

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 17, 2015 TIME: 5:45PM

AGENDA

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PROPERTY NEGOTIATIONS – RSA 91-A:2, I (b)
- 6:30PM – WORK SESSION RE: PRESCOTT PARK ARTS FESTIVAL PROPOSED STAGE RELOCATION

I. CALL TO ORDER (5:45PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Revaluation Update – Rosann Maurice-Lentz, City Assessor

V. ACCEPTANCE OF MINUTES – JULY 20, 2015 AND AUGUST 3, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. 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
- B. 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)
- C. 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)
- D. RESOLUTION FOR BORROWING AUTHORIZATION OF UP TO FOUR MILLION ONE HUNDRED THOUSAND DOLLARS (\$4,100,000) RELATED TO WATER SYSTEM UPGRADES AND IMPROVEMENTS
- E. RESOLUTION FOR BORROWING AUTHORIZATION OF UP TO FOUR MILLION DOLLARS (\$4,000,000) FOR FY16 SEWER SYSTEM UPGRADES

VIII. APPROVAL OF GRANTS/DONATIONS

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

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”
(Postponed from the August 3, 2015 City Council meeting)
- B. Adoption 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. Adoption 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. Adoption 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. Adoption 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. Adoption of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades
- G. Third and Final 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
- H. Third and Final 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 as amended at second reading”;
 - (2) Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” as amended at second reading; and

- (3) Amend the Zoning Map as set forth in the following maps as amended at second reading:
- 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 Buildout & Uses

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 7th annual American Lung Association Cycle the Seacoast ride on Sunday, May 1, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Carolyn Ostrom, Susan G. Komen, requesting permission to hold the Susan G. Komen New Hampshire Race for the Cure on Saturday, May 7, 2016 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Rabbi David Ross Senter, Temple Israel, requesting permission to hold a public 9/11 ceremony at the African Burying Ground with a walk to the Veteran's Park ***(Sample motion – move to refer to the City Manager with power)***
- B. Letter from Attorney Bernard Pelech regarding Restoration of Involuntarily Merged Lots – RSA 674:39aa property located at 65 Mendum Avenue ***(Sample motion – move to refer to the Planning Department for report back)***
- C. Letter from Gerald Zelin regarding Character-Based Zoning for the North End

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 Proposed Ordinance amending Chapter 10, Section 10.440, Table of Uses – Short-Term Vacation Rentals and Other Lodging Uses ***(Postponed from the August 3, 2015 City Council Meeting) (Action on this matter should take place under Section IX of the Agenda)***
- 2. Public Hearing/Adoption of Resolutions:
 - 2.1 Public Hearing/Adoption 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)***

- 2.2 Public Hearing/Adoption 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)**
- 2.3 Public Hearing/Adoption 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)**
- 2.4 Public Hearing/Adoption 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)**
- 2.5 Public Hearing/Adoption 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)**
3. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
 - 3.1 Public Hearing/Second 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)**
4. Third and Final Reading of Proposed Ordinance:
 - 4.1 Third and Final 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)**
 - 4.2 Third and Final 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)**

City Manager's Items Which Require Action:

1. "North End Portsmouth" Development – Proposed Land Transfers, Easements and License
2. Annual Omnibus Ordinance Change, Parking and Traffic

Informational items

1. Events Listing
2. Report Back Re: Historic Cemeteries Update
3. Report Back Re: Athletic Fields
4. Report Back Re: Payment of Severance to former Deputy Police Chief Corey MacDonald
5. Report Back Re: Analysis Polling Hours
6. Report Back Re: Land Acquisition (Frank Jones Center Property)

B. MAYOR LISTER

1. Appointments to be Considered: ***(Postponed from August 3, 2015 City Council meeting)***
 - Kathleen Bergeron to the Citywide Neighborhood Steering Committee
2. Appointments to be Voted: ***(Postponed from August 3, 2015 City Council meeting)***
 - 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 ***(Postponed from August 3, 2015 City Council meeting)***
 - Councilor Spear, Chair
 - Councilor Lown
 - Councilor Thorsen
 - Councilor Dwyer
4. Appointment of Police Commissioner Citizen Review Panel
 - Tom Ferrini, Chair
 - Mike Magnant
 - Ruth Griffin
 - Reverend Rob Stevens
 - John Akar

C. ASSISTANT MAYOR SPLAINE

1. *Proposal for An Elected Charter Commission ***(Postponed from August 3, 2015 City Council meeting)***
2. *Mayors For Peace -- Presentation

D. COUNCILOR KENNEDY

1. *Charter Commission (***Postponed from August 3, 2015 City Council meeting***)
2. *Supporting Small Business in Portsmouth (***Postponed from August 3, 2015 City Council meeting***)

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 9, 2015 meeting (***Postponed from August 3, 2015 City Council 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 (***Postponed from August 3, 2015 City Council meeting***)

G. COUNCILOR THORSEN

1. Irrigation Meters

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

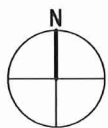
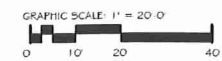
INFORMATIONAL ITEMS

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 (***Postponed from August 3, 2015 City Council meeting***)
2. *Notification that the minutes of the June 10, 2015 meeting of the Conservation Commission are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)
3. *Notification that the minutes of the June 17, 2015 meeting of the Historic District Commission are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)
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 (***Postponed from August 3, 2015 City Council meeting***)
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 (***Postponed from August 3, 2015 City Council meeting***)

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



CONCEPTUAL SITE PLAN
PRESCOTT PARK STAGE
 08/17/2015



JSA

ARCHITECTS
 INTERIORS
 PLANNERS

CITY OF PORTSMOUTH 2015 REVALUATION





2015 Revaluation

- Statutory Requirements
- Purpose Statement
- Standards
- Analysis
- 2015 Remaining Revaluation Timeline
- Appeal Process



Statutory Requirements

- **RSA 75:8 Revised Inventory.** –

Annually, and in accordance with state assessing guidelines, the assessors and selectmen shall adjust assessments to reflect changes so that all assessments are reasonably proportional within that municipality. All adjusted assessments shall be included in the inventory of that municipality and shall be sworn to in accordance with RSA 75:7.

- **RSA 75:8-a Five-Year Valuation.** –

The assessors and/or selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year.



Purpose Statement

The purpose of a Five-Year Reappraisal effort is to provide a vehicle for the assurance of current, accurate and equitable property assessments. If property valuations are accurate across the entire city, inefficiencies and inequities in property taxation are greatly reduced.



Department of Revenue Standards

- Assessment Level 90% - 110%
- Strata's should be within 5% of overall median ratio.
- Overall coefficient of dispersion (COD) should be no greater than 20%.
- Review



Appraisal Companies

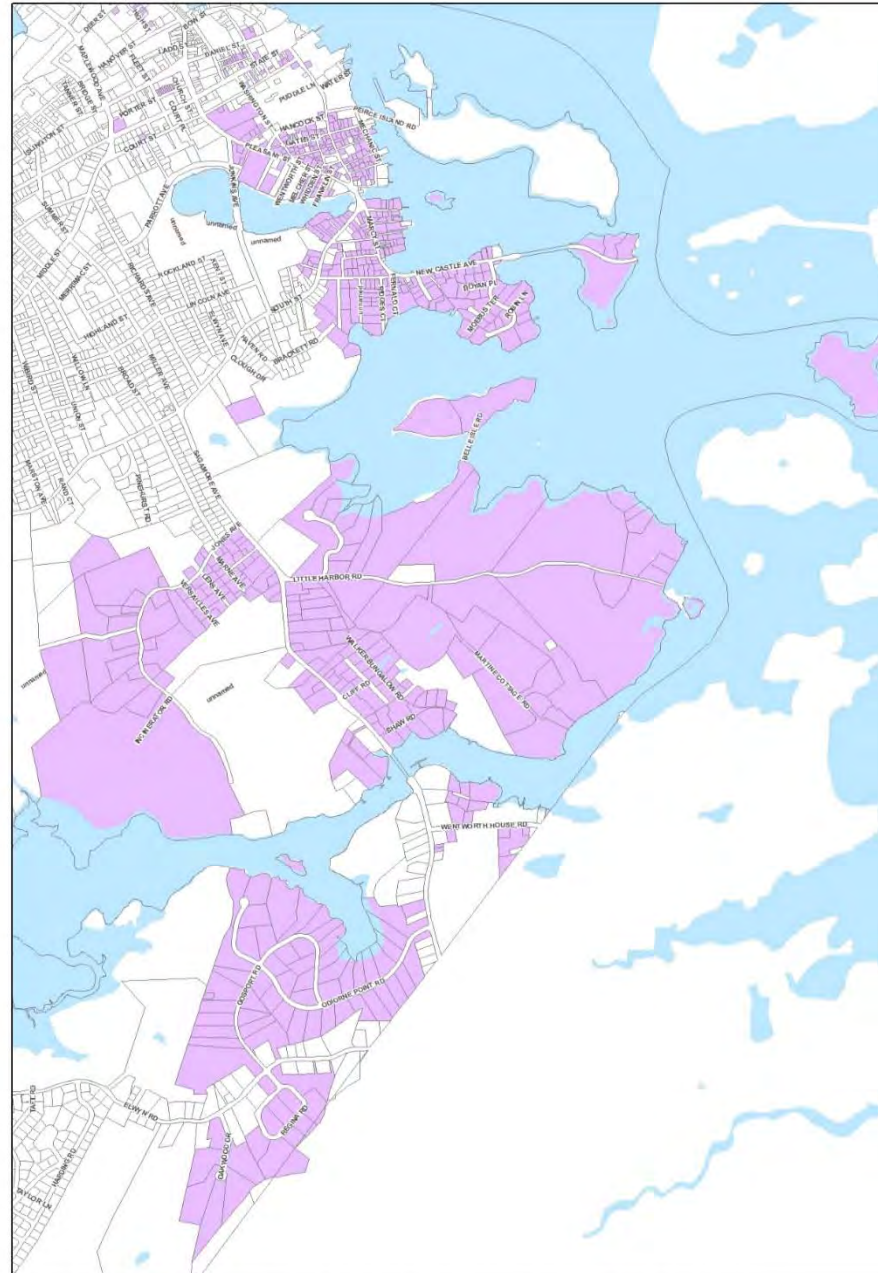
- Residential Revaluation – KRT Appraisal Company
- Commercial Revaluation – Steve Traub - Property Tax Advisors
- Utility Revaluation – MR Valuation Consulting LLC



Residential Groups

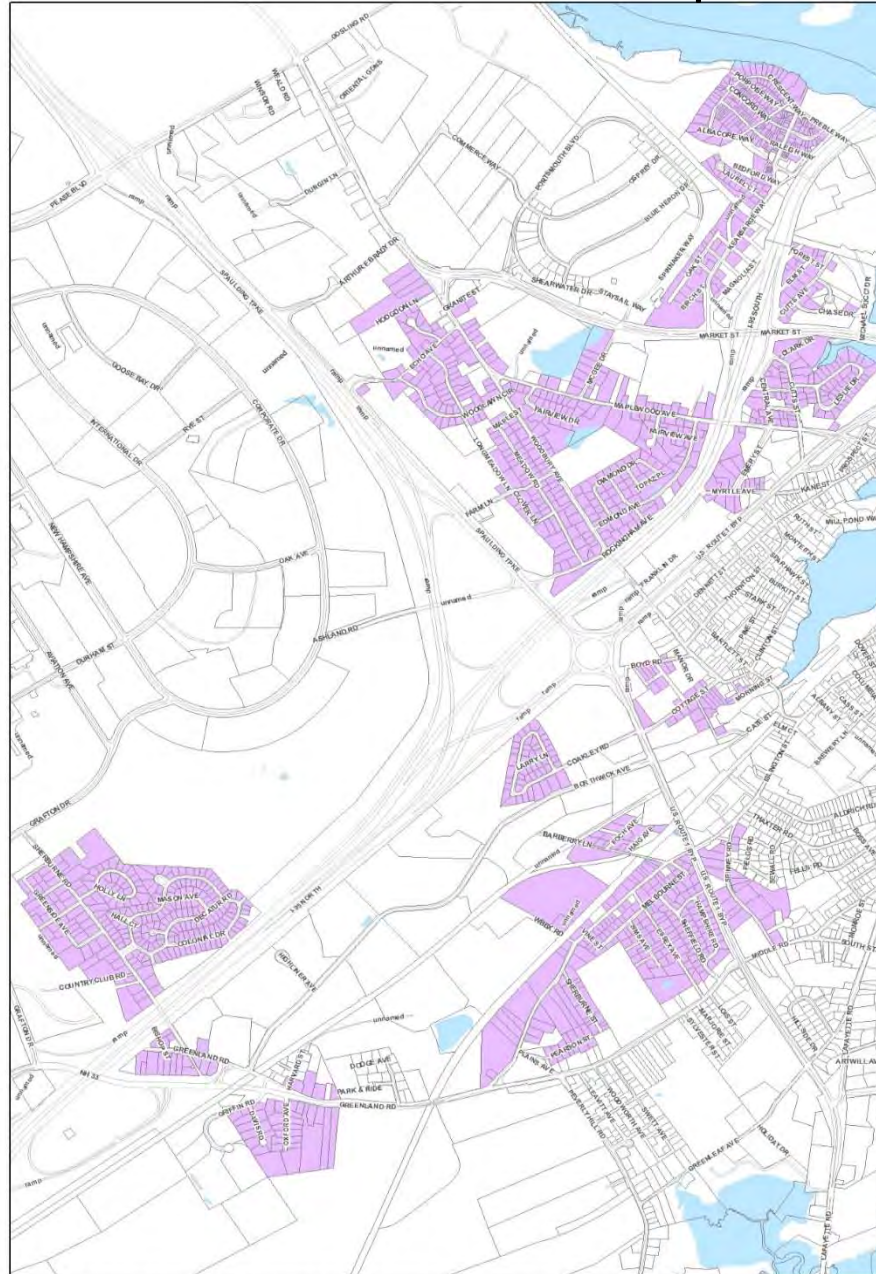
- Group I – East of Downtown, South End, Sagamore Creek, Little Harbour
- Group II – Portsmouth Traffic Circle North, I-95 Corridor, Route 1 Bypass
- Group III – South Portsmouth Area (Middle Road South)
- Group IV – West of Downtown, North Mill Pond

Residential Group I



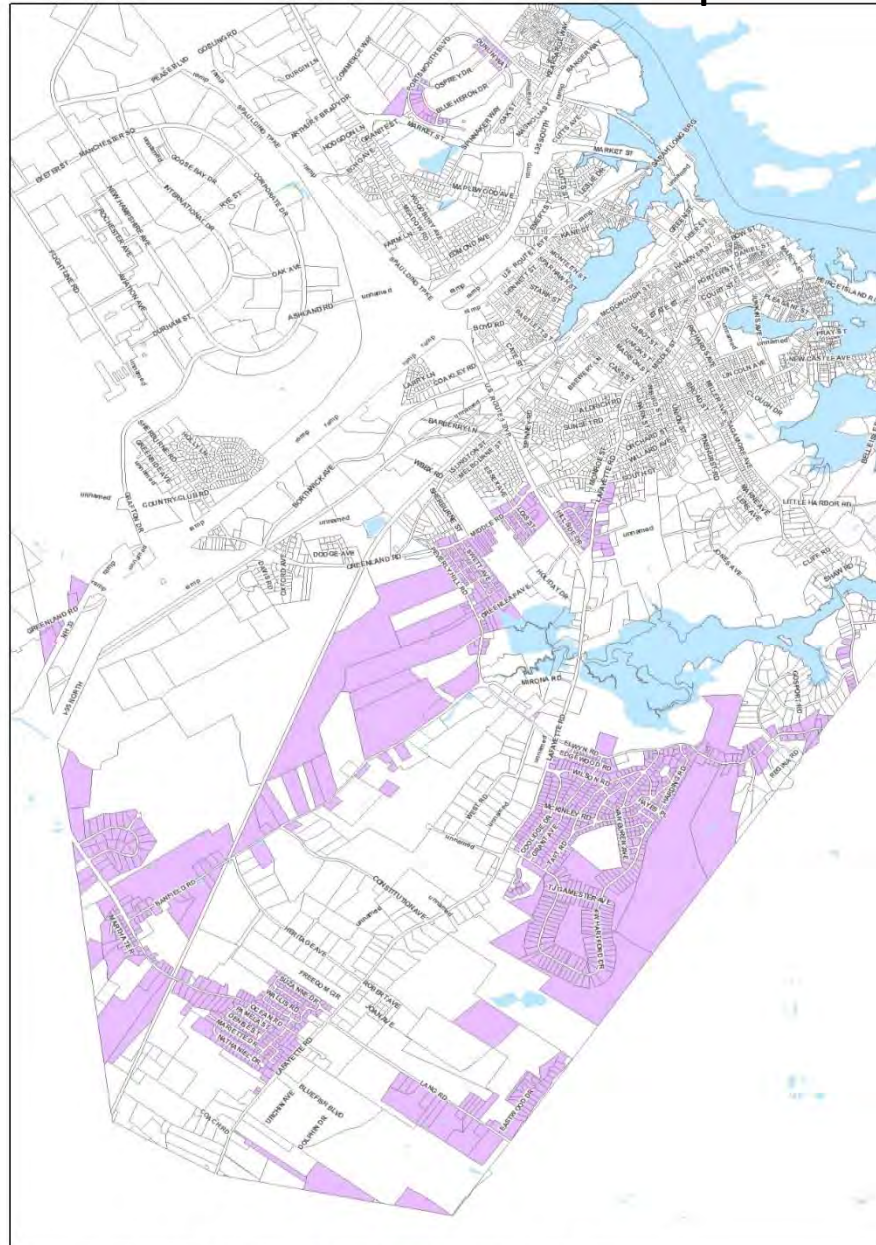
Group I – East of Downtown, South End, Sagamore Creek, Little Harbour

Residential Group II



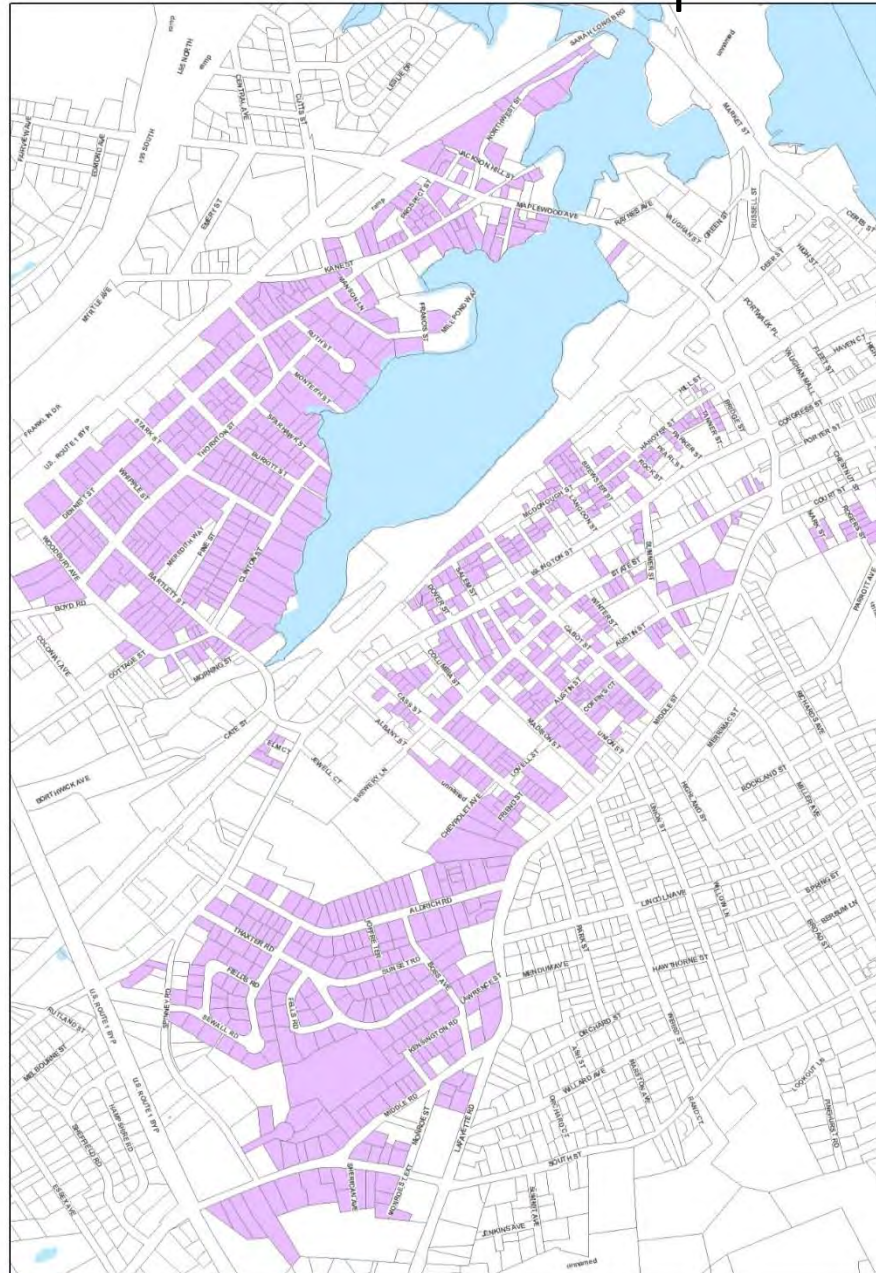
Group II – Portsmouth Traffic Circle North & I-95 Corridor, Route 1 Bypass

Residential Group III



Group III – South Portsmouth Area (Middle Road South)

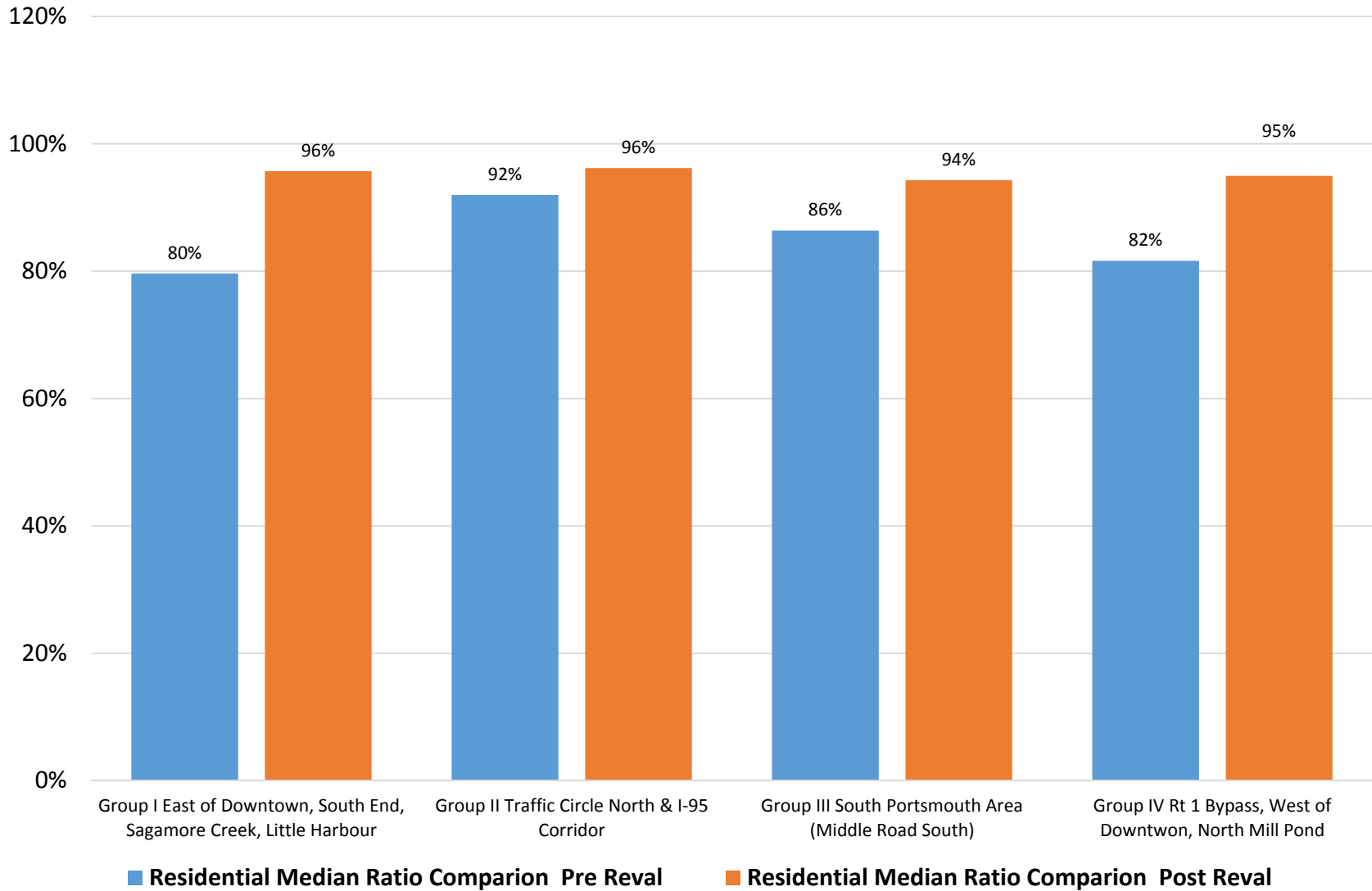
Residential Group IV



Goup IV – West of Downtown, North Mill Pond

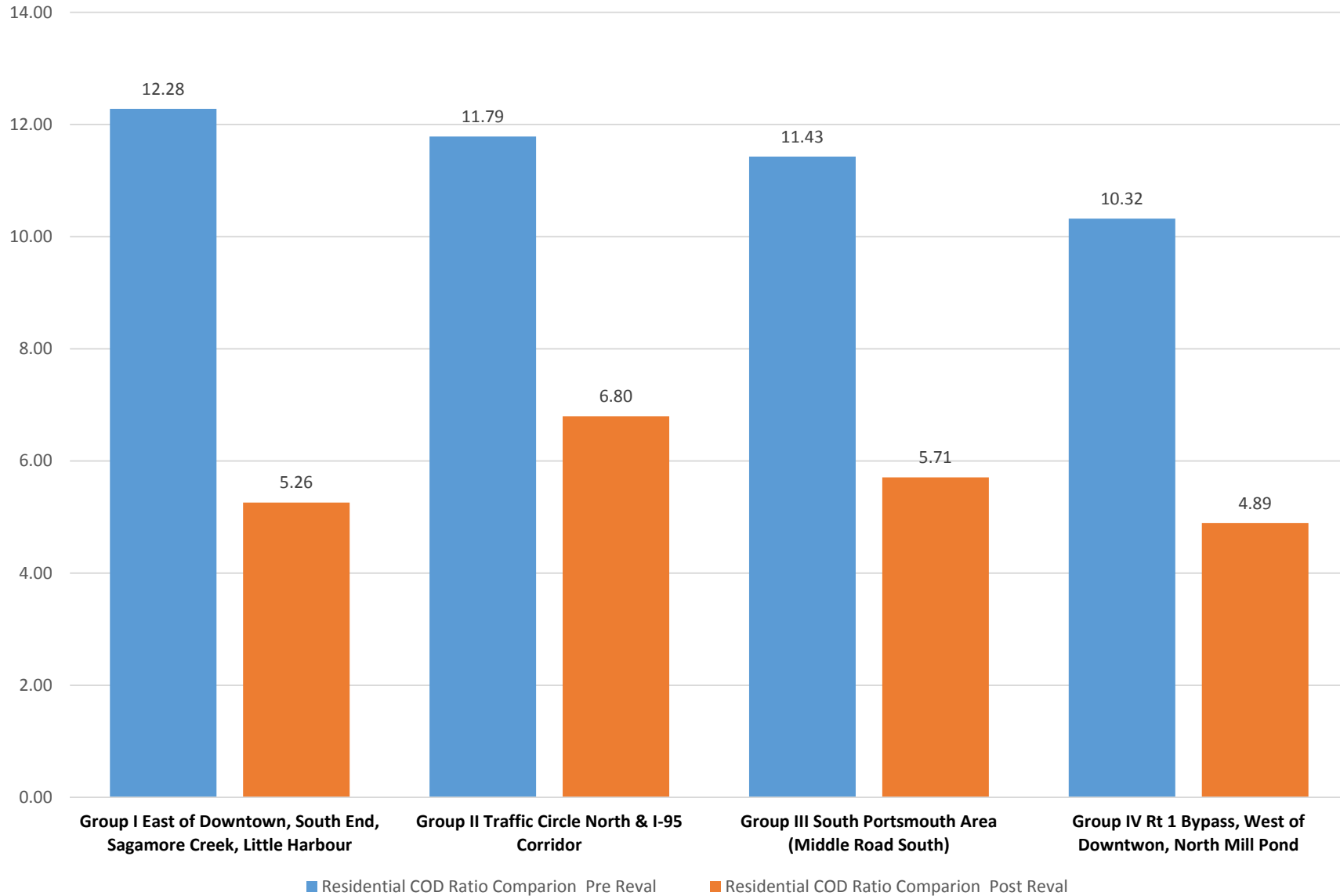
Residential Median Ratio Comparison

Sales from April 1, 2014 thru March 31, 2015



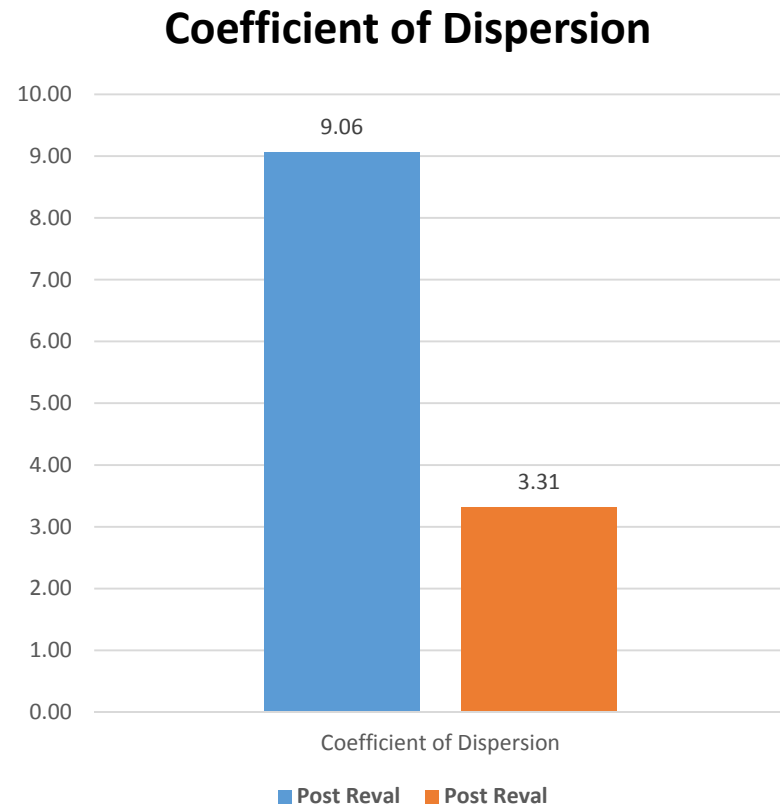
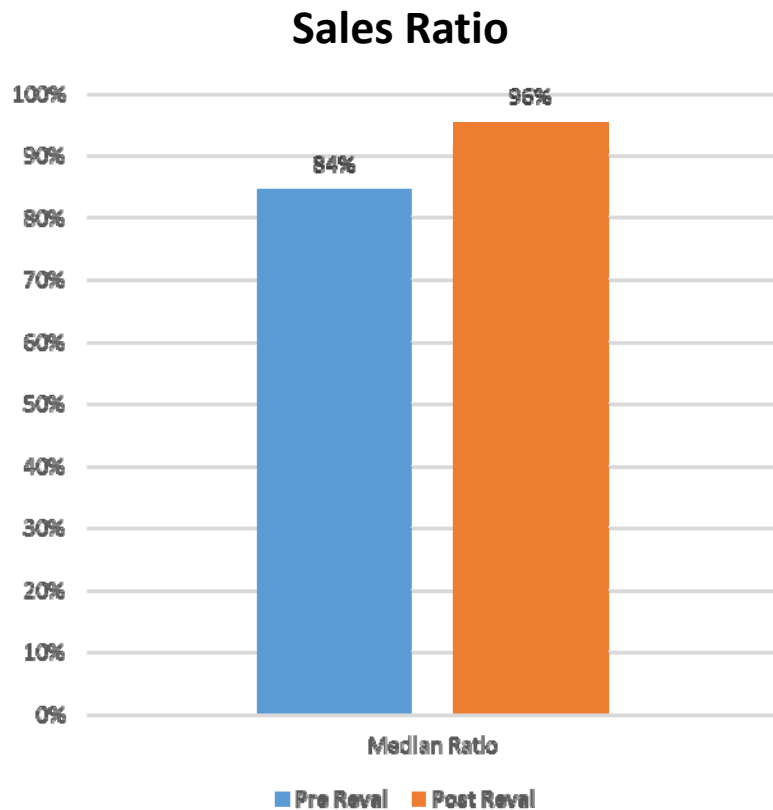
Residential Coefficient of Dispersion Comparison

