)

[Portsmouth, NH 03801](#)



Real Estate Consulting ■ Brokerage ■ Construction Management

P.O. Box 673

Portsmouth, NH 03802-0673

Phone: (603) 431-3140 Fax: 431-3144

pgweeks@comcast.net

July 28, 2015

Honorable Mayor and Members of the City Council
Portsmouth City Hall
Junkins Ave
Portsmouth, NH 03801

Dear Mayor Lister,

Attached is a request from 955 Sagamore Realty Trust property owners of Lot 1 Map 201 requesting 22,500 square feet of the lot be rezoned to SRB.

Currently Lot 1 is 2.1 acres and Sagamore Creek Marine occupies a portion of the lot. The 22,500 sq. ft. portion of this that is requested to be rezoned and subdivided will not affect this Waterfront Business as this portion of the land is not utilized nor would it be utilized for a waterfront business. As you will note from the plan all of the waterfront frontage will be retained by lot 1

In 2010 the City Council rezoned the 6 lots on Sagamore Grove Road to SRB it seems logical to rezone this to SRB and allow a residence to be built.

Both of the proposed lots will meet the dimensional requirements as provided in the City of Portsmouth zoning ordinance. A copy of which is attached.

We will be preparing at the same time a request to the Planning Board for subdivision approval

We would ask you to forward this rezoning request to the Planning Board for review and report back to the City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter G. Weeks', written over a horizontal line.

Peter G. Weeks

PGW Real Estate Consulting

Division of S&W Enterprises of the Seacoast Inc.

EXHIBITS SUBMITTED
IN REQUEST TO REZONE LAND
LOT 1 MAP 201

1. AUTHORIZATION TO REQUEST REZONING
2. ZONING HISTORY SAGAMORE GROVE
3. WATERFRONT BUSINESS DISTRICT PURPOSE
4. WATERFRONT BUSINESS DIMENSIONAL REQUIREMENTS
5. SRB DISTRICT PURPOSE
6. SRB DIMENSIONAL REQUIREMENTS
7. TAX MAP 201 SHOWING CURRENT ZONING
8. PROPOSED REZONING AND SUBDIVISION PLAN

955 SAGAMORE REALTY TRUST


39 FERRY ROAD

SALISBURY, MA

THIS LETTER AUTHORIZES PETER G. WEEKS OF PGW REAL ESTATE CONSULTING TO ACT ON OUR BEHALF ON APPLICATION TO THE CITY OF PORTSMOUTH PLANNING BOARD TO SUBDIVIDE UP TO 25,000 SQ FT OF THE LOT #1 TAX MAP 201 FOR A RESIDENTIAL LOT AND TO APPLY TO THE CITY COUNCIL FOR REZONING THE SUBDIVIDED PART TO SRB.

Handwritten signature of Michael T. Goodridge in blue ink, with the date 7/21/15 written to the right.

MICHAEL T. GOODRIDGE, TRUSTEE

Handwritten signature of Jake E. Goodridge in blue ink, with the date 7/21/15 written to the right.

JAKE E. GOODRIDGE, TRUSTEE

ZONING HISTORY ***SAGAMORE GROVE***

| <i><u>YEAR</u></i> | <i><u>ZONING DISTRICT</u></i> |
|---------------------------|--|
| 1927 | GENERAL RESIDENCE |
| 1936 | RESIDENTIAL |
| 1939 | GENERAL RESIDENCE |
| 1945 | GENERAL RESIDENCE |
| 1950 | GENERAL RESIDENCE |
| 1951 | GENERAL RESIDENCE |
| 1966 | WATERFRONT BUSINESS |
| 1979 | EXISTING LAND USE MAP RESIDENTIAL |
| 1982 | WATERFRONT BUSINESS |
| 1995 | WATERFRONT BUSINESS |
| 1997 | SAGAMORE GROVE ROAD ACCEPTED AS CITY STREET BY THE CITY COUNCIL |
| 2010 | 6 LOTS ON SAGAMORE GROVE ROAD REZONED SRB |

| District | | Purpose |
|--------------------------------|-----------|---|
| 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. |
| Character District 4 | CD4 | |
| Character District 5 | CD5 | |
| Business Districts | | |
| Central Business A | CBA | To promote a wide range of business, retail, residential, cultural and other public and private uses, in and surrounding the City's historic commercial core, at intensities and patterns that promote pedestrian circulation and support public transit. |
| Central Business B | CBB | |
| General Business | GB | To provide for a wide range of retail and commercial uses in areas with excellent regional highway access. |
| Gateway | GW | To provide for redevelopment along existing developed commercial corridors in order to enhance the visual character and environmental quality of such corridors, to accommodate affordable housing in mixed-use developments, and to encourage site designs that promote pedestrian circulation and public transit use. |
| Business | B | To provide for a mix of retail, commercial and residential uses in areas of the City where a mix of such uses is desirable. |
| <u>Waterfront Business</u> | <u>WB</u> | To accommodate and support business uses that depend on the ocean or the Piscataqua River for transport or resources. |
| Office Research | OR | To provide for campus-style development of offices buildings, research and development facilities, and complementary uses. |
| Industrial Districts | | |
| Industrial | I | To accommodate industrial, wholesale and storage uses whose operational and physical characteristics do not have detrimental impacts on surrounding areas. |
| Waterfront Industrial | WI | To provide for industrial and related uses that depend on direct access to the Piscataqua River. |
| Pease/Airport Districts | | |
| Airport | AIR | To provide for uses associated with the operation of an airport, including aviation-related facilities, structures and activities. |

Section 10.530 Business and Industrial Districts

10.531 Table of Dimensional Standards – Business and Industrial Districts¹

| | B | CBA ² | CBB ² | GB | Gate ³ | WB | I | WI | OR |
|-------------------------------------|-----------|---|---|-----------|--------------------------|-----------|------------------|------------------|----------------------|
| Minimum Lot Dimensions | | | | | | | | | |
| Lot Area | 20,000 sf | 1,500 sf | 2,000 sf | 43,560 sf | 43,560 sf | 20,000 sf | 2 acres | 2 acres | 3 acres ⁵ |
| Lot Area per dwelling unit | 2,500 sf | NR | NR | NR | NR ³ | NR | NA | NA | NA |
| Continuous street frontage | 100' | NR | NR | 200' | 200' ³ | 100' | 200' | 200' | 300' ⁵ |
| Depth | 80' | NR | NR | 100' | 100' | 100' | 200' | 200' | 300' ⁵ |
| Minimum Yard Dimensions | | | | | | | | | |
| Front | 20' | 0' ² | 0' | 30' | 30' ^{3,4} | 30' | 70' | 70' | 50' ⁵ |
| Side | 15' | 0' | 0' | 30' | 30' | 30' | 50' | 50' | 75' ⁵ |
| Rear | 15' | 0' | 0' | 50' | 50' | 20' | 50' | 50' | 50' |
| Maximum Structure Dimensions | | | | | | | | | |
| Structure height | 50' | 45' or 3½ stories, whichever is less ² | 45' or 3½ stories, whichever is less ² | 60' | 40' ³ | 35' | 70' ⁶ | 70' ⁶ | 60' ⁶ |
| Roof appurtenance height | 10' | 10' | 10' | 10' | 10' | 10' | 10' | 10' | 10' |
| Building coverage | 35% | 9.5% | 9.5% | 30% | 30% ³ | 30% | 50% | 50% | 30% |
| Floor Area Ratio | NR | 3.5 ⁷ | NR | NR | NR ³ | NR | NR | NR | NR |
| Minimum open space | 15% | 0% | 0% | 20% | 20% ³ | 20% | 20% | 20% | 30% |

Notes:

1. See Article 5A for dimensional standards in Character Districts.
2. See Section 10.535 for exceptions to dimensional standards in Central Business districts.
3. See Section 10.734 for special provisions in Gateway Planned Developments.
4. See Section 10.533 for special front yard requirements on Lafayette Road.
5. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
6. See Section 10.532.20 for reduced structure height within 200' of North Mill Pond or Piscataqua River.
7. See Section 10.536 for increased FAR.

NA = Not Applicable NR = No Requirement

Article 4 Zoning Districts and Use Regulations

| | |
|----------------|---|
| Section 10.410 | Establishment of Districts |
| Section 10.420 | District Location and Boundaries |
| Section 10.430 | Use Regulations |
| Section 10.440 | Table of Uses – Residential, Mixed Residential, Business and Industrial Districts |
| Section 10.450 | Table of Uses – Pease/Airport Districts |
| Section 10.460 | Table of Uses – Municipal and Conservation Districts |

Section 10.410 Establishment and Purpose of Districts

The City of Portsmouth is hereby divided into the following zoning districts (the statements of purpose are for descriptive purposes and are not regulatory):

| <u>District</u> | <u>Purpose</u> |
|---------------------------------------|--|
| Residential Districts | |
| Rural Residential | R To provide areas for single-family dwellings and appropriate accessory uses at rural densities (up to one dwelling per five acres), and limited agricultural uses. |
| Single Residence A | SRA To provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses. |
| <u>Single Residence B</u> | <u>SRB</u> |
| General Residence A | GRA To provide areas for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services. |
| General Residence B | GRB |
| General Residence C | GRC |
| Garden Apartment/ Mobile Home Park | GA/MH To provide areas for garden apartment development at moderate densities (up to 4 dwelling units per acre), and to accommodate existing developed mobile home parks. |
| Mixed Residential Districts | |
| Mixed Residential Office | MRO To provide areas where a limited range of business establishments, including live/work units, can be located near or adjacent to residential development, providing a transition between residential neighborhoods and commercial districts. |
| Mixed Residential Business | MRB |

Section 10.520 Residential and Mixed Residential Districts

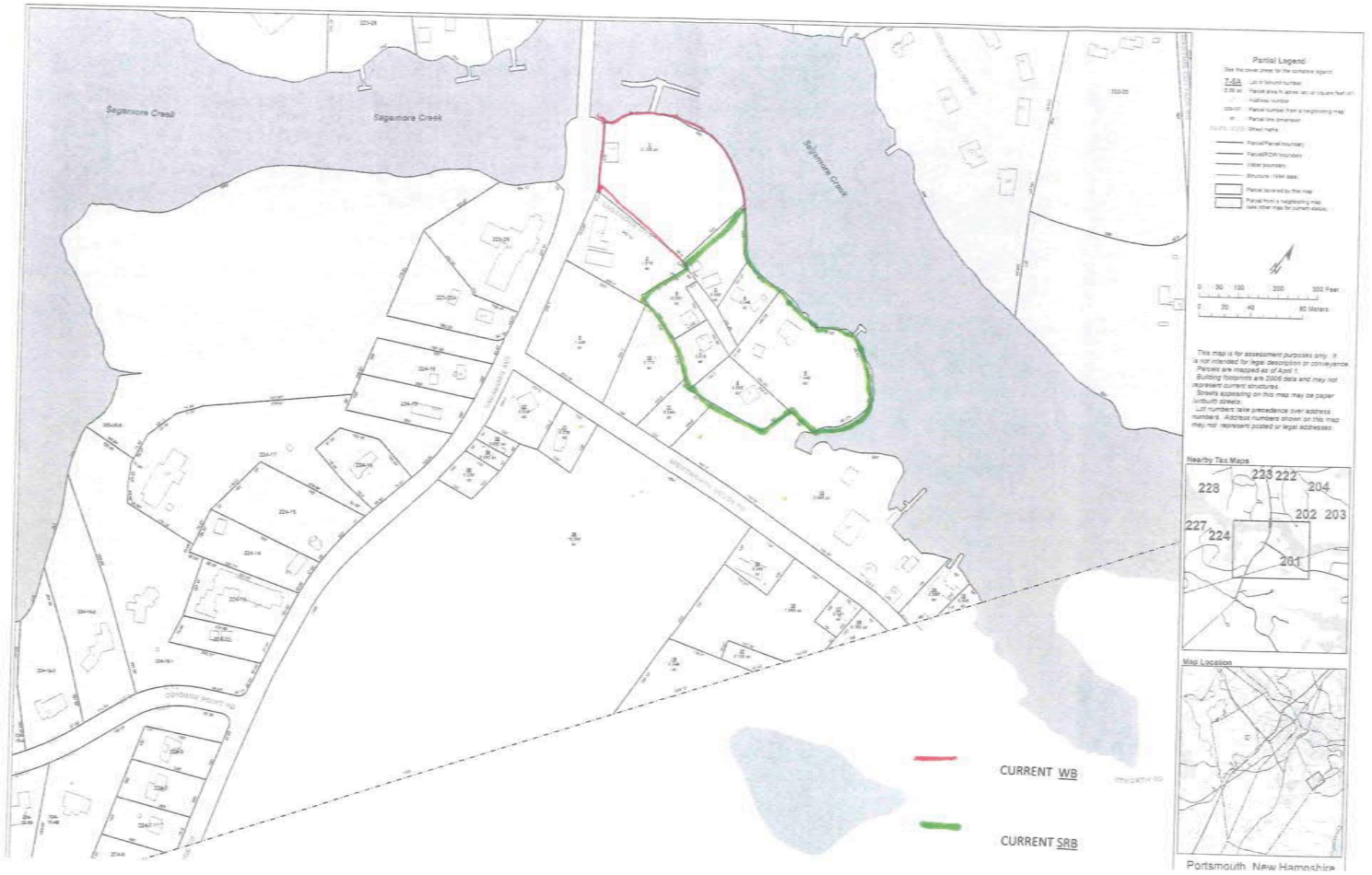
10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts¹

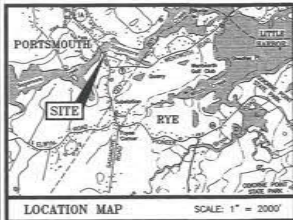
| | R | SRA | SRB | GRA | GRB | GRC | GA/MH | MRO | MRB |
|------------------------------|---------|--------|------------------|----------|----------|------------------|------------------|----------|-----------------|
| Minimum Lot Dimensions | | | | | | | | | |
| Lot area | 5 acres | 1 acre | 15,000 sf | 7,500 sf | 5,000 sf | 3,500 sf | 5 acres | 7,500 sf | 7,500 sf |
| Lot area per dwelling unit | 5 acres | 1 acre | 15,000 sf | 7,500 sf | 5,000 sf | 3,500 sf | 10,000 sf | 7,500 sf | 7,500 sf |
| Continuous street frontage | NA | 150' | 100' | 100' | 80' | 70' | N/A | 100' | 100' |
| Depth | NA | 200' | 100' | 70' | 60' | 50' | N/A | 80' | 80' |
| Minimum Yard Dimensions | | | | | | | | | |
| Front | 50' | 30' | 30' ² | 15' | 5' | 5' | 30' ² | 5' | 5' ² |
| Side | 20' | 20' | 10' | 10' | 10' | 10' | 25' | 10' | 10' |
| Rear | 40' | 40' | 30' | 20' | 25' | 20' | 25' | 15' | 15' |
| Maximum Structure Dimensions | | | | | | | | | |
| Structure height | 35' | 35' | 35' | 35' | 35' | 35' ³ | 35' ³ | 40' | 40' |
| Roof appurtenance height | 8' | 8' | 8' | 8' | 8' | 8' | 8' | 10' | 10' |
| Building coverage | 5% | 10% | 20% | 25% | 30% | 35% | 20% | 40% | 40% |
| Minimum open space | 75% | 50% | 40% | 30% | 25% | 20% | 50% | 25% | 25% |

Notes:
 1. See Article 5A for dimensional standards in Character Districts.
 2. See Section 10.533 for special front yard requirements on Lafayette Road.
 3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum structure height in order to provide for multifamily dwellings that include vehicular parking spaces located within the residential building itself, if the additional height results in increased open space when compared to a site plan showing what open spaces would remain if required parking spaces were located in the open and in accessory structures.

NA = Not Applicable NR = No Requirement

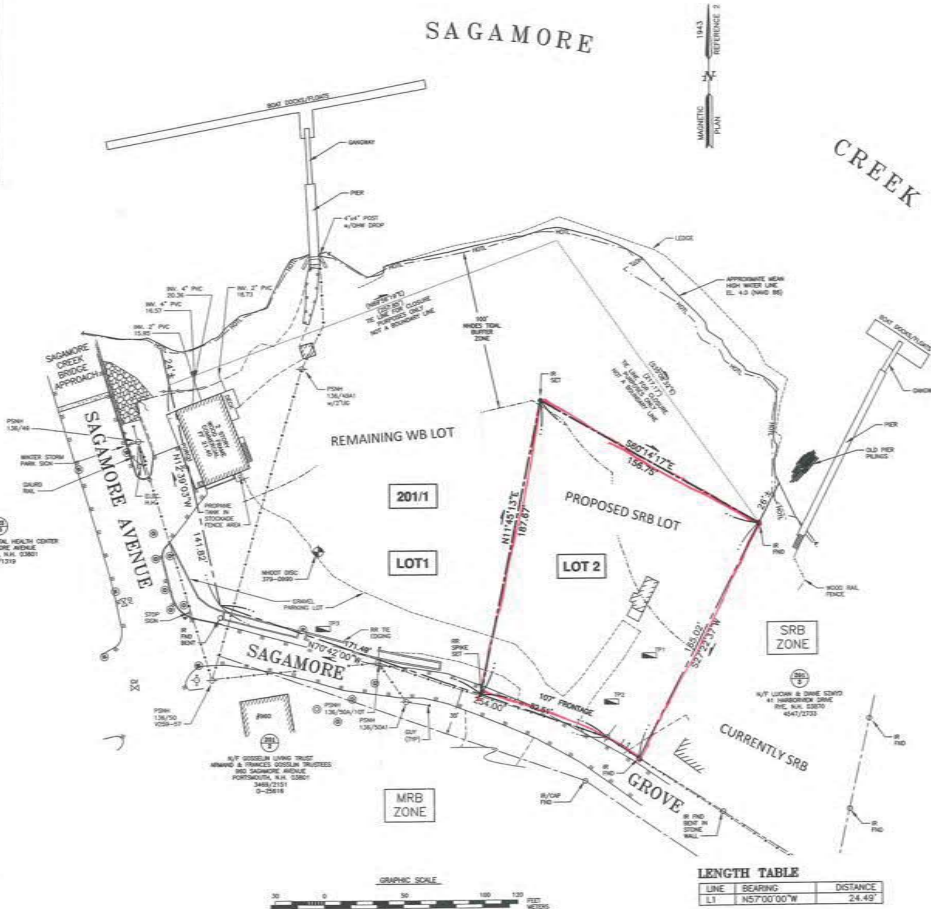
EXHIBIT 7





- LEGEND:**
- N/P RECORD OF PROBATE
 - RP RECORD OF PROBATE
 - RCRD RECORDING COUNTY
 - RD REGISTRY OF DEEDS
 - RK RAILROAD SPIKE
 - MAP 11/1/01 21
 - IRON ROD FOUND
 - IRON PIPE FOUND
 - IRON ROD SET
 - IRON PIPE SET
 - DRILL HOLE FOUND
 - DRILL HOLE SET

- PLAN REFERENCES:**
- 1) LAND IN PORTSMOUTH, N.H. AT SAGAMORE GROVE, CHARLES GOUSE TO LEROY TERRO. SCALE: 1 IN. = 20 FT. DATED JUNE 1943 BY JOHN W. DURGIN CIVIL ENGINEER, RRD PLAN 01254.
 - 2) LAND IN PORTSMOUTH, N.H. SAGE P. GOUSE TO LARRY E. & RUTH PIKE. SCALE: 1 IN. = 30 FT. DATED FEB. 1985. RRD PLAN 01211. BY JOHN W. DURGIN CIVIL ENGINEER, REVISED OCT. 1982. PLAN NO. 8273 FILE NO. 1700.
 - 3) PROPOSED DOCK FOR DARLY, KENT & BRUCE SCHLEPER, SAGAMORE GROVE (OFF SAGAMORE AVENUE), COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED JUNE 10, 1989. BY AMBIT SURVEY. NOT RECORDED.
 - 4) PARKING LOT REVISION PLAN, BRUCE SCHLEPER & DARLY, KENT, SAGAMORE GROVE ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED SEPTEMBER 1993. BY AMBIT SURVEY. NOT RECORDED.
 - 5) REVISION OF MAP PLAN, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH. SCALE: 1" = 20' DATED 4/7/96 BY DURGIN, VERNA AND ASSOCIATES, INC. RRD PLAN 0-25818.
 - 6) PLAN OF LAND FOR THE DUNNA KUCHOFEY REVOCABLE LIVING TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED APRIL 20, 1999 BY BELLETTE, SPRINCLE & COLLINS, INC. RRD PLAN 0-27321.
 - 7) LOT LINE REVISION PLAN, 4 & 6 SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE, ASSESSOR'S PARCELS 201-4 & 201-5 FOR GRASS & WOLLE. SCALE: 1" = 20'. DATED 12/17/10, BY JAMES VERNA AND ASSOCIATES, INC. RRD PLAN-26782.



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Ocean Road - Box 8
 Portsmouth, N.H. 03801-1144
 Tel: (603) 436-2555
 Fax: (603) 436-2555

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 201 AS LOT 1.
 - 2) OWNER OF RECORD:
 955 SAGAMORE REALTY TRUST 3/12/2008
 MICHAEL T. GOODRICH TRUSTEE
 39 FERRY ROAD
 SALESBURY, MA 01952
 4903/695
 APPLICANT:
 WILLIAM L. PINGREE
 6 SAGAMORE GROVE
 PORTSMOUTH, N.H. 03801
 - 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE (E) (E) AS SHOWN ON FEMA PANEL 33010C0282E, EFFECTIVE MAY 17, 2005. NO STRUCTURES, OTHER THAN THOSE THAT ARE MARINE RELATED, ARE IN THE FLOOD ZONE.
 - 4) EXISTING LOT AREA:
 87,100± S.F. TO MEAN HIGH WATER
 2.00± AC.
 PROPOSED LOT AREAS:
 LOT 1 LOT 2
 44,800± S.F. 22,300 S.F.
 1.48± AC. 0.21± AC.
 - 5) PARCEL IS LOCATED IN WATERFRONT BUSINESS DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 20,000 S.F.
 DEPTH: 100 FT.
 FRONTAGE: 100 FT.
 SETBACKS:
 FRONT: 30 FT.
 SIDE: 30 FT.
 REAR: 30 FT.
 MAXIMUM STRUCTURE HEIGHT: 35 FT.
 MAXIMUM STRUCTURE COVERAGE: 30%
 MINIMUM OPEN SPACE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO TWO LOTS.
 - 8) SAGAMORE GROVE ROAD TO BE TREATED AS A PUBLIC WAY PER ACTION OF THE PORTSMOUTH CITY COUNCIL ON OCTOBER 2, 1995. SEE ACKNOWLEDGMENTS AND RELEASES IN FAVOR OF THE CITY OF PORTSMOUTH AT RRD 3221/413 AND 40-20419 ALONG WITH ABUTMENTS (3221/469-483, 3228/880).
 - 9) NOTES SUBDIVISION APPROVAL: PENDING

Half Size

| NO. | DESCRIPTION | DATE |
|-----|---------------------|---------|
| 1 | ISSUED FOR APPROVAL | 7/20/15 |
| 2 | ISSUED FOR COMMENT | 8/20/15 |
| 3 | REVISIONS | |

SUBDIVISION PLAN
TAX MAP 201 - LOT 1
 APPLICANT:
WILLIAM L. PINGREE
 OWNER:
955 SAGAMORE REALTY TRUST
 955 SAGAMORE AVENUE
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

SCALE: 1" = 30'
 FB 256, PG 28
 JUNE 2015
 2457

EXHIBIT 8

APPROVED BY THE PORTSMOUTH PLANNING BOARD

Checkmark _____ DATE _____



LENGTH TABLE


| LINE | BEARING | DISTANCE |
|------|--------------|----------|
| L1 | N57°00'00" W | 24.49' |

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 30, 2015

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

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on August 3, 2015 City Council Agenda

Work Session:

6:00 p.m.

1. **North End Character-Based Zoning.** At the July 20th City Council meeting, the Council voted to hold a Work Session on Monday evening at 6:00 p.m., regarding the proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End. For your information, [attached is a memorandum from Rick Taintor, Planning Director](#), that describes the proposed changes in general terms as well as a matrix that outlines in detail the specific changes and includes explanatory comments. Subsequent to the Work Session, the City Council will hold a public hearing and second reading of the proposed Ordinance under Section VII of the Agenda. Also, in your packet under Section VII are the entire revised zoning documents and associated maps.

Presentation:

1. **Wastewater Treatment Facility Cost Saving Options.** At the Wastewater Work Session held on June 29, 2015, the City Council requested that:
 - the City Council have the opportunity to hear from an expert relative to the selected treatment technology for the Peirce Island Upgrade;
 - the staff communicate its recommendations for cost saving measures;
 - the staff break out and further explain the “maintenance” items; and
 - the staff identify potential costs on roads and the Peirce Island Road bridge associated with the upgrade.

At the City Council meeting of August 3rd, City staff will respond to the City Council requests and be joined by Mark Laquidara, PhD, P.E., of AECOM who is a leader in the field of wastewater treatment technology. [A draft copy of the presentation and Dr. Laquidara's curriculum vitae is attached.](#) Also, attached is a PowerPoint presentation.

At the conclusion of the presentation, I recommend the City Council take action on any desired cost saving measures at this meeting. The current design effort is nearing 90% design completion and delay in decision-making will likely have an impact on cost and schedule.

In order to achieve project costs savings for the Peirce Island upgrade, I recommend the City Council move to accept the staff recommendations to

- (1) Close the island at the Four Tree Island parking area, such closure to be coordinated with the Peirce Island and Recreation Committees;*
- (2) Increase the BAF height to 33 feet; and,*
- (3) Change portions of the BAF façade from brick to a gray textured type.*

The Council may amend this sample proposed motion, adding or deleting other cost reduction measures.

Acceptance of Grants and Donations:

1. **Acceptance of Donation from Liberty Mutual Insurance.** Once again this year, Liberty Mutual Insurance has provided the City with a donation in the amount of \$2,000. This donation was provided to the City in gratitude for hosting Liberty Mutual employees this past May. The volunteers performed a number of significant public service projects including a clean-up in the City's North and Union cemeteries.

I recommend the City Council move to accept the donation from Liberty Mutual Insurance, and further, that the funds be put towards cost associated with improvements needed in the City's cemeteries.

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 (Tabled from the July 20, 2015 City Council Meeting).** As you will recall at the July 20th City Council meeting, the Council tabled first reading of a proposed Ordinance regarding Short-Term Vacation Rentals and Other Lodging Uses.

At the June 15th City Council 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 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 prepared the [attached revised Ordinance](#), under Section IX of the Agenda, 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 move the following motions:

- 1) *Move to remove the item from the table, and,*
- 2) *Move to pass first reading and schedule public hearing and a second reading of the proposed Ordinance, as presented, at the August 17, 2015, City Council meeting.*

Action on this matter should take place under Section IX of the Agenda.

- 1.2 **First Reading of Proposed Resolutions for Bond Authorizations for FY16 City Improvements.** As a result of the July 20th City Council meeting, under Section IX of the Agenda, I bringing back for first reading the proposed [borrowing authorizations](#) identified in the Capital Improvement Plan (see [attached Resolutions and CIP pages](#)).

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 conditions 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 Street 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 that 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 the 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.

- Department: Sewer Enterprise
- 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
- Justification: Improves quality of existing services; Reduces long-term operating costs

I recommend that the City Council move the following motions:

- 1) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements in the amount of up to \$6,100,000 at the August 17, 2015 City Council meeting.*
- 2) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 purchase of Fire Apparatus in the amount of up to \$600,000 at the August 17, 2015 City Council meeting.*
- 3) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 School Facilities Improvements in the amount of up to \$500,000 at the August 17, 2015 City Council meeting.*
- 4) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,100,000 at the August 17, 2015 City Council meeting.*
- 5) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 Sewer System Upgrades in the amount of up to \$4,000,000 at the August 17, 2015 City Council meeting.*

Please note that Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Ordinances:**

- 2.1 **Public Hearing/Second 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 July 20th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second 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 second reading and schedule a third and final reading for the August 17, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

- 2.2 **Public Hearing/Second 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.** As a result of the July 20th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance amending Chapter 7, Article 1, Section 7.1 – Parking Meters.](#)

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.

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 second reading and schedule a third and final reading of the proposed Ordinance for the August 17, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

2.3 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End.**

As a result of the July 20th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached 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 under the Work Session is a memo from Planning Director Rick Taintor](#) that describes the proposed changes in general terms as well as a matrix that outlines in detail the specific changes and includes explanatory comments.

[Attached in your packet are the following three documents for consideration at Second Reading:](#)

- (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 20th 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 1st meeting, the Council voted to postpone first reading to the July 13th 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 16th 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 amend the form of the ordinance passed at first reading on July 20, 2015 by adopting the amendments proposed by the Planning Board the its meeting of July 16, 2015 and as discussed in the memo from the Planning Director dated July 22, 2015 and pass second reading and schedule a third and final reading of the proposed Ordinances at the August 17, 2015, City Council meeting. Action on this matter should take place under Section IX of the Agenda.

3. **Third and Final Reading of Proposed Ordinance.**

3.1 **Third and Final 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 July 13th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed Transportation Services Ordinance as amended at the June 15, 2015 City Council meeting. The Ordinance was brought forward for second reading at the June 15th City Council meeting by Assistant Mayor Jim Splaine also serving as Member of the Taxi Commission.

Move to pass third and final reading of the proposed Ordinance, as amended at the June 15, 2015 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

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

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

2. **Acceptance of Police Department Donations.** Attached under Section X of the Agenda is a memorandum, dated July 15, 2015, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donations:

- a) Donations: At the request of retired Chief David “Lou” Ferland, the following people have donated money equivalent to the purchase price of his book, “Historic Crimes & Justice in Portsmouth, New Hampshire,” to the Portsmouth Police Explorer Cadet Post:

- \$20.00 Megan McNutt
- \$40.00 Laurie Anderson

I recommend the City Council move to approve and accept the donations to the Portsmouth Police Department. Action on this matter should take place under Section X of the Agenda.

City Manager’s Items Which Require Action:

1. **Request from the School Board for Approval of the Tentative Agreement between the Portsmouth School Board and School Clericals.** The School Board is requesting that the City Council approve the Tentative three-year agreement between the Portsmouth School Board and the School Clericals to expire on June 30, 2018.

Attached for your information are the following documents:

- 1) A letter from Thomas Closson, City Negotiator, outlining the changes.
- 2) The Clerical Employees’ Contact showing the insertions and deletions to implement the Tentative Agreement.
- 3) Portsmouth School District Clerical Employees Cost Analysis

I recommend the City Council move to approve the tentative three-year agreement between the Portsmouth School Board and the School Clericals to expire on June 30, 2018.

2. **Acceptance of Reclassification of US Route 1/Lafayette Road.** As a result of the reconfiguration of the US Route 1 Bypass, the State reclassified the following portion of the highway from a Class II State Highway to a Class IV City Highway:

US Route 1: Beginning at the intersection of US Route 1 Bypass with US Route 1 (Project 13455A approximate station 600+47) and continuing northerly to the existing compact line on US Route 1 (Project 13455A approximate station 604+25). The length of this section of US Route 1 is approximately 0.07 miles (378 feet).

[Attached is a letter from the New Hampshire Department of Transportation](#) dated January 30, 2013 which describes the effective date of the transfer with attachments, a copy of RSA 229:5, a Plan Cover Sheet and the NHDOT Plan which shows the portion of the reclassified highway. In order to formalize the transfer, the NHDOT needs an acceptance of the transfer in writing from the City Council.

I recommend that the City Council move to accept the portion of US Route 1 that has been reclassified from a Class II State Highway to a Class IV City Highway as set forth in the attached Plan.

3. **Prescott Park Arts Festival Re: Proposed Stage Relocation.** [Attached is a letter from Ben Anderson, President of the Prescott Park Arts Festival,](#) regarding the proposed relocation of the stage at Prescott Park. The Mayor's Working Group is requesting that the City Council discuss the proposed relocation of the stage at a Work Session on Monday, August 17, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

I recommend the City Council move to discuss the relocation of the Prescott Park Arts Festival Stage in a Work Session at the August 17, 2015 City Council meeting.

4. **Request for Ratification of Gundalow Company Agreement.** [Attached for ratification by the City Council is a one \(1\) year agreement entered into between the Trustees of Trust Funds and the Gundalow Company.](#) This Agreement would allow the Gundalow to remain at Prescott Park until November 1, 2015, although there are provisions in the Agreement contemplating extensions thereafter.

The \$5,000.00 annual License Agreement fee has already been received from the Gundalow Company and a draft of this Agreement has been provided to Peter Torrey for deposit into the Prescott Trust.

I recommend the City Council move to ratify the License Agreement between the Trustees of Trust Funds and the Gundalow Company.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on July 20, 2015. In addition, this can be found on the City's website.
2. **Report Back Re: Historic Cemeteries Update.** For your information, [attached is a report back](#), regarding an update on historic cemeteries.
3. **Report Back Re: Athletic Fields.** As you will recall, at the June 1, 2015 City Council meeting, the Council requested that I report back concerning two strategies for addressing the shortage of outdoor multi-use recreation fields in the City. [Attached for your information is the report back](#) regarding this matter.

PORTSMOUTH SCHOOL DISTRICT CLERICAL EMPLOYEES

| | FY 15-Base | FY 16- Cola 2% | FY 17 Cola 2 % add new step | FY 18 Cola 2 % |
|---------------|--------------------|-----------------------|--|-----------------------|
| Base Salary | 968,412 | 1,006,151 | 1,027,659 | 1,066,725 |
| Step Movement | 597 | 1,518 | 18,337 | 1,445 |
| Longevity | 24,029 | 25,069 | 26,080 | 28,476 |
| Fica | 75,967 | 79,004 | 82,014 | 83,893 |
| Retirement | 110,922 | 115,357 | 119,751 | 122,495 |
| | <u>1,179,928</u> | <u>1,227,099</u> | <u>1,273,841</u> | <u>1,303,035</u> |
| | Diff 15 Base to 16 | 47,172 | | |
| | | <u>Diff 16 to 17.</u> | 46,741 | |
| | | | <u>Diff 17 to 18</u> | 29,194 |
| | | | Subtotal Cost of Contract | \$123,107 |
| | | | Cell Phone allowance for sub callers | \$1,800 |
| | | | Health Insurance savings FY 17 | (\$21,583) |
| | | | Total Cost of Contract | \$103,324 |
| | | | Total Percent Increase | 8.76% |
| | | | Average \$ increase per year | \$34,441 |
| | | | Average % increase per year | 2.92% |



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| | | | |
|-----------------|------------------|-------------------|-----------------------|
| ALBANY, NY | GRAND RAPIDS, MI | NAPA, CA | RALEIGH-DURHAM, NC |
| ALBUQUERQUE, NM | GREENVILLE, SC | NEW ORLEANS, LA | RAPID CITY, SD |
| ATLANTA, GA | HARTFORD, CT | NEW YORK, NY | RICHMOND, VA |
| AUSTIN, TX | HOUSTON, TX | NORFOLK, VA | SACRAMENTO, CA |
| BALTIMORE, MD | INDIANAPOLIS, IN | OMAHA, NE | SAINT LOUIS, MO |
| BERMINGHAM, AL | JACKSONVILLE, FL | ORANGE COUNTY, CA | SAN DIEGO, CA |
| BOSTON, MA | LAS VEGAS, NV | ORLANDO, FL | SAN FRANCISCO, CA |
| CHICAGO, IL | LONG ISLAND, NY | OVERLAND PARK, KS | SAN JUAN, PR |
| CINCINNATI, OH | LOS ANGELES, CA | PHILADELPHIA, PA | SEATTLE, WA |
| CLEVELAND, OH | MUMPHIS, TN | PHOENIX, AZ | STAMFORD, CT |
| DALLAS, TX | MIAMI, FL | PITTSBURGH, PA | TAMPA, FL |
| DAYTON, OH | MILWAUKEE, WI | PORTLAND, OR | WASHINGTON, DC REGION |
| DENVER, CO | MINNEAPOLIS, MN | PORTSMOUTH, NH | WHITE PLAINS, NY |
| DETROIT, MI | MORRISTOWN, NJ | PROVIDENCE, RI | |

July 6, 2015

Dear Mayor Lister and Members of the City Council:

I am pleased to recommend for your consideration the terms of a tentative agreement with the Portsmouth School District Clerical Employees.

The principle elements of this contract are as follows:

- Three year agreement from July 1, 2015 through June 30, 2018.
- Starting on July 1, 2016, the District will offer full-time employees only the Consumer Driven Health Plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire School Health Care Coalition. The employee's premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The District's premium cost share will be 95% of the total premium. If, at any time after November 1, 2017, the cost of the CDHP exceeds the threshold level(s) for assessment of the Cadillac Tax under the ACA, the parties will immediately reopen the contract on the issue of health insurance only, for the purpose of selecting a replacement plan that does not exceed the threshold level(s) for assessment of the Cadillac Tax under the ACA. If the parties are not able to agree on a replacement plan, the District's total contribution to health insurance coverage (including premiums, additional taxes and assessments) will not exceed the current threshold levels for assessment of the Cadillac Tax under the ACA (\$10,200 for a single plan and \$27,500 for a two person/family plan).
- The District will compensate those clerical employees who phone for substitute personnel for a full school year an additional \$100 per school year for their cell phone minutes/usage.
- Increase Educational Incentive Reimbursement from \$400 to 500.
- Increase current Longevity payments by a COLA (annual rolling 10-year average CPI-U between 2% and 5%) on 7/1/2015, 7/1/2016 and 7/1/2017.
- Effective July 1, 2015, two steps will be added to the salary the scale. All Employees will remain on their current step. Effective on July 1, 2015, the CLERICAL BASE RATE SCALES will be changed to the following: This base rate scale reflects the 2% rolling COLA for the 2015-2016 school year.

**CLERICAL BASE RATE SCALES
2015 - 2016**

CATEGORY I

| | |
|--------|-------|
| STEP 1 | 14.92 |
| STEP 2 | 17.38 |
| STEP 3 | 17.60 |
| STEP 4 | 17.82 |
| STEP 5 | 18.18 |
| STEP 6 | 18.54 |

CATEGORY II

| | |
|--------|-------|
| STEP 1 | 17.55 |
| STEP 2 | 20.50 |
| STEP 3 | 20.78 |
| STEP 4 | 21.04 |
| STEP 5 | 21.46 |
| STEP 6 | 21.89 |

CATEGORY III

| | |
|--------|-------|
| STEP 1 | 20.34 |
| STEP 2 | 23.11 |
| STEP 3 | 23.39 |
| STEP 4 | 23.72 |
| STEP 5 | 24.19 |
| STEP 6 | 24.67 |

- Effective on July 1, 2016 and July 1, 2017, the CLERICAL BASE RATE SCALES will be increased by a COLA (annual rolling 10-year average CPI-U between 2% and 5%). Effective on July 1, 2016 and July 1, 2017, employees will advance to the next highest step in their Category, except that in order to advance to Step 6, an employee must have first completed at least 5 years of employment with the District.
- The District, with the cooperation of the Association, will update all job descriptions and job titles by June 30, 2016 to reflect current job responsibilities. On or before December 31, 2017, the District will prepare and circulate to the Association the criteria to be applied to the determination of placement in category, with any actual changes in category to be negotiated by the parties in the next successor collective bargaining agreement.

Sincerely,



Thomas Closson
City Negotiator

AGREEMENT

SCHOOL ADMINISTRATIVE UNIT NO. 52

CITY OF PORTSMOUTH, NH

AND

CLERICAL EMPLOYEES

PORTSMOUTH SCHOOL DISTRICT

Five Year Agreement

July 1, 200815 through June 30, 20158

| SECTION # | ALPHABETICAL LISTING | PAGE |
|--------------------|--|---------------|
| AGREEMENT | | 4 |
| SECTION #41 | ANSWERING MACHINES | <u>1826</u> |
| SECTION #31 | BONDING OF EMPLOYEES | <u>2216</u> |
| SECTION #24 | BULLETIN BOARDS | <u>194</u> |
| SECTION #28 | CALL-IN-TIME | <u>2015</u> |
| SECTION #10 | CLASSIFICATION OF EMPLOYEES | <u>86</u> |
| SECTION # 5 | CONTRACTING OUT | <u>65</u> |
| SECTION #47 | COPIES OF AGREEMENT | <u>3022</u> |
| SECTION #38 | COPY EQUIPMENT | <u>2518</u> |
| SECTION #33 | <u>DELTA DENTAL CIGNA DENTAL</u> | |
| | <u>2417</u> | |
| SECTION #17 | DISCIPLINARY PROCEDURES | <u>1310</u> |
| SECTION # 7 | DUES DEDUCTION | <u>65</u> |
| <u>SECTION #48</u> | <u>DURATION</u> | <u>31</u> |
| SECTION #44 | A. EDUCATIONAL INCENTIVE REIMBURSEMENT | <u>2619</u> |
| | B. EDUCATIONAL CONFERENCE | <u>2719</u> |
| SECTION #15 | EVALUATION | <u>129</u> |
| SECTION #30 | GRIEVANCE PROCEDURE | <u>2115</u> |
| SECTION #32 | HEALTH INSURANCE | <u>2216</u> |
| SECTION #42 | HIGHER RATE ASSIGNMENT | <u>2618</u> |
| SECTION #16 | HIRING PROCEDURES | <u>130</u> |
| SECTION #11 | HOLIDAYS | <u>97</u> |
| SECTION #46 | HOURLY RATE SCALE - 98-03 | |
| | SCHOOL YEAR | <u>280</u> |
| SECTION #21 | HOURS OF WORK | <u>183</u> |
| SECTION # 6 | INITIATION OF NEGOTIATIONS | <u>65</u> |
| SECTION #50 | INTENT TO EMPLOY | <u>3122</u> |
| SECTION #43 | JOB BIDDING | <u>2619</u> |
| SECTION # 3 | LABOR AGREEMENT | <u>54</u> |
| SECTION # 4 | LABOR/MANAGEMENT MEETING | <u>55</u> |
| SECTION #19 | LEAVES | <u>141</u> |
| #19.1 | Extended Leaves of Absence | <u>141</u> |
| #19.2 | Bereavement Days | <u>151</u> |
| #19.3 | Civil Leave | <u>152</u> |
| #19.4 | Adoption Leave | <u>162</u> |
| #19.5 | Maternity Leave | <u>162</u> |
| #19.6 | Personal Leave | <u>172</u> |
| #19.7 | Unusual or Imperative Leave | 13 |
| #19.78 | Sick Leave | <u>173</u> |
| #19.89 | Sick Day Conversion | <u>173</u> |
| <u>SECTION #51</u> | <u>JOB DESCRIPTIONS</u> | |
| SECTION #34 | LIABILITY INSURANCE | <u>2417</u> |
| #34.1 | Save Harmless | <u>2417</u> |

| | | |
|---|-------------------------------------|-------------|
| SECTION #35 | LIFE INSURANCE | <u>2417</u> |
| SECTION #39 | LIMITATIONS | <u>2518</u> |
| SECTION #36 | LONG TERM DISABILITY | <u>3417</u> |
| SECTION #45 | LONGEVITY | <u>2719</u> |
| SECTION # 2 | MANAGEMENT RIGHTS | <u>54</u> |
| SECTION #20 | MEETING LEAVE ALLOWANCE | <u>183</u> |
| SECTION # 8 | NEA/NH, ASSOCIATION SECURITY CLAUSE | <u>75</u> |
| SECTION #27 | OVERTIME | <u>2014</u> |
| SECTION #49 | PAYCHECKS | <u>22</u> |
| SECTION #40 | PHONING FOR SUBSTITUTE PERSONNEL | <u>2518</u> |
| | PREFACE | <u>4</u> |
| SECTION # 9 | PROBATION | <u>76</u> |
| SECTION #14 | PROMOTIONS AND TRANSFERS | <u>129</u> |
| SECTION # 1 | RECOGNITION | <u>4</u> |
| SECTION #23 | RETIREMENT | <u>194</u> |
| SECTION #29 | SAFETY | <u>2015</u> |
| SECTION #18 | SENIORITY | <u>1411</u> |
| | SIGNATURES | <u>3123</u> |
| SECTION #26 | STABILITY OF AGREEMENT | <u>2014</u> |
| SECTION #48 | TERMINATION | <u>22</u> |
| SECTION #22 | TRAVEL | <u>194</u> |
| #22.1 | Business Trips | <u>194</u> |
| SECTION #37 | UNEMPLOYMENT COMPENSATION | <u>2518</u> |
| SECTION #12 | VACATIONS | <u>108</u> |
| | WITNESSETH | <u>4</u> |
| SECTION #25 | WORK REDUCTION OR LAYOFFS | <u>194</u> |
| SECTION #13 | WORKER'S COMPENSATION | <u>119</u> |
| | | |
| MEMORANDUM OF UNDERSTANDING <u>AGREEMENT</u> | | |
| | <u>3724</u> | |
| BENEFIT PROVISIONS <u>WAGE SCALE-</u> | | |
| | <u>3325</u> | |

**NEA/NH – ASSOCIATION
PREFACE**

The School Board agrees that the provisions of this Agreement shall be applied to all employees without discrimination due to race, color, religion, sex, age, marital status, national origin, sexual orientation, disability or Veteran status. There shall be no intimidation or coercion of employees who exercise their rights to bargain collectively through the Association because of their membership therein or their activities in behalf of the Association in accordance with the provisions of RSA 273-A.