Sales from April 1, 2014 thru March 31, 2015



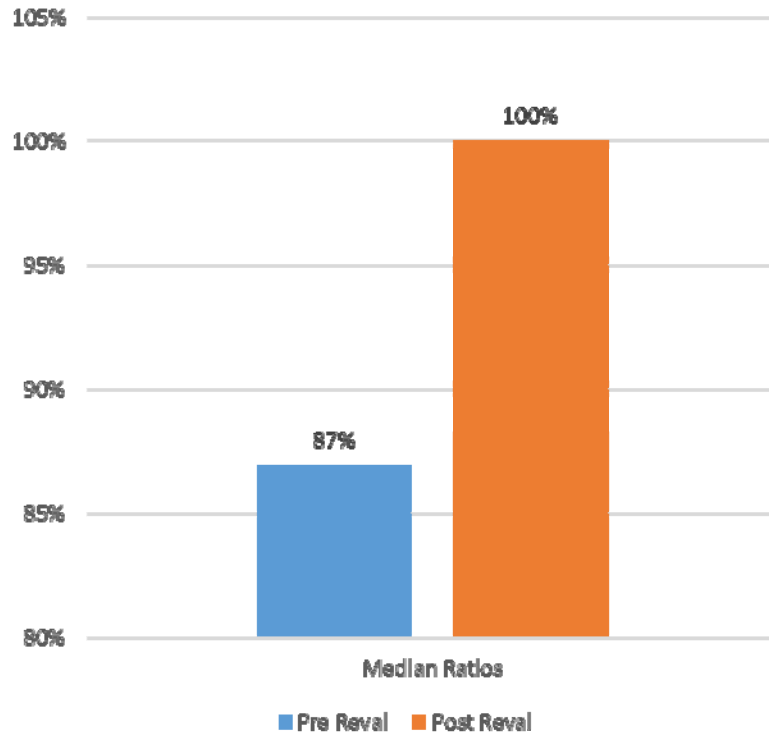
Residential Condominiums Median Ratio and Coefficient of Dispersion Comparison

Sales from April 1, 2014 thru March 31, 2015

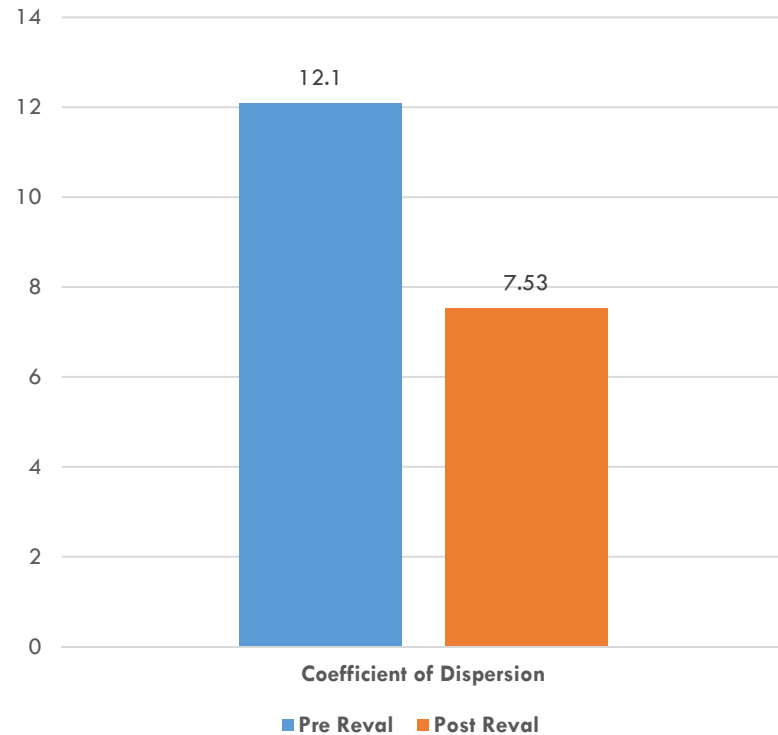


Commercial Median Ratio and Coefficient of Dispersion Comparison Sales from April 1, 2012 thru March 31, 2015

Median Ratio



Coefficient of Dispersion

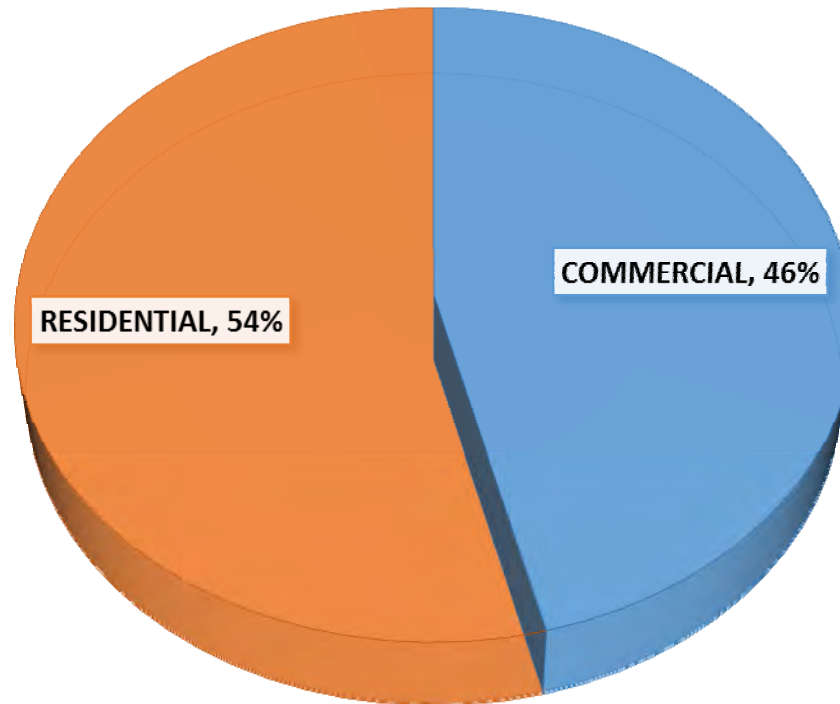




DRAFT

Residential vs. Commercial

% OF TOTAL VALUE





Remaining Timeline

- Data Collection – Complete
- Sales Analysis – Complete
- Preliminary Values – Complete
- Commercial notices of preliminary assessments and hearings August 2015.
- Residential notices of preliminary assessments and hearings August 2015.
- September / October 2015 Finalize values to State – MS-1, Tax Rate Set
- By November 1st, 2015 tax bill sent reflecting new assessments, due December 1st 2015.
- 2016 Department of Revenue Assessment Review – April 2016



Appeal Process

- Abatement Applications due to Assessor's Office by March 1st, 2016.
- Appeal to BTLA or Superior Court by September 1st, 2016.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 20, 2015
(Reconvened from JULY 13, 2015 meeting)

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

I. CALL TO ORDER (7:00 P.M.)

Mayor Lister called the meeting to order at 7:00 p.m.

II. ROLL CALL

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

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Lister requested Tony Coviello from the audience to lead the Pledge of Allegiance.

V. PUBLIC COMMENT SESSION

Councilor Kennedy moved to suspend the rules to open a new public comment session at the reconvened meeting from July 13, 2015, seconded by Councilor Shaheen. Motion voted.

Tony Coviello – spoke regarding the Frank Jones property rezoning stating he is in support of his neighbors who want a connector road as it will affect the quality of life of at least 100 people in the neighborhood. He stated he doesn't want to see this fail because of an inability to find common ground and feels there is confusion with some of the Councilors on whether this is about a connector road or not.

Becky Vardell – stated she has lived at the corner of Thornton and Bartlett Street for 5 years and is affected everyday by the traffic, including trucks, 18 wheelers. She continued that the houses were not built to withstand that type of shaking and rattling all day every day. She stated she has spoken with many of her neighbors and although the issue isn't clear, it is clear that they all want a connector road. She stated this also impacts the New Franklin Elementary School.

Patricia Bagley – stated she agrees with the previous speakers regarding the Frank Jones property rezoning and feels that people are confused because of all of the different zoning issues that have been ongoing. She suggested postponing the vote to allow the City Manager to purchase the 12 acre property and then the City can do what we want with it and not depend on a developer. She stated this is a great opportunity to develop the west end.

Dick Bagley – stated that during the recent Charette a developer said that the property would be divided and that someone in the vicinity of the Ricci property was interested in taking all of the property to address the connector road. He feels that this should wait until the west end Charette report comes back. He stated that the Attorney representing the seller has indicated they are okay with waiting and exploring the possibility of purchase by the City. He continued that a Gateway District is better than Industrial and urged the Council to postpone the vote.

Bernie Pelech – Attorney representing Portsmouth Land Acquisitions stated that the Council has already vote 4-5 to NOT allow the purchase of the property by the City and they would need a 2/3 vote to reconsider. He stated that the Council should vote in favor of rezoning tonight because if it is not voted tonight, then there will be no chance of a connector road as there are 2 interested industrial users ready and waiting. He also clarified that the price of the property will not change regardless of who buys it and stated this has been ongoing for 1 ½ and its time to move forward.

Ralph DiBernardo – spoke against the short-term rental ordinance proposal. He stated that this could get out of control and impact the city negatively in regards to noise, parking problems, enforcement of the ordinance, etc. He stated that there are companies buying homes to be used specifically for this purpose and does not feel that this should be allowed.

Mark Brighton – stated he usually doesn't speak in favor of spending money needlessly but feels that the purchase of the Frank Jones property by the City would be an opportunity to see a dividend on his property tax. He feels that there are a plethora of possibilities for the land, but doesn't feel it needs to be rezoned.

Paul Mannle – stated he would like the Council to postpone 3rd reading on the Frank Jones property rezoning indefinitely and open up the possibility for the City Manager to purchase the property. He stated he cannot find a downside to purchasing the property and feels that it would be good public policy and improve the quality of life for many residents.

VIII. APPROVAL OF GRANTS/DONATIONS

(There were no Items under this Section of the Agenda)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

Mayor Lister requested that the Council consider limiting discussion of first readings of the ordinance and refer to the second reading and public hearings in order to move the agenda along. After some discussion, the Mayor withdrew his request.

- 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”

Councilor Spear moved to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented. Seconded by Councilor Dwyer.

Councilor Kennedy stated that this doesn't talk about people living in the homes, renting rooms renting out the whole house, etc.

Councilor Thorsen stated he was on the Planning Board at the time this was discussed and it was thought to be too restrictive. He stated that the geographical limitations are too strict as well.

Councilor Dwyer stated she agrees and feels that there are too many variables and feels that monitoring and penalties need more clarification.

Discussion ensued regarding the need for additional work on the ordinance language including expanding the geographic area, owner on premises, penalty and enforcement, etc.

City Attorney Sullivan stated that the penalty is regulated by State RSA. City Manager Bohenko stated that New Hampshire is not a Home Rule State so we have to find it in the Statutes.

Assistant Mayor Splaine moved to table first reading to August 3, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

- B. First reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

Councilor Spear moved to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented. Seconded by Councilor Lown. Motion voted.

- C. First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollars and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollars twenty-five cents (\$1.25) per hour and EasyPark Resident Discount

Councilor Spear moved to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented. Seconded by Councilor Dwyer.

Councilor Thorsen stated that it had been previously discussed that raising the price was going to be for the maintenance of the parking garage and asked if that was the case and also will it help pay for the new garage. City Manager Bohenko clarified that this is not to pay for maintenance but is for the Parking Enterprise Fund. He continued that the increase is consistent with parking management recommendations in regards to high occupancy areas.

Motion voted.

- D. First reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End

Councilor Spear moved to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented. Seconded by Assistant Mayor Splaine.

Councilor Kennedy asked if there will be any more public comment on this issue.

City Manager Bohenko stated that this has been through the Charette process and there will be a public hearing scheduled as well.

Discussion ensued regarding the various meetings held with public comment opportunities since May 2015 and that all of the meetings have been taped and are available on you-tube.

Councilor Dwyer stated that she feels that these issues are becoming hard to follow between the North End, Character Based zoning, West End, etc. and feels that a work session would be helpful but not a presentation.

Councilor Kennedy asked when amendments should be offered. City Manager stated that once feedback has been received at the work session, amendments can be made at the second reading and if necessary, the public hearing can be held open to the following meeting.

Discussion ensued regarding the workforce housing definition with Planning Director Taintor clarifying that this is a minor portion of the ordinance and would rather remove it entirely in order to move the process along.

After discussion, mover and seconded agreed to add a work session to be held at 6:00 p.m. prior to the August 3, 2015 City Council meeting as part of the original motion to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting. Motion voted as amended.

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

See August 3, 2015 City Council meeting minutes for action on this item.

- F. Third and final reading of Ordinance amending the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

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

and including Cate Street between Hodgson's Brook and Bartlett Street; and amending the Zoning Ordinance as follows:

- Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

Councilor Spear moved to remove item from the table from the June 15, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

Councilor Spear moved to pass third and final reading of the proposed Ordinance amendment, as presented, seconded by Councilor Shaheen.

Councilor Kennedy asked if we will be guaranteed an access road by passing this ordinance. City Manager Bohenko stated that the Planning Board would require the access road and the developer has indicated they would work with the City. Councilor Kennedy asked if tractor trailers would be allowed on this road. City Manager Bohenko stated yes, it would be built to City specifications and would be an active city street.

Councilor Lown recused himself from the discussion and vote.

Councilor Thorsen stated that this property is valuable to the city for the roadway and although there are other issues, he will support this tonight.

Assistant Mayor Splaine stated that this is a commonality of interest in that there is support for a connector road and how to make that happen. He stated that we should ask the City Manager to talk with the owner and representatives of the property and figure out what is best for all involved and see what can be done in terms of public/private partnership.

Councilor Shaheen stated she is trying to preserve as many options as possible and get the connector road. She then asked for confirmation that if this is voted down and the current zoning remains industrial, there is nothing stopping the owner from selling the property for that use and there would be no guarantee for the connector road. City Manager Bohenko stated that the one caveat would be that the city could take it by eminent domain. Councilor Shaheen asked how long would the process take. City Attorney Sullivan stated it could take several years to resolve. Councilor Shaheen asked if instead of postponing the vote and this doesn't pass, could the Council direct the City Manager to open negotiations with the property owner. City Attorney Sullivan explained that co-mingling of the city buying the property and also rezoning is not good but if the majority of the Council voted in favor of the ordinance another motion could then be made after that vote.

Councilor Dwyer stated that it is crystal clear that the right decision is to pass the 3rd reading and then have the City Manager look at options. She stated she is a fan of having Gateway all the way up Route 1 but feels that people are confused about what gateway zoning.

Councilor Kennedy stated she is concerned that we don't have control over this property and no commitment to build the connector road. She feels that people are looking to have that property used for some type of civic space and would rather see the city buy the property. She stated that she doesn't think truck traffic on the connector is a good idea and that there should be bicycle access as well.

Motion passed on a 7-2 vote. Assistant Mayor Splaine and Council Kennedy voted opposed.

Councilor Shaheen moved to direct the City Manager to open negotiations or explore discussions with the property owner, seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine stated that the goal of this would be for the purpose of creating a connector road.

Councilor Lown returned to the dais as the zoning portion of the vote was concluded. He stated he doesn't see where it would be beneficial for the city to buy the property.

Councilor Kennedy stated she would like to see the options of a Police Station or Transportation Center on the property explored as well.

Councilor Thorsen asked if this should be a reconsideration of the previous vote that failed for the City Manager to negotiate to purchase the property. City Attorney Sullivan explained the procedure and stated that this is the appropriate process at this time.

After much discussion, Deputy Clerk French was asked to read back the motion for clarification which she understood to be "to direct the City Manager to open negotiations with the property owner".

City Manager Bohenko stated he understood the motion to be "The City Manager be directed to negotiate on the purchase of the property as has been discussed this evening".

Councilor Lown asked if it was for the whole property.

Councilor Shaheen restated her motions as follows: **"To direct the City Manager to open negotiations with the property owner in whole or in part". Seconder agreed.**

Motion passed on a 9-0 roll call vote.

X. CONSENT AGENDA

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

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

Planning Director's Stipulations:

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

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

Planning Director's Stipulations:

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

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

Planning Director's Stipulations:

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

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

Planning Director's Stipulations:

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

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

Planning Director's Stipulations:

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

- F. Request for License from Mohammed Enyat, owner of ABC Fine Rugs, Inc. for property located at 50 Daniel Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mohammed Enyat, owner of ABC Fine Rugs, Inc. for a projecting sign located on 50 Daniel Street on an existing bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- G. Request for License from Rossli Chace, owner of Lashbar for property located at 10A Ladd Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rossli Chace, owner of Lashbar for a projecting sign located on 10A Ladd Street on an existing bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- H. Letter from Martha Netsch, Seacoast Rotary International Chair, requesting permission to hold the Polio Plus Memorial Bridge Walk on Saturday, October 24, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- I. Letter from John Linville, Event Coordinator, Federal Employees Metal Trades Council, Portsmouth Naval Shipyard, requesting permission to hold Pedals for Paws charity bicycle ride and adoption event on Saturday, August 22, 2015 (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Bernard W. Pelech regarding Third and Final Reading of Gateway Zoning for the West End

Councilor Spear moved to accept and place on file along with a previously submitted letter. Seconded by Councilor Shaheen and voted.

- B. Letter from David Whitham regarding Zoning Ordinance Changes pertinent to Short Term Vacation Rentals

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Shaheen and voted.

- C. Letter from Abby and Jeffrey Cooper regarding Short Term Vacation Rentals – Home Occupation Permit

Councilor Shaheen moved to accept and place on file. Seconded by Councilor Kennedy and voted.

- D. Letter from Jim Merrill, The Bernstein Shur Group regarding Proposed Uber Edits to Draft Transportation Services Ordinance

Councilor Kennedy moved to accept and place on file, seconded by Councilor Shaheen.

Councilor Lown stated there are a number of sensible suggestions and would like the Council to address them at some point.

Councilor Shaheen stated that this was discussed when the ordinance was adopted on August 3rd and it was agreed that they would live with the new ordinance for 4-6 months and revisit at that time.

Assistant Mayor Splaine moved to amend to refer to the Taxi Commission, seconded by Councilor Shaheen. Motion voted as amended.

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

Councilor Shaheen moved to refer to the Taxi Commission. Seconded by Councilor Kennedy and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Replacement of Municipal Alarm System

Chief Achilles spoke regarding the replacement of the Municipal Alarm System stating the department is moving forward with the replacement of the Master Box system in our municipal buildings with a commercial radio transceiver system. This project has been identified in the FY15 CIP and is a result of our need to comply with recent changes to *NFPA 101 - Life Safety Code* or *NFPA 72 - National Fire Alarm Code* (requirement that the system monitor not only alarms, but trouble and supervisory signals). He continued that the fire department is looking at transitioning the entire municipal alarm system from city-owned master and street boxes to private, central station alarm monitoring services over the next couple years and are currently directing new occupancies to this approach. He concluded that City Ordinance, Chapter V, Section 5.503 requires approval of the City Council for permanent removal of fire alarm boxes.

Councilor Kennedy asked if people pull the alarms when needed and what will the new system be like. Chief Achilles stated there will be no noticeable difference as street boxes were important before cell phones, but now they are most usually pulled as a prank. He further explained the dispatch process.

Councilor Kennedy asked if there will be an additional cost. Chief Achilles stated there will be nothing to residents but new occupancies will be directed to the new system and will be through 3rd parties.

Mayor Lister asked if there will be any training for people in the community and also, how will the hearing impaired be notified. Chief Achilles stated it will be the same stating that municipal buildings will be replaced first then non-city buildings through a third party, and all transitions should be completed by 2017.

Councilor Spear moved to approve the request for the permanent removal of the municipal fire alarm boxes. Seconded by Councilor Dwyer and voted.

2. Report Back Re: Land Donation (Map 296, Lot 2)

Councilor Spear moved to accept the donation of the 6.6 acre parcel (Map 296, Lot 2) as recommended by the Planning Board and Conservation Commission, and further, authorize the City Manager to execute all necessary documents. Seconded by Councilor Shaheen and voted.

3. Request for First Reading for Bonding Resolutions:

- Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements
- Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21)
- Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21)
- Resolution for Borrowing Authorization of up to Four Million One Hundred

Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements

- Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades

Councilor Spear moved to bring back for first reading the various aforementioned proposed CIP projects to be bonded, as presented, for the August 3, 2015 City Council Meeting. Seconded by Councilor Shaheen and voted.

Councilor Kennedy asked why the city does bonding resolutions in the summer when people are on vacation. City Manager Bohenko explained that because the budget is adopted in June and then we need authorization by the Council in order to go out to bid. He stated that if we waited until fall, which we can do, then it pushes projects back that much further.

At the request of Councilor Dwyer, City Manager Bohenko read the resolutions aloud for the listening public.

4. Request to Dispose of Surplus Equipment and Vehicles

Councilor Lown moved to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process. Seconded by Councilor Spear.

Councilor Kennedy stated that we are retiring 2011 vehicles and asked what the life expectancy is when we purchase vehicles. City Manager Bohenko explained that we are on a 3 year cycle with police vehicles because they run 24/7 and it is not necessarily the mileage but the wear and tear.

Motion passed 8-1, Councilor Kennedy voted opposed.

City Manager Bohenko stated that we are converting to different vehicles so there will be different longevity expectations in the future.

5. Request for Acceptances of Sidewalk Easement Re: 233 Vaughan Street, LLC

Councilor Spear moved to authorize the City Manager to accept a required sidewalk easement from 233 Vaughan Street, LLC. Seconded by Councilor Dwyer and voted.

6. Report Back Re: St. Nicholas Greek Orthodox Church Back Lot (Map 229, Lot 6-A)

Councilor Spear moved to accept the Planning Board's recommendation:

- A) The City Council accept Ledgewood Drive up to the cul-de-sac as a City Street.***
- B) The City Council defer action on the requested easement until a specific site plan has been prepared for submission to the Planning Board.***

Councilor Dwyer asked if the name should be reconsidered because of E911 concerns with names of streets that sound the same i.e., Ledgewood, Edgewood, Wedgewood.

Motion passed.

Informational items

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

Councilor Kennedy asked City Attorney Sullivan to discuss the Report Back regarding the Roberts Investigatory Panel Report.

City Attorney Sullivan stated that the City Council requested him to determine the legal options, rights, remedies and obligations that the City Council has concerning the finding of the Roberts Report with the focus of the inquiry being the division of responsibility between the City Council and the Police Commission. He continued that the City Charter provides that the policymaking body for the Police Department in the City of Portsmouth shall be a Police Commission and moreover that the Commission shall assume all administrative responsibilities which would otherwise be vested in the City Manager. He stated that the primary area in which the City Council would have the power to determine such cooperation would be in the area of the budget, which is a function of the government that the City Charter allocates primarily to the City Manager and City Council. Finally, he stated that the report also comments that the citizens of Portsmouth may want to consider whether the Police Commission continues to be the appropriate governing entity or whether a Charter amendment should be considered to eliminate the Police Commission. He stated that the Council has already taken action on bringing forward potential Charter changes for the upcoming municipal election.

Councilor Kennedy stated that some of the speakers at public comment have indicated the Council could vote out members of the Police Commission and asked for clarification. City Attorney Sullivan stated that is the case but there would need to be an articulable cause or be able to show that action failed to be taken. He stated these are elected officials so there would need to be a significant reason and not just dissatisfaction of performance.

Assistant Mayor Splaine stated he is satisfied with the report as it addressed what he requested. He stated there are a number of dynamics playing out and this can be revisited as needed but feels it is wise to see what happens in the next 30 days and the upcoming election.

Councilor Shaheen stated that the memo clearly summarizes what can be done but wonders if there is a way to request the Commission have more transparency. City Attorney Sullivan stated we can always request, but the Police Commission is its own authority, although when the Council speaks, they usually do take notice.

Councilor Morgan stated that the committee wasn't clear on some of the recommendations and wonders if there is a conflict between the contract and the provisions of our ordinances and would there be a conflict if the Police Commission and Council were to review any steps taken so far and what the game plan is going forward.

City Attorney Sullivan stated there is no conflict and feels it is important for them to work together as there is a very wide discontent in the City so this is a good time to do it.

Mayor Lister stated that Police Commissioner Golumb has reached out to him to meet with the Council in the near future.

Councilor Dwyer stated that the Commission has been making budgetary decisions to spend money and assumes that this money has already been approved by the Council. City Manager Bohenko stated yes. Councilor Dwyer continued that the flaw is in our Charter that the Council has the power to remove a Commission but not to appoint a replacement, so that would leave a vacancy. Finally, she stated that in the spirit of transparency, she doesn't see anything that prevents a liaison being appointed to attend Commission meetings.

B. MAYOR LISTER

1. Appointments to be Considered:
 - Marie Kelleher to the Citywide Neighborhood Blue Ribbon Committee
 - Richard Shea reappointment as an Alternate to the Historic District Commission
 - Sylvia Olson to the Peirce Island Committee
 - William Townsend to the Peirce Island Committee

The aforementioned appointments were considered and will be voted at the August 3, 2015 City Council meeting.

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

Councilor Spear moved to approve the appointments of Vincent Lombardi as regular member to the Historic District Commission to June 1, 2018 and John Mayer as alternate to the Historic District Commission to June 1, 2016 (filling unexpired term of Vincent Lombardi). Seconded by Councilor Dwyer and voted.