All references to employees in this Agreement are intended to designate both sexes, and whenever the female gender is used, it shall be construed to include male and female employees.

WITNESSETH

Whereas, the NEA/NH establishes itself as the exclusive representative of the Clerical employees of the Portsmouth School District who are members of the unit and on regular active duty for the District and enrolled on the School Board’s payroll, now, therefore, the parties hereto contract and agree with each other as a result of collective bargaining as follows:

AGREEMENT

This signed agreement is made and entered into by the School Board, City of Portsmouth, New Hampshire, hereinafter called the District, and the National Education Association/New Hampshire, hereinafter called the NEA/NH-Association representing the Clerical employees of the Portsmouth District. Association as defined on page 1, Section I, Recognition.

SECTION #1

RECOGNITION

Whenever used in the Agreement, the word “employee(s)” shall refer to a person or persons actively and regularly engaged in School Board work or enrolled on the regular payroll of the School Board of the City of Portsmouth, New Hampshire.

The School Board hereby recognizes that the Association is the sole and exclusive representative of the certified NEA/NH Association unit of permanent employees of School Board with the purpose of bargaining in respect to wages, hours of work, and working

conditions in accordance with the provisions of Chapter 273-A:1: Public Employment Labor Relations Board (PELRB). School Board shall accord proper courtesy and respect to representative of NEA/NH Association when discussing mutual concerns of this Agreement.

SECTION #2

MANAGEMENT RIGHTS

It is understood that the School Board shall have the exclusive control of its operation. Nothing in this Agreement shall be deemed to limit the District in any way in the exercise of the regular and customary functions of Management.

The School Board agrees for itself and any of its authorized agents that it will not bargain with individual employee(s).

SECTION #3

LABOR AGREEMENT

The NEA/NH Association agrees for itself and its members that no member shall have the right to bargain individually with the District or any of its authorized agents on matters pertaining to wages, hours of work, or other conditions of employment.

It shall be the right of the NEA/NH Association to present and process grievances of its members whose wages, working conditions or status of employment are changed as a result of Management exercising the above-mentioned rights.

SECTION #4

LABOR/MANAGEMENT MEETING

A meeting between the Portsmouth School Department's Personnel Director, or a designee of the Superintendent of Schools who handles personnel matters, and the President and Vice-President of the Clerical Unit shall take place when requested by either party. The purpose of the meeting will be to facilitate open communication between the parties.

SECTION #5

CONTRACTING OUT

The School Board agrees that work or services presently performed shall not be subcontracted, transferred, leased, assigned, or conveyed, whole or in part, to any other agency, person, private contractor, or non-unit employee where such work or services can be performed by present employees.

SECTION #6

INITIATION OF NEGOTIATIONS

It is the intent of the parties to comply with State Law as regards to the initiation of negotiations.

The parties shall set the first session on a mutually agreed date.

SECTION #7

DUES DEDUCTION

Upon presentation of a signed authorization card by the employee to the Office of the Superintendent of Schools, the School Board agrees to deduct the official dues of said NEA/NH Association from the wages of each Clerical employee and pay the total amount of dues collected to the Treasurer of the Local NEA/NH, PACE (Portsmouth Association of Clericals in Education) bi-weekly, along with a statement indicating who has paid dues.

The NEA/NH Association will keep the School Board informed of the correct names and addresses of the Treasurer and Building Representative of NEA/NH PACE.

If an employee has no check coming to him/her, or if the check is not large enough to satisfy the dues, then no deduction will be made. In no case will the School Board attempt to collect fines or assessments for the NEA/NH Association beyond the regular dues deduction.

Maintenance of membership requires that any Clerical employee who wishes to withdraw from membership in the NEA/NH Association shall so stipulate in writing to the steward in those ten (10) days immediately prior to the anniversary date of the employee's original authorization for dues withholding.

SECTION #8

NEA/NH, ASSOCIATION SECURITY CLAUSE

It is recognized that the Negotiations for and administration of the Agreement entail expenses which appropriately should be shared by all employees who are beneficiaries of the Agreement. To this end, if an employee in the bargaining unit does not join the NEA/NH Association, such employee will, as a condition of employment by the Board, execute an authorization for the deduction of a "Representation Fee" which shall be a sum equivalent to the membership dues and assessments required to be paid by members of the NEA/NH Association, which sum shall be retained for a scholarship fund. Award will be made to a graduating senior at Portsmouth High School who has matriculated in the Business Education Program. Preference in receiving the award shall be given to family members of bargaining unit employees. The Committee to award the scholarship shall be made up of two administrators, two members of the NEA/NH Association, and one member of the representative group. The scholarship shall be given in the name of the Portsmouth Association of Clericals in Education.

SECTION #9

PROBATION

Whenever the Portsmouth School Board hires a new employee, or rehires a person previously employed in this bargaining unit following a break of employment of one (1) year or more (except for the reasons listed in Section 18), these employees shall serve a probationary period. This period will be no less than ninety (90) consecutive days, but this number may be extended up to a maximum of one hundred eighty (180) consecutive days, when the additional time is needed to evaluate the employee. If this extension of the probationary period is to be made, it must be requested by the immediate supervisor/building principal to the Personnel Office. During this period the employee shall be granted full coverage of the following benefits to which he/she is entitled, as soon as possible from his/her date of hire, carrier permitting.

- * Blue-Cross/Blue-Shield Health Insurance
- *Dental Insurance
- Sick Days
- Bereavement Leave
- *Long-Term Disability
- *Life Insurance

*Carrier requires a two (2) week lead time prior to the first of the month.

All other contract provisions and benefits shall be granted to the employee upon completion of the probationary period.

Employees shall have no seniority rights during this period. All employees who have worked the probationary period shall be known as permanent employees, and the probationary period shall be considered part of the seniority time.

Except as provided above with respect to probation only, persons previously employed in this bargaining unit who are rehired by the School Board shall be treated in all other respects under the terms of this contract as new employees.

SECTION #10

CLASSIFICATION OF EMPLOYEES

Permanent Employee An employee who has completed the probationary period. This period will be no less than ninety (90) consecutive days, but this number may be extended to a maximum of one hundred and eighty (180) consecutive days.

Category A: An individual who is employed fifty-two (52) weeks per year in a position consisting of at least five (5) days per week and at least seven (7) hours per day. The yearly minimum would be 1820 hours. These employees shall be entitled to all benefits including full vacation and sick leave benefits, ~~Blue Cross/Blue Shield, Comp 100 Managed Care~~Health Insurance, life insurance, long-term disability, bereavement leave, personal days in accordance with section 19.6.

Category B: An employee who works any combination of numbers of weeks, days per week, and hours per day that total a minimum of 1560 hours yearly.

Vacation and sick leave will be prorated based on:

Number of hours worked

1950 = proration factor (Persons employed prior to July 1, 2003 who remain employed will be grandfathered at 1820.)

These employees will be entitled to vacation, sick leave, life insurance, ~~Blue Cross/Blue Shield, Comp 100 Managed Care~~Health Insurance, life insurance, long-term disability, bereavement leave, personal days in accordance with Section 19.6.

Category C: Any individual hired after June 30, 1993 who works less than 1560 hours and at least 899 hours per year regardless of number of weeks, days, or hours shall receive sick leave, ~~Blue Cross/Blue Shield Comp 100 Managed Care, Health Insurance~~ life insurance, long-

term disability, bereavement leave, personal days in accordance with Section 19.6, imperative leave, and five vacation days. At the beginning of the sixth year of employment, Category C employees will be eligible for six (6) days of vacation. At the beginning of their 11th year, Category C employees will be eligible for eight (8) days of vacation. At the beginning of their 13th year, Category C employees will be eligible for ten (10) days of vacation.

Sick leave will be prorated based on:

Number of hours worked
1820 proration factor

Employees working less than 899 hours will not receive benefits.

Those bargaining unit members employed in the 1992-93 school year who may work fewer than 899 hours per year shall be “grandfathered” for the benefits listed above.

SECTION #11

HOLIDAYS

Because of the school calendar, the following shall be designated as holidays for Category A and B employees, providing they are within their contracted work schedule:

New Year’s Day
Martin Luther King Day (provided it is not a regular school day)
Memorial Day
Independence Day
Labor Day
Columbus Day (provided it is not a regular school day)
Veterans’ Day
½ day before Thanksgiving (if there is ½ day of school)
Thanksgiving Day
Day after Thanksgiving Day
½ day before Christmas
Christmas Day
Day after Christmas Day
Day before New Year’s Day

The following shall be designated as holidays for Category C employees (school year personnel):

- New Year's Day
- Martin Luther King Day (provided it is not a regular school day)
- Memorial Day
- Labor Day
- Columbus Day (provided it is not a regular school day)
- Veterans' Day
- ½ day before Thanksgiving (if there is ½ day of school)
- Thanksgiving Day
- Day after Thanksgiving Day
- ½ day before Christmas
- Christmas Day
- Day after Christmas Day

Should a holiday fall on a Sunday, it will be celebrated on Monday and all regular employees shall be paid for this day. Should a holiday fall on a Saturday, the preceding Friday shall be considered to be the holiday.

If an employee works on a holiday included in his/her Notice of Intent to Employ, he/she will be entitled to time and a half for the hours worked in addition to the straight pay received for that day via his/her prorated annual salary. All hours paid on a holiday shall be counted as hours worked when computing overtime.

SECTION 12

VACATIONS

All permanent employees shall be paid for actual time worked, all approved leaves, and all approved holidays; and the School Board shall endeavor to keep the permanent employees continually at work.

All Category A and B employees shall receive a paid vacation. The employee's anniversary date of hire will be used to determine the amount of vacation time due. Vacation pay will be based on an employee's regular rate of pay following the schedule listed below. Seniority shall be the determining factor in the selection of vacation time. Vacation may be taken upon approval of the building administrators.

| | |
|---------------------------------------|---|
| First three months: | None |
| After three months and up to 1 year: | Prorated @ .8333 days per month or 6.24 hours per month |
| At beginning of: 2 nd year | 10 working days or 75 hours |
| 3 rd year | 10 working days or 75 hours |

| | | |
|------------------|-----------------------|--------------------------------|
| | 4 th year | 10 working days or 75 hours |
| | 5 th year | 10 working days or 75 hours |
| At beginning of: | 6 th year | 15 working days or 112.5 hours |
| | 7 th year | 15 working days or 112.5 hours |
| | 8 th year | 15 working days or 112.5 hours |
| | 9 th year | 15 working days or 112.5 hours |
| | 10 th year | 15 working days or 112.5 hours |
| At beginning of: | 11 th year | 20 working days or 150 hours |
| | 12 th year | 20 working days or 150 hours |
| | 13 th year | 20 working days or 150 hours |
| | 14 th year | 20 working days or 150 hours |
| | 15 th year | 20 working days or 150 hours |
| At beginning of: | 16 th year | 21 working days or 157.5 hours |
| | 17 th year | 22 working days or 165 hours |
| | 18 th year | 23 working days or 172.5 hours |
| | 19 th year | 24 working days or 180 hours |
| | 20 th year | 25 working days or 187.5 hours |
| | 21 st year | 26 working days or 195 hours |
| | 22 nd year | 27 working days or 202.5 hours |
| | 23 rd year | 28 working days or 210 hours |
| | 24 th year | 29 working days or 217.5 hours |
| | 25 th year | 30 working days or 225 hours |

No employee shall be permitted to accrue in excess of one and one-half (1 ½) times his/her annual earned vacation (i.e., employees who earned ten (10) days per year shall have no more than fifteen (15) days vacation to their credit at any one time).

Upon termination of employment, the School Board shall pay to the employee an amount equal to one hundred percent (100%) of unused vacation leave earned prior to the date of termination of employment regardless of reason for that termination with the School Board.

Upon the death of an employee while in the employment of School Board, the School Board shall pay to that employee's estate an amount equal to one hundred percent (100%) of unused vacation leave.

Category C personnel will receive vacation days in accordance with Section 10 to be arranged between the employee and his/her supervisor with regard to agreement of his/her request. These will be non-accumulative.

Employees hospitalized during vacations may convert those days to sick leave.

SECTION 13

WORKERS' COMPENSATION

Workers' Compensation benefits will be provided as specified in the New Hampshire statutes. In cases where an employee is on total disability, the School Board will

automatically pay to the employee the difference between the Workers' Compensation benefits and the employee's take-home pay.

In no event shall such payments exceed fifty-two (52) weeks.

SECTION 14

PROMOTIONS AND TRANSFERS

The School Board reserves the right and shall have the right to make promotions and transfers primarily on the basis of ability and performance of duty but shall be governed by seniority when equal qualifications are present.

All employees who are successful candidates for a vacancy or new job will be given a probationary period of 90 consecutive days, which may be extended up to a maximum of 180 consecutive days when additional time is necessary to evaluate the employee.

All unit vacancies that are to be filled, and all new jobs, must be posted for ten (10) working days in each school to allow employees the opportunity to apply for those jobs. All employees subject to this paragraph are required to give a minimum of ten (10) days notice prior to termination. These vacancies and new jobs shall be filled within thirty (30) working days after posting expires or within a reasonable time allowing the School Board to make the most appropriate decision for the school system. If vacancies are not filled or cannot be filled, the School Board agrees to notify the President and Building Representatives in writing, stipulating reasons for the decision. The President and Building Representatives shall receive copies of all unit vacancies and new jobs.

Job postings shall include job title, category, location, range of pay, hours of work, date of beginning work, permanent or temporary. All job postings shall include the date of posting. Job specifications will be provided to the candidates upon request and sent to the Association President along with the posting.

SECTION #15

EVALUATION

Prior to June 1, each employee shall receive a written copy of her annual evaluation. Such evaluation shall be ongoing and shall be done by the employee's immediate supervisor or building administrator. Designed to promote professional growth, the evaluation shall be as positive in nature as possible.

A conference between the immediate supervisor and/or building administrator and the employee will be held to discuss the evaluation. A copy of the evaluation shall be given to the employee at least two days prior to this conference. As a result of the conference,

modification may be made in the written document prior to its placement in the employee's file.

No evaluation which has not been shown to the employee may be placed in the file. The employee shall sign the evaluation, however, such signature shall indicate only that it has been reviewed and shall not necessarily indicate concurrence with the contents. The employee shall have the right to attach a written response to her evaluation.

SECTION #16

HIRING PROCEDURES

Credit will be given for prior job-related experience as determined by a review of resume by the Superintendent or designee when hiring new employees to the system. Salary consideration will be commensurate with experience and ability. No employee may be hired beyond the second (2nd) step on the pay schedule. Effective July 1, 2010, new employees may be hired at step 3. Effective July 1, 2012, new employees may be hired at Step 4.

SECTION #17

DISCIPLINARY PROCEDURES

All disciplinary actions shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is being taken.

All written warnings, suspensions, and discharges shall be placed in the employee's personnel record and shall describe the reason for the disciplinary action. A copy will be provided to the employee and the union president at the time the discipline is administered.

Disciplinary action shall normally follow this order:

- a. verbal warning
- b. written warning
- c. suspension without pay (one day minimum, five days maximum)
- d. discharge

An employee may be suspended or discharged for the following reasons:

- a. incompetency or inefficiency
- b. insubordination
- c. intoxication while on duty
- d. conviction of a felony
- e. unauthorized absence from duty

No employee shall be penalized, disciplined, suspended, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any advancement without just cause.

All employees shall have the right to review their records upon twenty-four (24) hours' notice to the Office of the Business Administrator.

SECTION #18

SENIORITY

An employee's seniority shall commence with the hiring date and continue as long as he/she is employed by the School Board. The current seniority list will be grandfathered and all new employees will be added to the list based on the date they are hired into the PACE bargaining unit.

Seniority shall be defined as having priority over or being given preference to because of continuous years of service.

An employee shall not forfeit seniority during absences caused by the following:

Illness resulting in total/temporary disability due to his/her regular work with the School District, certified to by an affidavit from Workers' Compensation carrier.

Illness not the result of his/her misconduct resulting in total/temporary disability, certified to by a physician's affidavit.

Duty with the Armed Forces.

Reduction in Force.

SECTION #19

LEAVES

19.1 Extended Leaves of Absence

Upon approval of the Superintendent, leaves of absence without pay not to exceed two (2) years may be granted.

Extended leaves of absence will be granted only upon completion of three (3) years of employment in the Portsmouth School System.

All requests, extensions, renewals, early returns or other modifications of leaves shall be made in writing to the Superintendent of Schools. The response shall also be in writing.

Employees on extended leaves approved by the School Department may continue insurance benefits by paying monthly premiums as charged by the carrier at the time the premium is paid for the appropriate level of benefits if the carrier permits such an arrangement.

19.2 Bereavement Days

Funeral leave will be granted as follows:

Not to exceed three (3) days:

1. Brother-in-law
2. Sister-in-law
3. Grandparent
4. Aunt or Uncle
5. Niece or Nephew
6. A blood relative or dependent residing in the same household.
7. Daughter-in-Law
8. Son-in-Law

Not to exceed five (5) days:

1. Parent
2. Sister
3. Brother
4. Parent-in-law

Not to exceed seven (7) days:

1. Husband, wife or civil union partner
2. Child

Extensions may be granted by application to the Superintendent.

Bereavement leave may be granted if approved by the Superintendent for the death of a close friend. The Superintendent shall have the discretion to set the number of days allowed based on the circumstances.

19.3 Civil Leave

Upon approval of the Superintendent, anyone who is subpoenaed as a witness in a city or criminal case or who is called for service on a jury will be granted paid leave for the period of time he/she is unable to report to work.

Application for leave will be made in advance and submitted with a copy of the subpoena. The clerical shall transmit any monies received from such assignment, other than those paid for personal expenses (e.g. travel) to the Portsmouth School Department Business Office.

19.4 Adoption Leave

Any clerical employee adopting an infant may be granted a leave of absence not to exceed one (1) year without pay. Such leave shall commence upon receipt of de facto custody of said infant, or up to two (2) months earlier if necessary to fulfill requirements for adoption.

All benefits to which the clerical employee was entitled at the start of the leave, including accumulated sick leave, shall be restored upon return to work. The clerical may keep health insurance benefits in force under the present carrier while on leave by paying the premium cost to the School Department on a schedule suggested by the Business Administrator.

19.5 Maternity Leave

Upon application of the employee, a maternity leave of absence without pay shall be granted to permanent, full time female employees who have been employed at least one (1) year before said application; said leave to commence at the time recommended by the employee's attending physician and to extend for a period not to exceed one (1) year after the birth of the child. If an employee who has been granted a maternity leave of absence in accordance with this provision shall fail to return to work upon the expiration of such leave of absence, she shall be deemed to have voluntarily terminated her employment, unless she has been certified by her physician as being physically unable to perform her duties.

Upon application of the employee, a paternity leave of absence without pay shall be granted to permanent, full time male employees who have been employed at least one (1) year before said application; said leave not to exceed one (1) year after the birth of the child. If an employee who has been granted a paternity leave of absence in accordance with this provision shall fail to return to work upon the expiration of such leave of absence, he shall be deemed to have voluntarily terminated his employment.

An employee shall be entitled to use her accumulated sick leave benefits with pay until she has depleted that accumulation. The date of entitlement shall commence from the date of confinement or the birth of the child, during which time the employee is certified as being unable to perform her regular duties, as verified by an affidavit of the attending physician every thirty (30) days. Requests for such sick leave benefits must be submitted in writing to the School Board no later than thirty (30) days after the date of confinement, in order to be eligible for sick leave benefits.

Extensions of the sixty (60) day paid sick leave benefits may be made by the School Board if circumstances so warrant.

All benefits to which the clerical employee was entitled at the start of the leave, including accumulated sick leave, shall be restored upon return to work. The clerical may keep health insurance benefits in force under the present carrier while on leave by paying the premium cost to the School Department on a schedule suggested by the Business Administrator.

19.6 Personal Leave

Clerical employees may receive two (2) days personal leave for business which cannot be transacted any other time. Whenever possible, a twenty-four (24) hour notice shall be given. No employee shall take a personal day preceding or subsequent to any vacation period or school holiday or an election day unless upon approval from the Superintendent of Schools. Effective July 1, 2000, employees with five (5) years of service will receive an additional non-cumulative personal day for a total of three (3) personal days per year.

~~Effective on July 1, 2009, eligible members will be entitled to two (2) additional personal days for the 2009-10 contract year only. This is a one-time only increase in personal days and will not carry forward into 2010-11. The additional personal days may not be carried forward or cashed-out under any circumstances.~~

19.7 Sick Leave

Sick leave without loss of pay or other benefits shall be computed at the rate of one and one-quarter (1 ¼) days per month, or fifteen (15) days per year, and may be accumulated to two hundred fifty (250) days. Employees hired after July 1, 1990 may accumulate sick leave only to one hundred fifty (150) days.

Sick leave shall be used for self or, when imperative, to care for an immediate member of the employee's family. ~~Effective July 1, 2009,~~ Employees may utilize no more than fifteen (15) sick days in any school year to care for a family member. In the event of prolonged absence as a result of accident or illness, the SCHOOL BOARD will consider circumstances that might warrant extension of full or partial sick pay.

The Board agrees to pay seventy-five percent (75%) of all accumulated sick days in a cash payment at the per diem rate which the clerical last earned to any clerical who retires under the New Hampshire State Retirement System or to the estate of the employee if the employee dies while employed in the bargaining unit. Prior notice of retirement must be given a year in advance. Employees hired after July 1, 1996 or their estates shall receive no payment for sick leave upon death, retirement or termination.

The School Board agrees to notify each employee in writing of accumulated sick leave days once a year in the month of July. All paid sick leave shall be counted as hours worked when computing overtime.

19.8 Sick Day Conversion

The Board will provide one (1) day of additional pay, at the rate of the pay the clerical is presently earning, to any clerical employee who has used no personal or sick days during the employment year.

SECTION #20

MEETING LEAVE ALLOWANCE

When an employee is elected president of NEA/NH Association and has work to do which takes him/her away from his/her regular employment with the district, he/she shall, at the written request of the NEA/NH Association, be granted a leave of absence up to three (3) work days per year with full pay and no loss of seniority or other benefits.

Employees elected as delegates to either the NEA/NH Association National Convention, or New Hampshire State Convention, shall be allowed a leave of absence with no loss of pay, not to exceed one (1) working day per year. Two (2) NEA/NH Association employees shall be entitled to attend either of the above-mentioned conventions (one (1) to each).

SECTION #21

HOURS OF WORK

The normal work week will consist of five (5) consecutive days, Monday through Friday. Employees normally work a seven and one-half (7 ½) hour day.

All time worked in excess of the normal work week shall be paid at the rate of time and one-half (1 ½), or compensatory time will be awarded if requested by the employee and approved in writing by the employee's supervisor.

The Portsmouth School District shall retain the right to schedule working hours which in the opinion of the School Board and Superintendent of Schools best serve the school district and its constituents. Except in the case of extreme emergency conditions, the employee workday shall be scheduled between the hours of 6:00 a.m. and 5:00 p.m.

The work schedule in effect shall be changed only after consultation of both parties.

SECTION #22

TRAVEL

Business Trips

Clerical employees requested by their immediate supervisor to make a local trip on behalf of the School Department on school business will be paid \$2.00 per trip.

SECTION #23

RETIREMENT

The School Department shall enroll clerical employees in the New Hampshire Retirement System in accordance with the provisions of RSA 100-A.

SECTION #24

BULLETIN BOARDS

The School Board shall provide space for bulletin boards for the posting of notices of the School Board addressed to the employees and notices of the Association addressed to the members.

SECTION #25

WORK REDUCTION OR LAYOFFS

The district will lay off based on seniority and job capability and rehire based on seniority and job capability. All employees who have been laid off will be kept on a re-employment list for a maximum of two (2) years. Qualified and available permanent employees shall be reinstated before new employees are hired.

Should it become necessary for the District to reduce the work force (lay off), employees will receive as much advanced notice as possible, and there must be a minimum of one (1) pay period. The employee with the least seniority within job capability will be laid off first. The reverse procedure shall be implemented for recall before new employees are hired. If an employee on the re-employment list refuses recall to a job similar to the one from which he/she was laid off, and which is in the same job category and pay classification and with the same or greater number of hours, said employee's seniority will terminate and he/she shall forfeit any further re-employment rights. Employees will have seven (7) days to decide to accept recall. Notice mailed to the last recorded address will be considered appropriate method of notification. All benefits to which the clerical was entitled at the start of the reduction in force, including accumulated sick leave, shall be restored upon return to work.

The employee shall not be entitled to accrue sick leave or vacation during the time period when they are not employed by the School Department.

SECTION #26

STABILITY OF AGREEMENT

Should any article, section or portion thereof, of this Agreement be in violation of a State law or be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific article, section, or portion thereof directly specified in the decision. Upon issuance of such a decision, the parties agree to immediately negotiate a substitute for the invalidated article, section or portion thereof.

SECTION #27

OVERTIME

Overtime shall be awarded to employees who are qualified to do the work and will be offered to employees of the building where the overtime work occurs. The employee who routinely performs the work will have first preference for the overtime.

All employees shall receive time and one-half (1 ½) for all hours worked over the normal work week as defined in SECTION 21.

SECTION #28

CALL-IN TIME

When employees are called in to work outside of their regularly scheduled working hours, they will be paid a minimum of two (2) hours at time and one-half (1 ½).

SECTION #29

SAFETY

The School Board shall make regulations to ensure the safety and health of its employees during their working hours of employment. Representatives of the School Board and the Association may meet once in ninety (90) days at the request of either party to discuss such regulations. The NEA/NH Association agrees that its members who are employees of the School Board will comply with the School Board's rules and regulations relating to safety, economy, and efficiency of services to the School Board and to the public.

The NEA/NH Association and its members agree to exercise proper care and to be responsible for all School Board property issued or entrusted to them.

SECTION #30

GRIEVANCE PROCEDURE

A grievance for the purpose of this Agreement is a complaint against the employer by an employee(s) or the NEA/NH Association with respect to the meaning and/or application of a provision(s) of this Agreement.

Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved employee to proceed to the next step, except at the Board level. A decision on the grievance at the Board level shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed to be acceptance of the decisions rendered at that step.

A grievance must be filed within fifteen (15) working days of its occurrence or within fifteen (15) working days of the time the employee, by reasonable diligence, learned of its occurrence. Grievances shall be processed in the following manner:

STEP I

Any employee who has a grievance shall discuss it first with his/her immediate supervisor, if applicable, in an attempt to resolve the matter informally at that level. A NEA/NH Association representative may be present if requested. A decision shall be rendered to the aggrieved in five (5) working days. This decision shall be in writing.

STEP II

An unfavorable decision by the immediate supervisor may be appealed in writing to the Business Administrator within five (5) working days, and he has five (5) working days to render his decision in writing.

STEP III

An unfavorable decision by the Business Administrator may be appealed in writing to the Superintendent of Schools within five (5) working days. The Superintendent of Schools shall render a written decision within twelve (12) working days.

STEP IV

If the grievance is not resolved to the grievant's satisfaction, he/she and the NEA/NH Association, no later than five (5) school days after receipt of the Superintendent's decision, may request a review by the Board. The request shall be submitted in writing through the Superintendent of Schools, who shall attach all related papers and forward the request to the Board. The Board shall review the grievance and hold a hearing within thirty (30) school days. A decision in writing shall be rendered within fifteen (15) calendar days of the hearing.

STEP V

Should the decision of the School Board be unsatisfactory, any dispute, claim, or grievance arising out of or relating to the interpretation or the application of this Agreement may be submitted to arbitration under the Voluntary Labor Arbitration Rules of the American Arbitration Association. The parties further agree to accept the Arbitrator's award as final and binding upon them. The cost of said arbitration will be borne equally by both parties regardless of the outcome. All decisions involving wages, wage rates, promotions, transfers, hours worked and not worked, shall be retroactive to the date the grievance first occurred. The Arbitrator shall have no authority to alter, amend or change the terms of this Agreement in the course of ruling on a grievance. The Arbitrator's ruling shall be subject to review pursuant to RSA 542.

If the Association wishes to submit a grievance to arbitration, the Association must notify the School Board in writing within fifteen (15) days of its receipt of the decision of the Board.

Any step may be bypassed by mutual agreement or failure to respond.

SECTION #31

BONDING OF EMPLOYEES

The School Board will provide that those employees whose duties include responsibility for the handling of monies will be bonded and that those employees will be rendered safe from prosecution if those monies are destroyed, stolen, damaged, or lost through no fault or negligence of the employee in charge.

SECTION #32

HEALTH INSURANCE

Each employee as set forth required under the classifications in Section 10 will be covered by Blue Cross/Blue Shield Comp 100 with a Managed Care rider or equivalent and comparable coverage for individual, two person, or family. Said coverage shall provide at least a \$1,000,000 lifetime maximum coverage. Should employees choose, they may participate in the Blue Cross/Blue Shield Blue Choice One (1) Program rather than the Comp 100 Managed Care Plan. Selection of the plan by the employee will be made prior to each plan year. The Board will set up an IRS 125 Premium Conversion Plan which will allow each employee to choose to pay his/her portion of the health insurance with pre-tax dollars. Selection of the plan by the employee will be made prior to each plan year. If an employee is changing plans, the School Board shall be notified in writing by April 1 prior to the start of the new plan year (July 1 through June 30).

~~Effective July 1, 2008, the employee's cost will be nineteen percent (19%) of the premium, and the Board will pay eighty one percent (81%). Effective July 1, 2010, the employee's cost will be twenty percent (20%) of the premium, and the Board will pay eighty percent (80%).~~

~~The School Board will offer employees the option of changing health insurance under the Matthew Thornton Plan so long as it is offered by the Health Trust. The employee shall pay the following percentage of the cost of premiums so long as Matthew Thornton's cost remains at least 5% below the Blue Choice premium.~~

| | Employee Percentage | Employer Percentage |
|---------|---------------------|---------------------|
| 2008-09 | 15.0% | 85.0% |
| 2009-10 | 15.0% | 85.0% |
| 2010-11 | 15.5% | 84.5% |
| 2011-12 | 15.5% | 84.5% |
| 2012-13 | 15.5% | 84.5% |
| 2013-14 | 15.5% | 84.5% |

~~Effective July 1, 2009 or as practicable thereafter, the District may offer two (2) additional optional plans based upon Blue Choice One and Matthew Thornton plans with premium share as described above. Co-pay shall be twenty dollars (\$20.00) for office visits, one hundred dollars (\$100.00) for emergency room visits, and \$10/\$20/\$30 for 30 day retail or 90 day mail order prescriptions.~~

Effective September 1, 2013, or as soon as possible thereafter, the City will offer unit members health insurance plans issued only by Cigna Insurance under its "SchoolCare" plan (HMO, POS and Open Access Plus) of the New Hampshire School Health Care Coalition as administered in accordance with its Articles of Agreement and By-Laws or equal and comparable coverage.

The employee's premium share for any SchoolCare plan (Single, 2-Person, Family) will be fourteen percent (14.0%) of the total premium. The City's share of the total premium of any SchoolCare plan will be eighty-six percent (86.0%).

In the event the Clerical Employees (Union) choose to change from SchoolCare back to HealthTrust, they will have the option to do so as long as they provide a 60 days notice and have been with the plan a minimum of two years.

The Association agrees to participate in a City-wide committee to explore health insurance options.

If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums, the employee and employer's percentage cost of the premiums shall be the same as those for Comp 100 MC and Blue Choice as set forth in the preceding paragraph above.

Starting on July 1, 2016, the District will offer full-time employees only the Consumer Driven Health Plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire School Health Care Coalition. The employee's premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The District's premium cost share will be 95% of the total premium. If, at any time after November 1, 2017, the cost of the CDHP exceeds the threshold level(s) for assessment of the Cadillac Tax under the ACA, the parties will immediately reopen the contract on the issue of health insurance only, for the purpose of selecting a replacement plan that does not exceed the threshold level(s) for assessment of the Cadillac Tax under the ACA. If the parties are not able to agree on a replacement plan, the District's total contribution to health insurance coverage (including premiums, additional taxes and assessments) will not exceed the current threshold levels for assessment of the Cadillac Tax under the ACA (\$10,200 for a single plan and \$27,500 for a two person/family plan).

Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this six (6) year agreement, such plan would only become effective if ratified by the Association, approved by the School Board, and approved by the City Council.

SECTION #33

DELTA DENTAL

The School Board agrees to provide ~~Delta Dental (Plan One)~~ CIGNA Dental or an equivalent plan and pay one hundred percent (100%) of the premium cost for single, two person, or family plan.

SECTION #34

LIABILITY INSURANCE

The School Board shall save harmless all employees from financial liability arising out of any claim, suit, criminal prosecution or judgment against them because they are an employee of the School Board or because of an act taken by them in the course of their employment.

The above shall not apply in cases where an employee is guilty of gross negligence or gross irresponsibility. An employee who has been found guilty of gross negligence or gross irresponsibility by the employer may appeal such decision through the grievance procedure. Should said appeal find in favor of the employee, the employer shall make the employee whole in terms of all financial liability or loss and all costs related to the alleged negligence or irresponsibility and the subsequent appeal.

SECTION #35

LIFE INSURANCE

The School Board shall provide one hundred percent (100%) of term life insurance for all employees equal to twice the annual salary of each employee for that fiscal year. It is understood that employees age 70 and over will have their benefits reduced in accordance with the certificate schedule attached as Amendment #1 to this Agreement. Additional life insurance may be purchased by the employee with payment for such additional insurance deducted in equal payments from the employee's salary. An employee's life insurance shall start on the first day of the month following his/her date of hire.

SECTION #36

LONG TERM DISABILITY

The School Board will purchase income protection insurance for each employee to begin on the 91st day of disability in an amount equal to 66 2/3% up to \$2,000 of the monthly salary of the employee at the date of disability. Said insurance shall run until age sixty-five (65) and shall be coordinated with Social Security benefits. An employee's long term disability insurance shall start on the first day of the month following his/her date of hire.

SECTION #37

UNEMPLOYMENT COMPENSATION

All unit employees shall be covered by the State of New Hampshire Unemployment Compensation Act, as provided in Chapter 348, and all amendments thereafter.

SECTION #38

COPY EQUIPMENT

The School Board agrees to allow the use of its copying equipment to members of the Clerical Association when the purpose is to provide notice and information to its membership. This work will be performed during a time when the machines are not in use, when the employee is off duty, and the materials will be supplied by the Association.

SECTION #39

LIMITATIONS

Nothing in this Agreement, either by inclusion or exclusion, shall be so interpreted as to limit any benefits now enjoyed by the Clerical employees in this Agreement.

SECTION #40

PHONING FOR SUBSTITUTE PERSONNEL

Effective July 1, 2008, clerical employees who perform the service of phoning for substitutes shall be paid an annual stipend of forty-three dollars (\$43.00) times the number of staff members the clerical is responsible for, based on the number of staff as of October 1st of each year. No clerical responsible for phoning substitutes shall receive less than three hundred fifty dollars (\$350.00) for performing those services for a full school year. (These amounts are to be paid by separate check – fifty percent (50%) in the first paycheck of December, and fifty percent (50%) in the first paycheck of June.)

Adjustments may be made by the Building Principal and the employee, such as compensatory time in lieu of remunerations.

Posting of the assignment shall be made among clerical employees whenever a vacancy occurs.

SECTION #41

ANSWERING MACHINES

~~The School Board agrees to purchase six (6) telephone answering machines to be provided to those clerical employees who perform this service for substitutes. These six (6) are to be used for this purpose in the employees' homes.~~

The District will compensate those clerical employees who phone for substitute personnel for a full school year an additional \$100 per school year for their cell phone minutes/usage.

SECTION #42

HIGHER RATE ASSIGNMENT

Any employee who shall perform duties paying a higher classification shall be paid at the higher rate while performing such duties, but at no time shall an employee be paid at a lower rate than that for which he/she is classified. Effective upon the date of ratification of this Agreement, hourly paid employees in the bargaining unit will be compensated on a plus rate basis of one pay step (no less than five percent (5%) to the nearest whole cent) above her present rate or the entrance rate, whichever is higher, for working in higher level classifications. For each completed week of work in such higher level assignment, the higher level of pay will commence on the sixth (6th) day of the assignment.

SECTION #43

JOB BIDDING

No employee shall be restricted from applying for a posted job vacancy and may exercise this right in applying for any job of his/her choice whether the position is for a higher classification or a lower classification. If, after a sixty (60) day trial period, the employer or the employee desires the employee to return to the original position, the return will occur within thirty (30) days.

SECTION #44

A. EDUCATIONAL INCENTIVE REIMBURSEMENT

The following educational reimbursement policy will apply to members of the bargaining unit covered by this policy.

The District agrees to provide reimbursement to employees who complete approved courses relating to their current responsibilities or as part of an approved career development program. Based upon the following standards, the District agrees to budget four thousand dollars (\$4,000.00) per year. Courses must be approved in advance by the employee's supervisor as meeting the requirements that the course is related to the employee's job or part of a career development program. Approval must be obtained through the Superintendent's Office for payment of the course.

Not more than four hundred dollars (\$4500.00) will be paid to any employee in any fiscal year for course reimbursement unless by May 30th there are unused monies remaining in this fund. In that event, clericals who have taken courses in excess of the original four hundred dollars (\$4500.00) allotment may submit their receipt for payment of a second reimbursement. This will be awarded on a first-come first-serve basis. This second reimbursement will not exceed a four hundred dollars (\$4500.00) payment.

Approval of courses will be considered on the number of employees and the fund available.

B. EDUCATIONAL CONFERENCES

The SAU agrees to appropriate two thousand dollars (\$2,000) per contract year for members of the clerical staff to attend the New Hampshire Association of Educational Office Professionals (NHAEOP) Conference held in May. Approval of the number attending the conference will be determined by the Superintendent of Schools. Unused monies in the course reimbursement account as of March 1st will be available for the NHAEOP Conference.

SECTION #45

LONGEVITY

Longevity will be based on the number of completed contract years and will be paid as follows:

| | 2008-09 | 2009-2009 |
|-------------------------|---------------------|----------------------|
| Five (5) years | \$323.69 | \$323.69 |
| Six (6) years | \$348.32 | \$348.32 |
| Seven (7) years | \$374.08 | \$374.08 |
| Eight (8) years | \$398.72 | \$398.72 |
| Nine (9) years | \$423.36 | \$423.36 |
| Ten (10) years | \$448.00 | \$448.00 |
| Eleven (11) years | \$486.08 | \$486.08 |
| Twelve (12) years | \$510.72 | \$510.72 |
| Thirteen (13) years | \$535.36 | \$535.36 |
| Fourteen (14) years | \$560.00 | \$560.00 |
| Fifteen (15) years | \$585.76 | \$585.76 |
| Sixteen (16) years | \$610.41 | \$610.41 |
| Seventeen (17) years | \$635.05 | \$635.05 |
| Eighteen (18) years | \$659.69 | \$659.69 |
| Nineteen (19) years | \$685.44 | \$685.44 |
| Twenty (20) years | \$710.08 | \$710.08 |
| Twenty-one (21) years | \$734.72 | \$734.72 |
| Twenty-two (22) years | \$759.36 | \$759.36 |
| Twenty-three (23) years | \$784.00 | \$784.00 |
| Twenty-four (24) years | \$809.77 | \$809.77 |
| Twenty-five (25) years | \$834.41 | \$834.41 |
| Twenty-six (26) years | \$859.05 | \$859.05 |
| Twenty-seven (27) years | \$883.69 | \$883.69 |
| Twenty-eight (28) years | \$909.44 | \$909.44 |
| Twenty-nine (29) years | \$934.08 | \$934.08 |
| Thirty (30) years | \$958.72 | \$958.72 |

Longevity is to be paid in a separate check on the first payday in December. ~~The stipends effective July 1, 2008 will be adjusted in accordance with COLA for July 1, 2010, 2011,~~

2012, and 2013. The longevity schedule will be increased by one hundred dollars (\$100.00) in 2010-11 and by \$50 dollars in each 2011-12 and 2012-13. The stipends will be increased by a COLA (annual rolling 10-year average CPI-U between 2% and 5%) on July 1, 2015, July 1, 2016 and July 1, 2017.

SECTION #46

HOURLY RATE SCALE

| | <u>Step</u> | <u>2008-2009</u> | <u>2009-2010</u> | <u>2008-09*</u> |
|--------------|-------------|------------------|------------------|-----------------|
| Category I | 1 | \$12.34 | \$12.34 | |
| | 2 | \$12.99 | \$12.99 | |
| | 3 | \$15.13 | \$15.13 | |
| | 4 | \$15.32 | \$15.32 | |
| | 5 | \$15.51 | \$15.51 | |
| Category II | 1 | \$14.41 | \$14.41 | |
| | 2 | \$15.30 | \$15.30 | |
| | 3 | \$17.86 | \$17.86 | |
| | 4 | \$18.10 | \$18.10 | |
| | 5 | \$18.33 | \$18.33 | |
| Category III | 1 | \$16.41 | \$16.41 | |
| | 2 | \$17.72 | \$17.72 | |
| | 3 | \$20.13 | \$20.13 | |
| | 4 | \$20.38 | \$20.38 | |
| | 5 | \$20.66 | \$20.66 | |

Effective on July 1, 2015, all Employees will remain on their current step. Effective on July 1, 2015, the CLERICAL BASE RATE SCALES will be changed to the following: this base rate scale reflects the 2% rolling COLA for the 2015-2016 school year.

CLERICAL BASE RATE SCALES

2015 - 2016

CATEGORY I

| | |
|---------------|--------------|
| <u>STEP 1</u> | <u>14.92</u> |
| <u>STEP 2</u> | <u>17.38</u> |

* Including 3.14% COLA adjustment effective July 1, 2008.

| | |
|---------------|--------------|
| <u>STEP 3</u> | <u>17.60</u> |
| <u>STEP 4</u> | <u>17.82</u> |
| <u>STEP 5</u> | <u>18.18</u> |
| <u>STEP 6</u> | <u>18.54</u> |

CATEGORY II

| | |
|---------------|--------------|
| <u>STEP 1</u> | <u>17.55</u> |
| <u>STEP 2</u> | <u>20.50</u> |
| <u>STEP 3</u> | <u>20.78</u> |
| <u>STEP 4</u> | <u>21.04</u> |
| <u>STEP 5</u> | <u>21.46</u> |
| <u>STEP 6</u> | <u>21.89</u> |

CATEGORY III

| | |
|---------------|--------------|
| <u>STEP 1</u> | <u>20.34</u> |
| <u>STEP 2</u> | <u>23.11</u> |
| <u>STEP 3</u> | <u>23.39</u> |
| <u>STEP 4</u> | <u>23.72</u> |
| <u>STEP 5</u> | <u>24.19</u> |
| <u>STEP 6</u> | <u>24.67</u> |

Effective on July 1, 2016 and July 1, 2017, employees will advance to the next highest step in their Category, except that in order to advance to Step 6, an employee must have first completed at least 5 years of employment with the District.