C. COUNCILOR SHAHEEN

1. Update on Prescott Park Arts Festival

Councilor Shaheen gave a brief update of the Prescott Park Arts Festival working group which was formed in response to various issues and concerns raised by the neighborhood residents. She stated that a new operations manager has been appointed and has been responsive to issues very quickly. Some of the issues being addressed include: gate protocol for donation collections; stage relocation; changing the length of the "season"; addressing rain delays; Monday Movies ending when the school year begins; food safety; shortening intermissions, sound system issues including hiring an engineer, pointing the speakers in a different direction; parking and traffic mitigation; etc. She stated that there will be a sound test being conducted in the near future. She concluded stating that they are working towards a long-term agreement.

Mayor Lister stated he appreciates the input of Councilors Shaheen and Dwyer on the committee and stated they will also be meeting with the Fossey Group and Strawberry Banke.

Councilor Shaheen stated she want to ensure people that they are trying to solve a problem and not shut down the Arts Festival activities and asked that people not pit neighbors against neighbors.

Councilor Kennedy related an issue that had happened recently with a rain delay of a concert and it had been stopped around 8:30 and then restarted at 10:15. She stated she has

concerns with the safety of the people who were waiting and if there is any liability issue with that. She also would like to know if there are any ramifications of running past 11:00 p.m. She explained the history of the Arts Festival stating that it started out as weekend only and has grown considerably to the point where neighbors can't make plans to have people over to their own homes because of the noise and lack of parking.

Councilor Morgan asked who the city staff point of contact for the operations manager is. City Manager Bohenko stated that Dave Allen and the Health Inspector usually, but he can also call her anytime.

Councilor Kennedy asked that confidentiality be ensured for any neighbors who contact officials regarding this issue.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 11, 2015 meeting

Councilor Lown moved to approve and accept the minutes of the June 11, 2015 Parking & Traffic Safety Committee meeting, seconded by Councilor Spear.

Councilor Lown stated that there was a vote to send to the Council the request to fund a study of 2-way traffic downtown for \$50,000 in an upcoming CIP.

Councilor Dwyer asked about the recent Water Country traffic issues on Route 1/Lafayette Road. Councilor Lown explained that there have been issues with people using Heritage Avenue to cut through to Banfield Road towards Ocean Road and there has been a request to direct the traffic to Pevery Hill Road to pick up the highway.

Councilor Morgan asked about crosswalk requests and the criteria for approving or disapproving. Councilor Lown explained that the PTS Committee deals with these requests all of the time and there are various circumstances and criteria that have to be met to install a crosswalk. He further explained that it is not illegal to cross at intersections without a crosswalk. He continued to explain why recent requests have been denied, including on Islington Street near White Heron Tea which will be reconsidered during the upcoming reconstruction. Another area that was not approved at this time was on Pleasant Street near Sanders Fish Market and they are also awaiting the redesign of that intersection.

Councilor Kennedy asked if there were going to be bump outs because they are not good for the boat trailers that utilize the area. Councilor Lown stated there will be no bump outs.

Motion passed on an 8-1 vote, Councilor Kennedy voted opposed.

E. COUNCILOR MORGAN & ASSISTANT MAYOR SPLAINE

1. Civility Resolution

Councilor Morgan moved to adopt the Civility Resolution, as presented below, seconded by Assistant Mayor Splaine.

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

This principle should apply during the campaign which precedes our election, because relationships which are established during the campaign carry over into the operation of the government after the election. While serving in office, we realize that we should act in a manner which is respectful of other City Councilors, the staff, and the public in as much as possible.

We know that sometimes passion may prevail since indeed the process of governing often leads to disagreement, but we know that we must, individually and collectively, seek to reach the high standards of civility, integrity, and respect toward one another.

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

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

Councilor Morgan stated that she brought this forward to reaffirm a resolution adopted by the City Council in 2013 and feels it sets the right tone and sends the right message.

Assistant Mayor Splaine thanked Councilor Morgan for bringing this forward.

Councilor Spear stated his is against this motion because it may have unintended consequences. He stated he may pressure the Mayor to allow people to speak longer than they should and as Mayor he needs to be able to keep people on topic and the meeting moving forward. He stated that if it isn't broke, don't fix it.

Councilor Lown stated he is in favor of civility and respect but he has never seen any incivility in the 3 campaigns that he has run.

Councilor Thorsen agrees with Councilor Lown stating that everyone tries to be as civil as possible, but feels that sometimes there are pot shots. He stated it doesn't need to be written out and that this is a free speech issue.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister stated he appreciates the work that went into bringing this forward but he doesn't agree. He stated if you sit on the Council, disagreement is part of the process and you have to have a thick skin. He continued that he would like to have people speak to him

privately if they feel he was disrespectful as he would do. He concluded that candidates have to sign a pledge to be respectful during the campaign.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Motion passed on a 7-2 vote, Councilor Spear and Mayor Lister voted opposed.

F. COUNCILOR THORSEN

1. Memo to the City Council Re: Parking Programs

Councilor Thorsen reviewed his memorandum and addendum regarding his recommendations for parking programs. Some of the discussion points include fee structure changes; impact on residents; Neighborhood Parking; Workforce Parking, etc. He continued that he is also requesting action by the Parking and Traffic Safety Committee, Fee Study Committee and Citywide Neighborhood Committee as well as the City Council.

Councilor Dwyer stated there are a lot of small moving parts and it is a matter of keeping the whole picture in mind. She continued that 4 years ago there was a set of principals brought forward and would like to see what has been implemented from that report as a first step.

Councilor Spear asked about the report back that is due to come back regarding parking. City Manager Bohenko clarified that report is more about the operations of the Parking organization and not data. Councilor Spear recommended a future work session.

Councilor Lown stated that this memorandum is very thorough and agrees that the Parking and Traffic Safety Committee should be involved, but their feeling is that they should wait until the new parking garage is built as it will change the landscape of the whole area.

Councilor Morgan understands Councilor Lown's point but feels that we should not wait because it is only a portion of the issue and does not affect all neighborhoods.

Councilor Shaheen stated that time sensitive issues could be worked on by the Parking and Traffic Safety Committee and then work on other issues after the garage is built.

Discussion ensued with the consensus of the Council to have the Parking and Traffic Safety Committee review the memorandum and that a future joint work session be held.

2. Memo to the City Council Re: Electronic Communications

Councilor Thorsen reviewed his memorandum regarding Electronic Communications stating he recommends that the City Council discuss or hold a work session to discuss the impact of changing electronic communication technology and social media on city policy and City Council rules. Specifically, what types and manners of public meeting communication are allowed by state and city regulations, and what restrictions on City Councilors' communications might be appropriate. He gave various scenarios as outlined in the memorandum.

City Attorney Sullivan stated he agrees with this concern as State law is clear that the business of the public is supposed to be public so if too much is done electronically and is not in the public view, it could be in violation.

Discussion ensued with the consensus of the Council to have a report back from the City Attorney with a possible future work session to include the Legislative Delegation, City Council and City Boards and Commissions.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

Councilor Thorsen moved to adjourn at 10:20 p.m., seconded by Councilor Lown and voted unanimously.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'V. French', written in a cursive style.

Valerie A. French,
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 3, 2015

PORTSMOUTH, NH
TIME: 6:00PM

At 6:00 p.m., a Work Session was held regarding North End Character-Based Zoning.

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, Dwyer, Morgan, Spear (8:20 a.m.) and Thorsen

Absent: Councilor Lown

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

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

Councilor Shaheen moved to approve and accept the minutes of the June 29, 2015 and July 13, 2015 City Council meetings. Seconded by Councilor Kennedy and voted.

MAYOR'S AWARD

1. Reverend Dawn Shippee

Mayor Lister presented Reverend Dawn Shippee with a Mayor's Award in recognition of her service to the City as the Reverend of the North Church and to wish her the best in her retirement. Reverend Shippee extended her thanks and appreciation for the Mayor's Award and the kind words that have been said to her over the last few weeks. She said the people of this City seek to be friends to one another.

PRESENTATION

1. Wastewater Treatment Facility Cost Saving Options

City Engineer Terry Desmarais and Mark Laquidara, AECOM Representative provided a presentation to the City Council regarding the Wastewater Treatment Facility Cost Saving Options.

Dr. Laquidara reviewed his resume with the City Council outlining his many achievements. He advised the Council that ACECOM is a global firm specializing in Wastewater and Water Treatment. He said they are ranked #1 in Engineering Design Firm in the World 2009-current. Dr. Laquidara indicated that they focus on Innovative//Alternative Nutrient Removal Systems. He reported that the BAF technology is the right process for the City and considered new and innovative as well as 21st century technology which has a proven operational track record.

City Engineer Desmarais reviewed overall project costs and upgrade cost saving recommendations. He spoke to upgrade cost components with a total cost of \$79.8 million, capital replacement costs are \$25.3 million and other upgrade items at \$54.5 million.

Recommended Cost Reduction Items

<i>Item</i>	<i>Estimated Cost Reduction (\$Million)</i>
Close Island (at Four Tree Island) During Construction	(\$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)

City Engineer Desmarais spoke on the impact from normal wear and tear and other construction project needs to be considered for the roadways. He reported that the potential paving cost range from \$0.75M to \$0.95M. He reviewed the Peirce Island Road Bridge and said that the potential replacement cost range is \$5M to \$7M and could be eligible for NHDOT Municipal Bridge Aid Program with 80% Grant Funding.

Deputy City Attorney Woodland spoke to a letter received by the EPA stating that the draft permit will include a monthly average total nitrogen limit of 8 mg/l for the Peirce Island Wastewater Treatment Facility. She stated that the EPA feels some level of nitrogen removal is necessary. She indicated that AECOM has been designing the plant on a seasonal rolling average and we do not yet know what it would mean for a monthly average and staff is concerned it may need a larger plant. Deputy City Attorney Woodland said we are at 90% design of the plant by the end of the month.

Councilor Kennedy asked where the BAF is currently being used. Dr. Laquidara reported in several locations in Connecticut, New York, and Maryland, but he would provide a complete list in the United States where the BAF technology is being used.

City Manager Bohenko said we had reviewed different technology but we are staying in the fence line for the reason to preserve the island and the reason for choosing BAF and AECOM wanted us to go to a larger more traditional plant to stay in the fence line was a decision of the City Council in the beginning.

City Manager Bohenko said he would hold off on any changes because we may need to go outside the fence line. Councilor Kennedy said it is not ok to go outside the fence line. City Manager Bohenko said that we would push hard for the seasonal rolling average. He said he would not ask for any votes this evening.

Councilor Shaheen said the community made the commitment to go from 8mg/l to 3mg/l. Engineer Desmarais said the lower it goes the harder it is to meet.

Don Shulton of AECOM spoke to the components of the BAF technology. He said it can get down to 3 mg/l but there are some issues with nitrogen and the BAF. He said however, we did not pilot test the plant at those limits during the testing process. He also stated that the limit of technology is at 3 mg/l.

Councilor Dwyer said the difference from 8mg/l and 3mg/l is a difference of operational costs not construction costs.

Mr. Shulton reported that there is no capital investment needed.

Councilor Dwyer does not feel we will get to the point for certainty. She said we need to move ahead with what we know currently.

Councilor Kennedy spoke in opposition to closing Peirce Island. She would like to know why we are going from 25 ft to 33 ft and what the benefits are. City Manager Bohenko said we would save \$2.2 million in costs.

Mayor Lister reminded the Council that we would not take a vote on this matter this evening.

VI. PUBLIC COMMENT SESSION

Mayor Lister said due to the number of speakers, each person would be allowed 2 minutes to speak.

Steve Little said the City needs to allow AIRBNB throughout the entire City. He stated that there are currently 461 operating in the City and only 3 properties have received cease and desist orders. He inquired if the Legal Department has issued orders to those property owners that spoke at the last Council meeting regarding their operation of AIRBNB's.

Roy Helsel asked how many business owners live in the City of Portsmouth. He also asked who will pay the costs associated with the HHPG which is currently deteriorating.

Joanne Pipkin spoke in favor of UBER operating in the City. She said technology is driving this industry and that this is about choice of what consumers would like to use.

Anthony DiLorenzo feels that the Character-Based Zoning is restrictive and does not feel it is economic to build a 2 ½ to 3 story structure. He presented the City Council with a petition containing 83 signatures requesting the Council support six-big ideas that came out of the Northern Tier public charrette earlier this year.

John Palreiro said he supports ride sharing as long as everyone follows the regulations. He said federal laws are being broken every time UBER crosses from NH into ME because of the lack of insurance.

Merle White said he was not given an opportunity to express his opinions at the last Taxi Commission meeting because they were unable to meet due to a lack of quorum. He spoke to the State of California fining UBER \$7.3 million for failure to comply with ADA regulations. He stated that there are 25 UBER cars in the City currently and they are soliciting rides, which is a violation.

Susan Frandtz said she has emailed the City Council and City Attorney Sullivan regarding the wastewater treatment facility. She spoke to a recent ruling by the Supreme Court in Michigan regarding the EPA and wastewater treatment facilities.

Allen Norelli asked about the severance package that Corey MacDonald received from the Police Department. He was told by Commissioner Golumb the reason why Corey did not finish his time out was that the Commission felt it was better to start the process early to conduct the search for a new Deputy Police Chief. He said that Corey was not eligible for a severance payout.

Michele Duval spoke in support AIRBNB and said people in her neighborhood appreciate the operation she has. She stated that the proposed ordinance is an over reaction and home sharing is the future.

Arthur Clough said that Corey MacDonald was not eligible for a severance package. He asked if there was a written agreement for the package and said it should be made public.

Jeffrey Cooper spoke in support of AIRBNB and feels that regulations stifle local free enterprise. He said that AIRBNB allow people to visit communities they may not have been able to afford the cost of hotels.

Michael Landgarden spoke in favor of North End Zoning and design options. He said he does not want to see high end condominiums. He supports work force housing and contemporary design buildings.

Elise Haughbacker spoke in support of AIRBNB and home sharing. She said home sharing contributes to the local economy and allows people a different kind of experience.

George Dempsey spoke to Detective Kristyn Bernier saving the life of a local woman who turned out to have a very serious illness.

Jane Zill spoke regarding the severance package provided to Corey MacDonald and that it is an ethics problem. She said this is terrible for the rank and file officers and has impacted moral in the department. Ms. Zill said an investigation should be done on this matter.

John Murtha spoke in support of allowing taller buildings in the downtown and that height provides texture to the sky line.

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

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

Colby Gamester said in 1997 the meter separation came into effect. He said he has a multi-family home and feels the existing ordinance should remain preserved and expanded for others. He said other communities allow all property owners to separate the meters.

Carl Diemer spoke opposed to the Ordinance and said he is an irrigation user and is opposed to a sewer charge. He said it is hard to charge a taxpayer for something they could use or utilize.

Richard Gamester asked the City Council how the home owners will be notified of this change. He finds the irrigation meters to be useful and asked the City Council to vote against the ordinance.

No further speakers, Mayor Lister declared the public hearing closed.

- 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 CENTS (\$1.25) PER HOUR AND EASYPARK RESIDENT DISCOUNT

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

Paul Mandle spoke in favor of raising the meter rates for downtown. He would like the City to change many of the streets to diagonal parking and that change could increase fees by \$400,000.00, which could be ear marked for repairs to the High Hanover Parking Garage.

No further speakers, Mayor Lister declared the public hearing closed.

- 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

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

Andy Livingston spoke to the height restrictions and said he is happy with work force housing. He indicated he does not see how it is economically viable to build only a 2-3 story structure in the North End.

? 52 Riverview Road spoke to heights of buildings in the City and feels there was support for tall buildings in the City. He feels the ordinance in its current state should be denied or amended.

Dixie Tarbell said the North End would allow more middle class and keep them here in the City. She feels that height is important and buildings should be higher.

Rick Becksted spoke to the water front step down and said he is opposed to higher structures. He said it is bars and restaurants that are profitable in the City. He spoke to there being no parking requirements for restaurants, which creates a real problem.

Steve Marchand said there are many things to like about the ordinance and we need to take some things with communal benefit.

Jerry Zelin thanked the Planning Department for their work on this ordinance. He said that this is an excellent product and endorses its adoption.

Zach Gray spoke on the height and feels you can't have it both ways. He said it is about options and that we are going to end up with more restaurants and high priced condominiums.

Peter Weeks said he attended the charrettes on the North End and hopes the City Council understands that this use would be an industrial area of the City and should not be treated like the downtown. He asked the City Council to oppose passing second reading this evening.

Rick Becksted said he has nothing against restaurants and bars he just feels there are too many in the City. He said these establishments are not paying for themselves, the money all goes to the State for room and meals tax.

Anthony DiLorenzo spoke to the need for density in the North End. He said he would need to build luxury condominiums if something is not changed in the ordinance for height.

Paul Mandle said during the charrettes there were very little people concerned with the height requirements for the ordinance. He said he supports contemporary as long as it has the chance to be historic. He spoke in support of the step down approach for the North End.

No further speakers, Mayor Lister closed the public hearing.

Mayor Lister called for a brief recess at 10:00 p.m.

Assistant Mayor Splaine moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. with adjournment to take place at 11:00 p.m. Seconded by Councilor Morgan and voted.

Mayor Lister called the meeting back to order at 10:10 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Liberty Mutual Insurance - \$2,000.00

Councilor Kennedy moved 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. Seconded by Councilor Shaheen and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- 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

Councilor Kennedy moved 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 \$6,100,000.00 at the August 17, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

- 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)

Councilor Splaine moved 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 \$600,000.00 at the August 17, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

- 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)

Councilor Shaheen moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 School Facilities Improvements (Pages 50-51 of CIP FY 16-21) in the amount of up to \$500,000.00 at the August 17, 2015 City Council meeting. Seconded by Councilor Kennedy and voted.

- 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

Councilor Kennedy moved 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 \$4,100,000.00 at the August 17, 2015 City Council meeting. Seconded by Councilor Morgan and voted.

- F. First reading of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades

Councilor Dwyer moved 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 \$4,000,000.00 at the August 17, 2015 City Council meeting. Seconded by Councilor Spear and voted.

- 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

Councilor Spear moved to pass second reading and schedule a third and final reading at the August 17, 2015 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Spear moved to amend the ordinance that it would take effect on January 1, 2016. Seconded by Assistant Mayor Splaine and voted.

Councilor Dwyer spoke about sustainability and asked if we explored separate meters for residents and businesses to increase the fees. Deputy Public Works Director Goetz said we could have a category called irrigation but sewer rates would be impacted.

City Manager Bohenko said we can't co-mingle the revenues for water in with the sewer rates.

City Manager Bohenko said if this ordinance was voted down customers would see a 15% increase for commercial properties.

Councilor Spear moved to amend the main motion to pass second reading and schedule third and final reading for the October 5, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

On a roll call 6-2, voted to pass second reading and schedule a third and final reading for the October 5, 2015 City Council meeting, as amended. Councilor Shaheen, Kennedy, Dwyer, Morgan, Spear and Mayor Lister in favor. Assistant Mayor Splaine and Councilor Thorsen voted opposed.

- 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

Councilor Kennedy moved to pass second reading and schedule third and final reading of the proposed Ordinance for the August 17, 2015 City Council meeting, as presented. Seconded by Councilor Spear.

On a roll call 6-2, voted to pass second reading and schedule third and final reading of the proposed Ordinance for the August 17, 2015 City Council meeting, as presented. Councilors Shaheen, Kennedy, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine and Councilor Morgan voted opposed.

- 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

Councilor Kennedy moved 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 at 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 third and final reading of the proposed Ordinance at the August 17, 2015, City Council meeting. Seconded by Councilor Spear.

Councilor Spear said he would like to increase the height in the subject area. He would like to have varied sky line.

Assistant Mayor Splaine said we could pass this ordinance this evening and revisit it at a later time. He said we need to get information on the ordinance and receive input from developers and the people that participated in the charrettes.

Councilor Shaheen asked to postpone due to people being away on vacation.

Councilor Kennedy said she disagrees and is not in favor of everything in the zoning ordinance.

Motion passed with Councilor Shaheen opposed.

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

Councilor Spear moved to pass third and final reading of the proposed Ordinance, as amended. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said he is concern with a different implementation. He would like the ordinance to become effective in 45 days.

City Attorney Sullivan agreed with Assistant Mayor Splaine on the effective date.

Assistant Mayor Splaine moved to suspend the rules in order to amend the ordinance. Seconded by Councilor Spear and voted.

Assistant Mayor Splaine moved to make the ordinance effective 45 days after adoption. Seconded by Councilor Shaheen and voted.

On a roll call 7-1, voted to pass third and final reading of the proposed Ordinance, as amended. Councilor Kennedy voted opposed.

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)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Brian Buchner, NACOLE, regarding Civilian Oversight of Law Enforcement

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

- 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

Assistant Mayor Splaine moved to refer the correspondence to City Attorney Sullivan and Police Commission for report back. Seconded by Councilor Kennedy.

Councilor Kennedy said she wants the report back on the severance package with the inclusion of documents.

Motion passed.

- 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

Councilor Spear moved to refer to the Planning Board for report back to the City Council. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said she is concern with changing water front properties.

Motion passed. Councilor Kennedy voted opposed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request from the School Board for Approval of the Tentative Agreement between the Portsmouth School Board and School Clericals

Mayor Lister advised the City Council that he would be abstaining from voting on this matter as his wife is part of this union.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Councilor Shaheen moved to approve the tentative three-year agreement between the Portsmouth School Board and the School Clericals to expire on June 30, 2018. Seconded by Councilor Dwyer and voted. Mayor Lister abstained.

2. Acceptance of Reclassification of US Route 1/Lafayette Road

Councilor Spear moved 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. Seconded by Councilor Shaheen and voted.

3. Prescott Part Arts Festival Re: Proposed Relocation of Stage

Councilor Spear moved to discuss the relocation of the Prescott Park Arts Festival Stage in a Work Session at the August 17, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

4. Request for Ratification of Gundalow Company Agreement

Councilor Kennedy moved to ratify the License Agreement between the Trustees of Trust Funds and the Gundalow Company. Seconded by Councilor Dwyer and voted.

B. MAYOR LISTER

4. Resignation of Gerald Howe, Police Commissioner

Councilor Spear moved to accept with regret and to send a letter of thanks to Jerry for his years of service to the Police Commission. Seconded by Assistant Mayor Splaine and voted.

City Manager Bohenko said the remainder of the agenda will be voted on at the August 17, 2015 City Council meeting.

XIII. ADJOURNMENT

At 11:15 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted. The remaining agenda items will be moved to the August 17, 2015 City Council Agenda for action and/or information purposes.



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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorizing of up to Six Million One Hundred Thousand Dollars \$6,100,000.00 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

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Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

**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

Please see following page for detailed projects.



South Street



Dennett Street

		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

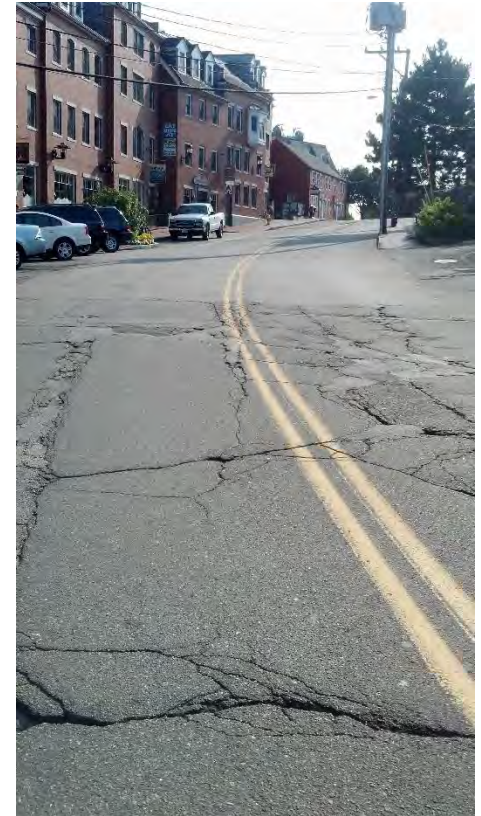
Project Location: City-wide

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>	<u>Estimated 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		

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000.00) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21). The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000.00) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21). The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PM00129120

**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		

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000.00) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY 16-21). The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

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Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

11/00129123

**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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000.00) related to Water System Upgrades and Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000.00) related to Water System Upgrades and Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PLA00125127

**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

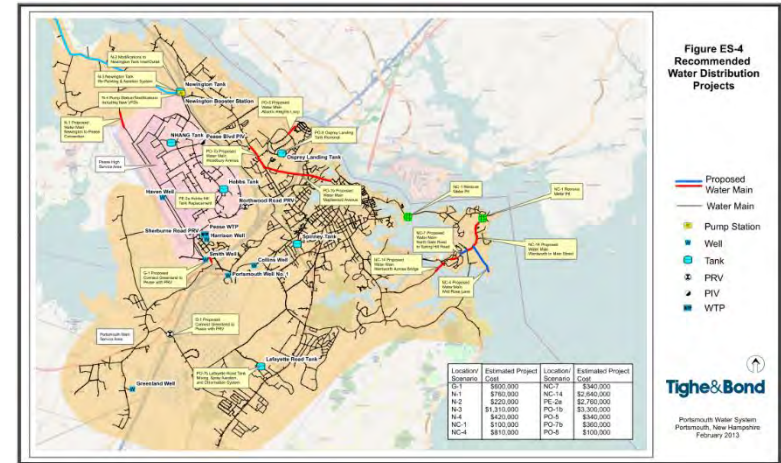


Figure ES-4
Recommended
Water Distribution
Projects

- Proposed Water Main
- Water Main
- Pump Station
- Well
- Tank
- PIV
- WTP

Tighe & Bond
Portsmouth Water System
Portsmouth, New Hampshire
February 2013

		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		

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000.00) for FY16 Sewer System Upgrades. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000.00) for FY16 Sewer System Upgrades. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

RAM01291JC

**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		

**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

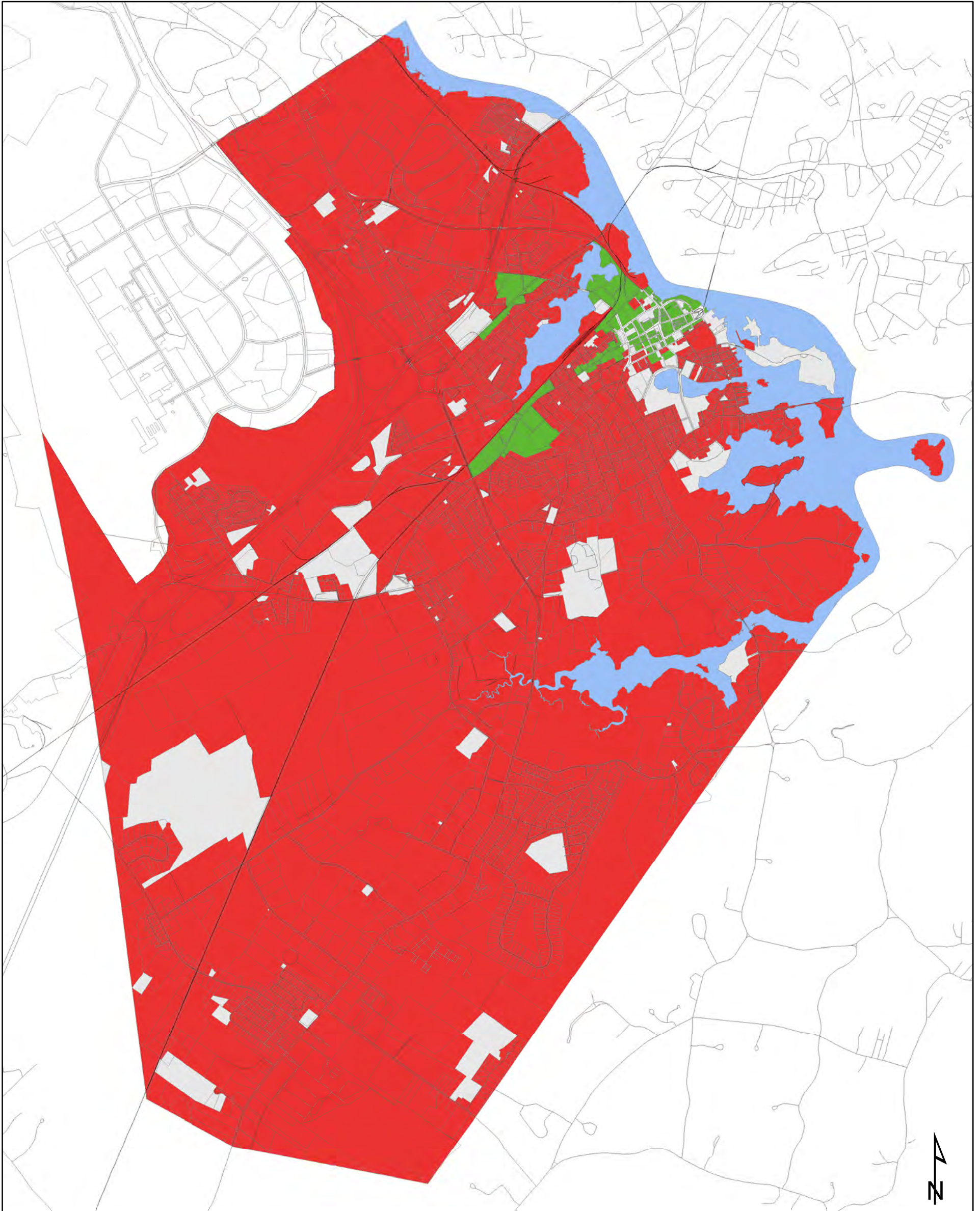
Attachment A: Proposed Amendments to Zoning Ordinance, Section 10.440 – Short-Term Vacation Rentals and Other Lodging Uses
 (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing)

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	P	N	N	P	N	N	N	N	
10.22 Bed and Breakfast 2	N	N	N	N	N	S	P	P	P	N	N	P	N	N	N	N	
10.30 Short-term vacation rental	N	N	N	N	N	N	N	P	P	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	P	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	S	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 S	S S	N N	N N	N N	N N	N N	
9-53 10.54 More than 500 rooms	N	N	N	N	N	N	N	S N	P S	S S	S S	N N	N N	N N	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	P	P	N	N	N	N	N	

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

**Draft Proposal- June 15, 2015
Short-Term Vacation Rental**



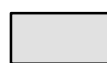
**Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses**



Legend

0 1,050 2,100 4,200 6,300 8,400 Feet

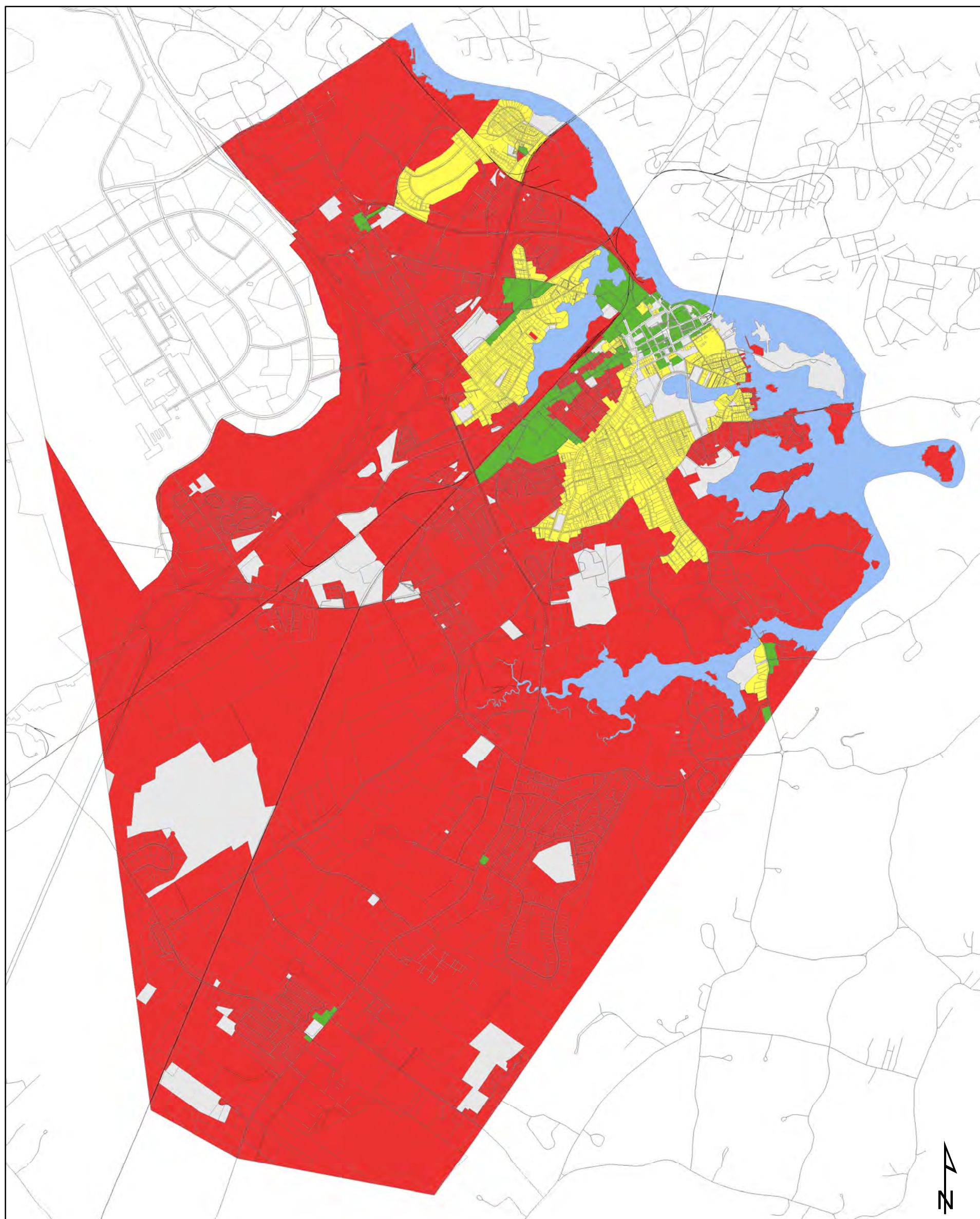
Short-Term Vacation Rental

-  Permitted (CBA, CBB, CD4, CD5, B)
-  Not Permitted (R, SRA, SRB, GRA, GRB, GRC, MRO, MRB, CD4-L, GA/MH, GB, GW, WB, OR, I, WI)
-  Municipal/Civic

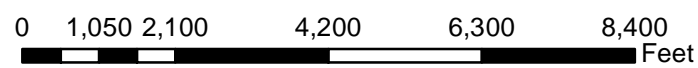
Short-term vacation rental
The rental of a dwelling unit for less than 30 consecutive days.
Short-term rental does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses in Section 10.440, Table of Uses.

Draft Proposal- June 15, 2015
Bed and Breakfast 1





Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend



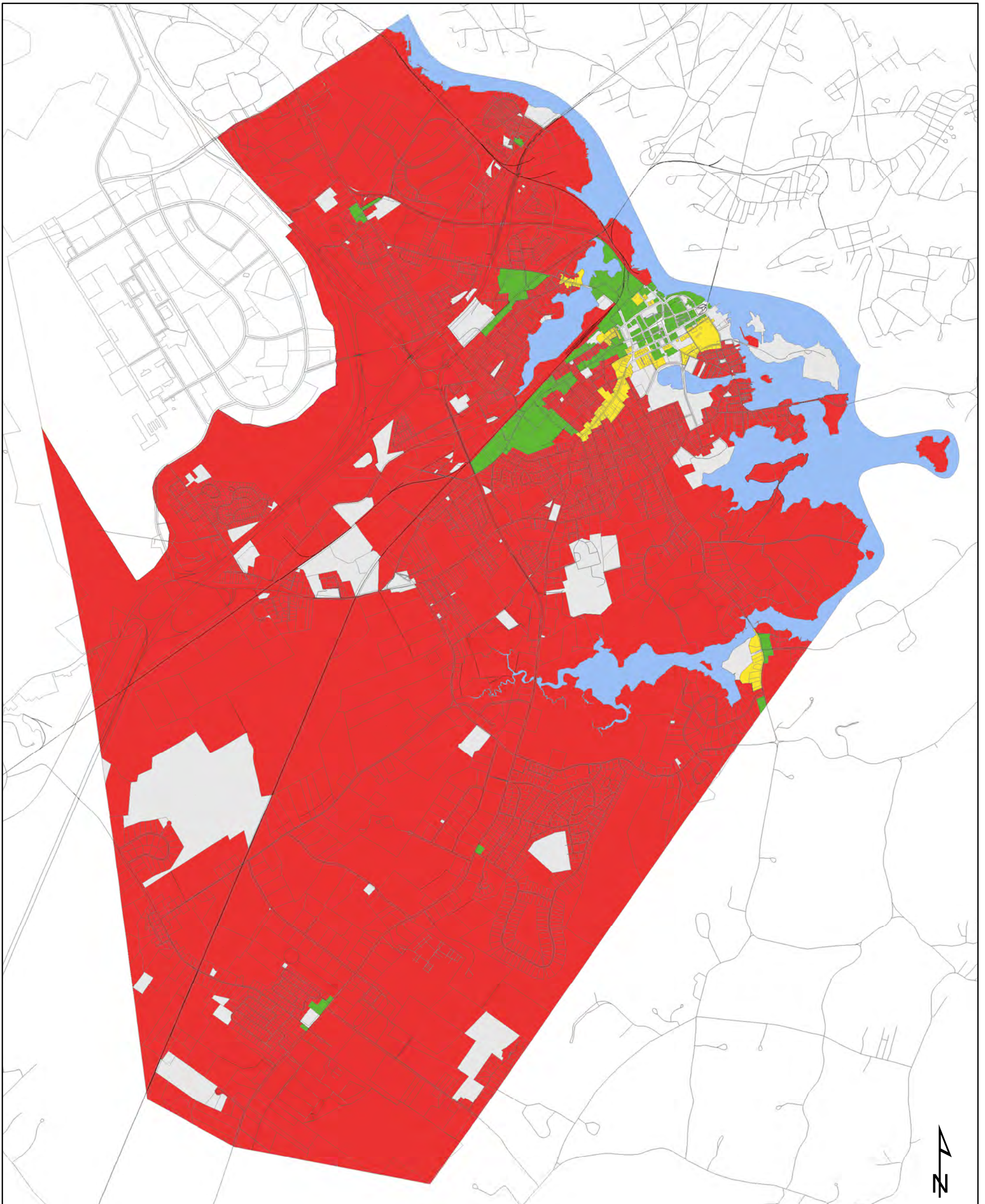
Bed and Breakfast 1

-  Permitted (MRB, CBA, CBB, CD4, CD5, B)
-  Special Exception (GRA, GRB, MRO, CD4-L)
-  Not Permitted (R, SRA, SRB, GRC, GA/MH, GB, GW, WB, OR, I, WI)
-  Municipal/Civic

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

Draft Proposal- June 15, 2015
Bed and Breakfast 2





Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend

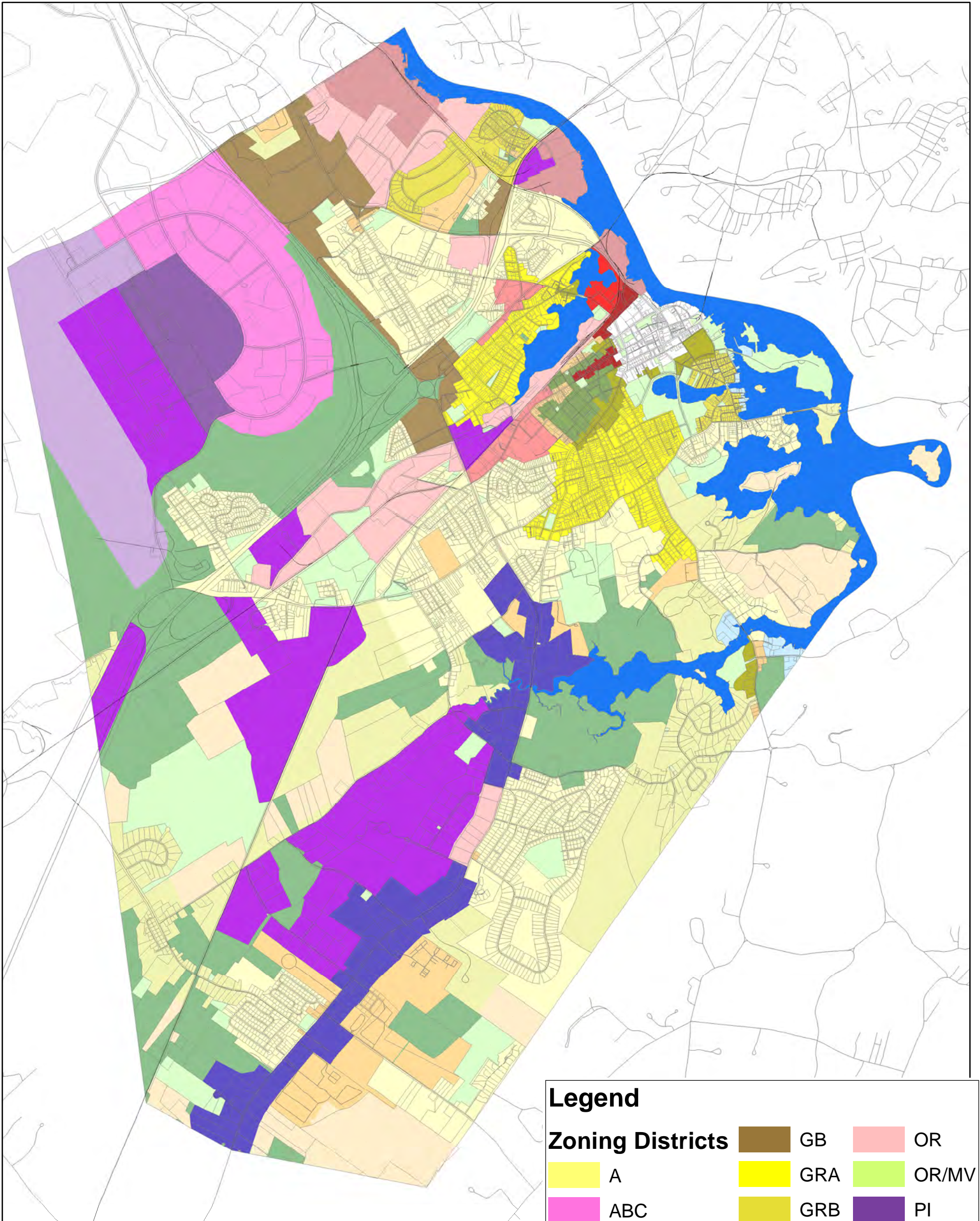
0 1,050 2,100 4,200 6,300 8,400 Feet

Bed and Breakfast 2

-  Permitted (MRB, CBA, CBB, CD4, CD5, B)
-  Not Permitted (R, SRA, SRB, GRA, GRB, GRC, GAMH, GB, GW, WB, OR, I, WI)
-  Special Exception (MRO, CD4-L)
-  Municipal/Civic

Bed and Breakfast 2
A bed and breakfast with between 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.

Zoning Districts



0 1,050 2,100 4,200 6,300 8,400 Feet

Legend

Zoning Districts	
	GB
	A
	ABC
	AI
	AIR
	B
	CBA
	CBB
	GA/MH
	GRA
	GRB
	GRC
	GW
	I
	M
	MRB
	MRO
	NRP
	OR
	OR/MV
	PI
	R
	SRA
	SRB
	WB
	WI
	Water

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

Section 7.102 PARKING METER ZONES

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

A. DOWNTOWN HIGH OCCUPANCY ZONE:

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

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

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

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

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

This ordinance shall take effect upon its passage.

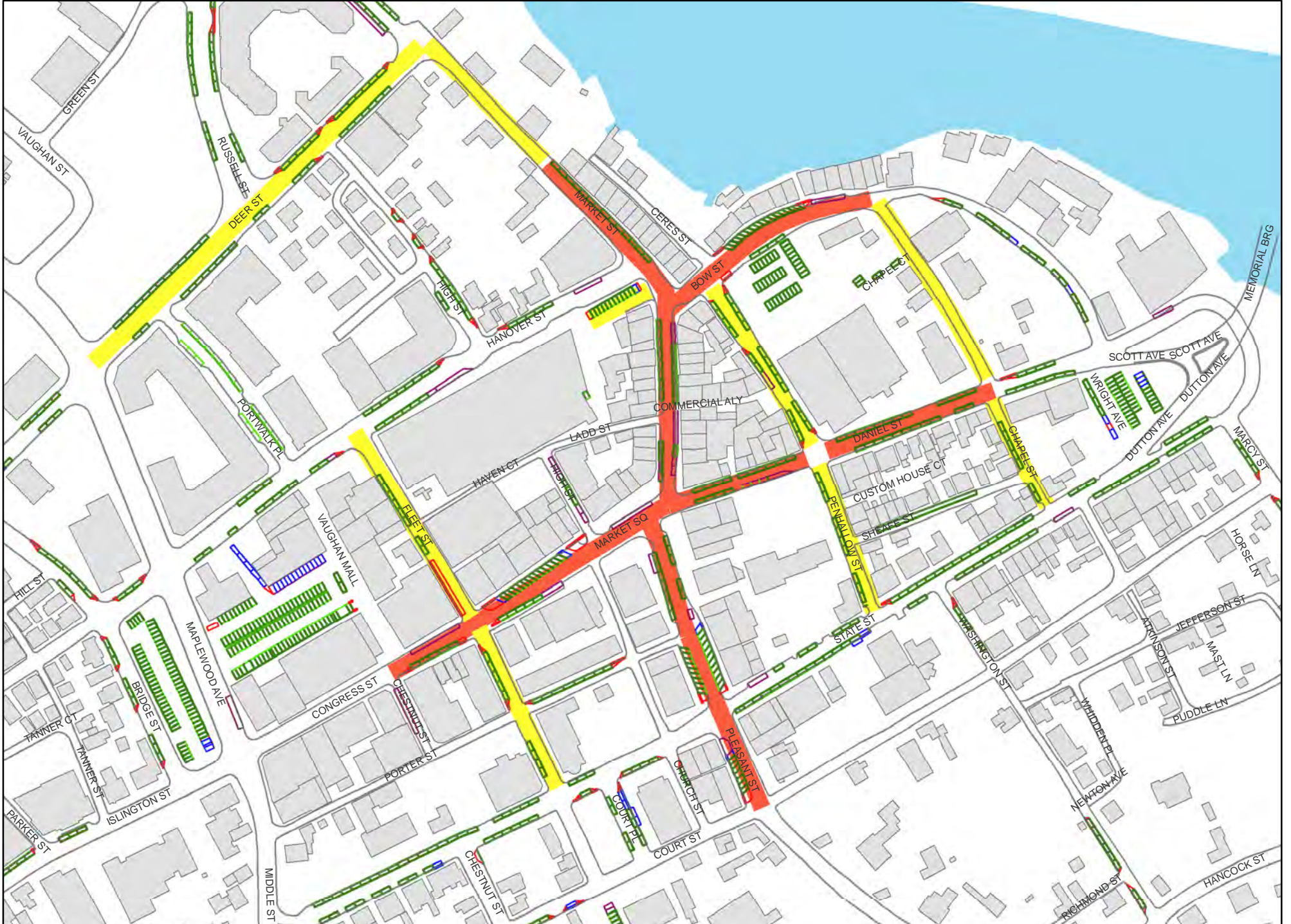
APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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

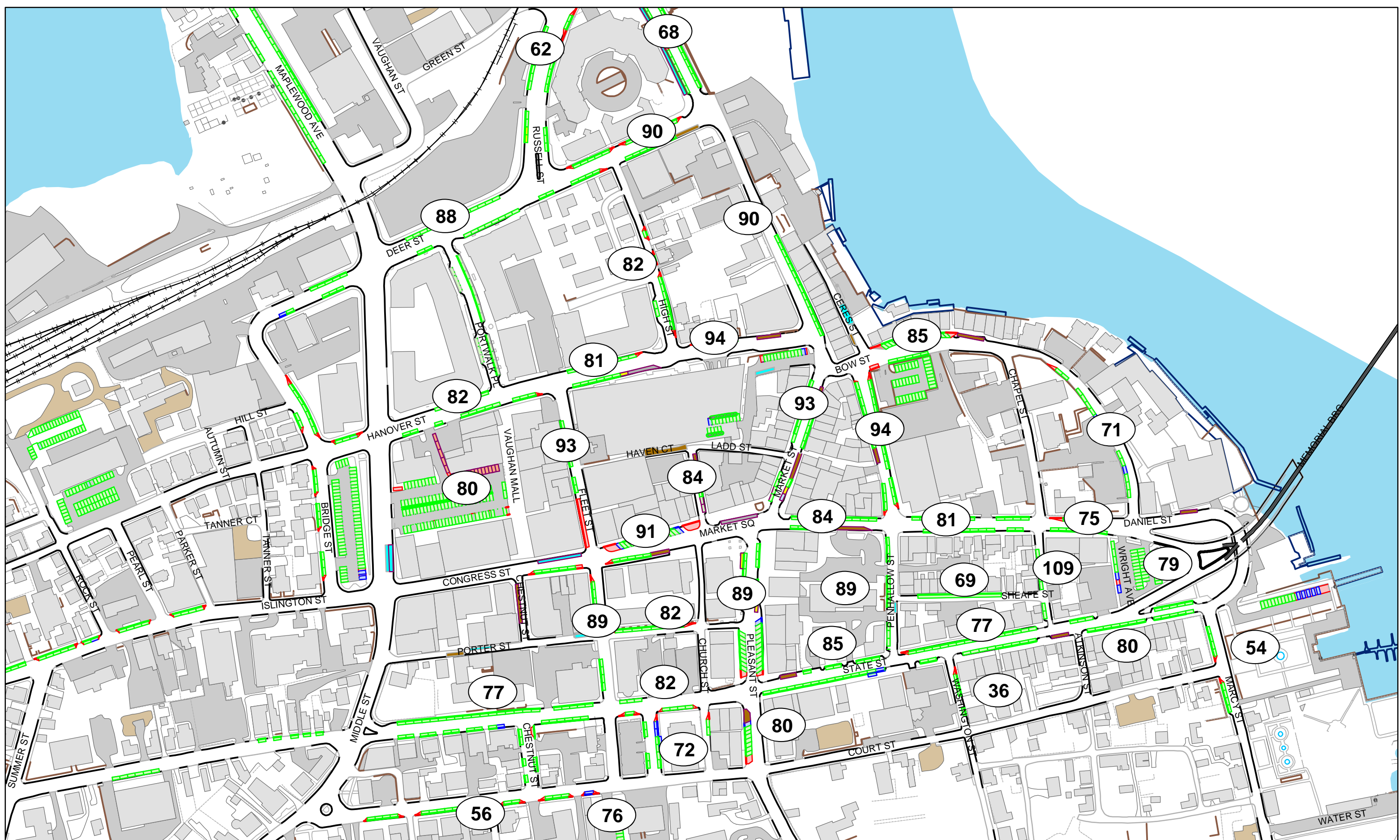


**CITY OF PORTSMOUTH
DOWNTOWN HIGH OCCUPANCY METER ZONE PROPOSED CONDITIONS**

Legend

High Occupancy Meter Zone ■ Proposed ■ Existing





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

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

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

1 inch = 220 feet

02/02/2015

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	<p>Live/ Work Building: A building designed to accommodate a ground floor commercial use and a residential use above.</p> <p>Allowed districts: CD5, CD4, CD4-L1, CD4-L2</p>	<p>Live/ Work Building: A building designed to accommodate a ground floor commercial use and a residential use above or beside.</p> <p>Allowed districts: CD5, CD4, CD4-L1, CD4-L2</p> <p>Only non-residential uses are allowed on the ground floor in the Downtown Overlay District.</p>	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>

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

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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
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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)**

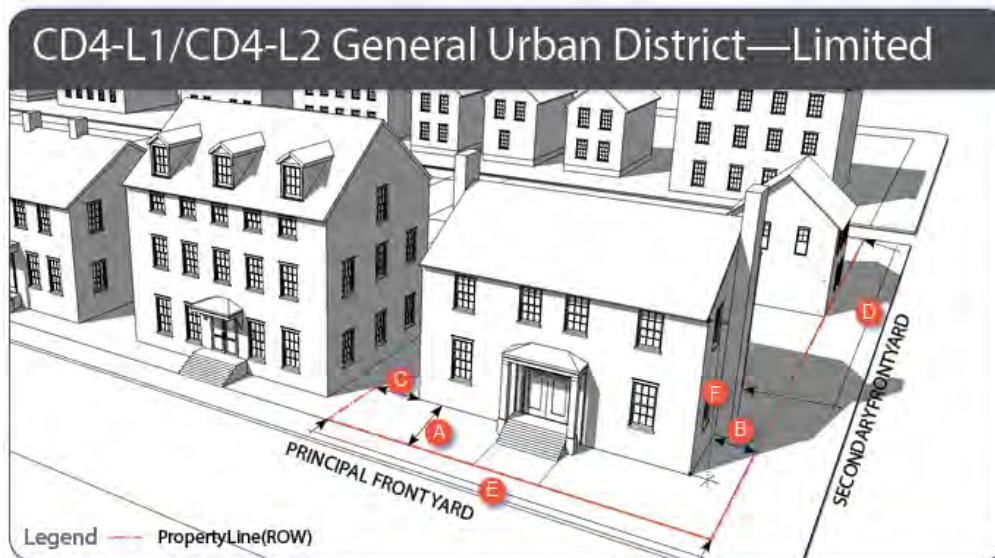
CD4-L1 General Urban District—Limited.

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

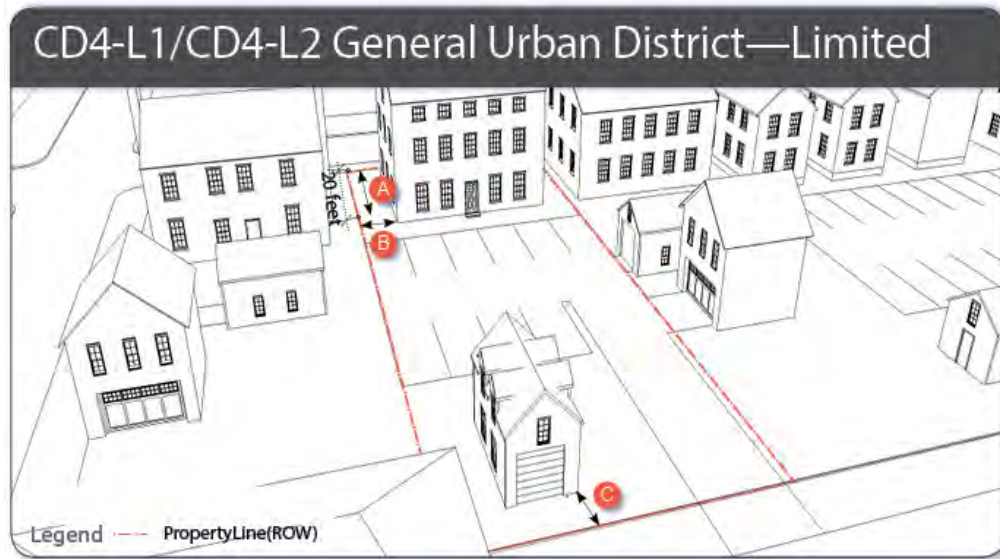
LOT OCCUPATION

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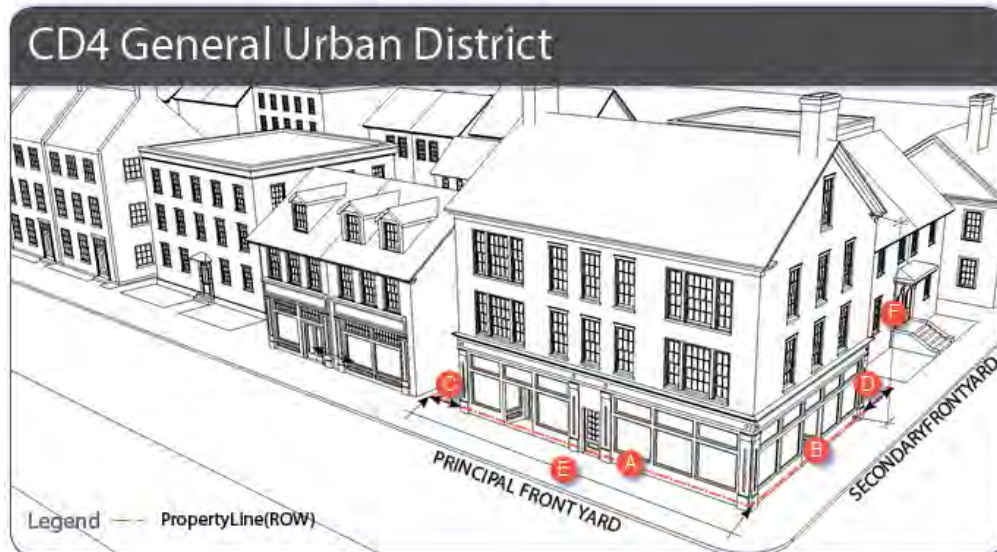
**FIGURE 10.5A41.10B CHARACTER DISTRICT STANDARDS
GENERAL URBAN DISTRICT (CD4)**

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)	

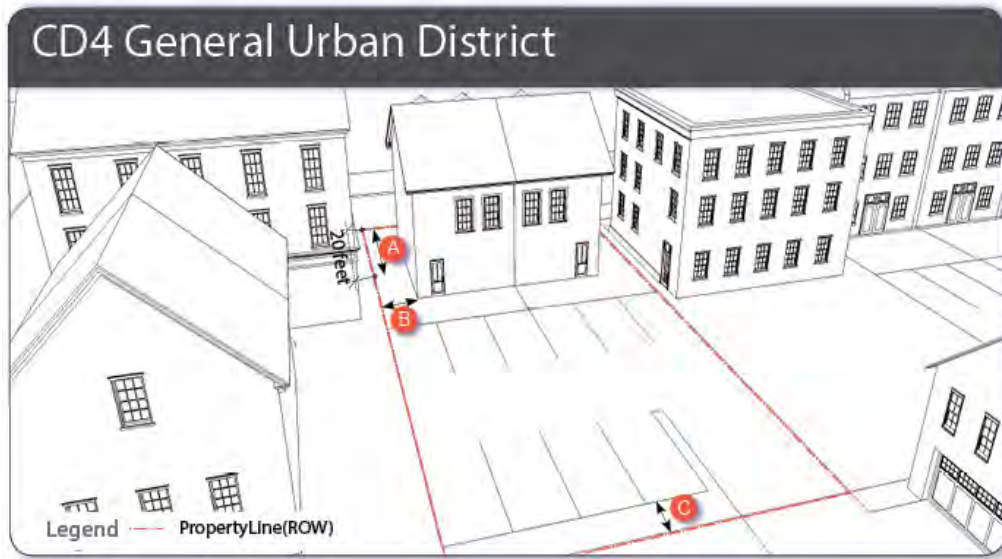
BUILDING FORM – PRINCIPAL BUILDING

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)**

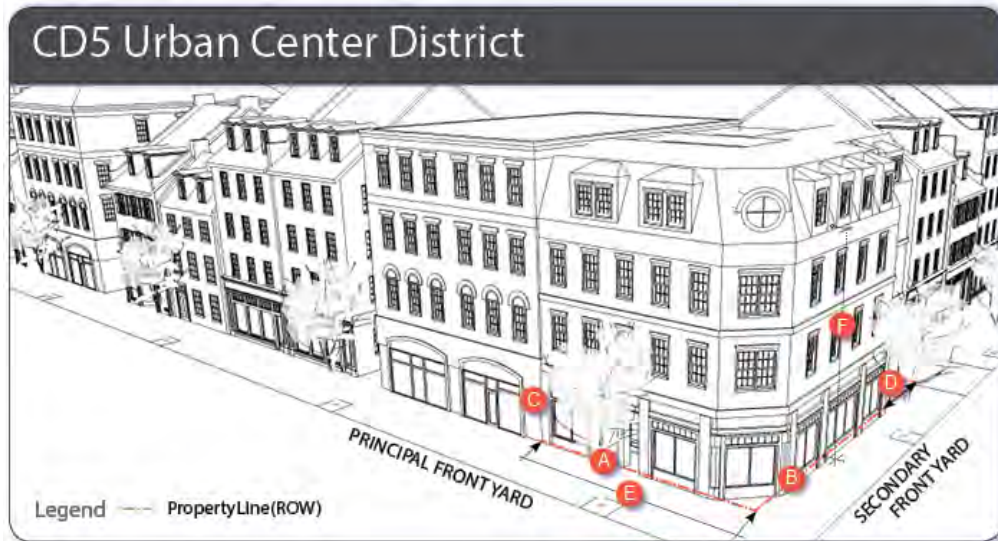
CD5 Urban Center District.