Effective July 1, 2008~~15~~, and July 1 of each year from July 1, 2010~~5~~ through June 30, 2014~~7~~, a COLA (Cost Of Living Adjustment) percentage increase shall be computed which shall not be less than two percent (2%) nor more than five percent (5%).

The COLA percentage shall be determined by the ten (10)-year rolling average of the CPI-U for the Boston-Brockton-Nashua-MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics (BLS) of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. The Bureau of Labor Statistics' calendar year for this index is November through November; it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base, at which time the parties agree to adopt the official reference base as used by BLS.

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

Applicability After Contract Expires: It is clearly understood that in the event that the ~~six~~ three year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2014~~8~~, that no further COLA adjustments after July 1, 2013~~7~~ will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that the continuation of COLA adjustments are not to be deemed “status quo” as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 2014~~8~~.

The parties agree that in the event that the City approves COLA increases, general wage increases, or general bonuses for fiscal years 2009 through 2014 for any other City or School District bargaining unit, except the Association of Portsmouth Teachers, that are greater than the increases generated under the COLA Adjustment clause in this contract, members of this bargaining unit shall be entitled to the same increases. This provision will not be applicable if:

- a) Another bargaining unit receives COLA increases for fiscal years 2010 through 2014 in accordance with the same COLA formula in this contract, but not for fiscal year 2009.
- b) Another bargaining unit receives COLA increases for fiscal years 2009 through 2014, but the total compounded impact is less than the total compounded impact the COLA adjustments provided by this contract. The total compounded impact is measured by the total new dollars generated on \$1000 in base wages over the term of the contract. For example, under this contract, \$1000 in base wages would generate \$507.24 in total new dollars for fiscal years 2009 through fiscal year 2014 (assuming 3% COLA increases for fiscal years 2011 through 2014). Partial year COLA adjustments shall result in pro-rated dollar increases for such years. (See Appendix A for calculations on this contract).
- c) Another bargaining unit agrees to a contract through fiscal year 2013, then negotiates a different COLA adjustment for fiscal year 2014 as a part of a successor agreement.
- d) Another bargaining unit receives general wage increases that might be mandated by an outside authority such as the Public Employee Labor Relations Board or under binding interest arbitration if such legislation ever is passed and becomes applicable to the bargaining units listed above.

CATEGORIES*

| | |
|------------|---|
| Category I | Elementary School Clerical Assistant FUTURES Program Secretary |
|------------|---|

* To be updated to reflect current position titles.

Category II

- Accounting Clerical Assistant
- Athletic Department Secretary
- Central Office Receptionist/Clerical Assistant
- Department of the Arts Secretary, K-12
- Elementary Library/Media Program Secretary
- Elementary Principal's Secretary (3)
- Food Service Program Secretary
- High School Assistant Principal's Secretary (2)
- High School Communications/Receptionist
- High School Guidance Department Secretary
- Math and Science Department Secretary/Clerical Assistant
- Middle School Guidance Department Secretary
- Middle School Principal's Secretary (2)
- PASS Secretary
- PEEP Secretary
- Reading/Title 1 Program Secretary
- Secondary Special Education Secretary
- Student Services Secretary

Category III

- Accounting Assistant/Accounts Payable
- Administrative Assistant to the High School Principal
- Executive Assistant to the Assistant Superintendent
- Executive Assistant to the Business Administrator
- High School Registrar
- High School Scheduling/Grading Coordinator/Financial Assistant
- Payroll/Benefits Assistant
- Special Education Department Secretary
- Tech/Career and Computer Department Secretary
- Title 1 Program Parent Coordinator

SECTION #47

COPIES OF AGREEMENT

All employees shall be provided with a copy of this Working Agreement and all appendices at the School Board's expense. The Business Administrator shall comply with this provision no later than thirty (30) working days after the signing of this Agreement.

SECTION #48

DURATION

This Agreement shall be effective upon the approval of the cost items by the Portsmouth City Council. This Agreement shall expire on June 30, 2014~~8~~. No cost item in this Agreement will have retroactive effect unless it is specifically noted in the Agreement, and the retroactive cost of such provision is specifically approved by the City Council. Persons not employed in the bargaining unit on the date the City Council approves the cost items will not be eligible for any retroactive payments or benefits.

SECTION #49

PAYCHECKS

Salary for clerical employees shall be calculated on an annual basis. Hourly wage times the number of hours worked and divided equally into twenty-one (21) or twenty-six (26) paychecks.

SECTION #50

INTENT TO EMPLOY

A minimum of eighty percent (80%) of bargaining unit members shall receive their Intent to Employ notices not later than June 1. The School Board may, because of budget considerations, delay the issuance of such notices up to twenty percent (20%) of bargaining unit members, however, no employee shall receive an Intent to Employ notice later than July 1.

Intent to employ notices will be issued by seniority. Those with greater seniority receiving notices on or before the earlier date.

SECTION 51

The District, with the cooperation of the Association, will update all job descriptions and job titles by June 30, 2016 to reflect current job responsibilities. On or before December 31, 2017, the District will prepare and circulate to the Association the criteria to be applied to the determination of placement in category, with any actual changes in category to be negotiated by the parties in the next successor collective bargaining agreement.

SIGNATURES

Signed this _____ day of 2009~~15~~.

PORTSMOUTH SCHOOL
BOARD

PORTSMOUTH ASSOCIATION OF
CLERICALS IN EDUCATION

Mitchell ShuldmanLeslie Stevens

Richard CourtneyJay Dwyer

Chair, Portsmouth School Board

NEA Staff Representative

Edward McDonough
Superintendent of Schools

~~Barbara Amergian~~ Martha Rahn
President
Portsmouth Association of Clericals in
Education

~~Rebecca Emerson Brown~~
Ann Walker
School Board Member on
Negotiating Team

~~Jacquelyn Gravelle~~ Shirley O'Leary
~~Chair~~
Negotiations Committee

~~Elizabeth Sweet~~ Nancy Claybrough
School Board Member on
Negotiating Team
Thomas Flygare
Thomas Closson
City Negotiator

Darlene Tracy
Member, Negotiations Committee

Stephanie Long
Member, Negotiations Committee

Dianna Fogarty
Human Resources Director

~~Karen Conway~~ Ellen Rhodes
Member, Negotiations Committee

Joanne Simons
Pupil Services Director



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT,
SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

PORTSMOUTH
STP-X-5379(025)
13455A
US Route 1 Bypass, US Route 1 Interchange

January 30, 2013

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

Dear Mr. Bohenko:

The purpose of this letter is to officially reclassify a section of US Route 1, LaFayette Road, that the New Hampshire Department of Transportation (NH DOT) is reconstructing as part of the Portsmouth 13455A Highway project. The section of roadway will be reclassified from a Class II State Highway to a Class IV City Highway. During the design of the project, the limits of the urban compact have been discussed with the City. The interchange of US Route 1 Bypass with US Route 1 will be fully reconfigured removing the southbound bridge over the US Route 1 Bypass and constructing a new full access signalized intersection. The new section along US Route 1 from the current urban compact line to the new signalized intersection will become a Class IV City Highway. A copy of the project plan cover sheet is attached and a full set of plans is on file at the NH DOT.

The effective date of this reclassification is October 30, 2013. All future maintenance of this new section of US Route 1 is to become the City's responsibility. Future allocation of Block Grant Aid to the City of Portsmouth will be adjusted as a result of this reclassification.

A description of the area reclassified to a Class IV Highway provided for under the provision of RSA 229:5 is as follows:

US Route 1: Beginning at the intersection of US Route 1 Bypass with US Route 1 (Project 13455A approximate station 600+47) and continuing northerly to the existing compact line on US Route 1 (Project 13455A approximate station 604+25). The length of this section of US Route 1 is approximately 0.07 miles (378 feet).

Mr. Doug DePorter, District 6 Engineer, is available to respond to any inquiries you may have relative to this reclassification. He can be reached at 868-1133.

CDC/AVV/avv

Enclosures: Plan Cover Sheet
RSA 229:5

Sincerely,

Christopher D. Clement, Sr.
Commissioner

cc: Bill Cass, Director of Project Development
Bill Watson, Planning and Community Assistance
Bill Lambert, Traffic

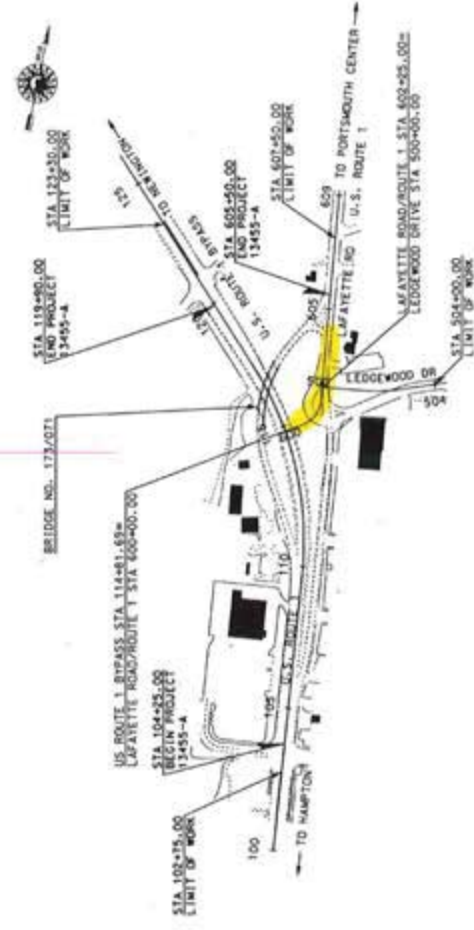
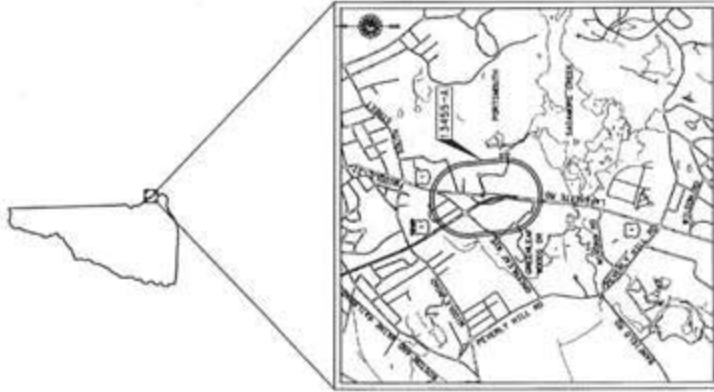
Caleb Dobbins, Highway Maintenance
Doug DePorter, District 6 Engineer
Chuck Schmidt, Right-of-Way
Alex Vogt, Highway Design

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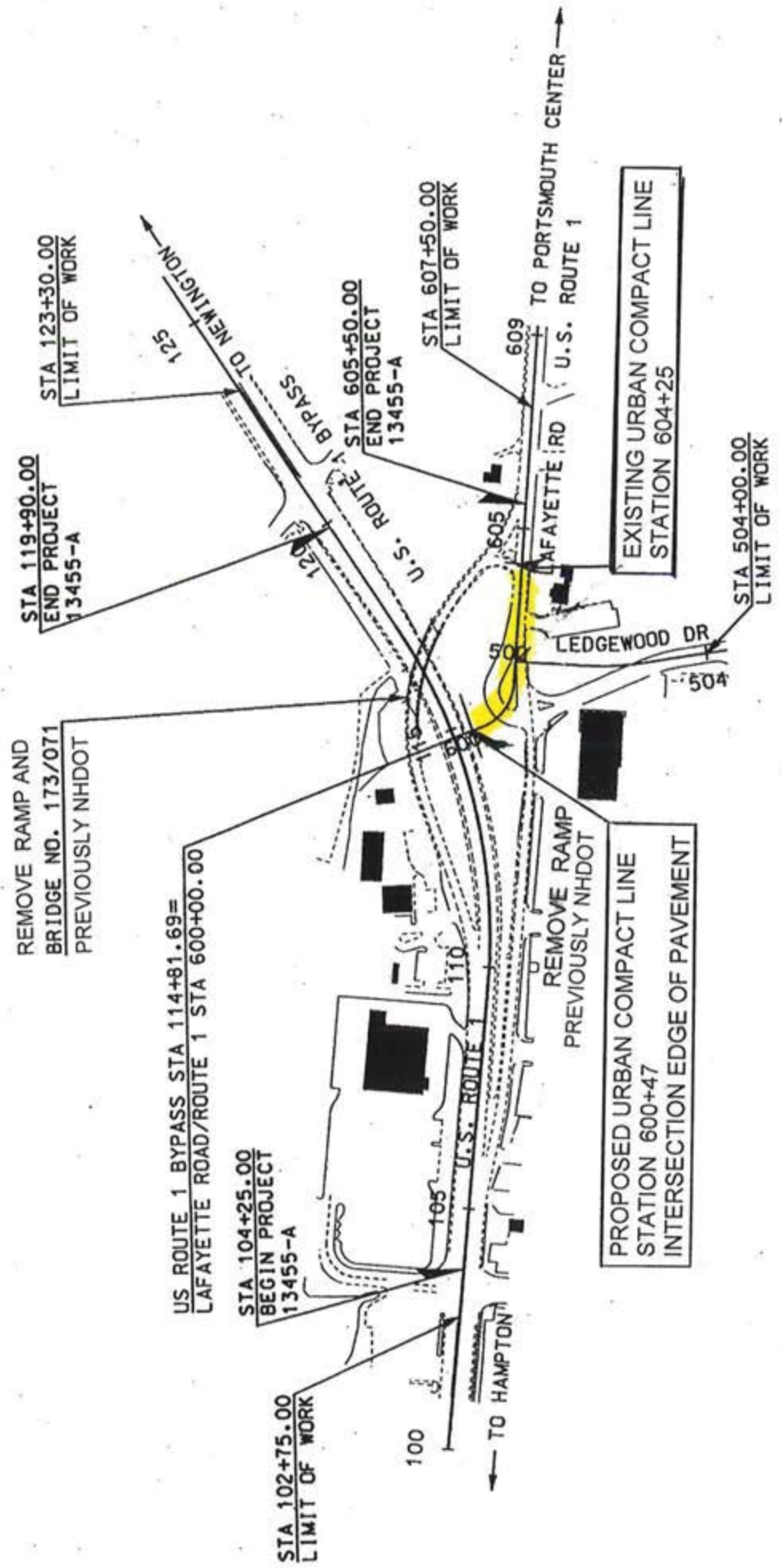
STATE OF NEW HAMPSHIRE
 DEPARTMENT OF TRANSPORTATION
CONSTRUCTION PLANS
FEDERAL AID PROJECT
 OF PROPOSED
**BRIDGE REMOVAL BRIDGE NO. 173/071 &
 RECONFIGURATION OF US ROUTE 1 BYPASS AND
 US ROUTE 1 INTERSECTION**
US ROUTE 1 BYPASS / US ROUTE 1 (LAFAYETTE ROAD)
FEDERAL PROJECT X-A000(994)
NH PROJECT NO. 13455-A

DESIGN DATA

| | | | |
|--------------|-------------|-------------|-----------|
| DATE | 10/20/00 | DESIGNED BY | J.S. WILK |
| PROJECT NO. | 13455-A | CHECKED BY | J.S. WILK |
| CONTRACT NO. | X-A000(994) | DATE | 10/20/00 |
| SECTION NO. | 1 | SCALE | AS SHOWN |
| DATE | 10/20/00 | BY | J.S. WILK |
| PROJECT NO. | 13455-A | DATE | 10/20/00 |
| CONTRACT NO. | X-A000(994) | SCALE | AS SHOWN |
| SECTION NO. | 1 | BY | J.S. WILK |



NH PROJECT NUMBER:
PORTSMOUTH 13455A



TITLE XX

TRANSPORTATION

CHAPTER 229

HIGHWAY SYSTEM IN THE STATE

Section 229:5

229:5 Classification. – Highways of the state shall be divided into 7 classes as follows:

I. Class I highways shall consist of all existing or proposed highways on the primary state highway system, excepting all portions of such highways within the compact sections of the cities and towns listed in RSA 229:5, V, provided that the portions of the turnpikes and the national system of interstate and defense highways within the compact sections of these cities and towns shall be class I highways.

II. Class II highways shall consist of all existing or proposed highways on the secondary state highway system, excepting all portions of such highways within the compact sections of the cities and towns listed in RSA 229:5, V.

III. Class III highways shall consist of all recreational roads leading to, and within, state reservations designated by the legislature.

III-a. Class III-a highways shall consist of new boating access highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities as defined in RSA 230:44. Class III-a highways shall be subject to the layout, design, construction, and maintenance provisions of RSA 230:45-47 and all other provisions relative to limited access facilities, except that the executive director of the fish and game department shall have the same authority for class III-a highways that is delegated to the commissioner of the department of transportation for limited access facilities. A class III-a highway may be laid out subject to the condition that it shall not be maintained during the winter months. A class III-a highway may be laid out subject to gates and bars or restricted to the accommodation of persons on foot, or certain vehicles, or both, if federal funds are not used. The executive director of fish and game may petition the governor and council to discontinue any class III-a highway.

IV. Class IV highways shall consist of all highways within the compact sections of cities and towns listed in RSA 229:5, V. The compact section of any such city or town shall be the territory within such city or town where the frontage on any highway, in the opinion of the commissioner of transportation, is mainly occupied by dwellings or buildings in which people live or business is conducted, throughout the year and not for a season only. Whenever the commissioner reclassifies a section of a class I or class II highway as a class IV highway, the commissioner shall prepare a statement of rehabilitation work which shall be performed by the state in connection with the turnback. No highway reclassification from class I or II to class IV shall take effect until all rehabilitation needed to return the highway surface to reputable condition has been completed by the state. Rehabilitation shall be completed during the calendar year preceding the effective date of the reclassification. A copy of the commissioner's statement of work to be performed by the state shall be attached to the notification of reclassification to class IV, and receipt of said statement shall be acknowledged, in writing, by the selectmen of the town, or the mayor of the city, affected by the reclassification.

V. The commissioner of transportation may establish compact sections in the following cities and towns:

Amherst Keene
 Bedford Laconia
 Berlin Lebanon
 Claremont Londonderry
 Concord Manchester
 Derry Merrimack
 Dover Milford
 Durham Nashua
 Exeter Pelham
 Franklin Portsmouth
 Goffstown Rochester
 Hampton Salem

Hanover Somersworth
Hudson

VI. Class V highways shall consist of all other traveled highways which the town has the duty to maintain regularly and shall be known as town roads. Any public highway which at one time lapsed to Class VI status due to 5-years' nonmaintenance, as set forth in RSA 229:5, VII, but which subsequently has been regularly maintained and repaired by the town on more than a seasonal basis and in suitable condition for year-round travel thereon for at least 5 successive years without being declared an emergency lane pursuant to RSA 231:59-a, shall be deemed a Class V highway.

VII. Class VI highways shall consist of all other existing public ways, and shall include all highways discontinued as open highways and made subject to gates and bars, except as provided in paragraph III-a, and all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more except as restricted by RSA 231:3, II.

Source. 1925, 110:1. PL 83:22. RL 99:24. 1943, 123:1. 1945, 188:1, part 1:4. 1951, 30:1. RSA 230:4. 1955, 333:2. 1957, 181:1, 2, 3. 1961, 4:2. 1973, 418:1-3. 1975, 249:1-3. 1979, 216:1. 1981, 87:1; 443:1. 1983, 131:1. 1985, 235:1-4; 402:6, I(b)(1). 1992, 265:8-10. 1995, 77:1. 1999, 109:1. 2000, 24:1, eff. May 28, 2000.



Prescott Park Arts Festival
P.O. Box 4370
Portsmouth, NH 03802
603.436.2848

July 9, 2015

Ben Anderson
President

Bill Duncan
Chair

Claudette Barker
Vice Chair

Chris Poulin
Secretary

Matt Williams
Treasurer

Board of Directors

Tim Coughlin
Jameson S. French
Dan Plummer
Adam Vicinus

Advisory Board

Tom Dwyer
Ernie Greenslade
Jack Jamison
James Lamond
Peg Millar
Corinne Norris
Betsy Scott

Mayor Robert Lister
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801



Dear Mayor Lister:

We are writing to request the City Manager be granted permission to bring forth plans to the Planning and other Departments for reviews as required to do the project that will include demolish the existing stage, construct new and relocated stage with canopy, backstage deck, and control booth.

Please let me know if I can provide you with any additional information.

Thank you,

Ben Anderson
President

CC: John Bohenko, City Manager

**AGREEMENT BETWEEN THE TRUSTEES OF TRUST FUNDS
OF THE CITY OF PORTSMOUTH AND THE GUNDALOW COMPANY**

This Agreement is entered into between the Trustees of Trust Funds (hereinafter "Trustees") for the City of Portsmouth (hereinafter "City"), with a principal place of business at Water Street, Portsmouth, NH and a mailing address at P.O. Box 1103, Portsmouth, NH 03802-1103 and The Gundalow Company, a non-profit IRS Section 501(c)(3) corporation (hereinafter "Company") with a principal place of business at 60 Marcy Street, Portsmouth NH 03801 under the terms and conditions described below.

WHEREAS, the Trustees, operating under the authority of the Portsmouth City Council, administer the operation of Prescott Park (hereinafter "the Park") located on Marcy Street in the City of Portsmouth; and

WHEREAS, the Company exists to protect the maritime heritage and environment of the Piscataqua River region through education and programming, which includes the ownership and operation of one (1) so-called non-commercial gundalow boat identified as the Piscataqua; and

WHEREAS, the Company desires to operate the Piscataqua for educational and programming purposes, as a non-commercial vessel, from Prescott Park and the Trustees desire to facilitate that purpose.