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

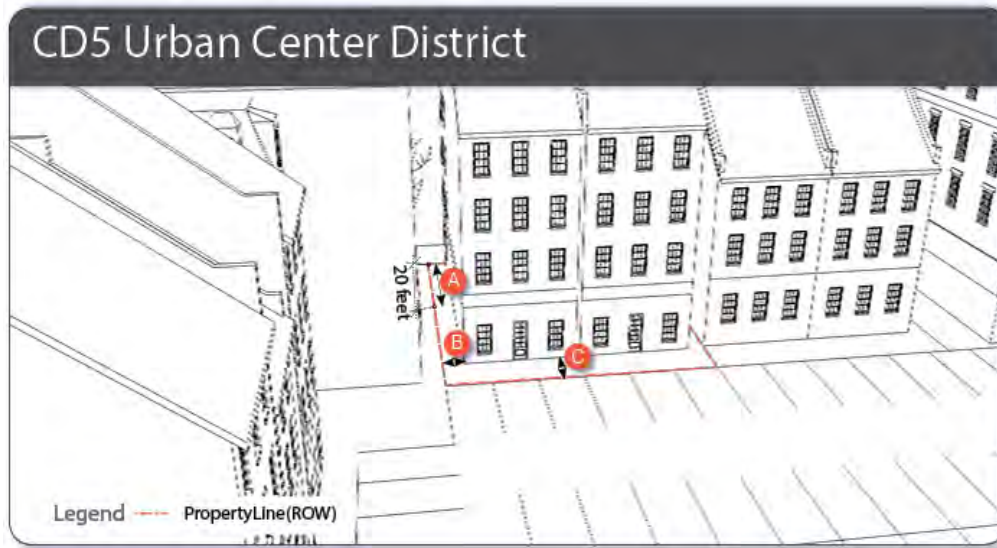
Maximum Block Length	250 ft
Building Façade Modulation	100 ft max
Minimum Entrance Spacing	60 ft
Building Coverage	95% max
Max Building Footprint	15,000 sq. ft. except for underground parking levels and parking structures and associated liner buildings (see Section 10.5A43.40)
Min Lot Area	2,000 sf

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 10.5A21C)
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

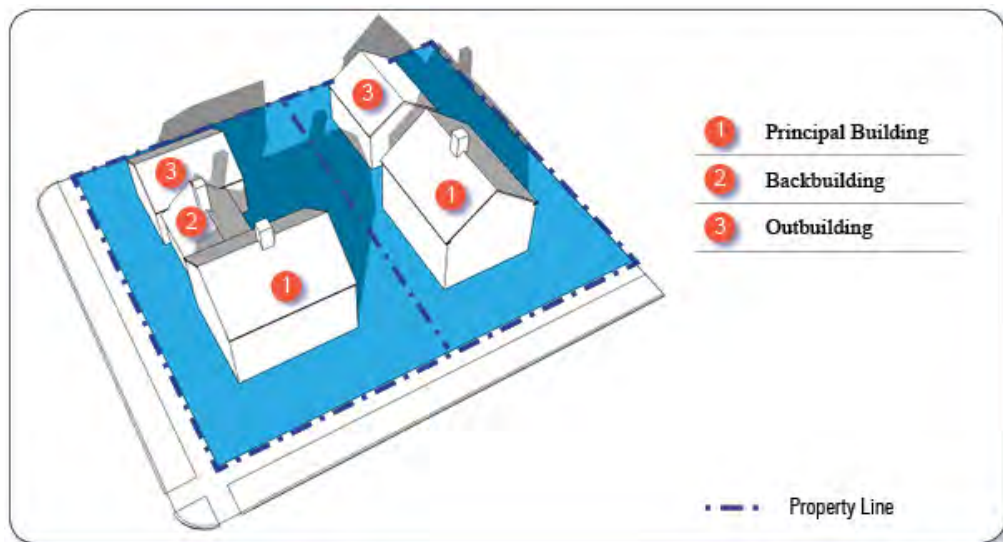
Porches, Stoops, and other Elements may encroach the indicated yards by the following distances		
Principal Front Yard	NA	
Secondary Front Yard	NA	
Rear Yard	5 ft max	

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

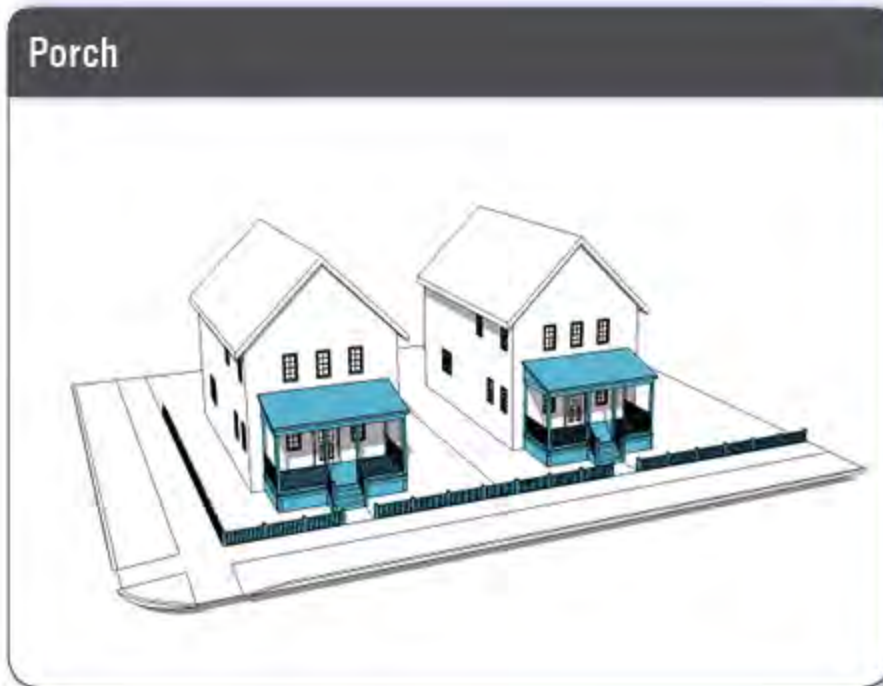
10.5A43.10 Façade Types– General

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

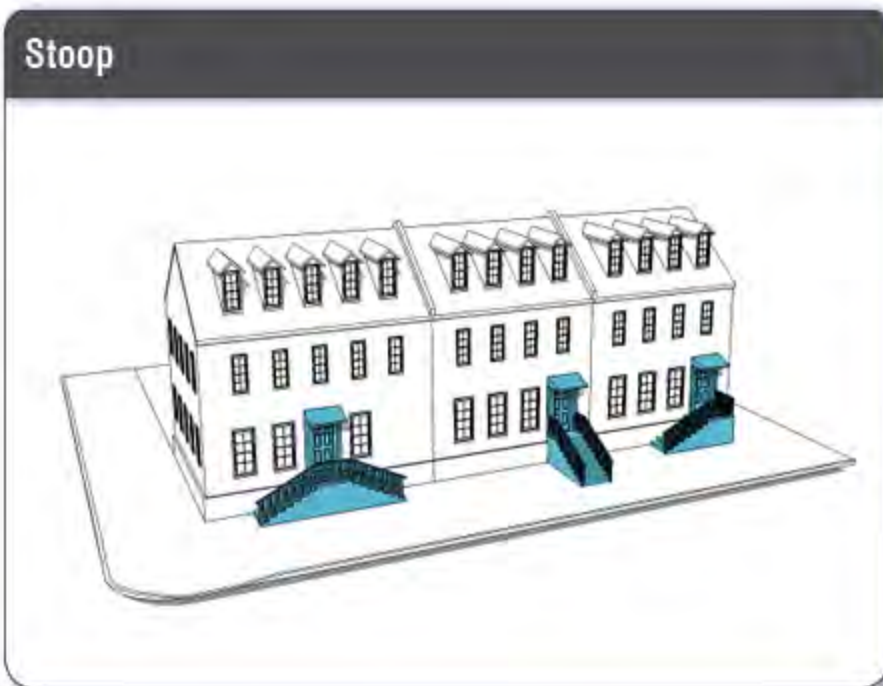
- 10.5A43.21 Except as listed in 10.5A43.22, any façade shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the maximum façade modulation dimensions listed in Figures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

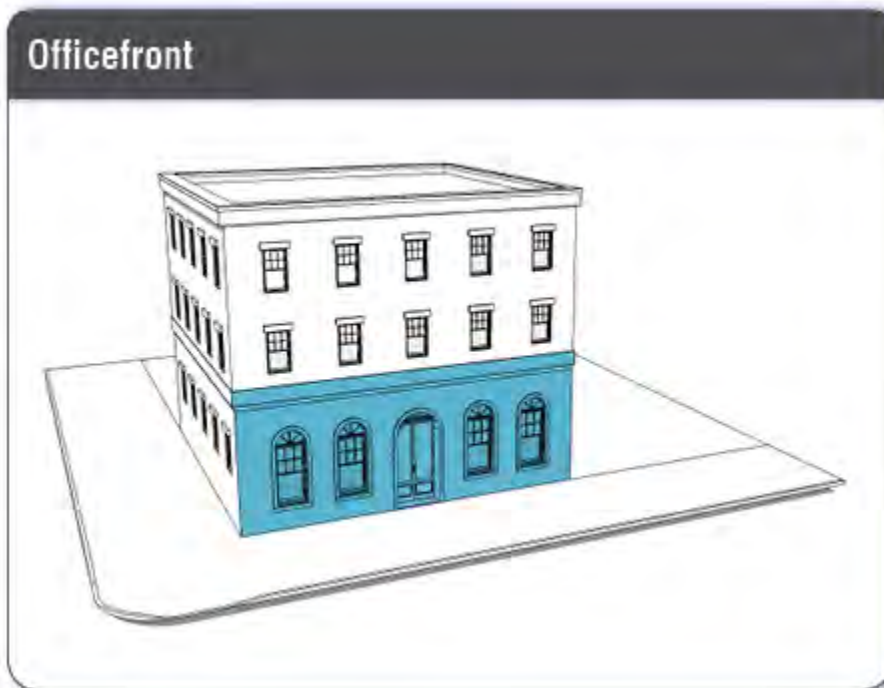


A façade type in which the façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor. The building may have an awning that may extend over the sidewalk to within 2 feet of the curb. This type is conventional for retail,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

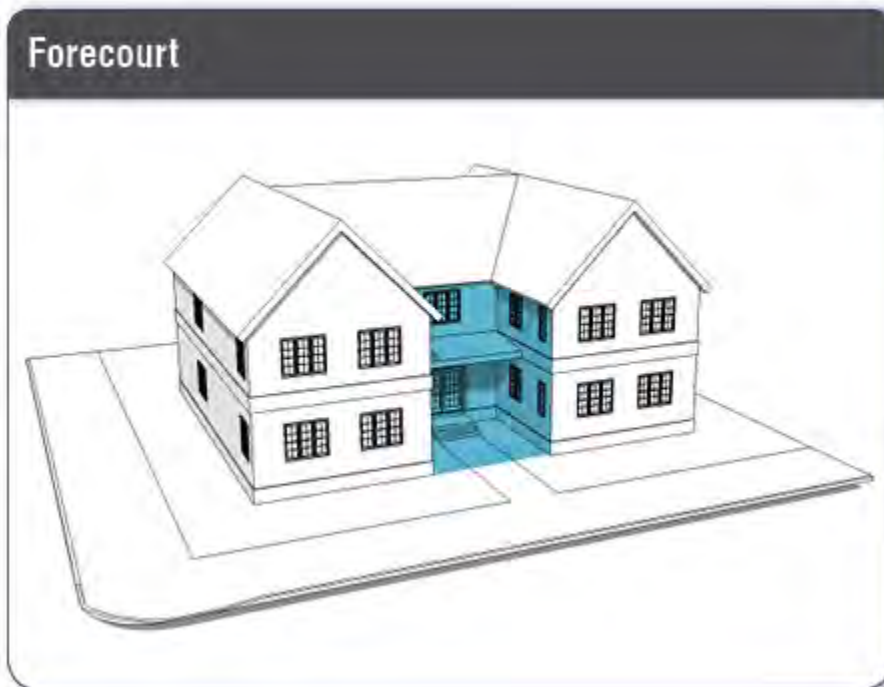
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



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

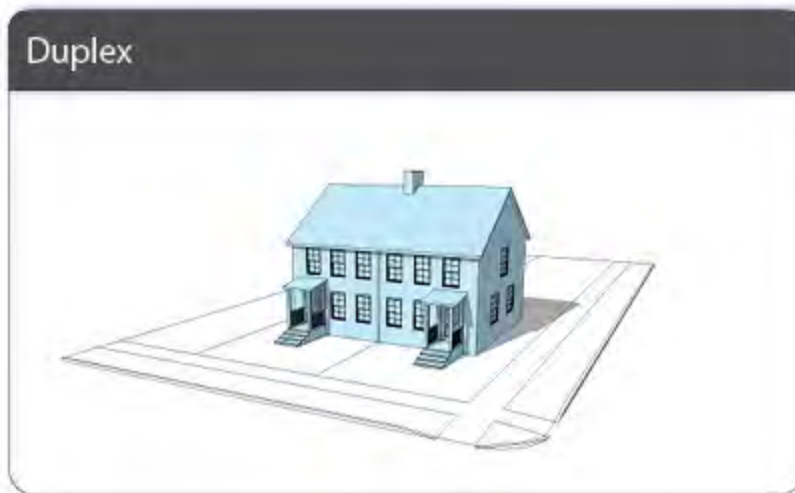


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

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.

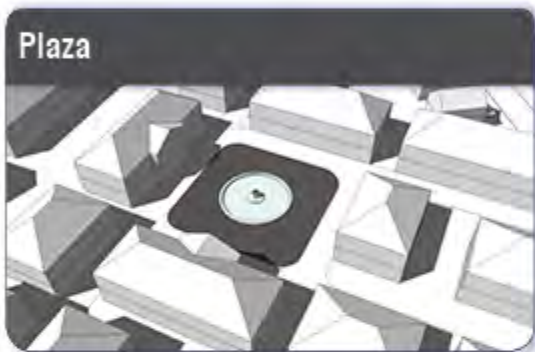
Allowed districts: CD5, CD4, CD4-L1, CD4-L2

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 u new use and requirement nder “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.

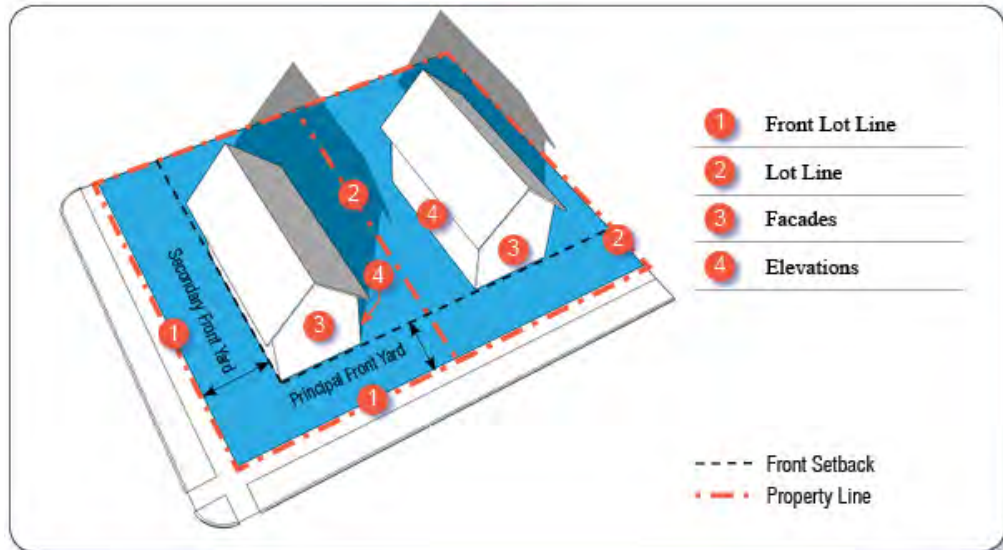
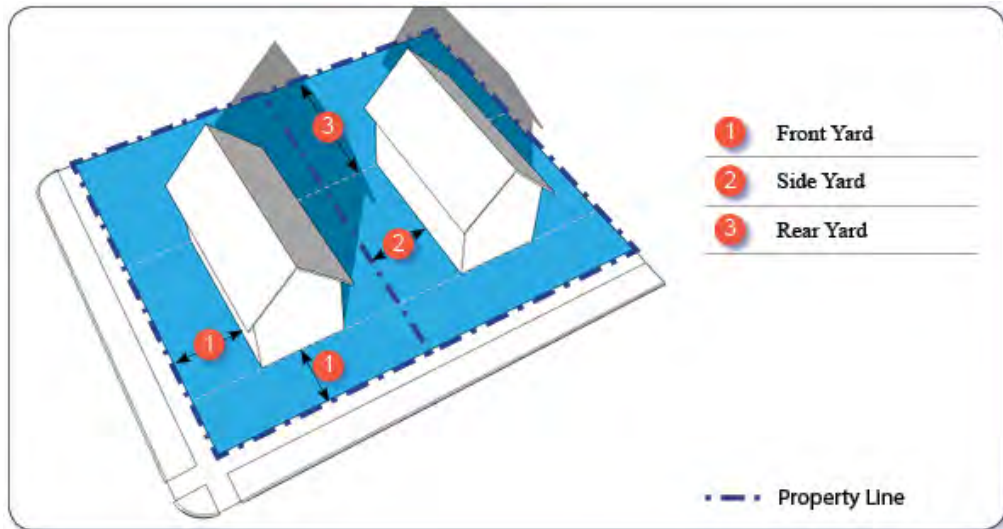
Principal front yard

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) 10.812 (Conversion of Existing Dwelling to Multifamily Dwelling)
1.51 To 2 dwelling units	N	N	S	S	N	P	P	P	S	S	N	N	N	N	N	N	N	
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	

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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	

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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
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)

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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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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
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	P	N	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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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
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	S	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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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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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
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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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
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																		10.592 (location) 10.851 (use contained in building)
14.31 Not including seafood processing	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	P	P	
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	

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
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	

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
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	

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
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 telecommunications 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 telecommunications facilities)

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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	P	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	

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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	

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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
20.20 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	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	S	N	
20.52 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	S	S	

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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	

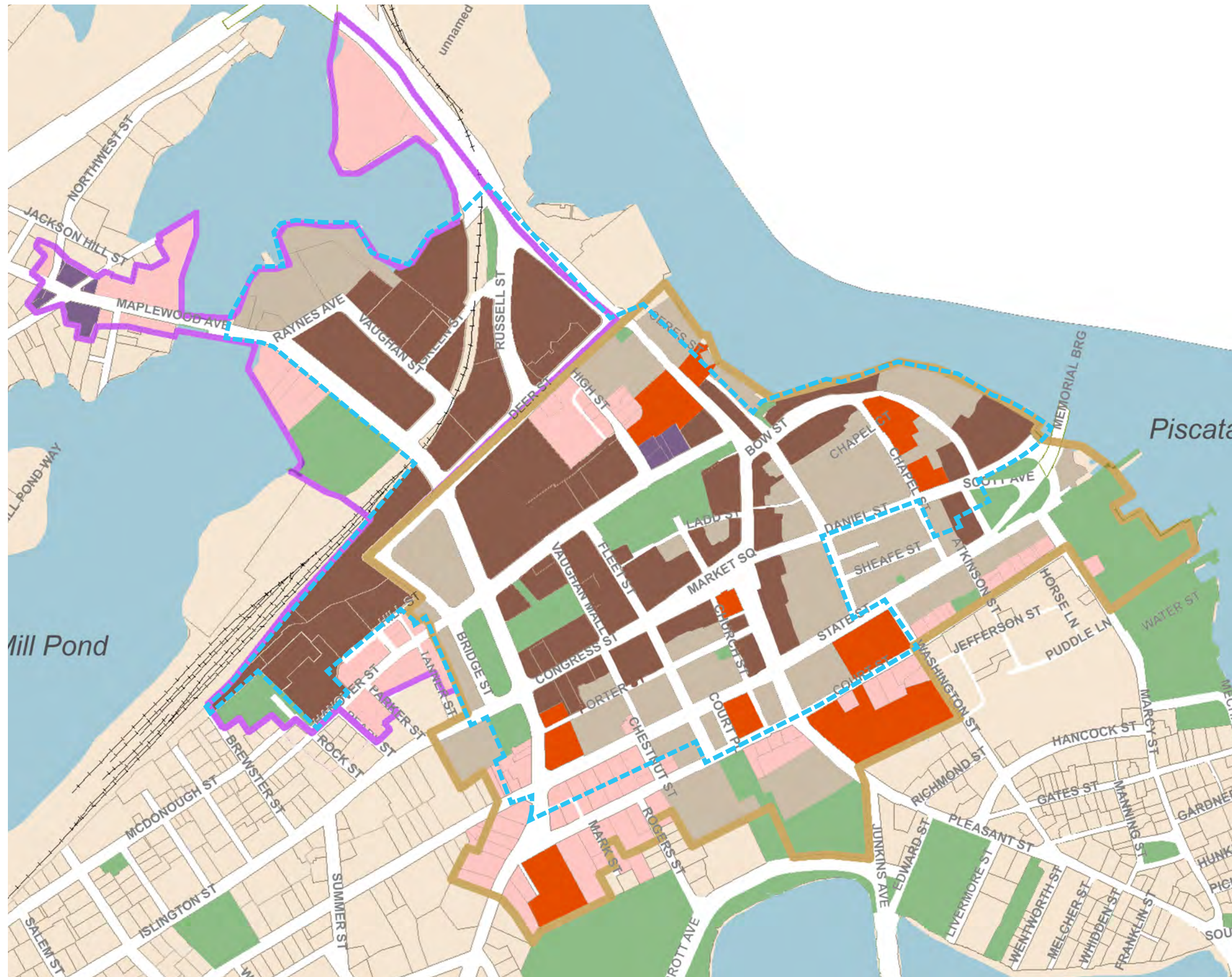
BOUNDARY MAP



LEGEND

- Portsmouth Character-Based Zoning Area

MAP 10.5A21A CHARACTER DISTRICTS AND CIVIC DISTRICTS



LEGEND

Character Districts

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

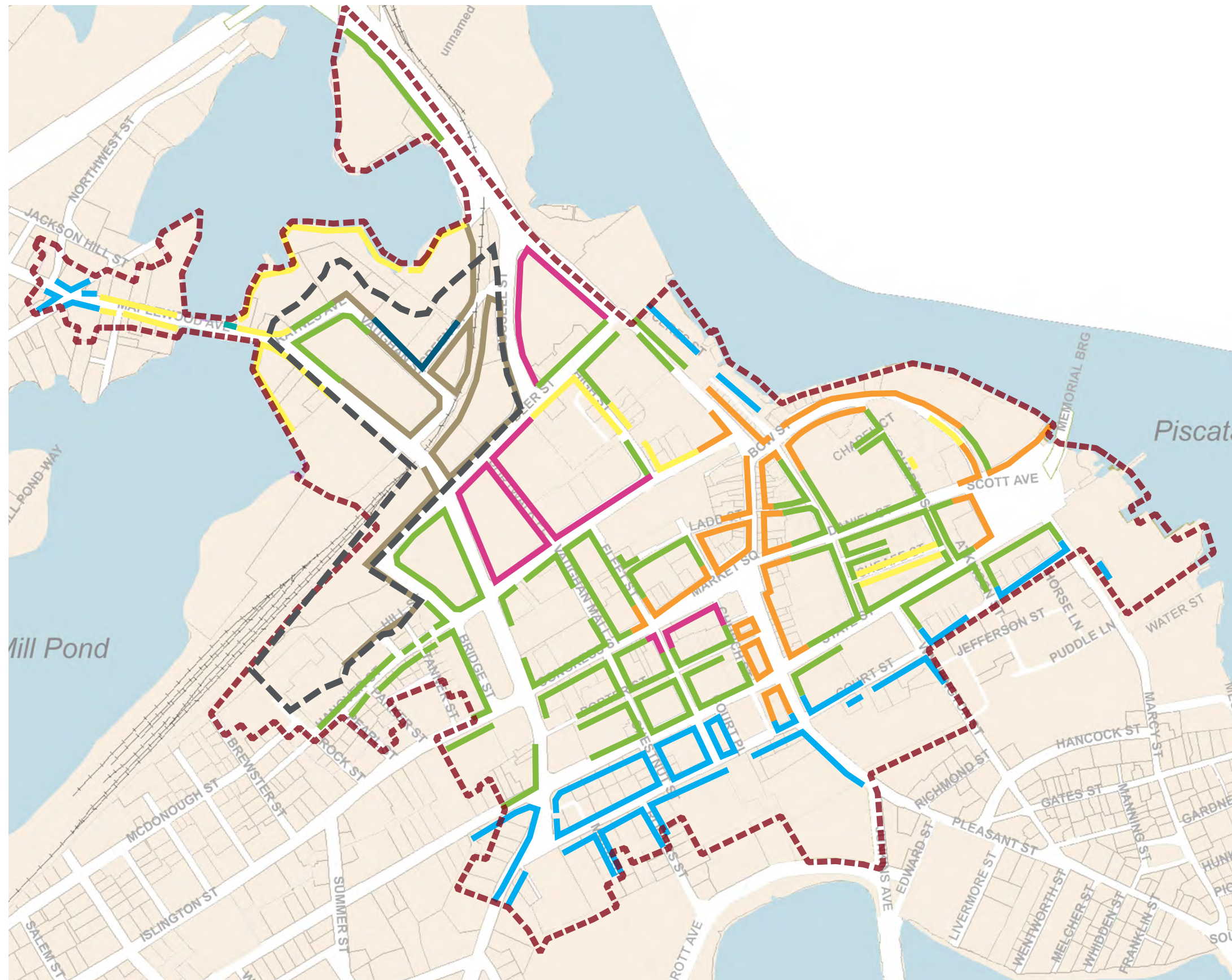
Civic District

- Civic District

Municipal District

- Municipal District
- Downtown Overlay District

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

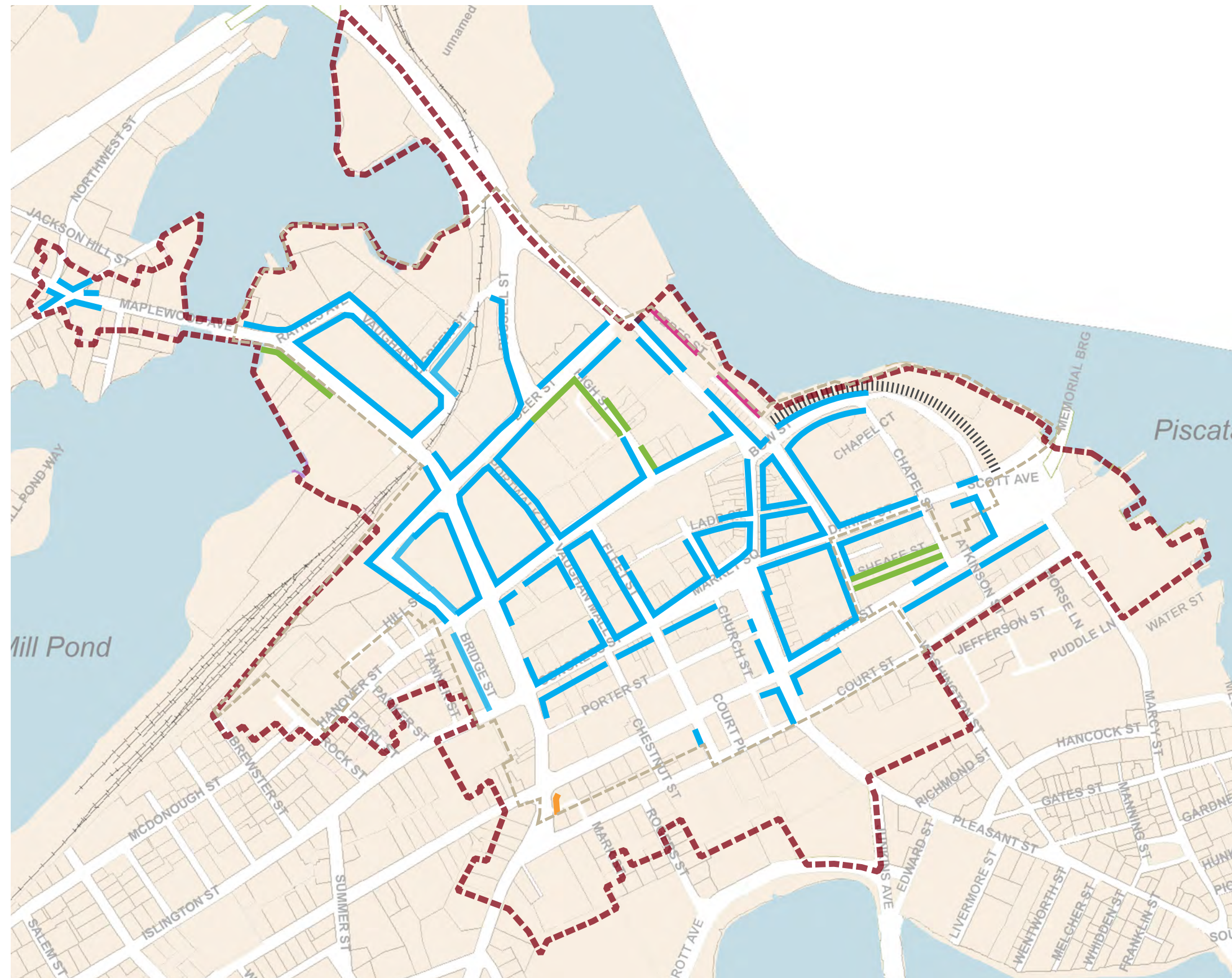
The indicated Maximum Building Heights may be increased pursuant to Section 10.5A43.32

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.



AMERICAN LUNG ASSOCIATION®

Fighting for Air

American Lung Association
of the Northeast

LungNE.org
1-800-LUNG USA

OFFICES:

Connecticut

45 Ash Street
E. Hartford, CT 06108

Maine

122 State Street
Augusta, ME 04330

Massachusetts

460 Totten Pond Road
Suite 400
Waltham, MA 02451

393 Maple Street
Springfield, MA 01105

New Hampshire

1800 Elm Street
Manchester, NH 03104

New York

155 Washington Ave., Suite 210
Albany, New York 12210

21 West 38th Street, 3rd Floor
New York, New York 10018

237 Mamaroneck Ave., Suite 205
White Plains, New York 10605

700 Veterans Memorial Highway
Hauppauge, New York 11788

1595 Elmwood Avenue
Rochester, New York 14620

Rhode Island

260 West Exchange Street
Suite 102B
Providence, RI 02903

Vermont

372 Hurricane Lane
Suite 101
Williston, VT 05495

Augusta 7, 2015

City of Portsmouth
Attn: John Bohenko
1 Junkins Avenue
Portsmouth NH 03801

Dear John,

The 7th annual American Lung Association Cycle the Seacoast ride is scheduled for Sunday, May 1st, 2016. With close to 400 cyclists expected we are looking forward to a very exciting day.

The first riders will be leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m. The route is being worked on. As soon as the final maps are printed, I will be sure to forward a copy to you. We will be supplying our own safety and first aid volunteers with the assistance of the Port City Amateur Radio Club. Also enclosed is a copy of our \$250,000 insurance coverage from SCS Insurance where you are listed as an additional insured.

If you need anything else from me, please do not hesitate to let me know. Please let me know if you have any suggestions for police support along the route. We look forward to another safe and successful year. Thank you.

Sincerely,

Melissa Walden
Associate of Development
American Lung Association
207-624-0306



CERTIFICATE OF LIABILITY INSURANCE

OP ID: JV

DATE (MM/DD/YYYY)

08/06/2015

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

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

PRODUCER SCS Agency, Inc. 1981 Marcus Avenue, Suite 125 Lake Success, NY 11042		CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: ALAO-73		FAX (A/C, No):	
INSURED American Lung Association of the Northeast 45 Ash St. East Hartford, CT 06108		INSURER(S) AFFORDING COVERAGE		NAIC #	
		INSURER A : Philadelphia Insurance Co.		18058	
		INSURER B : Hartford Fire Insurance Co.		22357	
		INSURER C :			
		INSURER D :			
		INSURER E :			
		INSURER F :			

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		PHPK1356329	07/01/2015	07/01/2016	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 3,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY			PHPK1356329	07/01/2015	07/01/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (PER ACCIDENT) \$
	<input checked="" type="checkbox"/> HIRED AUTOS						\$
<input checked="" type="checkbox"/> NON-OWNED AUTOS			\$				
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR			PHUB504661	07/10/2015	07/10/2016	EACH OCCURRENCE \$ 5,000,000
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$ 5,000,000
	<input type="checkbox"/> DEDUCTIBLE						\$
	<input checked="" type="checkbox"/> RETENTION \$ 10,000						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			12 WBC RR0763	07/01/2015	07/01/2016	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Cycle the Seacoast to be held on May 1, 2016.

Certificate holder is included as additional insured with respect to general liability, subject to policy terms & conditions.

CERTIFICATE HOLDER**CITYOFF**

City of Portsmouth
 1 Junkins Ave.
 Portsmouth, NH 03801

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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P.O. Box 2496, 1009 Depot Street, Manchester Center, Vermont 05255 802-362-2733
Email: info@vtnhkomen.org www.komenvtnh.org

received
8/10/15

July 29, 2015

Robert Lister, John Bohenko, and Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister, City Manager and City Council,

First, we would like to thank City Manager, John Bohenko, and his team for meeting with us on July 15th to discuss our successful 2015 Susan G. Komen New Hampshire Race for the Cure® and to start the preliminary planning for our 2016 Race. We appreciate your time and suggestions, and look forward to another outstanding year.

With your help and support, our 2015 NH Race for the Cure raised over \$157,000 and had 510 participants and 100 volunteers. Even with the chilly weather, we had many men and women who came out to support our local breast cancer survivors. We heard over and over again how great our event was from the start to finish, on the course and on the grounds of Strawberry Banke, so thank you for helping us make it a fantastic event all around!

On behalf of the Susan G. Komen Vermont-New Hampshire, we are respectfully requesting permission from the City of Portsmouth to conduct the following event in 2016:

Susan G. Komen New Hampshire Race for the Cure® (5K) on May 7, 2016; to take place at Strawberry Banke in Portsmouth, NH starting at 9:00 am using a slightly different course than we have in the previous years. For our course, we would like to start further back on Peirce Island and have the finish line on Marcy Street. (*Please see attached 5K race route*).

As you may know, Susan G. Komen for the Cure is the world's largest and most progressive grassroots network fighting to end breast cancer forever. With your permission, this will be the fifth Susan G. Komen NH 5K event held in Portsmouth.

Thank you in advance for your consideration.

Sincerely,

Carolyn Ostrom, NH Community Relations Specialist
costrom@vtnhkomen.org, Phone – 617-501-2728

Kristen Caseley, Race Chair
kristen.caseley@gmail.com, Phone – 603-475-8879

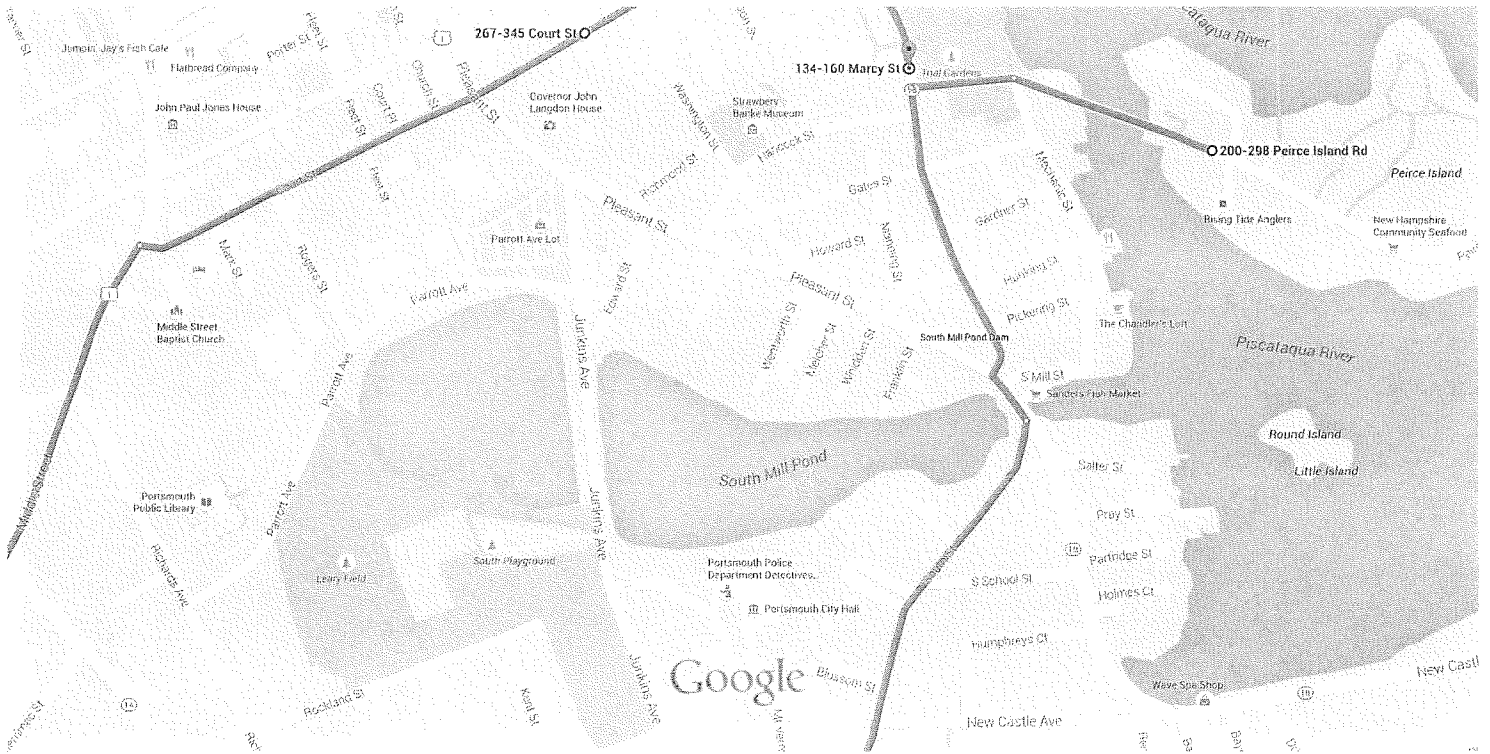
Ed Harvey, Race Director
Edmund.Harvey@unh.edu, Phone – 603-862-1246



Google

200-298 Peirce Island Rd, Portsmouth, NH 03801 to 134-160 Marcy St, Portsmouth, NH 03801

Drive 3.1 miles, 12 min



o 200-298 Peirce Island Rd
Portsmouth, NH 03801

1. Head west on Peirce Island Rd toward
Mechanic St

0.1 mi

2. Peirce Island Rd turns slightly left and
becomes Mechanic St

315 ft

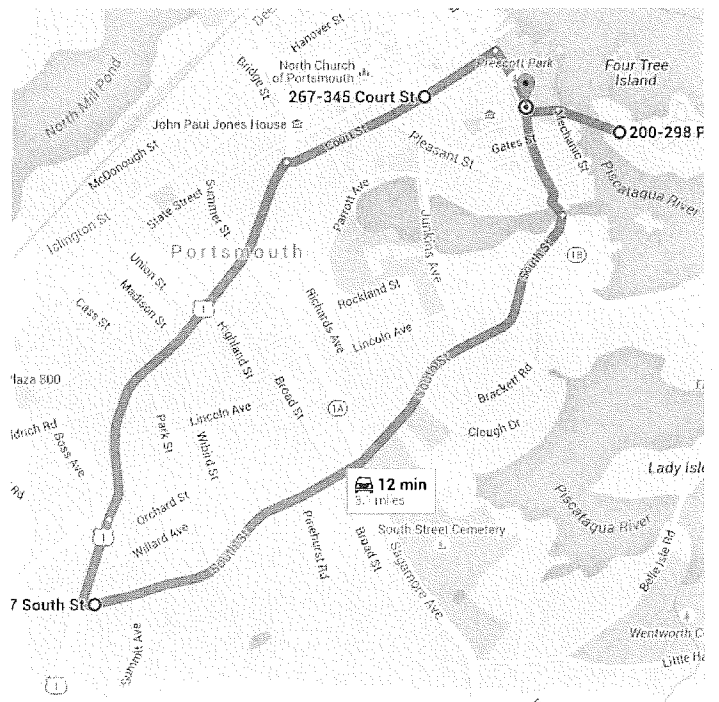
3. Turn left onto Marcy St

0.2 mi

4. Turn right onto South St

1.2 mi

1.6 mi / 6 min



o 1267 South St
Portsmouth, NH 03801

- 5. Head west on South St toward Lafayette Rd



131 ft

- 6. Turn right onto Lafayette Rd



0.2 mi

- 7. Continue onto Middle Street



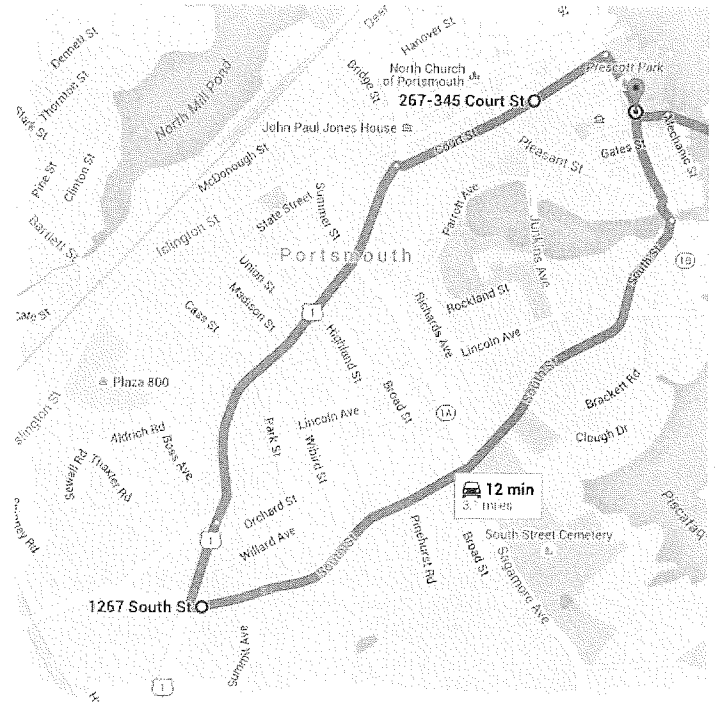
0.8 mi

- 8. Turn right onto Court St



0.3 mi

1.3 mi / 4 min



○ 267-345 Court St

Portsmouth, NH 03801

- 9. Head northeast on Court St toward Washington St



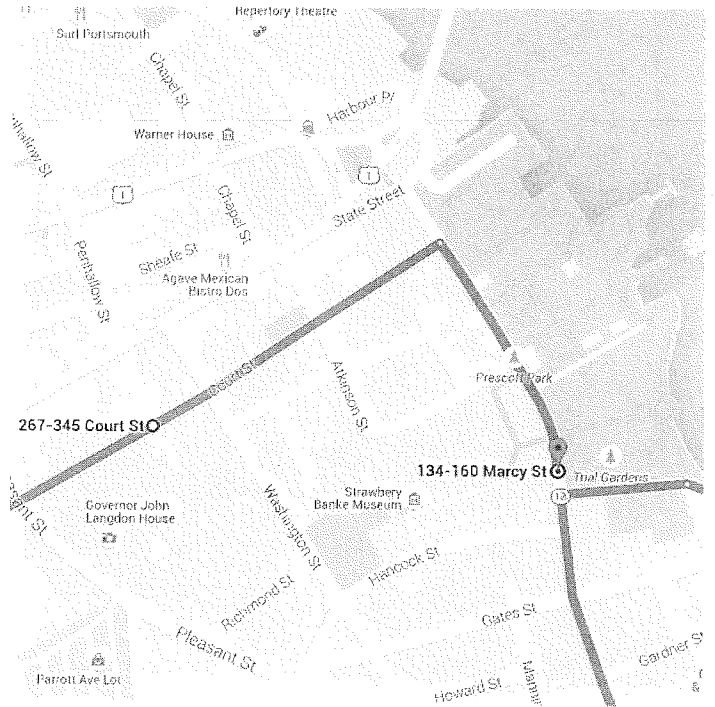
0.2 mi

- 10. Turn right onto Marcy St



0.1 mi

0.3 mi / 2 min



○ 134-160 Marcy St

Portsmouth, NH 03801

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Temple Israel

Portsmouth, New Hampshire

August 4, 2015

Rabbi David Senter
Spiritual Leader

Mayor Robert Lister
and The City Council
City Hall, Portsmouth, NH 03801

Fran Berman
President

David Olken
Ritual Vice President

Dear Respected Community Leaders,

Sam Berg
Education Vice President

Robert Bradbard
House Vice President

On behalf of Ministerium - the Portsmouth Area Clergy Association, I respectfully request permission to hold a public 9/11 ceremony. The program will take place on September 11th. We will gather at the African Burring Ground and walk to Veterans' Park. At the park we will read the names of the New Hampshire victims of 9/11. May their memories be for a blessing.

Howard Rubin
Treasurer

Mathew Herman
Financial Secretary

Mel Prostkoff
Recording Secretary

Mayor Lister has been in touch with the Police and Fire Departments who will participate in the event.

Barney Share
Immediate Past President

Please contact me if you have any additional questions.

Trustees

Susan Goldin

Amy Hyett

Stephanie Ilberg-Lamm

Alan Lincoln

Mel Prostkoff

Ira Schwartz

Jen Sebeny

Harvard Sitkoff

With Torah Blessings.

Rabbi David Ross Senter

Professional Staff

Alissa Holmes
Administrative Director

Noa Bourke
Head of School

Laura Sher
*Early Learning Center
Director*

Rabbi David Senter
Spiritual Leader

An Engaging, Diverse Jewish Community

Law Offices of
WHOLEY & PELECH

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

BERNARD W. PELECH

JOHN J. WHOLEY
(1922-2001)

ADMITTED NH & ME BARS



TEL 603-436-6121
Fax 603-433-7491

bernie@wholey-pelech.com

August 6, 2015

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

**Re: Restoration of involuntarily merged lots - RSA 674:39aa
65 Mendum Avenue, Portsmouth**

Dear Mayor Lister and Members of the City Council:

This office represents Patricia L. Russell and Burton J. Russell, owners of 2 adjacent lots located on Mendum Avenue in Portsmouth.

The 2 lots which were involuntarily merged for tax purposes are shown on Tax Map 148 as Lot 11.

The 2 lots are actually located in what was the 1906 subdivision of the Estate of Charles H. Mendum. I have enclosed a copy of that 1906 plan which was recorded in the Rockingham County Registry of Deeds as Plan 0169. I have also enclosed a copy of the deeds from John W. Kelley and Alice B. Paul to Thomas D. Noyes, dated August 12, 1913 and October 16, 1913, which were recorded in the Rockingham County Registry of Deeds at Book 684, Page 9 and 10, on January 6, 1914. These deeds conveyed lots 44 and 43 as shown on the Mendum Plan of 1906.

I have no evidence whatsoever that Mr. and Mrs. Russell or their predecessor in title ever voluntarily merged the 2 lots.

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

Sincerely,

Bernard W. Pelech

Enclosures

10

Know all Men by these Presents,

10

THAT *Mr. John W. Kelley and Alice B. Paul of Portsmouth, in the County of Rockingham and State of New Hampshire*

Kelley et al

to

Noyes

for and in consideration of the sum of *One Dollar* to *me* in hand, before the delivery hereof well and truly paid by *Thos. D. Noyes of Portsmouth in the County of Rockingham and State of New Hampshire*

del. to

Ed. Patterson Esq

the receipt whereof *we* do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said *Thomas D. Noyes his heirs and assigns forever,*

A certain parcel of land on *Mendern Avenue* in said *Portsmouth* known as *Lot # 403* bounded and described as follows: — Beginning at the north west corner of *Lot # 403* and running westerly fifty (50) feet more or less by land of *Kelley & Paul* thence turning and running southerly one hundred three feet (103 ft.) more or less by land of *Kelley & Paul* to *Mendern Avenue*, thence turning and running easterly by *Mendern Avenue* fifty (50) feet more or less to land of *Kelley & Paul* thence turning and running northerly by said land of *Kelley & Paul* one hundred three (103) feet more or less to point begun at, being plot of land recorded in *Rockingham Records, Vol. 1, Fol. 62.*

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging to *me* the said grantor and their heirs and assigns, to *me* and their only proper use and benefit forever. And *we* the said grantor and *we* heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee and *me* heirs and assigns, that until the delivery hereof *we* are the lawful owner of the said premises, and *we* seized and possessed thereof in *our* own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that *we* and *our* heirs, executors and administrators, shall and will warrant and defend the same to the said grantee

and *me* heirs and assigns, against the lawful claims and demands of any person or persons whomsoever. And *we*, *Romaine S. Kelley* wife of the said *John W. Kelley* *Blanche K. Paul* husband of *John W. Kelley* in consideration aforesaid, do hereby release *our* right of dower in the above mentioned premises.

And *we* and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved or secured to us or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In Witness whereof *we* have herewith set *our* hands and seals this *twelfth* day of *August* in the year of our Lord one thousand nine hundred and *thirteen.*

Mary Kelley Macarty
Albert R. Hatch

John W. Kelley (P)
Romaine S. Kelley (P)
Alice B. Paul (P)
Blanche K. Paul (P)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. *August 12* N. D. 1913
Personally appeared the above named *John W. Kelley, Alice B. Paul, Romaine S. Kelley & Blanche K. Paul* and acknowledged the foregoing instrument to be *their* voluntary act and deed.

BEFORE ME:
Albert R. Hatch Justice of the Peace.

Received and Recorded *June 6-1-1913* *John W. Lellan* Register

Know all Men by these Presents,

9

THAT we, *Romaine J. Kelley* of *Potomac*, County of *Rockingham* and State of *New Hampshire*, residing *Agate* under the will of *John W. Kelley*, late of said *Potomac*, and *Alice B. Paul* of said *Potomac*

9

for and in consideration of the sum of *One Dollar* to us in hand, before the delivery hereof well and truly paid by

Thomas D. Noyes of

Kelley & Paul
to
Noyes

said *Potomac*

the receipt whereof we do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said *Thomas D. Noyes* his heirs and assigns forever,

del. to
Ed. Patterson-Jones

Lot No. 44 on a plan of land of the estate of *Charles H. Handman* now owned by said *Kelley* and *Paul*, recorded in *Rockingham Records*, Book of *Plans*, page *62*, bounded and described as follows: Beginning at the northwesterly corner of the lot herein conveyed at its junction with *lot 49*, *lot 50* and *lot 43* heretofore sold to said *Noyes*, and running in an easterly direction *fifty (50)* feet to the junction of the lot herein conveyed and *lots 45* and *45 1/2*; thence turning and running in a southerly direction one hundred and three and five tenths (*103.5*) feet more or less to *Maudslowi Avenue* as called; thence turning and running in a westerly direction by *Maudslowi Avenue* *fifty (50)* feet more or less to *lot No. 43* heretofore sold to said *Noyes*; thence turning and running in a northerly direction one hundred and three and five tenths (*103.5*) feet more or less by land of said *Noyes* to the point begun at.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging to him the said *Thomas D. Noyes* and his heirs and assigns, to him and their only proper use and benefit forever. And we the said *Romaine J. Kelley* and *Alice B. Paul* and our heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said *Thomas D. Noyes* and his heirs and assigns, that until the delivery hereof we are the lawful owner of the said premises, and we seized and possessed thereof in our own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that we and our heirs, executors and administrators, shall and will warrant and defend the same to the said *Thomas D. Noyes* and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, *Clarence K. Paul*, husband of the said *Alice B. Paul* in consideration aforesaid, do hereby release my right of dower in the above mentioned premises.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

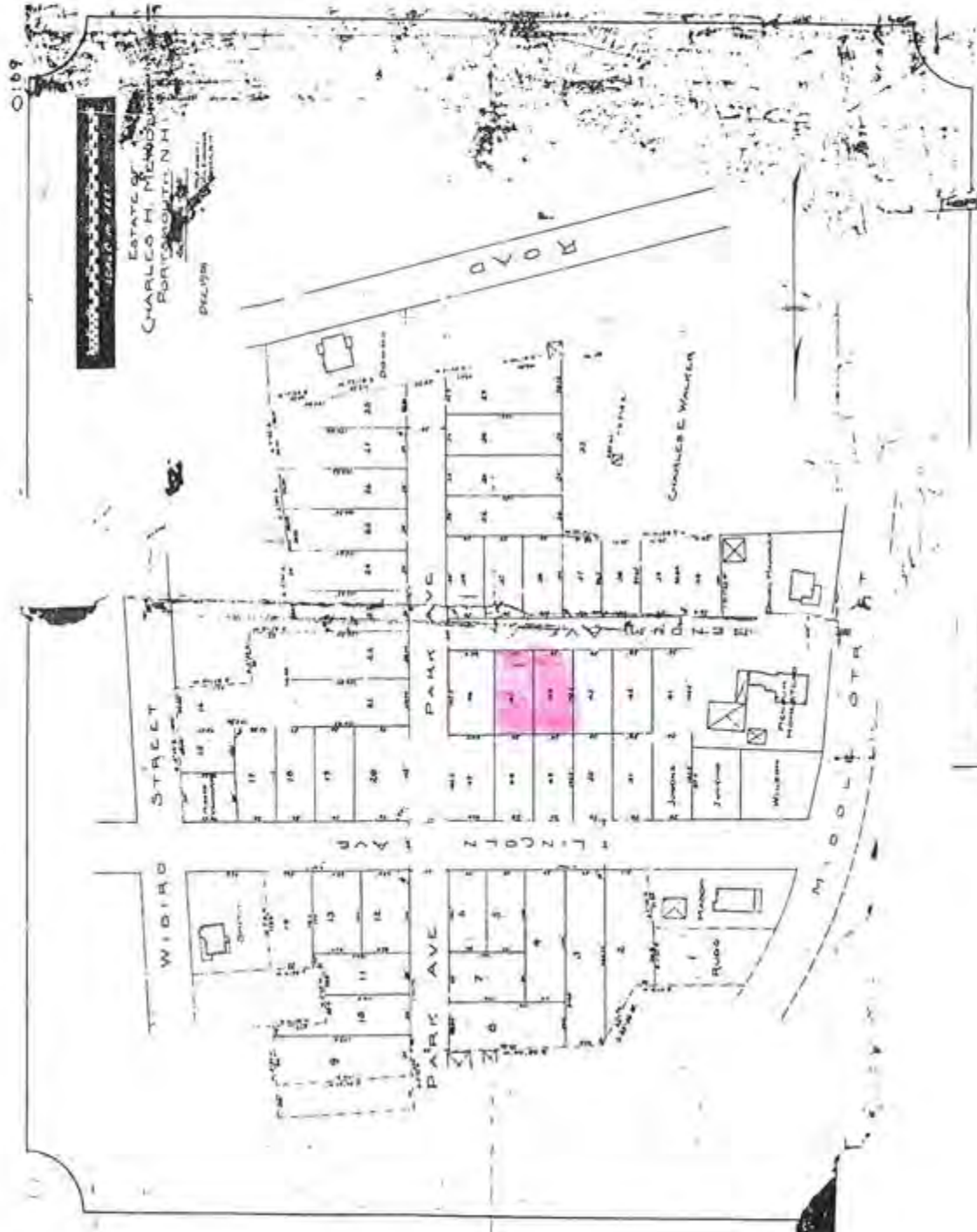
In Witness whereof we have hereunto set our hand and seal this *seventh* day of *March* in the year of our Lord one thousand nine hundred and *thirteen*.