NOW THEN, the Trustees and the Company agree as follows:

DOCKAGE

1. During the term of this Agreement Company may dock the Piscataqua at designated facilities in Prescott Park. The Piscataqua shall be docked at the existing so-called Sheafe dock owned by the City of Portsmouth and located adjacent to the Sheafe Warehouse.
2. At the option of the Company the existing ramp and float may be replaced with an ADA compliant ramp and float. In the event that the Company chooses to take this action, the following shall apply:
 - a. All costs shall be borne by the Company;
 - b. All necessary federal, state and local permitting shall be the complete responsibility of the Company;
 - c. The disposal of the existing float and ramp shall be the responsibility of the Company; and
 - d. The replacement ramp and float shall be the property of the City of Portsmouth.
3. Company uses a small work boat and may continue to keep it tied up at the docking float. No other docking of vessels of any kind is authorized by this agreement.

ANNUAL LICENSE FEE

4. The Company shall pay an annual license fee to the Trustees of Trust Funds on or before July 15th of any year in which this Agreement is in effect in the single lump sum amount of \$5,000.00. The City further agrees that in the event that this Agreement is further extended beyond November 1, 2015, the City shall not seek any increase in the annual license fee prior to November 1, 2017.

USE OF DOCK AND QUAY

5. The use of the Sheafe dock and the quay area as described above shall be for the docking of the Piscataqua for the purposes described in this Agreement and for no other purpose. The permitted purposes are as follows:
 - a. To tie up the Piscataqua.
 - b. To conduct educational programs onboard the Piscataqua as approved in advance in writing by the Trustees. In furtherance of this provision the Company shall make a single written request of the Trustees prior to April 1st of any year in which this Agreement is in effect. To the extent that the Company thereafter desires to add additional educational programs, the Company shall secure written approval in advance from the Trustees.
 - c. The following activities are specifically not permitted in Prescott Park, on the ramp or float of the so-called Sheafe dock, in the quay area or onboard the Piscataqua.
 - i. The staging of theatrical or other events involving amplified sound or music.
 - ii. The handling of motor vehicle fuel or the refueling of any boat.
 - iii. The sale of any goods, services or tickets.
 - d. The sale, transport, use, and possession of alcoholic beverages by the Company and its passengers shall be as follows:
 - i. Alcoholic beverages may be kept onboard the Piscataqua at any time for consumption at times when the Piscataqua is not docked at the Park.
 - ii. Other than as provided above, there shall be no sale, transport, use, possession or consumption of alcoholic beverages in the Park or on the dock.

ADDITIONAL SERVICES TO BE PROVIDED BY TRUSTEES

6. The Trustees shall allow the Company the reasonable use of electricity on an intermittent basis. To facilitate the safe delivery of this electricity the company shall obtain a permit and install an approved electrical "pedestal" connecting the Sheafe Warehouse to the entrance to the Sheafe dock no later than April 1, 2015. The Trustees shall bear the cost of the electricity provided to the pedestal.
7. The Trustees shall allow the Company the reasonable use of non-potable water on an intermittent basis to be provided by means of a water connection to the Park sprinkler system. The Trustees shall bear the cost of the water provided.

TERM

8. This Agreement becomes effective on its completed execution by the parties and shall remain in full force and effect unless otherwise terminated until November 1, 2015. At least thirty (30) days prior to November 1, 2015 the Company shall notify the Trustees in the event that it desires to continue to operate under this Agreement. On approval of the Trustees the Agreement shall thereafter be extended by terms of one (1) year commencing each November 1st and continuing until the following October 31st under the same notice provision.

INSURANCE AND FINANCES

9. Company shall maintain at all times during the term of this Agreement general liability insurance in a coverage amount of at least \$2,000,000.00 per occurrence naming the City of Portsmouth and the Trustees of Trust Funds as additional insureds, certificates indicating the existence of such insurance shall be kept on file at all times in the office of the City Attorney of the City of Portsmouth.
10. Financial Books and records of the Company shall be open for review at all times by the Trustees upon reasonable notice to the Company.
11. At any time during the term of this Agreement on request of the Trustees the Company shall provide the Trustees with a full accounting of all income and expense, including donations, sponsorships, and income of any form received by the Company for the prior calendar year.
12. On or before October 1, of every year in which this Agreement is in effect the Company shall provide the Trustees with complete annual financial statements reflecting all financial activities of the Company.

PROPERTY DAMAGE INSURANCE

13. The Trustees, through the City, shall provide property damage insurance for the Sheafe dock. The purpose of this insurance will be to protect the City/Trustees from any property damage which may be occasioned to the dock. The Company may, at its option, secure such other and further insurance as the Company deems necessary beyond those insurances required by this Agreement.

MISCELLANEOUS

14. The Company shall only conduct private parties onboard the Piscataqua in accordance with a written private party or charter policy approved in advance in writing by the Trustees.
15. Neither this Agreement nor any of the authority granted under it shall be transferrable or assignable in any way by the Company.
16. In the event of a breach of this Agreement by the Company in any manner which does not create a risk to health or safety, as determined in the sole discretion of the Trustees the Trustees shall provide a thirty (30) day opportunity to cure the breach by the Company. Subsequent to such a cure period or at any time following a breach of the Agreement which does create a risk to health or safety, as determined in the sole discretion of the Trustees the Trustees may suspend or terminate this agreement under such terms and conditions as may be established by the Trustees.
17. This Agreement describes the entire relationship between the City, the Trustees and the Company.
18. The Company shall have no authority to conduct any activity in Prescott Park not specifically authorized herein.
19. The Company understands that the Park Supervisor represents the Trustees in all matters connected with the Park and the administration of this Agreement and that he/she speaks with the authority of the Trustees on these matters. As such, the Company shall comply with all reasonable instructions of the Park Supervisor.
20. The Company agrees to comply at all times with federal, state and local law, including any ordinances adopted by the Portsmouth City Council, including the existing Park ordinance, Chapter 8, Article II.
21. The Company shall be responsible for all necessary maintenance and repair of the Sheafe dock.
22. The Company agrees to indemnify and hold harmless the City of Portsmouth, the Trustees of Trust Funds and all their respective agents

and employees from any and all liability arising in any way out of the exercise of rights granted to the Company under this Agreement.

23. On the termination of this Agreement at any time for any reason, the Company shall be solely responsible for relocating the Piscataqua elsewhere from Prescott Park.
24. The Company shall provide the Trustees with an annual inspection report detailing the seaworthiness of the Piscataqua for the purpose of assuring that the gundalow is safe for maritime use and shall not become a burden on the Trustees by its inability to be removed from the Park.

SIGNAGE

25. The only signage authorized by this Agreement is that the Company may erect a sandwich board type sign not exceeding 4' in height at the entrance to the Sheafe dock.


Dated: June 16, 2015

GUNDALOW COMPANY



Molly Bolster, Executive Director

Dated: June 16, 2015



Jeffrey Little, President
As authorized by the Gundalow Company
Board of Directors on June 16, 2015.

Accepted by the Trustees of Trust Funds.

Dated: 6/25/15




Phyllis Eldridge

Dated: 6/25/15



Dana Levenson

Dated: 6/25/2015



Thomas R. Watson

Approved by vote of the City Council on
_____, 2015.

Event Listing by Date

Starting Date: 8/ 1/2015

Ending Date: 12/31/2015

| Start End | Type Description | Location | Requestor | Vote Date |
|------------------------|---|--|--------------------------------|------------|
| 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 | Portsmouth High School - Cross Country Course | 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 |
| 8/22/2015 8/22/2015 | RIDE John Linville, Event Coordinator is the contact for this event. This event begins at Pease Tradeport at the Great Community College goes to Dover and returns to the college. Registration for this event begins at 7:30 a.m. and start time is at 8:30 a.m. | Pease Tradeport | Pedals for Paws | 7/20/2015 |
| 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 |

Event Listing by Date

Starting Date: 8/ 1/2015
Ending Date: 12/31/2015

| Start End | Type Description | Location | Requestor | Vote Date |
|--------------------------|--|--|-------------------------------|------------|
| 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 | Fairy House Tours - FOSE | 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 Angela Greene 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 |
| 10/24/2015 10/24/2015 | WALK Martha Netsch is the contact for this event. This event gathers at the parking lot area of Prescott Park and walk on the sidewalk across the Memorial Briege to Kittery and back. | Prescott Park Parking Lot | Seacoast Rotary Club | 7/20/2015 |
| 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 |
| 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 |

M E M O R A N D U M

TO: Honorable Mayor Lister and Members of the City Council
FROM: John P. Bohenko, City Manager
DATE: July 27, 2015
RE: Update on Historic Cemeteries

Please allow this memorandum to serve as an update on the ongoing efforts in the City's six historic cemeteries. As you know, the City is responsible for maintaining the six historic cemeteries including Point of Graves Burial Ground at Mechanic Street; North Cemetery at Maplewood Avenue; Union Cemetery at Maplewood Avenue; Pleasant Street Burial Ground at Pleasant Street; the African Burying Ground at Chestnut Street; and Cotton Cemetery at South Street. In these cemeteries, the City is not only responsible for the upkeep of the grounds (regular mowing and landscaping), but also the headstones; hill, ledger, and chest tombs; cemetery walls and related structures.



These repairs need to move forward in a manner consistent with historical and cultural significance of these important places. For example, some work will require archaeological sensitivity and coordination with the State Archaeologist as well as use of best practices in restoration methods in cemetery settings.

Overall Cemetery Needs and Funding

In 2013, in coordination with Portsmouth Historical Society, staff initiated an existing conditions assessment and restoration plan by local masonry consultant John B. Wastrom. That report identified approximately \$800,000 in repairs and conservation efforts needed in the cemeteries. Until recently, \$10,000 each year was set aside for historic cemetery improvements through the City's Capital Improvement Plan (CIP). We found this amount to be insufficient to meet the needs of the aging and sensitive historic resources present in the cemeteries. As result, in FY 2015, the City Council set aside additional funding through the CIP and staff has been working to make progress on the improvements identified. The most recent CIP identifies consistent investment of \$40,000 from the General Fund in each of the next six years in order to make progress on the identified needs. Staff intends to leverage these funds with grants and donations from foundations and individuals, which can be deposited in the Historic Cemetery Trust adopted by the City Council in 2014. Recently, site plan approval for a large downtown development projected included \$20,000 for repair to the North Cemetery enclosure wall.

Examples of needed restoration work include North Cemetery front enclosure wall repair; Union Cemetery front entrance fence (currently in progress, see below) and stonework repair; Union Cemetery receiving tomb stabilization (see below); Pleasant Street cemetery tomb and enclosure wall repairs; and enclosure wall and tomb repairs at Point of Graves; along with various tomb and gravestone repairs throughout each cemetery.

North Cemetery and Union Cemeteries

The additional funding support by the City Council has permitted the City to make progress in several areas in the North and Union Cemeteries in particular, which are summarized below.

North Cemetery

This spring the City completed the stabilization and restoration of five chest and hill tombs in North Cemetery. These improvements, carried out by a conservation mason in coordination with Portsmouth Historical Society, were focused on making historically-sensitive improvements to arrest deterioration and stabilize each site.

In addition, maintenance crews at Public Works completed tree removal and extensive tree trimming work to improve aesthetics as well as to better manage vegetation in the cemetery. Public Works also coordinated with a large volunteer group, which resulted in the removal of over 80 bags of yard waste material from the North Cemetery. North Cemetery is also the home to an Adopt-a-spot at its entrance.



Union Cemetery

In late June, City contractors began work on the restoration of the front enclosure fence of Union Cemetery on Maplewood Avenue. The work is the largest improvement project to take place following the 2013 Assessment and Restoration Plan. The work, expected wrap up in the first part of August, will include the temporary removal, cleaning and refinishing of the wrought iron fence



components, and removal of the granite posts and beams for cleaning and eventual resetting. The entrance gate and sign will also be restored. The work is being carried out in coordination with the State Archaeologist as well as conservation masonry consultant John Wastrom and the Portsmouth Historical Society. The general contractor is Martini Northern of Portsmouth. Most of this work activity will take place off site and the project will be completed at the end of July.

Union Cemetery Receiving Tomb



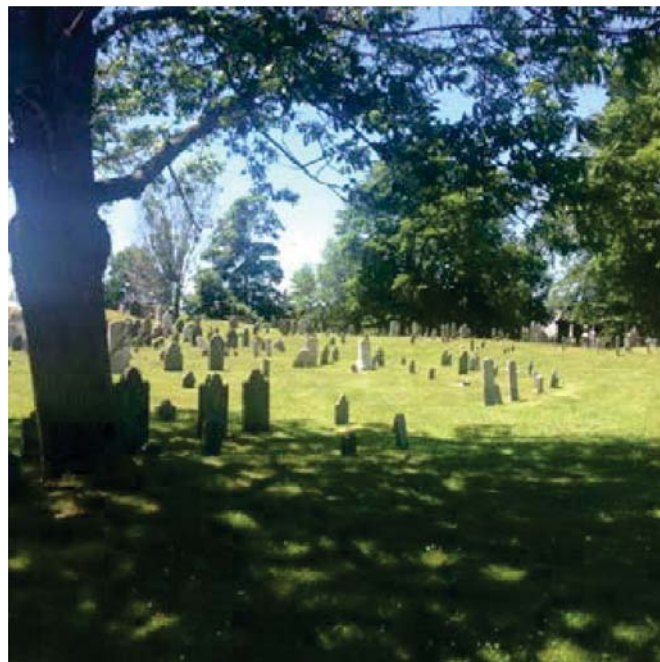
A recent article in the Portsmouth Herald highlighted the deteriorated condition of the Union Cemetery Receiving Tomb. The receiving tomb, which is not a burial site itself, is in a state of disrepair and is a known and monitored gathering place for illicit activities. Addressing this tomb's condition was included in the 2013 infrastructure assessment. Staff has researched options for addressing this issue. Together with a consulting conservation mason, the Historical Society, and the Division of Historical Resources City staff has found a historically-sensitive way to reconfigure the building remnants to return the site to stable condition. This work will take place in

conjunction with the completion of the fence work (above) and include reusing the tomb materials

to retain the architecturally-significant façade through the reuse of the existing granite roof pieces as structural supports. The existing brick will be reused to pave the area behind the façade that will denote the footprint of the original receiving tomb location. The site will no longer have a roof, but maintain its presence as an architectural feature.

Next Steps

The staff is currently working to identify the project that will follow the larger Union Cemetery Front Enclosure and receiving tomb reconfiguration projects and plans to move forward with additional tomb and gravestone repair during this construction season.



M E M O R A N D U M

TO: Honorable Mayor Lister and Members of the City Council
FROM: John P. Bohenko, City Manager
DATE: July 24, 2015
RE: Phase I Report Back: Resurfacing Existing Recreation Fields

As you will recall, at its meeting on June 1, 2015 the City Council requested I report back concerning two strategies for addressing the shortage of outdoor multi-use recreation fields in the City. In particular, I was asked to develop a report back that addresses the goals of the 2010 Recreation Needs Study, including *resurfacing existing fields with synthetic turf*. Phase II of the report back will address the second part of the City Council's request, which is to address the *acquisition of land* for the development of recreation fields.

This report back summarizes the opportunities for improving the quality of play and increasing the amount of play at multi-use recreation fields on properties currently owned by the City. In particular, the report identifies City owned-land, which if reconfigured and/or resurfaced would have a positive impact on the field shortage discussed in the Needs Study.

The attached one-page summary and report identifies the existing properties and multi-use fields prioritized for resurfacing; describes the existing site and proposed amenities; and provides estimated costs of each opportunity.

Phase I Report Back Impact on Inventory of Recreation Fields

The Recreation Needs Study found that between 4 and 5 outdoor multi-use recreation fields are needed in the City. The resurfacing of existing fields, while adding improved play and increased safety for users, does not substantially add to the amount of play on City's inventory of fields. Overuse of existing fields; poor drainage due to native soil natural turfs; and uneven surfaces currently plague existing field resources. In addition, many youth and adult leagues cannot practice (due to the availability of fields number), cannot play competition games (due to under sizing), cannot play at all (due to weather and poor drainage), and/or play on substandard fields (due to turf condition). The opportunities described in this Phase I report back are designed to alleviate many of these conditions, but – with one exception – do not add to the City's inventory of Recreation Fields.

Based on this work, it was determined that the biggest impact on the shortage will be to add new fields to the inventory, which will be the subject of a follow-up report. In this Phase I Report Back, the Stump Dump is listed at the top because it adds one regulation sized multi-use field. In general, resurfacing existing fields follows in priority to the addition of new fields with newly acquired land.

Resurfacing Options

Resurfacing existing fields includes using synthetic turf surfacing as well as reconstructing some existing natural turf fields into a higher performance natural turf using better draining subsurface materials. Synthetic turf is recommended in order to maximize the value of new field investments. In general, synthetic turf is recommended where fields can be lit for night-time play and where parking and related amenities are available to support competition play thereby maximizing use of the field. Reconstructed *natural turf* fields are recommended for those locations where the end field will be undersized (will not support competition play or play for all ages) or where the introduction of field lighting is not feasible thereby preventing maximum use of the fields.

Conclusion

This Phase I Report Back represents better utilization of existing assets that will positively impact the quality of play across all programs and ages using the fields. I hope this information is useful in providing more details about utilizing existing resources to help address the field shortage. I look forward to providing additional information, including a follow-up report (Phase II), which addresses the creation of new fields more substantially through the acquisition of land.

cc: Carl Diemer, Recreation Board Chairman
Recreation Board
Rus Wilson, Recreation Director/Athletic Director
Leslie Stevens, School Board Chair
Stephen Zadravec, Superintendent of Schools
David Moore, Asst. City Manager for Special Projects/Comm. Dev. Dir.

PHASE 1 REPORT BACK-EXISTING PROPERTIES AND RESURFACING

City of Portsmouth, New Hampshire

| Field/ Facility Name | Estimated Cost | Location/ Address | User Groups | Existing Fields | Proposed Fields | # of Fields Added / Subtracted | Proposed Amenities |
|---|------------------------|------------------------|--|--|---|--------------------------------|--|
| Stump Dump Site (Synthetic turf) | \$2,281,120 | 983 Middle Road | Current: None Potential Users: Adult Men's/ Women's/ Co-ed Soccer Adult Football Adult Lacrosse Adult Field Hockey Adult Rugby Youth Boy's / Girl's Soccer Youth Boy's / Girl's Lacrosse Youth Football Youth Field Hockey | None | 1- Synthetic turf multiuse field (360' x 210') w/ lighting | 1 Field | New entrance road and parking lot with 99 parking spaces Maintenance building |
| Stump Dump Site (Natural turf) | \$1,908,340 | 983 Middle Road | Same as above | None | 1- Natural turf multiuse field (360' x 210') w/ lighting | 1 Field | Same as above |
| Athletic Field Complex (Synthetic turf) | Area 1: \$4,069,976 | 50 Andrew Jarvis Drive | Youth Soccer Adult Co-ed Softball Adult Co-ed Soccer HS Softball HS Girls & Boys Lacrosse HS Girls & Boys Soccer HS Field Hockey | Area 1: 1- Multiuse field (360' x 180') 1- 90' Softball diamond | Area: 1 1- Synthetic turf multiuse field (490' x 360') w/ existing lighting 1- Synthetic turf 90' softball field w/ existing lighting | 0 Fields | New underground drainage system |
| | Area 2: \$1,618,300 | | Youth Soccer HS Girls & Boys Lacrosse HS Baseball | Area 2: 1- Multiuse Field (270' x 150') 1- 90' Baseball diamond | Area:2 1- Synthetic turf Lacrosse/ multiuse field (330' x 160') w/ existing lighting 1- Synthetic turf 90' baseball diamond w/ a natural turf infield and existing lighting | 0 Fields | Portable fence in outfield |
| | Area 3: \$694,900 | | Youth Football | Area 3: 1- Irregularly shaped multiuse/ football practice field (290' x 190') | Area: 3 1- Synthetic turf practice field (250' x 160') w/ existing lighting | 0 Fields | |
| Dondero Field (Natural turf) | \$616,700 | 32 Van Buren Ave | Youth Soccer Youth Lacrosse Youth Summer Recreation Programs | 1- Multiuse field (300' x 175') | 1- Natural turf multiuse field (330' x 220') 1- Natural turf multiuse field (220' x 120') | 0 Fields | Relocated play equipment |
| Little Harbor Fields (Natural turf) | \$356,600 | 50 Clough Drive | Youth Soccer Adult Co-ed Soccer Youth Summer Recreation Programs | No defined playing fields | 1- Natural turf multiuse field (240' x 140') 1- Natural turf practice Field (120' x 105') | 0 Fields | Realigned parking lot New underground drainage system |
| Clough Field (Natural turf) | \$428,700 | 198 Clough Drive | Youth Soccer Adult Co-ed Softball Youth Lacrosse Adult Sports & Social Club Adult Co-ed Soccer | 1- 60' softball diamond 1- U12 soccer field (220' x 150') | 1- Relocated Natural turf 60' softball diamond 1- Natural turf multiuse field (265' x 220') | 0 Fields | Relocated maintenance shed |

STUMP DUMP SITE EXISTING CONDITIONS

Basic Site Description and Location

The Stump Dump Site is a 5 acre lot located off of route 33 (Middle Road). This site used to be designated for dumping stumps but has recently been used by a company contracted by the city for storing materials and equipment while they work on an ongoing city sewer separation project. An abandoned rail corridor runs along the west side of the lot. This corridor is in the process of becoming the Hampton Branch Trail system, a 3.6 mile multiuse trail through Portsmouth.



Facilities and Amenities Provided

The site has no defined playing fields but is used to store equipment and materials for the city's sewer separation project.

Programmed Uses

- Storage for materials and equipment

Summary of Existing Conditions / Specific Issues of Concern

The Stump Dump lot is meeting the needs of the city of Portsmouth, but not in a recreational setting. The property's topography is constantly changing due to the altering needs of different areas on site. Once the sewer project is completed, Albanese has agreed to rough grade the site to a depth of 12" and install a drainage system prior to vacating the property. This will give the city a good base for a multi-purpose field with parking. Past studies have shown that this site is not opportune for a baseball or softball field, due to size and orientation. Primary issues of concern are summarized as follows:

- Space is not being utilized to its full advantage.
- The shape of the property provides limits of field layouts that can properly fit.
- The access from route 33 may make field entrance difficult.
- Overall site drainage.