EDWARD H. BONDY
E. P. LAWRENCE
A. R. HOBBS }
E. B. WRIGHT }
R. J. K.
Romaine J. Kelley (P)
Alice B. Paul (P)
Clarence K. Paul (P)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. *October 6* A. D. 1913.
Personally appeared the above named *Romaine J. Kelley*, *Alice B. Paul* & *Clarence K. Paul* and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:
Albert R. Hatch Justice of the Peace.

Received and Recorded *Jan 6 - 10 32 AM 1914* *John W. Fuller* Register



70 Kensington Road
Portsmouth, NH 03801

August 12, 2015

Portsmouth City Council
Municipal Building
1 Junkins Ave.
Portsmouth, NH 03801

Re: August 17, 2015 third reading of Character-Based Zoning for the North End

Dear Mayor Lister and City Councilors,

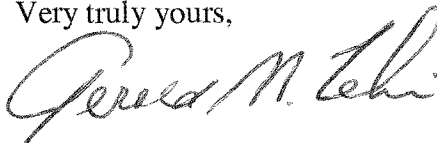
I am writing in support of the proposed ordinance to extend Character-Based Zoning to the North End.

Enclosed are:

1. A letter-to-the-editor I sent to the Portsmouth Herald yesterday, with some background information on the proposed ordinance. (Appendix A.)
2. Statistics to assist you in placing the proposed ordinance's height and width limits in context.
 - Appendix B is my tabulation of survey results from the November 2014 North End Charrette, regarding preferred building height.
 - Appendix C is my survey of the width and depth of major existing buildings downtown and in the North End.
 - Appendix D is the Planning Department's height survey of buildings downtown.

Lastly, I note that entries regarding North End character-based zoning on the Planning Department's website ended in April 2015. Members of the public who relied on that website were surprised by subsequent developments. This is not a complaint. I realize the Planning Department has been extraordinarily busy these past few months. It's simply a suggestion for improving the next stage of the process, which will be the extension of character-based zoning to the Islington Street corridor.

Very truly yours,



Gerald M. Zelin.

Appendix A

Facts on Character-Based Zoning in the North End

By Jerry Zelin

August 11, 2015

On August 3, 2015, the Portsmouth City Council conducted a public hearing, and then passed on second reading, an ordinance extending character-based zoning to the North End. On August 17, the Council will decide whether to adopt the ordinance by passing it on third reading.

The Portsmouth Herald's story regarding the August 3 public hearing focused on one aspect of the ordinance, building height. The article quoted developers complaining that a height limit of two or three stories is not "commercially viable" and would not make it "worth their while to include things like workforce housing there."

In fact, the proposed ordinance sets that low height limit for only a small area. It allows up to 4 stories/50 feet in most of the North End. It permits up to 5 stories/60 feet in the interior of the North End (near the intersection of Vaughan and Green Streets). The ordinance permits one additional story in most sections of the North End if the project includes a greenway along the waterfront, civic space, or a few units of workforce housing.

These height restrictions reflect a consensus that emerged at the November 2014 North End Charrette. The "Community Code Survey" at that event asked, "How tall should buildings be in the North End." Sixty percent of the respondents who answered that question favored a height limit of 4 stories/50 feet or less. Fourteen percent favored a height limit of 5 stories/60 feet. Some added they would allow these heights only to achieve a "public purpose," such as "affordable housing."

The ordinance now before the City Council also limits building width and footprint. The largest allowable buildings (other than parking garages) will be 250 feet wide with footprints of 15,000 square feet.

While those dimensions are generous, they are better than the current zoning ordinance, which sets no width and footprint limits whatsoever for the North End. For example, the Marriott Residence Inn, recently constructed along Deer Street, fits within the proposed ordinance's width limit. However, that structure's footprint (25,000 square feet) exceeds what the proposed ordinance tolerates. Portwalk III, stretching 370 feet along Maplewood Avenue, with a footprint of nearly 50,000 square feet, could never be constructed under this ordinance.

Portsmouth's Master Plan, adopted in 2005, recommends the "extension" of "pedestrian friendly streets" and "human-scaled architecture" into the North End, "integrating" that area with downtown. What we have seen since then is a real estate boom in the North End characterized by big box buildings out of character with our historic city. Until now, Portsmouth's land use laws relied primarily on the Historic District Commission to regulate mass, a task the Commission was not always eager to perform. Extending character-based zoning into the North End provides a backstop by imposing absolute limits on building height, width, and footprint.

Results Regarding Building Height from Nov. 2104 North End Charrette "Community Code Survey"						
Compiled by Jerry Zelin, January 27, 2015, revised April 17, 2015						
Question: "How tall should buildings be in the North End?"						
Height	Number favoring less than Harborcorp's proposed maximum height	Number content w Harborcorp height without workforce housing	Number content w Harborcorp height if affordable housing	Number w no direct answer	Respondent's qualifying comments	
Maximum of 2 stories	2					
No taller than historic buildings on Maplewood	1					
2-3 stories	1					but could be higher if serves a public purpose
3 stories	4					
Maximum of 3.5 stories	1					
3-4 stories	3					
Maximum of 3-4 stories	2					
3-5 stories	1					
3-5 stories	1					
40 feet	1					with "structured parking"
4 stories	3					
Maximum of 4 stories	6					
Maximum of 45 feet	2					
Maximum of 50 feet	1					if serves a public purpose
4-5 stories	1	1				
4-5 stories	1		1			if serves a public purpose, e.g., affordable housing
Lower than Marriott and Hilton	1					
5 stories	1					"if structured parking"
30-60 feet			1			as tradeoff for affordable housing
6 stories			1			for affordable housing
Equal to or higher than Port walk III		1				
No taller than the Sheraton		1				
75 feet			1			for affordable housing
"80+ feet"		1				
Lower than North Church		1				
No taller than North Church		1				
Favors variability				3		

"Graded"					1	Low at edge of North End, higher in the middle	
"It depends"					2		
"Irrelevant"			5				
"Skyscrapers"			1				
Concerned about overly large bldgs.					1		
"Not too tall"					1		
"Reasonable"					1		
Compatible with adjacent structures, but saving views of North Church and Memorial Bridge Towers			1				
Did not answer question					5		
TOTALS		32	13	4	14	Total of 63 survey forms completed and tabulated	
Methodological notes: 1. This tabulation treats Harborcorp's structure as 5 stories and 60 feet tall. Portions of the structure in fact exceed 5 stories; these include the 4-story conference center above the 2-story entrance along Russell Street, in addition to 6-story elevator/stair towers on Deer Street and facing the railroad tracks. 2. Survey responses tolerating "4-5 stories" are tabulated as tolerating Harborcorp's height, again giving Harborcorp the benefit of the doubt.							

Appendix C

Width, depth, and height of large buildings downtown and in the North End, relative to Harborcorp's proposed project

By Jerry Zelin

March 25, 2015

Notes:

A. *Unless otherwise noted, all width and depth measurements were made by the author using a surveyor's wheel and all height measurements come from a Portsmouth Planning Department document entitled, "Street-Based Data: Building Height and Number of Stories" (copy attached hereto).*

B. *"Only 9% or 30 buildings in the downtown exceed 45 feet in height."*¹

I. Harborcorp's proposed project (as shown on its application for a conditional use permit).

- a. Triangular footprint.
 - (i) 360 feet wide along Deer St.
 - (ii) 420 feet wide along Russell St.
 - (iii) 660 feet wide at the back of the building facing the railroad tracks and the rest of the North End.
- b. Building height:²
 - (i) The height for most of the building is approximately 58 feet above grade level.
 - (ii) Two small portions rise 43 to 46 feet above grade level, jutting out from higher portions of the building.
 - (iv) Some portions of the building are over 62 feet above grade level.
- c. Generally five to six stories, as shown on plans filed with the HDC and TAC.

¹ "Street-Based Data: Building Height and Number of Stories" (copy attached hereto), top of p. 2.

² Sheets A1.2 and A1.5, dated January 20, 2015 and filed with the city's Technical Advisory Committee.

II. Large buildings downtown.

- a. McIntyre Building.
 - (i) Main building is 85 feet wide fronting Daniel St. and 170 feet fronting Penhallow St.
 - (ii) Low annex housing the Post Office is an additional 105 feet wide along Daniel St.
 - (iii) 61 feet tall.

- b. Harbor Place (old power station).
 - (i) 125 feet wide along Bow Street.
 - (ii) 74 feet tall.

- c. Seacoast Rep building on Bow Street.
 - (i) 92 feet wide for the main building alone.
 - (ii) 162 feet wide including the main building and the two lower wings in each side of the main building.

- d. Martingale building on Bow Street.

164 feet wide.

- e. Middle School on Parrott Ave. (the old building being renovated, not the newly-constructed wing).
 - (i) 200 feet wide along Parrott Ave.
 - (ii) 100 feet deep along Rogers St.

- f. Rockingham Hotel building on State Street.
 - (i) 105 feet wide along State Street.
 - (ii) 74 feet tall.

- g. Old Custom House (40 Pleasant St.).
 - (i) 60 feet deep along State St.
 - (ii) 86 feet wide along Pleasant St. excluding the low wing housing the Oriental restaurant.
 - (iii) 123 feet wide along Pleasant St. including that low wing.
 - (iv) 64.5 feet tall.

- h. The entire block on the north side of Congress St. between Market St. and High St., including the Athenaeum, Starbucks, etc.

138 feet wide along Congress St.

- i. The Odd Fellow Building, 40 Congress St.
 - (i) 49 feet wide along Congress St.
 - (ii) 75 feet deep along Fleet St.
 - (iii) 65.5 feet tall.

- j. The entire "Popovers building," 18 Congress St.
 - (i) 165 feet wide.
 - (ii) 60 feet tall.

- k. The old high school at 20 Islington Street.
 - (i) 163 feet wide.
 - (ii) 59 feet tall.

- l. 51 Islington St. (the new building across from the old high school)
 - (i) 110 feet wide along Islington St.

- (ii) 97 feet deep.
 - (iii) 53 feet tall.

- m. 141 Congress St. (the yellow brick building on the north side of Congress Street housing the Japanese restaurant, just east of the Portsmouth Health Foods store, formerly the YMCA and Goodman's Dept. Store).
 - (i) 64 feet wide along Congress St.
 - (ii) 47 feet tall.

- n. The Franklin Block, 63 Congress St.
 - (i) 130 feet wide.
 - (ii) 107 feet deep.
 - (iii) 55 feet tall.

- o. 100 Market Street.
 - (i) 115 feet frontage on Market St.
 - (ii) 137 feet frontage on Hanover St.
 - (iii) 60 feet tall.

III. Buildings in the North End.

- a. Marriott Residence Hotel (an "L" shaped building)
 - (i) 190 feet frontage on Deer St., 105 feet deep on that leg of the "L."
 - (ii) 214 feet frontage on the new street that runs north/south, 68 feet deep on that leg of the "L."
 - (iii) 60 feet tall.

b. Portwalk III.

- (i) 370 feet frontage along Maplewood Ave.
- (ii) 246 feet frontage along Hanover St.
- (iii) 385 feet frontage along Portwalk Place.
- (iv) 145 feet frontage along Deer St.
- (v) 60-70 feet tall.

c. Sheraton.

- (i) 232 feet frontage along Market St. (including the low northern wing).
- (ii) Two rows of storefronts along Deer St. (separated by an alley) are 132 and 106 feet wide.
- (iii) The hotel runs 370 feet along Russell St. (including a low and set back northern wing).
- (iv) Height: ?

d. City Parking Garage.

- (i) 451 feet wide along Hanover St.
- (ii) 125 feet deep along Fleet St. (excluding a wing set back behind Gilley's)
- (iii) Height: ?

e. 111 Maplewood Ave. (approved, not yet constructed).

- (i) Dimensions for this building, recited below, were calculated by placing a ruler on plans filed with the HDC and converting those measurements from inches to feet based on the scale accompanying those plans. This was necessary because the plans filed with the HDC do not state the building's overall dimensions.
- (ii) The project calls for a U-shaped "main building" four stories high, with a two-story rotunda "annex" on the northwestern corner.

- (iii) The middle leg of the “U,” facing Maplewood Ave., is approximately 256 feet wide *including* the rotunda and approximately 225 wide *excluding* the rotunda .
 - (iv) The northernmost leg of the “U,” along Rogers Ave., is approximately 188 feet long.
 - (v) The southernmost leg of the “U,” facing the old Portsmouth Herald building, is approximately 182 feet long.
 - (vi) The building is 4 stories tall (including the “penthouse” level) and has an average height above grade level of 48-50 feet.
- f. Old Portsmouth Herald building immediately south of 111 Maplewood Ave.
132 feet wide along Maplewood, 125 feet deep.
- g. Four historic wood frame buildings on Maplewood Ave., directly across from 111 Maplewood (listed in sequence from south to north)
- (i) 38 feet wide, 2.5 stories.
 - (ii) 42 feet wide, 2 stories.
 - (iii) 35 feet wide, 2 stories.
 - (iv) 45 feet wide, 2 stories.
- h. Vanguard Key Club building northeast of 111 Maplewood.
89 feet wide, 133 feet deep.
- i. 233 Vaughan St. (under construction)
- (i) 140 feet frontage along Vaughan St.
 - (ii) 100 feet frontage along Green St.
 - (iii) 50 feet tall? (50 feet was the maximum height allowed by the zoning ordinance when the building permit was granted.)

IV. Comparing Harborcorp to Congress Street.

- a. The length of the Harborcorp project along Deer Street is 360 feet. A walk of that distance along the south side of Congress Street would:
 - (i) Start at the entrance to Popover's and end at the entrance to Bull Moose Records.
 - (ii) Pass 7 genuinely separate buildings of varying height.
 - (iii) Pass 11 store fronts.
 - (iv) Cross 2 streets and 1 alley.
- b. The length of the Harborcorp project's back side, facing the railroad track and the rest of the North End, is 660 feet. A walk of that length along the south side of Congress Street would:
 - (i) Start at the entrance to Popover's and end at the entrance to Radicci Restaurant.
 - (ii) Pass 11 genuinely separate buildings of varying height.
 - (iii) Pass 21 store fronts.
 - (iv) Cross 2 streets and 2 alleys.

V. Comparing Harborcorp to other large structures.

- a. The Titanic.

The ship was 880 feet long. The hull, from the waterline to the deck, was 60 feet tall. (Sources: multiple Internet sites.)

- b. The Prudential Tower in Boston.

749 feet tall. (Source: Wikipedia.)

STREET-BASED DATA: BUILDING HEIGHT AND NUMBER OF STORIES

	STREET NAME	TOTAL NUMBER OF LOTS	TOTAL NUMBER OF BUILDINGS	TOTAL NUMBER OF PARKING LOTS	TOTAL STREET FRONTAGE	AVERAGE BUILDING HEIGHT	AVERAGE NUMBER OF STORIES	AVERAGE FLOOR AREA RATIO
1	ATKINSON ST	3	3	0	135	30	3.0	1.5
2	BOW ST	25	23	2	1369	38	3.2	2.5
3	BRIDGE ST	6	5	1	660	25	2.5	1.1
4	CERES ST	4	3	1	338	24	1.8	0.8
5	CHAPEL ST	11	8	3	651	30	2.4	1.1
6	CHESTNUT ST	4	4	0	204	43	2.9	2.0
7	CHURCH ST	1	0	1	42	0	0.0	0.0
8	COMMERCIAL ALY	4	4	0	206	31	2.8	2.3
9	CONGRESS ST	28	28	0	1556	39	3.0	2.7
10	COURT ST	38	34	4	2519	30	2.7	1.0
11	DANIEL ST	29	27	2	1507	30	2.7	1.6
12	DEER ST	9	9	0	875	28	2.7	1.3
13	FLEET ST	6	5	1	309	24	2.3	1.5
14	HANOVER ST	8	8	0	1431	43	3.9	2.6
15	HARBOUR PL	2	2	0	298	62	6.0	2.6
16	HIGH ST	10	9	1	666	29	2.7	1.3
17	ISLINGTON ST	6	6	0	549	37	3.0	1.5
18	LADD ST	7	9	4	273	38	3.3	3.0
19	MAPLEWOOD AVE	3	2	1	590	22	2.0	0.9
20	MARCY ST	2	2	0	189	25	2.5	0.4
21	MARKET SQ	6	6	0	236	38	2.7	2.6
22	MARKET ST	46	41	4	2046	41	3.4	2.8
23	MIDDLE ST	15	15	0	1252	32	2.5	0.9
24	PARROTT AVE	1	0	1	265	-	0.0	0.0
25	PENHALLOW ST	9	9	0	351	24	2.3	1.8
26	PLEASANT ST	16	16	0	1617	33	2.6	1.5
27	PORTER ST	1	1	0	225	43	4.0	2.1
28	RICHARDS AVE.	1	1	0	105	33	3.0	1.1
29	SHEAFE ST	11	11	0	356	25	2.4	1.4
30	STATE ST	66	63	3	3742	32	2.7	1.7
31	VAUGHAN MALL	8	8	0	509	23	1.8	1.5
32	WASHINGTON ST	4	4	0	226	28	2.8	1.0
TOTALS / AVERAGES		389	360	29	25,296	31	2.7	1.6

Building Height (Feet)	Number of Buildings (Total = 371)	% of Downtown Buildings in Study Area	Running Total*
LESS THAN 20	36	10.0%	10.00%
20-25	50	13.9%	23.89%
25-30	64	17.8%	41.67%
30-35	74	20.6%	62.22%
35-40	55	15.3%	77.50%
40-45	51	14.2%	91.67%
45-50	9	2.5%	94.17%
50-55	7	1.9%	96.11%
55-60	7	1.9%	98.06%
60-65	3	0.8%	98.89%
65-70	2	0.6%	99.44%

70-75	2	0.6%	100.00%
TOTAL	360		

* Only 9% or 30 buildings in the downtown study area exceed 45 feet in height.

** 15 of these taller buildings are landmark buildings in location, land use, building style, materials and the quality of the building design.

*** Nearly 82% of all buildings in the study area were built before 1945.

**** 18 new buildings have been built downtown since 1995 with 8 of these buildings exceeding 50 feet in height.

Recent Project Data:

Recent projects	Start Height	End Height	Public Benefits	Design Changes	# HDC migs
1 18 Congress Street	?	60			5
2 64 State Street	?	48			?
3 80 Wright Ave.	60	54	sidewalk plaza	high quality finish stepback	12
4 100 market	60	60			?
5 175 market	46	45	restoration, parking		11
6 Portwalk (all phases)	60	60	underground parking		?
7 51 Islington street	?	53			?


ANALYSIS OF BUILDINGS OVER 45 FEET IN HEIGHT

STREET #	ADDRESS	YEAR BUILT	Building Type	Building Use	Building Value
1					
2	CONGRESS ST	1863	landmark quality	civic church	very high
3	MARKET ST	1860	upward extension	private - mixed-use	moderate - high
4	CONGRESS ST	1905	landmark quality	civic - ymca	moderate - high
5	LADD ST	1999	infill	private-mixed-use	low-moderate
6	DANIEL ST	1858	landmark quality	civic - city hall	high
7	STATE ST	2009	infill	private-mixed-use	low-moderate
8	MARKET SQ	1803	landmark quality	civic - athenaeum	very high
9	CONGRESS ST	1866	landmark quality	private-mixed-use	very high
10	CONGRESS ST	1916	infill	private-mixed-use	low-moderate
11	CHESTNUT ST	1900	landmark quality	non-profit - music hall	very high
12	CONGRESS ST	2006	infill	private-mixed-use	high
13	STATE ST	1900	outlier	industrial	moderate-high
14	COURT ST	1970	infill	public housing	low
15	STATE ST	1880	landmark quality	private - hotel	very high
16	CONGRESS ST	1879	landmark quality	theatre	very high
17	BOW ST	1997	infill	residential	moderate-high
18	BOW ST	1894	conversion	industrial	moderate-high
19	MARKET ST	1999	infill	private - commercial	moderate
20	ISLINGTON ST	1903	landmark quality	civic - high school	very high
21	HANOVER ST	2010	infill	private - mixed-use	moderate
22	HIGH ST	2006	infill	private - mixed-use	moderate
23	HANOVER ST	2012	infill	private - mixed-use	moderate
24	HANOVER ST	2005	infill	private - mixed-use	moderate
25	DANIEL ST	1967	infill	civic - post office	low
26	CONGRESS ST	1988	infill	private - mixed-use	low-moderate
27	PLEASANT ST	1857	landmark quality	civic - post office	very high
28	CONGRESS ST	1878	landmark quality	civic odd fellows	very high
29	CHESTNUT ST	1900	landmark quality	civic music hall/ theatre	very high
30	STATE ST	1880	landmark quality	private hotel	very high
	HARBOUR PL	1900	landmark quality	industrial	moderate-high

* post WWII in bold

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: August 13, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on August 17, 2015 City Council Agenda

5:45 p.m. Non-meeting with counsel regarding proposed negotiations in accordance with RSA 91-A:2, I (b).

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

Work Session:

6:30 p.m.

1. **Prescott Park Arts Festival Proposed Stage Relocation.** As you are aware on Monday evening at 6:30 p.m., the City Council will be meeting with representatives from the Prescott Park Arts Festival (PPAF) as well as Tracy Kozak from JSA Architects, regarding the proposed relocation of the stage. The Mayor's Working Group (consisting of Councilor Shaheen, Councilor Dwyer, Trustees of the Trust Member Tom Watson and the Mayor) have been discussing this matter with representatives from the PPAF and felt it was necessary now to bring this matter before the City Council to move it to the next step: the City's land use agencies.

Presentation:

1. **Update of Property Revaluation.** On Monday evening, City Assessor Rosann Maurice-Lentz will be updating the City Council on the City's revaluation, which is mandated in accordance with RSA 75:8 stating that "the Assessor shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every 5th year." The last revaluation took place in 2010.

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 (Postponed from the August 3, 2015 City Council Meeting).** As you will recall at the August 3rd City Council meeting, the Council postponed 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 to pass first reading and schedule a public hearing and a second reading of the proposed Ordinance, as presented, at the Tuesday, September 8, 2015 City Council meeting.

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

2. **Public Hearing and Adoption of Proposed Resolutions:**

- 2.1 **Public Hearing and Adoption of Proposed Resolutions for Bond Authorizations for FY16 City Improvements.** As a result of the August 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption 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 adopt a Bond Resolution for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements in the amount of up to \$6,100,000.*

- 2) *Move to adopt a Bond Resolution for FY16 purchase of Fire Apparatus in the amount of up to \$600,000.*
- 3) *Move to adopt a Bond Resolution for FY16 School Facilities Improvements in the amount of up to \$500,000.*
- 4) *Move to adopt a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,100,000.*
- 5) *Move to adopt a Bond Resolution for FY16 Sewer System Upgrades in the amount of up to \$4,000,000.*

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.

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

- 3.1 **Third and Final 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 August 3rd City Council meeting, under Section IX of the Agenda, I am bringing back for third and final 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 third and final reading of the proposed Ordinance. Action on this matter should take place under Section IX of the Agenda.

3.2 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning in the North End.** As a result of the August 3rd City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached ordinances amending the Zoning Ordinance](#). The proposed revisions are presented in [three attached documents](#):

- (1) A proposed revision to Article 5A – Character Districts, replacing the existing Article 5A;
- (2) A document titled “Conforming Amendments to the Zoning Ordinance,” including amendments to Articles 4 (Zoning Districts and Use Regulations), 4 (Dimensional and Intensity Standards), 11 (Site Development Standards), 12 (Signs) and 15 (Definitions); and
- (3) A set of four maps showing the expanded Character-Based Zoning Area, including proposed Character Districts in the North End and minor revisions to the zoning in the original study area.

As you will recall, prior to passing second reading at the August 3rd meeting, the City Council voted to amend the proposed ordinances and maps as recommended by the Planning Board. The documents included in the Council packet reflect those amendments.

I recommend that the City Council move to pass third and final reading of the proposed Ordinances, as presented. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **“North End Portsmouth” Development – Proposed Land Transfers, Easements and License.** As the Council is aware, a significant mixed-use development is proposed on the site of the Sheraton Harborside surface parking lot, which is bordered by Russell St., Deer St., Maplewood Ave. and the Boston and Maine railroad tracks. The “North End Portsmouth” development will include a conference center, a 96-room hotel, 19 residential condominiums, a grocery store and other retail spaces, and a parking structure containing 523 below- and above-ground parking spaces. The project has received all required approvals from the City’s land use boards.

Attached are a letter and four exhibits from Chris Thompson of North End Master Development, LP, regarding land transfers, easements and licenses that are necessary to implement the development project as it has been approved by the land use boards. The letter requests that the City accept four parcels of land to implement roadway improvements on Market, Russell, Green and Deer Streets, and two easements for utility and access purposes. In addition, North End Master Development requests the City to grant a number of easements around the periphery of the site to accommodate foundations, roof overhangs, stairs, ramps, grease traps and related items.

Also attached is a memorandum from Rick Taintor, Planning Director, describing the purposes of the proposed land transfers, easements and licenses. As noted in the memorandum, the proposed land transfers to the City will allow for three important roadway improvements in the vicinity of the project, including realigning the Russell/Deer intersection to a “T” configuration, widening and realigning Green Street between Russell Street and the railroad crossing and, most significantly, converting the Market/Russell intersection to a modern roundabout as an extension of the Market Street Gateway project.

I recommend that the City Council take the following actions:

- (1) *Move to accept the land transfers substantially as shown on the Land Transfer Plan, subject to any minor adjustments that may be needed to accommodate the construction of a roundabout at the intersection of Market Street and Russell Street.*
- (2) *Move to accept the Utility Easement and the Access Easement as shown on the Easement Plan.*
- (3) *Move to approve the Foundation Easements, Roof Canopy Easements, Roof Overhang Easements, Door Opening Easements, Easements for Stairs, Wall, and Ramps, and Utility Easements for Grease Traps, substantially as shown on the Easement Plan, and to authorize the City Manager to execute the necessary instruments for such easements.*
- (4) *Move to approve the requested licenses substantially as shown on the License Plan, and to authorize the City Manager to execute the necessary instruments.*

2. **Annual Omnibus Ordinance Change, Parking and Traffic.** [Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee](#) to be presented to the City Council at its meeting of August 17, 2015. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to on-street spaces and update wording to reflect current conditions.

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

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

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking](#) for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 13, 2014 and June 11, 2015, as well as updates to reflect current conditions.

I recommend the City Council move to authorize the City Manager to bring back for first reading the attached proposed Ordinance, as presented, at the Tuesday, September 8th City Council meeting.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 3, 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.
4. **Report Back Re: Payment of Severance to former Deputy Police Chief Corey MacDonald.** As requested by the City Council, attached is a [memorandum from City Attorney Robert Sullivan](#) regarding the payment of severance to former Deputy Police Chief Corey MacDonald.

5. **Report Back Re: Analysis of Polling Hours.** For your information, [attached is a memorandum from Kelli Barnaby, City Clerk](#), regarding an analysis of the polling hours.

6. **Report Back Re: Land Acquisition (Frank Jones Center Property).** As requested by the City Council, I met with Brian Thibeault owner of the property known as Frank Jones Center. This property consists of 12.4 acres. Mr. Thibeault is willing to sell 8.77 acres for \$9,000,000 ([see attached letter and map](#)). Mr. Thibeault is interested in retaining 3.84 acres which includes the Frank Jones Center. I await for instructions from the City Council on how to proceed.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: August 12, 2015
RE: "North End Portsmouth" Project (Harborcorp) –
Proposed Land Transfers, Easements and Licenses

As you know, North End Master Development, LP, is planning a mixed-use development on the site currently occupied by the Sheraton Harborside Hotel surface parking lot, bounded by Russell St., Deer St., Maplewood Ave. and the Boston and Maine railroad tracks. The proposed "North End Portsmouth" development has been granted site plan approval by the Planning Board and a certificate of approval by the Historic District Commission. In order for the project to move forward as approved by the land use boards, certain land transfers, easements and licenses must be authorized by the City Council.

Chris Thompson, on behalf of North End Master Development, has submitted a letter to the City Council requesting approval of these transactions. The letter includes the following attachments depicting the specific areas involved in the proposed transactions:

- Land Transfer Plan (1 sheet)
- Easement Plan (2 sheets)
- License Plan (1 sheet)

In addition to North End Master Development, LP, which owns the parcels on which the "North End Portsmouth" development will be constructed, two other legal entities will be involved in several of the proposed transactions. Harborside Associates, LP, owner of the Sheraton Harborside Hotel parcel, will convey to the City a small parcel at the Market-Russell intersection for intersection improvements as well as a utility easement on Russell Street. Harborside Inn, Inc., owns a small parcel at the intersection of Deer and Russell Streets which will be conveyed to the City for road realignment.