Recommended Field Improvements

The recommended master plan for the Stump Dump site has renovated the entire lot (compared to existing) with major alterations. Installing the layout of a regulation size soccer field, parking and a maintenance building will make use of the irregular shape of the lot and provide another athletic field in the city.

Recommendations Summary

- Construct a 360' x 210' multiuse field with synthetic turf.
- New bituminous concrete entrance road leading to a parking area with 78 spaces.
- Entrance road to have 21 road side parking spaces.
- New maintenance building off entrance road for field equipment.
- Loam and seed remaining lawn area.
- Open connection to future Hampton Branch Trail System.
- The new layout will add 1 field to the city's inventory.



Cost Considerations

The pre-design program Budget Summary included below is an example estimate and identifies the initial breakdown of costs associated with the planned program. All costs have been rounded and are estimated based on our previous experience.

| Park Improvement Element | Budget Cost | Notes |
|---|--------------------|-------------------|
| Contractor's General Conditions | \$90,000 | |
| Site Preparation | \$50,000 | |
| Fine Grading | \$50,000 | |
| Parking Area | \$300,000 | |
| Multiuse Field w/ Synthetic Turf | \$886,000 | 1 full size field |
| Sports Field Lighting | \$350,000 | |
| Remaining Lawn | \$60,000 | |
| Support Building | \$100,000 | Restroom, storage |
| Subtotal | \$1,796,000 | |
| Design, Engineering, Testing and Survey | \$215,520 | |
| Contingency (10%) | \$179,600 | |
| Grand Total | \$2,281,120 | |

STUMP DUMP SITE



HARVARD STREET

ABANDONED RAIL CORRIDOR TO BE TURNED INTO
THE HAMPTON BRANCH TRAIL SYSTEM

OLD STUMP DUMP
SITE CURRENTLY
USED FOR MATERIAL
AND EQUIPMENT
STORAGE

MIDDLE ROAD

PROPOSED STUMP DUMP SITE



HARVARD STREET

ABANDONED RAIL CORRIDOR TO BE TURNED INTO THE
HAMPTON BRANCH TRAIL SYSTEM

PROP
PARKING
LOT

SYNTHETIC TURF
MULTIUSE FIELD
360' X 210'

ADDITIONAL
PARKING

PROP MAINTENANCE
BUILDING

MIDDLE ROAD

ATHLETIC FIELD COMPLEX EXISTING CONDITIONS

Basic Site Description and Location

The Athletic Field Complex is located off of Andrew Jarvis Drive. 8.7 acres of the site is being utilized for athletic fields. The property is surrounded by commercial, residential and conservation land. Due to its central location and close proximity to Route one and a large shopping area, the site is described by many as the most used overall complex in Portsmouth and is highly sought after by user groups.

Facilities and Amenities Provided

The image to the right breaks the site into three different areas. Area 1 contains a 360' x 180' multiuse field used for soccer and lacrosse and a 90' softball diamond. Area 2 contains a 90' baseball diamond and a 270' x 150' multiuse field. Area 3 contains a 290' x 190' irregularly shaped multiuse/ football practice field. Other recreational amenities provided at the complex are a 360' x 165' football field newly renovated with synthetic turf, a ropes course and four tennis courts. Additional lawn area is maintained surrounding many of these field, but is not being utilized to its full potential.



Programmed Uses

- Youth Soccer Club
- Adult Co-ed Softball
- Adult Co-ed Soccer
- Youth Football
- HS Softball
- HS Girls & Boys Lacrosse
- HS Girls & Boys Soccer
- HS Baseball
- HS Field Hockey

Summary of Existing Conditions / Specific Issues of Concern

The Athletic Field Complex meets many of the needs of the City of Portsmouth, but it is not being used for its full potential. Many fields are being over used by multiple user groups. This use is expanded by the athletic lighting, allowing the fields to be used into the night. The constant overuse is developing issues with the natural turf. Primary issues of concern are summarized as follows:

- Space is not being utilized to its full advantage.
- To a large extent, turf conditions are poor to fair.
- Unrestricted pedestrian movement impacts turf quality in various locations.
- The practice field is used for all sports creating difficult conditions for turf to become established.
- The running track is in poor condition.
- Overall site drainage.



Recommended Field Improvements

The recommended master plan for PHS Field Complex provides similar facilities (compared to existing) with slight alterations. Reconfiguring and enlarging the multiuse field provides opportunity to diversify the user groups and meet all dimensional standards for each sport. The replacement of natural turf with synthetic turf will extend the life of the fields and provide a more durable and safe playing surface and enhance athletic performance. Synthetic turf will also allow for extended use in conjunction with existing athletic field lighting.



Recommendations Summary

Area 1:

- Re-construct and enlarge the multiuse field with synthetic turf. The field will be 490' x 360'.
- Relocate the above ground drainage to become a subsurface system to provide more playing area.
- Re-construct the 90' softball diamond with synthetic turf in the outfield and sand colored synthetic turf in the infield. The outfield to be shared with the multiuse field.

Area 2:

- Re-construct the 90' baseball diamond with synthetic turf in the outfield to meet the infield mix. The infield to be renovated with high performance root zone mix. The outfield to have a removable fence to accommodate the soccer field.
- Re-construct a 330' x 160' multiuse/ lacrosse field with synthetic turf. Field to be located in the outfield of the baseball diamond.

Area 3:

- Re-construct the practice football field with synthetic turf. Define the irregular shape to fit 250' x 160'.

General:

- Running track should be refurbished or replaced.

Cost Considerations

The pre-design program Budget Summary included below is an example estimate and identifies the initial breakdown of costs associated with the planned program. All costs have been rounded and are estimated based on our previous experience.

| Park Improvement Element - Area 1 | Budget Cost | Notes |
|---|--------------------|---|
| Contractor's General Conditions | \$165,000 | |
| Site Preparation | \$240,800 | |
| Rough Grading | \$100,000 | |
| Synthetic Turf System | \$2,750,000 | 1 multipurpose field & 1 softball field |
| Drainage System | \$50,000 | |
| Backstop, Fencing, Doughnuts, SB Plate, Bases | \$60,000 | |
| Subtotal | \$3,200,800 | |
| Design, Engineering, Testing and Survey | \$384,096 | |
| Contingency (10%) | \$320,080 | |
| Grand Total | \$4,069,976 | |

| Park Improvement Element - Area 2 | Budget Cost | Notes |
|---|--------------------|--|
| Contractor's General Conditions | \$75,000 | |
| Site Preparation | \$150,000 | |
| Rough Grading | \$100,000 | |
| Synthetic Turf System | \$950,000 | 1 lacrosse/ multiuse field & baseball field outfield |
| Infield Mix, RZM, Seed | \$20,000 | |
| New Plate, Pitching Rubber, Bases, Removeable Fence | \$25,000 | |
| Drainage System | \$20,000 | |
| Subtotal | \$1,265,000 | |
| Design, Engineering, Testing and Survey | \$151,800 | |
| Contingency (10%) | \$126,500 | |
| Grand Total | \$1,618,300 | |

| Park Improvement Element - Area 3 | Budget Cost | Notes |
|---|------------------|---|
| Contractor's General Conditions | \$30,000 | |
| Site Preparation | \$45,000 | |
| Rough Grading | \$35,000 | |
| Synthetic Turf System | \$450,000 | One 250' x 160' football practice field |
| Drainage System | \$15,000 | |
| Subtotal | \$545,000 | |
| Design, Engineering, Testing and Survey | \$65,400 | |
| Contingency (10%) | \$54,500 | |
| Grand Total | \$694,900 | |

ATHLETIC FIELD COMPLEX



EXISTING
MULTIUSE
FIELD

1

EXISTING
SOFTBALL
FIELD

EXISTING
FOOTBALL/
SOCCER FIELD
W/ RUNNING
TRACK

EXISTING LACROSSE/
SOCCER PRACTICE
FIELD

2
EXISTING
BASEBALL
FIELD

PORTABLE/
REMOVABLE
FENCE

EXISTING
PRACTICE
FIELD

3

ROPES
COURSE

TENNIS
COURTS

PORTSMOUTH HIGH
SCHOOL

SUMMIT AVE

ANDREW JARVIS DRIVE

PROPOSED ATHLETIC FIELD COMPLEX



SUMMIT AVE
ANDREW JARVIS DRIVE

PORTSMOUTH HIGH SCHOOL

3

PROP. SYNTHETIC TURF PRACTICE FIELD
250' X 160'

EXISTING ROPES COURSE

EXISTING TENNIS COURTS

PROP. SYNTHETIC TURF MULTI USE FIELD
490' X 360'

1

PROP. SYNTHETIC TURF 90' DIA. SOFTBALL FIELD

EXISTING FOOTBALL /SOCCER FIELD W/ RUNNING TRACK

PROP. SYNTHETIC TURF LACROSSE/ MULTIUSE FIELD
330' X 160'

2

PROP. SYNTHETIC TURF 90' DIA. BASEBALL FIELD

R2M AND SKINNED INFIELD

DONDERO FIELD EXISTING CONDITIONS

Basic Site Description and Location

Dondero Field is located in front of the Dondero School off of Van Buren Avenue. The existing site utilizes 1.2 acres of the 19 acre site for athletic fields. Dondero Field is bordered by residential areas, a wetlands and the Dondero School.

Facilities and Amenities Provided

The site contains one 300' x 175' multiuse field, being utilized for soccer of all ages and lacrosse. This field was once used for little league as well but has since had the diamond removed, leaving the backstop behind. The field sits low to surrounding topography to use it as a hockey rink in the winter.

Programmed Uses

- Youth Soccer Club
- Youth Lacrosse
- Youth Summer Recreation Programs



- Unsanctioned/informal uses by a variety of youth sports programs

Summary of Existing Conditions / Specific Issues of Concern

Dondero Field meets all dimensional standards for use as a U12 soccer field and below, but falls short for the standards of a lacrosse field and a full sized soccer field. Due to the close proximity of the wetlands, the field will easily flood if not drained properly. Primary issues of concern are summarized as follows:

- Amount of play is limited by daylight
- Space is not being utilized to its full advantage
- To a large extent, turf conditions are poor to fair.
- Unrestricted pedestrian movement impacts turf quality in various locations.
- A portion of the existing playground may require relocation.
- The random structures still left in the open field from past uses.
- Poor overall site drainage.



Recommended Field Improvements

The recommended master plan for Dondero Field provides similar facilities (compared to existing) with slight alterations. Reconfiguring and enlarging the field provides opportunity to diversify the user groups and meet all dimensional standards for each sport.



Recommendations Summary

- Re-construct and enlarge multiuse field. The field is to be a 475' x 230' field constructed with high performance root zone mix.
- Infill and lift grade for proper drainage.
- Remove existing play structures in the smaller play area to accommodate for a larger field.
- Relocate existing play structures in the main playground to properly fit in the new designated play area. Enclose playground with chain link fence.
- Remove old backstop.

Cost Considerations

The pre-design program Budget Summary included below is an example estimate and identifies the initial breakdown of costs associated with the planned program. All costs have been rounded and are estimated based on our previous experience.

| Park Improvement Element | Budget Cost | Notes |
|---|--------------------|--------------------------|
| Contractor's General Conditions | \$25,000 | |
| Site Preparation | \$110,000 | |
| Rough Grading | \$120,000 | |
| Relocated Play Area | \$5,000 | |
| Multiuse Field | \$250,000 | 465' x 230' Field w/ RZM |
| Subtotal | \$485,000 | |
| Design, Engineering, Testing and Survey | \$58,200 | |
| Contingency (10%) | \$48,500 | |
| Grand Total | \$616,700 | |

DONDERO FIELD



PROPOSED DONDERO FIELD



GARFIELD ROAD

VAN BUREN AVE

220' X 120' MULTIUSE
FIELD RENOVATED
W/ RZM

MULTIUSE FIELD 330' X 220'
RENOVATED W/ RZM

RENOVATED
PLAYGROUND

DONDERO
ELEMENTARY
SCHOOL

WETLANDS

LITTLE HARBOR FIELD EXISTING CONDITIONS

Basic Site Description and Location

Little Harbor Field is located between Brackett Road and Clough Drive. It sits in front of the Little Harbour Elementary School and shares space with a large parking lot. Of the 17.6 acre property, .76 acres is being used for athletic fields. Little Harbor Field is surrounded by residential areas and is located one street over from Clough Field. Due to its relation to the Little Harbour Elementary School, the site is easily accessed by users and is provided with ample parking for visitors.

Facilities and Amenities Provided

The site has no defined playing fields but is used as two to three U8 soccer fields towards the parking area. The area closest to Brackett Road is not being used due to the above ground drainage that runs horizontal.



Programmed Uses

- Youth Soccer Club
- Adult Co-ed Soccer
- Youth Soccer
- Youth Summer Recreation Programs
- Unsanctioned/informal uses by a variety of youth sports programs

Summary of Existing Conditions / Specific Issues of Concern

Little Harbor Field is meeting minimal needs of the City of Portsmouth and is not being used to its full potential. The strip of field along the parking lot is being over used to avoid playing in the open drainage areas. The turf is getting wore down to the sub surface while the other half of the field is being over watered due to poor grading. Primary issues of concern are summarized as follows:

- Space is not being utilized to its full advantage.
- Lack of defined field layouts.
- Fields are not meeting regulation sizes.
- To a large extent, turf conditions are poor to fair.
- Turf is a mix of all types of grass/ crab grass mixes.
- Field is always wet.
- Unrestricted pedestrian movement impacts turf quality in various locations.
- Poor overall site drainage.



Recommended Field Improvements

The recommended master plan for Little Harbor Field has similar facilities (compared to existing) with slight alterations. Reconfiguring and enlarging the multiuse field provides opportunity to increase the user groups and meet all dimensional standards for each field.



Recommendations Summary

- Re-construct and enlarge the multiuse field with high performance root zone mix.
- Layout new 240' x 140' U12 soccer field.
- Remove the overgrown retention basin/inlet and install a subsurface system to expand the playing area and utilize the space to the fullest potential. This relieves the fields along the parking lot from being overused.
- Regrade fields to allow for proper drainage.
- Realign the parking lot to allow space for the U8 fields. Existing driving lane is wider than it has to be. Align a consistent 24' wide, two way driving lane.

Cost Considerations

The pre-design program Budget Summary included below is an example estimate and identifies the initial breakdown of costs associated with the planned program. All costs have been rounded and are estimated based on our previous experience.

| Park Improvement Element | Budget Cost | Notes |
|---|------------------|-------------|
| Contractor's General Conditions | \$15,000 | |
| Site Preparation | \$80,000 | |
| Rough Grading | \$50,000 | |
| Drainage System | \$10,000 | |
| U12 Soccer Field | \$80,000 | 240' x 140' |
| Practice Field | \$50,000 | 120' x 105' |
| Parking Alignment | \$10,000 | |
| Subtotal | \$280,000 | |
| Design, Engineering, Testing and Survey | \$33,600 | |
| Contingency (10%) | \$28,000 | |
| Grand Total | \$356,600 | |

LITTLE HARBOR FIELDS



BRACKET LANE

BRACKET ROAD

OVERGROWN
RETENTION
BASIN/ INLET

EXISTING
MULTIUSE
FIELD

CLOUGH DRIVE

LITTLE HARBOUR
ELEMENTARY
SCHOOL

PROPOSED LITTLE HARBOR FIELDS



BRACKETT LANE

BRACKETT ROAD

U-12 SOCCER
FIELD
240' X 140'

PRACTICE FIELD
120' X 105'

REALIGNED
PARKING LOT

CLOUGH DRIVE

LITTLE HARBOUR
ELEMENTARY
SCHOOL

Clough Field Existing Conditions

Basic Site Description and Location

Clough Field is located on the corner of South Street and Clough Drive, with 2.1 acres of the 3.1 acre site being utilized for athletic fields. Clough Field is bordered by residential areas, a cemetery and the Little Harbour Elementary School.

Facilities and Amenities Provided

The site contains one 60' diamond softball field, with the outfield being utilized for a U12 soccer field (220' x 150'). The orientations of these fields overlap dramatically which causes a large portion of the soccer field surface to be skinned infield mix.



Programmed Uses

- Youth Soccer Club
- Adult Co-ed Softball
- Youth Lacrosse
- Adult Sports & Social Club
- Adult Co-ed Soccer

Summary of Existing Conditions / Specific Issues of Concern

Clough Field meets all dimensional standards of a 60' softball diamond and possesses sufficient foul territory on both sides of the field. To provide maximum flexibility, the field is absent of outfield fencing, which permits the marking out of the soccer field across its outfield for other programmed uses. The site drains to two main swales that run along the northeast and southwest sides of the softball field. Primary issues of concern are summarized as follows:

- Backstop fencing is in fair condition.
- There are no foul poles.
- Amount of play is limited by daylight
- To a large extent, turf conditions are poor.
- Turf is largely made up of a mix of lawn types, weeds and crab grasses.
- No sufficient parking, only street side parking.
- Location of the softball field creates small unused, areas. Softball orientation is not ideal.
- Poor overall site drainage.



Recommended Field Improvements

The recommended master plan for Clough Field provides similar facilities (compared to existing) with slight alterations. Reconfiguring the location of the softball field allows for additional area in the back of the site to fit a larger multiuse field. This new field layout would eliminate the current hazards caused by overlapping fields and infield mix.



Recommendations Summary

- Re-constructed and relocate the 60' softball diamond with high performance root zone mix.
- Renovate 265' x 220' multiuse field with high performance root zone mix.
- The grading of the new fields would generally match existing conditions and ensure positive flow of storm water to edges. Infields would be elevated slightly to direct storm water to adjacent areas and sub drainage systems added as budgets permit to allow for quicker use of facilities after storm events.
- Relocate existing maintenance shed to behind the backstop.
- Remove and dispose existing abandoned drinking fountain.

Cost Considerations

The pre-design program Budget Summary included below is an example estimate and identifies the initial breakdown of costs associated with the planned program. All costs have been rounded and are estimated based on our previous experience.

| Park Improvement Element | Budget Cost | Notes |
|---|------------------|-------------------|
| Contractor's General Conditions | \$20,000 | |
| Site Preparation | \$85,000 | |
| Rough Grading | \$50,000 | |
| Softball Field | \$100,000 | 60' diamond |
| Multiuse Field | \$100,000 | 260' x 215' field |
| Subtotal | \$335,000 | |
| Design, Engineering, Testing and Survey | \$40,200 | |
| Contingency (10%) | \$33,500 | |
| Grand Total | \$428,700 | |

CLOUGH FIELD



PROPOSED CLOUGH FIELD



SOUTH STREET

HAVEN ROAD

RELOCATED
MAINTENANCE
SHED

CLOUGH DRIVE

PARK
BENCHES

EXISTING
MEMORIAL
PLAQUE ON
BOULDER

RELOCATED &
RENOVATED
SOFTBALL FIELD

RENOVATED FIELDS
W/ RZM

MULTIUSE FIELD
265' X 220'

LITTLE HARBOUR
ELEMENTARY
SCHOOL PROPERTY

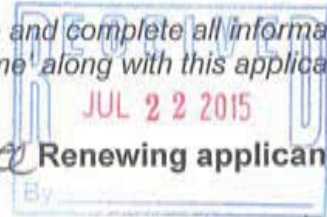
EXISTING
FOOTPATH

CEMETERY

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Citywide Neighborhood Steering Committee **Renewing applicant**

Name: Kathleen Bergeron Telephone: 603-433-3261

Could you be contacted at work? YES NO - If so, telephone # 603 436 3009

Street address: 199 Wildard St

Mailing address (if different): _____

Email address (for clerk's office communication): khbergeron@aol.com

How long have you been a resident of Portsmouth? 19 years

Occupational background:

Commercial Real Estate Appraiser

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

Reasons for wishing to continue serving: I would like to

continue the good work of the Citywide Neighborhood
Committee and work to get more citizens involved



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) Robert Davis
Jeanene Salvester 148 Pleasant St. Portsmouth 603 498-9502
Name, address, telephone number
- 2) Brad Boisvert 124 State St. Portsmouth 603 235-7688
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: Kathleen Bergeron Date: 7/20/15

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04-01-2018

Annual Number of Meetings: Not available Number of Meetings Absent: Not available

Date of Original Appointment: 7-19-2010

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: CITY WIDE NEIGHBORHOOD

Name: MARIE KELLEHER Telephone: 603.436.7432(H)

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 clerk'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 NEIGHBORS.

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. PAOLA PABON, MD 230 LAFAYETTE #C 434-5500
Name, address, telephone number

2) DR. MELANIE HARDEN 230 LAFAYETTE BLDG C 434-7325
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: 6/7/15

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

Committee: HDC

JUN 11 2015
Renewing applicant

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): RM SHEA JR @ 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.



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
FOSE

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:

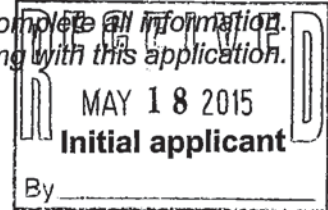
I dedicated my professional life to public service, and I'd like to continue in a volunteer capacity. Portsmouth means a great deal to me, and I'd like to contribute my talents in some small way. I might consider volunteering for other boards in the future. In the meantime, this is a great beginning. 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.



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 Artists 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 Turbassi 271 Lafayette Road Portsmouth 603-433-9352
Name, address, telephone number

2) Sally Mulhern Mulhern & Scott 155 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
PORTSMOUTH, NH 03801**

TO: City Council Members
FROM: Robert J. Lister, Mayor
DATE: July 30, 2015
SUBJECT: City Manager's Evaluation Committee

For your information, I am appointing the following Committee members for the City Manager's Evaluation:

Councilor Spear, Chair
Councilor Lown
Councilor Thorsen
Councilor Dwyer



Board of Police Commissioners

of the

City of Portsmouth, N.H.



July 24, 2015

Honorable Robert Lister
Mayor City of Portsmouth
City Hall
Junkins Ave.
Portsmouth, N.H. 03801

Dear Mayor Lister:

After long and careful consideration, it is with great regret that I am tending to you my resignation from the Portsmouth Police Commission. This decision did not come easily, as I have served in this capacity for almost fourteen years.

I have thoroughly enjoyed serving this great City and its citizens. I consider it a privilege to have served. However, my health does not permit me to continue. My resignation will become effective August 1, 2015. Thank you.

Sincerely,

Gerald W. Howe

Portsmouth Police Commissioner

cc:

J. Golumb

S. Dubois

ACTION ITEMS AND MINUTES
PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, July 9, 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 June 11, 2015.
- [2 (V.A.)] **Action Item:** Request for crosswalk, parking spaces, bike corral on Islington Street at White Heron – **VOTED** to have staff report back at next meeting.
- [3 (V.C.)] **Action Item:** Request for crosswalk on Hanover Street at Fleet Street –**VOTED** to approve construction of a crosswalk on Hanover Street and Fleet Street once funding is available for the required wheelchair ramps.
- [4 (V.D.)] **Action Item:** Request for crosswalk on South Street at Broad Street – **On a roll call 5-4, motion failed.**
- [5 (V.E.)] **Action Item:** Request to remove NO RIGHT ON RED signs at Middle, Miller, and Summer – **VOTED 5-4, motion passed.**
- [6 (V.F.)] **Action Item:** Request to remove NO RIGHT ON RED signs at Congress and Maplewood – **VOTED 6-3, motion failed.**
- [7 (V.G.)] **Action Item:** Request to remove NO RIGHT ON RED signs at Fleet and Congress – **VOTED 6-3, motion passed** to remove the NO RIGHT ON RED sign at Fleet and Congress contingent on traffic signal equipment upgrade to concurrent phasing.
- [8 (V.H.)] **Action Item:** Request to remove NO RIGHT ON RED signs at Fleet and State – **On a roll call 5-4, motion failed.**
- [9 (VI.A.)] **Action Item:** Request for crosswalk on Marcy Street at Humphrey's Court – **VOTED** to accept staff recommendations of posting two Pedestrian Warning signs on Marcy Street approaching Humphrey's Court and conducting a comprehensive analysis of the corridor.
- [10 (VI.B.)] **Action Item:** Request to improve safety of existing crosswalk on Middle Street at Richards Ave and Austin Street – **VOTED** to accept staff recommendations of new Pedestrian Warning signs, review of colored pavement markings, and review of crossing guard needs for the upcoming school year at the crosswalk on Middle Street at Richards Ave and Austin Street.
- [11 (VI.C.)] **Action Item:** Request for crosswalk on Woodbury Ave at Cottage Street – **VOTED** to accept staff recommendation to construct a crosswalk with the required wheelchair ramps at each end, when the funding becomes available in the Department of Public Works.
- [12 (VI.D.)] **Action Item:** Crosswalk bump-outs near Sanders Market on Marcy Street – **VOTED** to accept staff recommendation to look at a crosswalk as part of a Marcy Street Corridor Study.

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Councilor, Brad Lown
City Manager, John Bohenko
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Captain, Frank Warchol, Police Department
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:

Parking Manager, Joey Giordano
Transportation Planner, Juliet Walker

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse motioned to accept June 11, 2015 meeting minutes. Ron Cypher seconded. Moved to accept PTS Meeting Minutes of June 11, 2015.

Motion passed 9-0

IV. FINANCIAL REPORT:

No Financial Report for July 2015.

V. NEW BUSINESS:

A. Request for crosswalk, parking spaces, bike corral on Islington Street at White Heron – Harold Whitehouse explained that this location was one of the on-site visits on Tuesday, July 7th. Eric Eby, Parking and Transportation Engineer, provided a detailed explanation of the difficulties and challenges of creating a crosswalk and parking spaces in the area. Public Works Director Rice stated that the City is beginning a corridor design to reconfigure the area and these issues would be addressed.

Harold Whitehouse motioned to have staff report back on crosswalk alternatives at the August meeting. Public Works Director Rice seconded. **Vote 9-0, to have staff report back at August meeting on crosswalk alternatives on Islington Street at White Heron.**

B. Request for safety measures along Elwyn Road – Eric Eby stated a homeowner on Elwyn Road is concerned about a number of accidents due to curvy roadway and speeding. Eric Eby recommended landscape maintenance of the area so all signs are visible. Signs should be replaced if needed. Police Captain Warchol stated that speed patrols will be increased on roadway, and a speed sign will be placed in the residential area.

Public Works Director Rice stated it is an operational issue and is being addressed by the department.

No action item.

C. Request for crosswalk on Hanover Street at Fleet Street – Eric Eby and several committee members reviewed this location at an on-site visit on Tuesday, July 7th. He stated that it is a good location for a potential crosswalk. A wheel chair ramp would need to be added and one parking space relocated to provide adequate sight lines for pedestrians crossing.

City Manager Bohenko motioned that once funding is made available to proceed with a handicap accessible crosswalk as presented by Eric Eby. Public Works Director Rice seconded.

Ted Gray expressed concerns over the number of crosswalks in the city, and non-compliance of pedestrians. He will vote in opposition of this item.

City Manager Bohenko expressed interest in increasing compliance by using design and/or color in crosswalk areas and conducting a pilot study. Police Captain Warchol stated that the police department currently has a grant, funding pedestrian controls. The crosswalks aide in pedestrian control. Mary Lou McElwain commented on creating variations in crosswalks based on volume of traffic.

Vote 8-1, to approve construction of a crosswalk on Hanover Street at Fleet Street once funding is available for the required wheelchair ramps. Ted Gray opposing.

D. Request for crosswalk on South Street at Broad Street – Eric Eby and several committee members reviewed this location at an on-site visit on Tuesday, July 7th. Eric Eby stated there is an existing signalized crosswalk at South/Miller/Sagamore. It is 240 feet from the South and Broad location. Eric Eby expressed concerns about traffic in the intersection at South and Broad when the signal is utilized at South/Miller/Sagamore. Pedestrians walk in-between the traffic on South. It is a standard not to have crosswalks within 300 feet of each other. Eric Eby stated that pedestrian warning signs could be installed as an alternative.

City Manager Bohenko expressed concern over a crosswalk at this location due to an established route for children walking to school. This includes a crossing guard. Deviating from the established route may affect the safety of the children.

Ron Cypher expressed concern over the overgrowth of a hedge that is blocking sight lines. He requested that a letter be sent to the property owner. Chairman Lown agreed and Public Works Director Rice stated that the property owner would be contacted.

City Manager Bohenko motioned to approve the crosswalk on South Street at Broad Street for discussion purposes. Public Works Director Rice seconded.

Chairman Lown supports a crosswalk at this location. Eric Eby stated that an engineering design would be required to determine the feasibility of a tip-down wheel chair ramp. Deputy Fire Chief Heinz asked if width of street would be effected. Eric Eby stated street width would not be changed.

Public Works Director Rice is in agreement with Eric Eby and City Manager Bohenko regarding crosswalk concerns at this location and opposes the motion.

On a roll call 5-4, motion failed.

Shari Donnermeyer, City Manager Bohenko, Public Works Director Rice, Police Captain Warchol, Deputy Fire Chief Heinz, voted opposed. Chairman Lown, Ted Gray, Harold Whitehouse, and Ron Cypher, voted in favor.

E. Request to remove NO RIGHT ON RED signs at Middle, Miller, and Summer – Chairman Lown stated he was contacted by David Mulhern regarding the issue.

Harold Whitehouse expressed concern over safety at Summer and Middle if the sign was removed. He expressed concern over objects that block the view of pedestrians, and their safety if cars were allowed to turn on red.

Eric Eby provided explanation for Right on Red signage. By default, right turns on red are allowed at intersections, unless precluded by signage. Some reasons for signage are sight lines, geometrics and pedestrian phasing. Each intersection would be reviewed on a case by case basis to analyze factors for signage.

City Manager Bohenko motioned to suspend the rules to allow for public comment. Shari Donnermeyer seconded. **Vote 9-0, to suspend the rules.**

David Mulhern, 60 Pinehurst Road, presented the NO RIGHT ON RED signs removal matter to the committee. He provided a detailed explanation on why he believes the signs should be removed. He believes that removing them could be a modest step toward continuing a safe flow of traffic.

Harold Whitehouse motioned to combine all four NO RIGHT ON RED items and vote as one item. Ted Gray seconded.

On a roll call 7-2, motion failed to combine all four NO RIGHT ON RED items and vote as one item.

Chairman Lown, Shari Donnermeyer, Ron Cypher, City Manager Bohenko, Public Works Director Rice, Police Captain Warchol, Deputy Fire Chief Heinz, voted opposed. Ted Gray, Harold Whitehouse, voted in favor.

Shari Donnermeyer motioned to remove the NO RIGHT ON RED signs at Middle, Miller, and Summer. Public Works Director Rice seconded for discussion purposes.

Public Works Director Rice stated that the equipment at an intersection dictates signage. Due to the equipment at this intersection, he opposes making any changes. A change would also be in conflict with MUTCD, Manual on Uniform Traffic Control Devices, recommendations and design codes.

Eric Eby clarified that the push button signal at this location stops all traffic for pedestrian crossing. The recommendation is no turn on red at that time for pedestrian safety. Harold Whitehouse reiterated his concerns about sight line issues at the location.

Ted Gray favors removing the sign because he believes it is ineffective. Chairman Lown supports removing the signs and agrees with David Mulhern's views. He believes it is an enforcement issue and supports a yield to pedestrian sign.

Vote 5-4, motion passed to remove the NO RIGHT ON RED signs at Middle, Miller, and Summer. City Manager Bohenko and Public Works Director Rice, voted opposed.

F. Request to remove NO RIGHT ON RED signs at Congress and Maplewood -

Ron Cypher opposes removing signage on Congress and Maplewood because of high pedestrian traffic in area.

Mary Lou McElwain sought clarification on the redesign of no turn on red light at Islington and Middle. Public Works Director Rice confirmed that it would remain intact.

Harold White believes there is a study to make Congress a two-way street, but Public Works Director Rice clarified: there is no study. Rice stated there was a recommendation to put it into the Capital Improvements Plan for consideration by the City Council.

Public Works Director Rice motioned to consider removing the NO RIGHT ON RED signs at Congress and Maplewood. Shari Donnermeyer seconded. Both will oppose the motion.

Chairman Lown supports the motion to remove the sign because of the inconsistencies as presented by David Mulhern.

Eric Eby clarified: there is a conflict at the intersection due to the simultaneous left turns on Islington and Congress. The right turn on red will conflict with the exclusive left turns.

Vote 6-3, motion failed to remove the NO RIGHT ON RED signs at Congress and Maplewood.

G. Request to remove NO RIGHT ON RED signs at Fleet and Congress –

Shari Donnermeyer motioned to remove the NO RIGHT ON RED signs at Fleet and Congress. City Manager Bohenko seconded for discussion purposes.

Public Works Director Rice stated that before the signage could be removed, the traffic lights must be upgraded. They do not have the control system to comply with the requirements of a concurrent

signal. He recommended the motion be modified to include the provision for the upgrade of the traffic lights. Eric Eby stated that concurrent phasing needs to be implemented.

Shari Donnermeyer amended the motion to remove the NO RIGHT ON RED signs at Fleet and Congress contingent on the traffic light upgrade to concurrent phasing.

Vote 6-3, motion passed to remove the NO RIGHT ON RED sign at Fleet and Congress contingent on traffic signal equipment upgrade to concurrent phasing. City Manager Bohenko, Public Works Director Rice, and Deputy Fire Chief Heinz, voted opposed.

H. Request to remove NO RIGHT ON RED signs at Fleet and State –

Shari Donnermeyer motioned to remove the NO RIGHT ON RED signs at Fleet and State. Ron Cypher seconded.

Shari Donnermeyer amended the motion to remove the NO RIGHT ON RED signs at Fleet and State contingent on equipment upgrade. Harold Whitehouse seconded.

Harold Whitehouse opposed due to sight lines.

On a roll call 5-4, motion failed.

City Manager Bohenko, Public Works Director Rice, Harold Whitehouse, Police Captain Warchol, Deputy Fire Chief Heinz, voted opposed. Chairman Lown, Shari Donnermeyer, Ron Cypher, Ted Gray, voted in favor.

VI. OLD BUSINESS:

A. Request for crosswalk on Marcy Street at Humphrey's Court – Eric Eby measured the street between the parked cars. It is 19 feet wide, which is narrow. The street curve limits the sight lines. There is only 100 feet of sight distance, which isn't sufficient for the observed or posted speed limits. A crosswalk is not recommended at this site. As an alternative, Eric Eby is recommending posting two (2) Pedestrian Crossing Warning signs on Marcy Street, one in each direction approaching Humphrey's Court. Additionally, he is recommending that the City conduct a comprehensive analysis of the Marcy Street/New Castle Avenue corridor, between Sanders Market and the New Castle Bridge.

Ted Gray motioned to accept staff recommendations. Harold Whitehouse seconded.

Vote 9-0, unanimous to accept staff recommendations of posting two Pedestrian Warning signs on Marcy Street approaching Humphrey's Court and conducting a comprehensive analysis of the corridor.

B. Request to improve safety of existing crosswalk on Middle Street at Richards Ave and Austin Street – Eric Eby conducted a field review of the intersection and recommends new Pedestrian Crossing warning signs that meet current standards. Staff will review the possibility of applying color paint to the pavement between the white stripes of the crosswalks to make markings

more visible. Possible acceptable colors include red, rust, brown, burgundy, tan, clay or similar earth tone equivalents. Additionally, staff will review the need for a crossing guard for the coming school year based on factors including bus routes, school population, and walking routes. Buses will exit from Parrott Avenue onto Junkins Avenue.

Police Captain Warchol asked if the color of paint at crosswalk could match the fluorescent color of the sign. Eric Eby stated that studies have shown no improved safety, and Federal Highway Department is not allowing this color scheme. They are approving the earth tone shades or black.

Deputy Fire Chief Heinz asked if street width would be affected. Eric Eby stated street width would not be changed at this time. He reminded the committee that this corridor is part of the bike lane corridor study currently underway. There will be recommendations from the study that staff may not be aware of at this time.

Harold White motioned to accept staff recommendations.

Shari Donnermeyer seconded.

Vote 9-0, unanimous to accept staff recommendations of new Pedestrian Warning signs, review of colored pavement markings, and review of crossing guard needs for the upcoming school year at the crosswalk on Middle Street at Richards Ave and Austin Street.

C. Request for crosswalk on Woodbury Ave at Cottage Street – Eric Eby conducted a field review of the area. He recommends that a crosswalk be installed, along with the required wheelchair ramps at each end, when funding becomes available in the budget.

Ted Gray motioned to accept staff recommendation.

Ron Cypher seconded.

Vote 9-0, unanimous to accept staff recommendation to construct a crosswalk with the required wheelchair ramps at each end, when funding becomes available in the Department of Public Works.

D. Crosswalk bump-outs near Sanders Market on Marcy Street - Eric Eby conducted a field review of the area. He determined that the construction of bump-outs would cause the loss of three parking spaces and require extensive drainage system reconstruction to accommodate the change in stormwater patterns from the presence of the bump-outs.

They would also cause problems for snow removal. Additionally, parking spaces would likely be lost in the winter. Also, the construction costs associated with the drainage system would be extensive. Staff recommends the bump-outs not be constructed, and that the pedestrian crossing be reexamined as part of a larger corridor study. Staff is in the process of putting together the project scope.

Mary Lou McElwain stated that she believes the bump-outs are more dangerous for cyclists and the recently installed Pedestrian Crossing sign is an added safety improvement in the area.

Harold Whitehouse motioned to accept staff recommendation.

Ron Cypher seconded.

Vote 9-0, unanimous to accept staff recommendation to look at a crosswalk as part of a Marcy Street Corridor Study.

VII. PUBLIC COMMENT:

Judy Miller, 77 Hanover Street, representing the Harbour Hill Condominium Association, requests that the crosswalk on Hanover Street at Fleet Street be reinstated or a temporary crosswalk be installed while waiting for the permanent one to be built. She provided a letter to the committee signed by the Harbour Hill Condominium Association President. The committee approved the construction of the crosswalk once funding is available in a vote of 8-1 earlier in the meeting.

Walter Hamilton, 47 Mariette Drive, asked about the signs on Banfield Road directing the traffic exiting Water Country. He believes the residents would be happier if the traffic was directed up Mirona Road to the traffic circle.

VIII. INFORMATIONAL:

A. New pay and display parking meters to replace single space parking meters – Joey Giordano, Parking Manager, presented options for the single space meters. Proposed changes are: installing smart single space meters in the “15 Minute” spaces; eliminate 110 old single space meters, and replace with 7 “pay and display” meters for an estimated cost of \$52,500. Harold Whitehouse asked about durability during severe cold weather. Joey Giordano confirms that weather is not an issue with the “pay and display” meters: they have heaters inside. However, there are technology limitations with the single space meters.

B. Diagonal parking suggestion from Rick Chellman – Eric Eby reviewed the Pleasant Street site in order to address the concerns of the Fire Department. The fire truck and outriggers were deployed to determine the width needed. The original proposal takes up more room than previously thought. Eric Eby is reconfiguring the design and looking at alternatives on Pleasant Street.

On Penhallow Street and Bow Street, the City can move forward on creating angle parking in the four spaces on the left side of Penhallow Street. This is done by re-stripping. Deputy Fire Chief Heinz agreed that this would be acceptable.

Harold Whitehouse commented on the horse and buggy location on Pleasant Street. Eric Eby mentioned that the agreement with the horse and buggy vendor is no longer in effect, having not been renewed for several years.

C. Proposed bicycle / scooter parking ordinance – Eric Eby states that staff continues to work on the ordinance.

Additional Items:

Resident only parking – Chairman Lown was requested by Councilman Morgan to address the status of the resident only parking matter. Public Works Director Rice stated that a program could be implemented when the new garage is constructed and operational.

Harold Whitehouse requested jaywalking in the Central Business District be addressed at the next committee meeting.

Eric Eby recommended a schedule change for the committee. Currently, the committee meets the second Thursday of each month. Staff recommends changing the schedule to dovetail with City Council so actions can be resolved more quickly. The committee agreed that the meeting date will change, beginning in September 2015. The committee will now meet on the first Thursday of each month and conduct site visits on the Tuesday prior to the meeting.

IX. ADJOURNMENT - At 9:23 a.m., voted to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

July 26, 2015
To: City Council
From: Eric Spear
Re: Peirce Island Fees

Councilors:

A constituent Jamie Wolf has written to me requesting that we reconsider the application of fees for non-residents on Peirce Island. I have provided her e-mails below. I will not attend our August 3 meeting. However, in my absence you may choose to refer this correspondence to the Peirce Island Committee for their consideration.

Eric Spear

The e-mails follow:

Jamie Wolf, 25 Laurel Court, Portsmouth NH

1)

Dear Mr. Spear

I read yesterday that you are exploring the option of charging out of towners for access to Peirce Island. I wholeheartedly agree with this idea and hope you are successful in your efforts to bring it about. My husband and I use the pool a lot in the summer and the parking situation has become unbearable. Many people park on the grass in spite of signs warning them not to. Hundreds of people just pour down the bridge into Prescott Park and downtown because they use Peirce Island as a parking lot. People that want to hike or use the pool can often find no place to park because of the huge number of tourists parking there. I think the best and cheapest solution would be a parking type ticket kiosk. Out of towners would pay for a ticket to go on their windshield, and Portsmouth residents could get a free season pass at City Hall or the pool. So the town would gain revenue from sale of the tickets, as well as parking tickets for those who don't comply.

Good luck with this!

2)

Hi Eric

I hope you are having some success in requiring out of town tourists to pay to park on Peirce Island. This is my suggestion.

A parking kiosk that dispenses timed passes just like those that are used in downtown Portsmouth.

I believe parking in town is \$1.00 an hour and this should hold true for Peirce Island as well.

Erect a sign stating that only Portsmouth residents can park for free and all others should buy a ticket or receive a fine.

Give free stickers for the residents' cars, like they do in Rye and elsewhere.

Now that the warm weather is here, it's already started. We were at the park on Monday and hundreds of cars were there, many more than people at the pool or using the trails.

The tourists use it as free parking so they don't have to pay in town, they park up there then it's a short walk to Prescott Park or downtown.

I really hope something can be done about this as it is a huge inconvenience for people like me and my husband who want to use the pool but find parking scarce, especially on the weekends.

Good Luck

3)

Hi Eric

That is SO disappointing. [I had let her know that the committee voted against a use fee for non-residents.] What is Portsmouth thinking that it's own residents can not park at a city park???

And they don't even ticket people that park on the grass, even though there are signs forbidding it. Are they so greedy for those tourist dollars, that they want to give them a free ride?

Today my husband went to Peirce Island to swim. Hardly anyone was at the pool, but the lot and every other lot on the island and approach to the island was full. He couldn't have parked except he saw someone pulling out.

And he observed many people parking there, then walking across the bridge to Prescott Park and downtown.

I simply cannot understand why the city is allowing free parking for non residents.

thanks for getting back to me.

Jaimie

4)

Eric

My husband and I were at the pool today and almost every spot was taken in all the parking lots, even though there were only about a dozen people waiting to get in at 11:00

When we left at 1:30 the parking areas were so overfull that there were scores of cars illegally parked on the grass. If the city is unwilling to charge out of towners to park there, they could at least send a cop a few times a day to ticket or tow these cars.

Jaimie



5)

Hi Eric

My husband just called me from the outdoor pool. It's Saturday afternoon around 2pm. He said there were only about 6 people at the pool but the entire of Peirce Island was parked in. And some double parking as well. There was NOWHERE for him to park so he was going to come home, then someone pulled out so he got a spot. This is just unacceptable that the residents of Portsmouth can't use their own pool because the tourists use Peirce Island as their free parking lot. \$1.00 an hour to park downtown but FREE on Peirce Island. What a deal.

When is something going to be done? Again today there were scores of cars parked illegally on the grass. Why aren't they ticketed or towed? If the city (stupidly) doesn't care for the added revenue of having out of towners pay to park there, they should at least be interested in money from parking fines.

You need to get your committee to take another look at this. Please feel free to share my emails and photos with them.

Thanks

Jaimie