Land Transfers

As part of the site plan review process, the developer was required to deed several parcels of land to the City for roadway improvements. These transfers are shown on the "Land Transfer Plan" and include the following:

- A 2,640 sq. ft. parcel of land at the intersection of Russell St. and Deer St. will be deeded by Harborside Inn, Inc., to the City to allow the intersection to be realigned from an angle configuration to a "T". This realignment was a feature of the Westin Hotel proposal for the parking lot parcel that was approved by the Planning Board and other City boards in 2007. In addition to improving the intersection's configuration and operation, this land transfer will result in the creation of a large plaza on the opposite

corner of the intersection. The realignment will be implemented by the developer as an integral part of the North End project development.

- A 192 sq. ft. strip of land on the north side of Green St., between Russell St. and the railroad right of way, will be deeded by North End Master Development LP to the City to allow the widening of Green St. and a realignment of the intersection of Green St. and Russell St. This improvement will be necessary to accommodate traffic increases on Green St. resulting from new and future development on Vaughan St. and Raynes Ave., and will be implemented by the developer.
- Two areas of land at the intersection of Russell St. and Market St., totaling 3,842 sq. ft., will be deeded by Harborside Associates LP and North End Master Development LP to the City to accommodate the conversion of this intersection to a modern roundabout. The final configuration of these land transfers will be determined based on the ultimate design of the roundabout.

The above land transfers will allow the developer and the City to implement significant improvements to City streets. It is important to note that the proposed roundabout at Market and Russell is neither linked to nor required for the North End Development project, but rather has been proposed by City staff as an extension of the Market Street Gateway project and is programmed in the Capital Improvement Plan for Fiscal Years 2017 and 2018.

Easements

The approved site plans include two small easements to be granted by the landowners to the City, and a number of easements to be granted by the City to the landowner/developer. These easements are shown on the “Easement Plan” (2 pages) and include the following:

Proposed easements to the City:

- A 186 sq. ft. utility easement from Harborside Associates LP (the Sheraton Harborside parcel) to allow the City to construct, maintain and operate a lighting control cabinet on the easterly side of Russell Street.
- A 101 sq. ft. access easement from North End Master Development LP to allow pedestrian access across a corner of the development site at the intersection of Deer Street and Maplewood Avenue. This easement is required in order to provide a sidewalk that is 12 feet wide (exclusive of ADA ramps) as it wraps around the corner.

Proposed easements from the City to North End Master Development LP:

- 7 easements for foundations, ranging from 3 sq. ft. to 1,369 sq. ft. in area;
- 12 easements for roof canopies and overhangs, ranging from 14 sq. ft. to 311 sq. ft.;
- 2 easements to allow placement of grease traps under the City sidewalk on Russell Street;
- 3 easements for door openings onto the City sidewalk, ranging from 1 sq. ft. to 12 sq. ft.;
- A 1,568 sq. ft. easement at the center of the development, facing the plaza at the Russell-Deer intersection, to allow construction of stairs, a wall and a ramp, and operation of an outdoor café; and

- An 835 sq. ft. easement at the north end of the development, at the corner of Russell and Green Streets, for stairs and other exterior facilities.

Because many of these 26 easements overlap with each other, the total area of City land that would be encumbered by easements is 6,244 sq. ft., which is less than the 9,573 sq. ft. sum of the areas of the individual easements.

License

In addition to the above fee transfers and permanent easements described above, North End Master Development is also requesting temporary licenses over two areas in the municipal right of way for construction, laydown and staging, as depicted on the “License Plan”. These areas encompass most of the City sidewalks and part of the traveled way along all three street frontages of the development site. It is anticipated that these areas may be occupied for the duration of a construction period lasting up to two years.

Recommendation

The requested land transfers, easements and licenses are consistent with the site development plans that have been approved by the Historic District Commission and the Planning Board, and have been determined by the developer to be necessary to implement that plan and the City-proposed Market Street roundabout. I have reviewed the proposed deeds and license agreement with the City Attorney and we have transmitted our comments to the developer’s team. If the City Council votes to approve these transactions, we will continue to work with North End Master Development LP to revise the easement deeds and license agreement to the Legal Department’s satisfaction prior to their execution by the City Manager.

Based on the prior approvals by the City’s land use boards and ongoing review by the Planning and Legal Departments, I recommend that it would be appropriate for the City Council to vote as follows:

- (1) To accept the land transfers substantially as shown on the Land Transfer Plan, subject to any minor adjustments that may be needed to accommodate the construction of a roundabout at the intersection of Market Street and Russell Street.
- (2) To accept the Utility Easement and the Access Easement as shown on the Easement Plan.
- (3) To approve the Foundation Easements, Roof Canopy Easements, Roof Overhang Easements, Door Opening Easements, Easements for Stairs, Wall, and Ramps, and Utility Easements for Grease Traps, substantially as shown on the Easement Plan, and to authorize the City Manager to execute the necessary instruments for such easements.
- (4) To approve the requested licenses substantially as shown on the License Plan, and to authorize the City Manager to execute the necessary instruments.



North End Master Development, LP | 250 Market Street | Portsmouth, NH, 03801

August 11, 2015

The Honorable Mayor and Members of the City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and Members of the City Council:

Attached you will find three plans showing proposed land transfers, easements and licenses related to the Harborcorp development on Deer Street, Russell Street and Maplewood Avenue. These plans and the transfers they represent are integral to the development that has been recently approved by the Historic District Commission and the Planning Board, and allow for the roadway improvements agreed upon as part of the development and the typical licenses and easements from and to the City for such a development.

The Fee Transfer Plan shows four parcels to be conveyed by deed to the City. They are:

- a parcel at intersection of Russell and Deer Streets to be deeded to the City for realignment of Russell Street at the intersection;
- a parcel at intersection of Russell and Green Streets to be deeded to the City for widening and realignment of Green Street, and;
- two parcels at the intersection of Market and Russell Streets to be deeded to the City for construction of a roundabout as proposed by City staff.

The Easement Plan shows the permanent easements that are proposed to be granted to the City and from the City. Several easements are from the City to the developer for stairs, ramps, overhangs, foundations, grease traps, and related items that are needed for the construction and use of the development. An additional easement is from the developer to the City for a utility cabinet for street lighting. An access easement is from the developer to the City for access at or near the intersection of Maplewood Ave and Deer Street.

The License Plan shows the temporary license area in the City right of way that is required for construction and staging areas as well as for construction of public improvements including a pedestrian plaza at the intersection of Deer and Russell Streets and wider sidewalks along all three street frontages.

We respectfully ask that you approve these transfers.

Very truly yours,

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

Chris Thompson

EASEMENT LEGEND

- FOUNDATION EASEMENT
- ROOF CANOPY/OVERHANG EASEMENT
- UTILITY EASEMENT
- CAFE EASEMENT
- DOOR EASEMENT
- STAIRS AND/OR EXTERIOR FACILITIES EASEMENT
- ACCESS EASEMENT
- LIGHTING CONTROL UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH ROUNDABOUT

NOTE

FOR EASEMENT DETAILS SEE SHEET 2 OF 2.

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 878:18, II, III AND IV AND 872:14:

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION, PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN JANUARY, 2015. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

A COPY OF THIS PLAN HAS BEEN FILED WITH THE LOCAL PLANNING BOARD.

LICENSED LAND SURVEYOR DATE

CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
EC1	2°52'38"	130.50'	13.31'	N31°46'16"W	13.30
EC2	1°10'13"	130.50'	26.10'	S2°14'15"E	25.06
EC3	27°41'51"	200.00'	36.63'	S12°01'23"E	35.70
EC4	24°30'03"	180.53'	31.47'	S10°30'51"E	30.85
EC5	31°11'21"	82.94'	45.18'	S07°18'04"E	44.60
EC6	30°52'38"	31.44'	18.69'	S09°47'35"E	18.37
EC7	2°21'45"	200.00'	39.18'	S30°02'44"E	39.16

LINE	BEARING	LENGTH
EL1	N57°41'27"E	14.76'
EL2	S44°51'04"E	9.84'
EL3	S45°27'02"W	17.44'
EL4	S01°49'08"W	103.23'
EL5	S89°08'20"E	1.99'
EL6	S01°38'11"W	14.26'
EL7	S09°34'45"W	38.85'
EL8	S29°17'30"E	2.00'
EL9	S84°42'30"E	3.70'
EL10	S01°49'08"W	38.28'

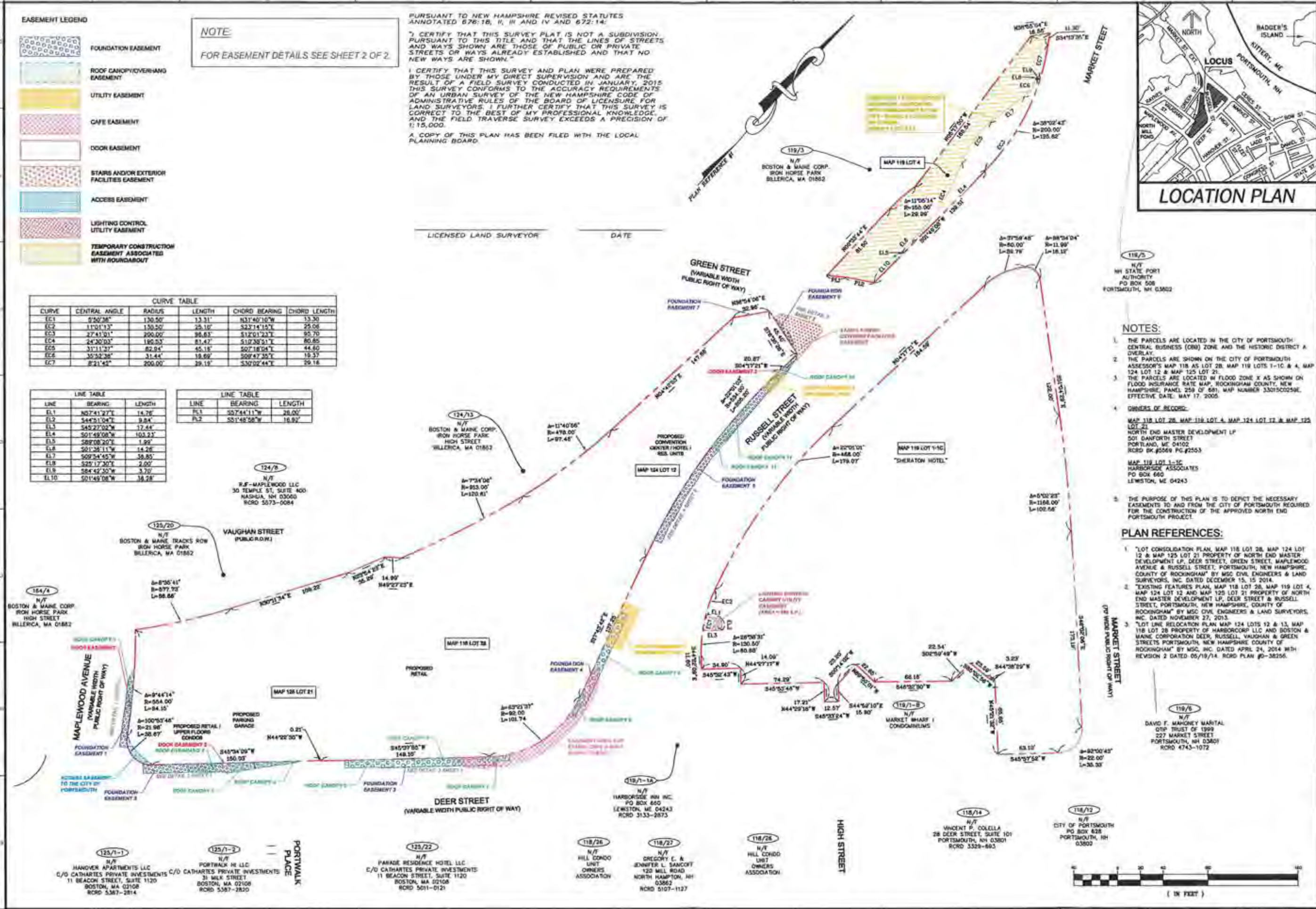
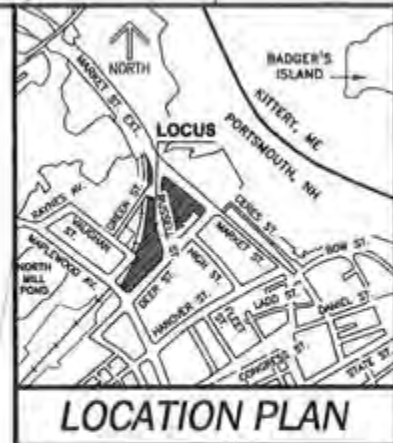
LINE	BEARING	LENGTH
PL1	S57°44'11"W	28.00'
PL2	S51°48'58"W	16.89'

NOTES:

- THE PARCELS ARE LOCATED IN THE CITY OF PORTSMOUTH, CENTRAL BUSINESS (CBZ) ZONE AND THE HISTORIC DISTRICT A OVERLAY.
- THE PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 118 AS LOT 28, MAP 119 LOTS 1-C & 4, MAP 124 LOT 12 & MAP 125 LOT 21.
- THE PARCELS ARE LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 258 OF 601, MAP NUMBER 3301500258E, EFFECTIVE DATE, MAY 17, 2005.
- OWNERS OF RECORD:
 - MAP 118 LOT 28, MAP 119 LOT 4, MAP 124 LOT 12 & MAP 125 LOT 21: NORTH END MASTER DEVELOPMENT LP, 501 DANFORTH STREET, PORTLAND, ME 04102, RORD BK #5569 PG #2553
 - MAP 119 LOT 1-C: HARBORSIDE ASSOCIATES, PO BOX 660, LEWISTON, ME 04243

PLAN REFERENCES:

- LOT CONSOLIDATION PLAN, MAP 118 LOT 28, MAP 124 LOT 12 & MAP 125 LOT 21 PROPERTY OF NORTH END MASTER DEVELOPMENT LP, DEER STREET, GREEN STREET, MAPLEWOOD AVENUE & RUSSELL STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED DECEMBER 15, 2014.
- EXISTING FEATURES PLAN, MAP 118 LOT 28, MAP 119 LOT 4, MAP 124 LOT 12 & MAP 125 LOT 21 PROPERTY OF NORTH END MASTER DEVELOPMENT LP, DEER STREET & RUSSELL STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED NOVEMBER 27, 2013.
- LOT LINE RELOCATION PLAN, MAP 124 LOTS 12 & 13, MAP 118 LOT 28 PROPERTY OF HARBORCORP LLC AND BOSTON & MAINE CORPORATION DEER, RUSSELL, VAUGHAN & GREEN STREETS, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM BY MSC, INC. DATED APRIL 24, 2014 WITH REVISION 2 DATED 05/19/14, RORD PLAN #0-38256.



DESCRIPTION: CHECKED BY: JCC

REV. DATE: REVISED FOR REVIEW

DRAWN BY: RD

EASEMENT PLAN
TAX MAP 118 LOT 28, TAX MAP 119 LOTS 1-C & 4,
TAX MAP 124 LOT 12 & TAX MAP 125 LOT 21
PROPERTY OF NORTH END MASTER DEVELOPMENT LP
DEER, GREEN, RUSSELL & VAUGHAN STREETS
AND MAPLEWOOD AVENUE
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

MSC
 A Division of TFMores, Inc.
 Civil Engineers, Structural Engineers
 Traffic Engineers, Land Surveyors
 Landscape Architects & Scientists

PROJECT NO.: 47118.00
 DATE: AUGUST 6, 2018
 SCALE: 1" = 40'
 1" = 80'

SHEET 1 OF 2

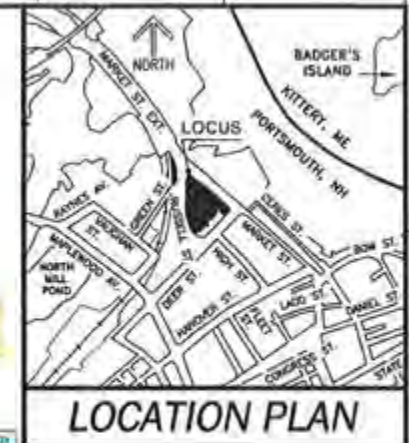
LINE	BEARING	LENGTH
L1	N04°12'21"E	7.37
L2	S81°24'29"E	89.54
L3	S24°45'33"W	1.82
L4	S07°21'33"W	9.87
L5	N82°46'30"W	2.99
L6	S01°49'08"W	8.21
L7	S07°44'11"W	28.00
L8	S01°48'58"W	18.92
L9	N00°32'44"E	6.12
L10	N00°24'11"E	43.02
L11	S01°49'08"W	103.23
L12	N82°08'20"W	1.89
L13	N01°26'11"E	14.28
L14	N02°24'45"E	36.85
L15	N05°12'30"E	2.00
L16	N04°42'30"E	3.70

CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	38°02'00"	59.84	39.29	N92°17'49"E	38.06
C2	88°34'34"	11.89	18.12	N89°24'10"E	18.45
C3	112°38'44"	29.85	48.28	N22°09'18"W	48.21
C4	56°08'24"	36.00	31.23	S76°49'33"W	30.76
C5	27°41'01"	200.00	66.63	S12°01'22"E	95.70
C6	24°30'03"	190.53	81.47	N102°38'31"W	80.85
C7	31°11'32"	82.94	45.18	N07°18'54"W	44.80
C8	30°32'30"	31.44	18.68	N09°47'30"W	18.37

MAP LOT	EXISTING AREA	AREA AFTER TRANSFER
119/1-1A	2,640 S.F.	0 S.F.
119/1-1C	89,031 S.F.	89,632 S.F.
119/1-1	3,765 S.F.	7,322 S.F.

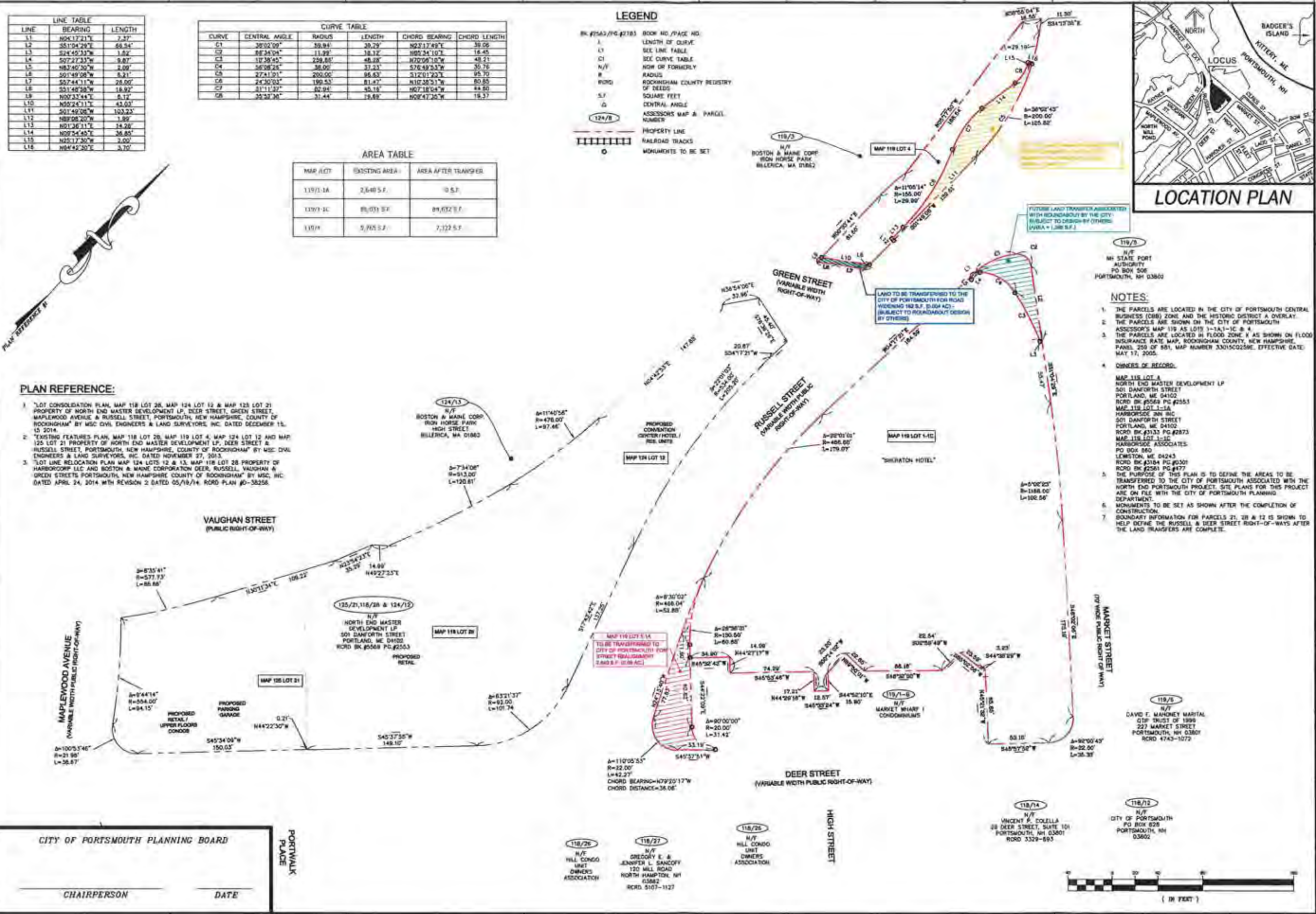
LEGEND

BOOK NO./PAGE NO.
 L LENGTH OF CURVE
 CL SEE LINE TABLE
 C1 SEE CURVE TABLE
 N/T NOW OR FORMERLY
 R RADIUS
 RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 S/F SQUARE FEET
 CA CENTRAL ANGLE
 124/8 ASSESSOR'S MAP & PARCEL NUMBER
 PROPERTY LINE
 RAILROAD TRACKS
 MONUMENTS TO BE SET



PLAN REFERENCE:

- LOT CONSOLIDATION PLAN, MAP 118 LOT 28, MAP 124 LOT 12 & MAP 125 LOT 21 PROPERTY OF NORTH END MASTER DEVELOPMENT LP, DEER STREET, GREEN STREET, MAPLEWOOD AVENUE & RUSSELL STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED DECEMBER 15, 2014.
- EXISTING FEATURES PLAN, MAP 118 LOT 28, MAP 119 LOT 4, MAP 124 LOT 12 AND MAP 125 LOT 21 PROPERTY OF NORTH END MASTER DEVELOPMENT LP, DEER STREET & RUSSELL STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED NOVEMBER 27, 2013.
- LOT LINE RELOCATION PLAN MAP 124 LOTS 12 & 13, MAP 118 LOT 28 PROPERTY OF HARBORCORP LLC AND BOSTON & MAINE CORPORATION DEER, RUSSELL, VAUGHAN & GREEN STREETS PORTSMOUTH, NEW HAMPSHIRE COUNTY OF ROCKINGHAM BY MSC, INC. DATED APRIL 24, 2014 WITH REVISION 2 DATED 05/19/14. RCRD PLAN #0-38258.



- NOTES:**
- THE PARCELS ARE LOCATED IN THE CITY OF PORTSMOUTH CENTRAL BUSINESS (CB) ZONE AND THE HISTORIC DISTRICT A OVERLAY. THE PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 119 AS LOTS 1-1A, 1-1C & 4.
 - THE PARCELS ARE LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 250 OF 881, MAP NUMBER 33015C0258E, EFFECTIVE DATE: MAY 17, 2005.
 - OWNERS OF RECORD:
 MAP 118 LOT 4 NORTH END MASTER DEVELOPMENT LP 501 DANFORTH STREET PORTLAND, ME 04102 RCRD BK #5568 PG #2553
 MAP 118 LOT 1-1A HARBORSIDE INN INC 501 DANFORTH STREET PORTLAND, ME 04102 RCRD BK #3132 PG #2873
 MAP 118 LOT 1-1C HARBORSIDE ASSOCIATES PO BOX 860 LEWISTON, ME 04243 RCRD BK #3184 PG #0301
 RCRD BK #2561 PG #477
 - THE PURPOSE OF THIS PLAN IS TO DEFINE THE AREAS TO BE TRANSFERRED TO THE CITY OF PORTSMOUTH ASSOCIATED WITH THE NORTH END PORTSMOUTH PROJECT. SITE PLANS FOR THIS PROJECT ARE ON FILE WITH THE CITY OF PORTSMOUTH PLANNING DEPARTMENT.
 - MONUMENTS TO BE SET AS SHOWN AFTER THE COMPLETION OF CONSTRUCTION.
 - BOUNDARY INFORMATION FOR PARCELS 21, 28 & 12 IS SHOWN TO HELP DEFINE THE RUSSELL & DEER STREET RIGHT-OF-WAYS AFTER THE LAND TRANSFERS ARE COMPLETE.

CITY OF PORTSMOUTH PLANNING BOARD

CHAIRPERSON _____ DATE _____

LAND TRANSFER PLAN
 TAX MAP 119 LOTS 1-1A, 1-1C & 4

PROPERTY OF NORTH END MASTER DEVELOPMENT LP,
 HARBORSIDE INN INC & HARBORSIDE ASSOCIATES
 DEER, GREEN & RUSSELL STREETS AND
 MAPLEWOOD AVENUE
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM

MSC
 A Division of TETRA TECH, INC.
 Civil Engineers, Structural Engineers
 Traffic Engineers, Land Surveyors
 Landscape Architects & Scientists

PHONE: 603.434.2222 170 COMMERCIAL WAY
 FAX: 603.434.0910 PORTSMOUTH, NH 03801
 www.mscengineers.com PORTSMOUTH, NH 03801

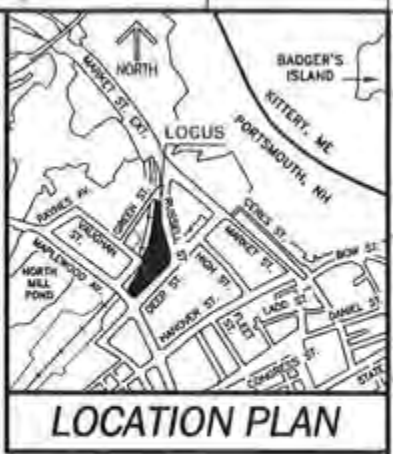
PROJECT NO: 4718
 DATE: AUGUST 4, 2015
 SCALE: 1" = 40'
 1" = 80'

REVISIONS
 NO. DATE REVISION PER REVIEWER
 1 08/19/15 REVIEW PER REVIEWER
 2 08/19/15 REVIEW PER REVIEWER

DRAWN BY: CFS
 CHECKED BY: JCC

CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
LC1	128.3749°	31.50'	38.27'	S89°05'39"E	30.44'
LC2	128.3749°	31.50'	38.27'	N60°01'24"W	38.75'
LC3	282.9835°	5.00'	2.38'	S172°22'00"W	2.38'
LC4	214.431°	259.99'	53.49'	S01°20'50"W	53.38'
LC5	214.431°	259.99'	53.49'	S02°45'03"E	53.19'
LC6	81°07'37"	258.87'	27.99'	S08°35'27"E	27.89'
LC7	30°50'00"	5.00'	3.13'	S28°58'02"E	3.08'
LC8	30°50'00"	5.00'	3.05'	S27°23'31"E	3.01'
LC9	190°22'31"	15.00'	26.28'	S40°17'44"W	23.04'
LC10	20°04'35"	334.00'	187.11'	N02°44'57"W	186.15'
LC11	30°07'36"	10.00'	6.13'	N52°35'47"E	6.04'
LC12	72°46'35"	10.00'	12.79'	S87°36'02"E	11.87'
LC13	58°32'46"	5.00'	5.11'	S64°03'31"E	4.88'
LC14	111°02'14"	144.50'	37.84'	S38°31'01"E	37.79'
LC15	30°50'00"	5.00'	2.82'	S59°22'09"E	2.58'
LC16	30°50'00"	5.00'	2.81'	S59°28'22"E	2.58'
LC17	88°41'40"	40.00'	80.52'	S01°08'45"E	84.91'
LC18	30°50'00"	4.50'	2.36'	S60°40'01"W	2.33'
LC19	30°50'00"	5.00'	2.62'	S60°40'01"W	2.58'
LC20	102°22'48"	40.00'	78.17'	N82°04'57"W	82.77'
LC21	30°56'15"	60.00'	25.09'	N17°25'28"W	24.66'
LC22	258°27"	504.00'	37.78'	N41°19'05"W	37.78'

LINE	BEARING	LENGTH
LL1	N00°36'32"E	21.76'
LL2	S04°17'21"W	10.19'
LL3	S30°26'57"W	15.85'
LL4	S04°17'21"W	12.73'
LL5	S01°30'41"W	42.94'
LL6	S44°53'31"E	14.38'
LL7	S09°53'31"E	17.20'
LL8	N76°10'35"E	4.20'
LL9	S31°02'50"E	10.07'
LL10	S20°12'52"W	5.07'
LL11	S44°22'09"E	43.82'
LL12	S74°22'09"E	9.32'
LL13	S42°11'08"W	95.83'
LL14	S45°40'01"W	23.79'
LL15	S75°40'01"W	13.45'
LL16	S45°40'01"W	245.88'
LL17	N35°23'25"W	27.81'
LL18	N17°43'42"W	97.50'



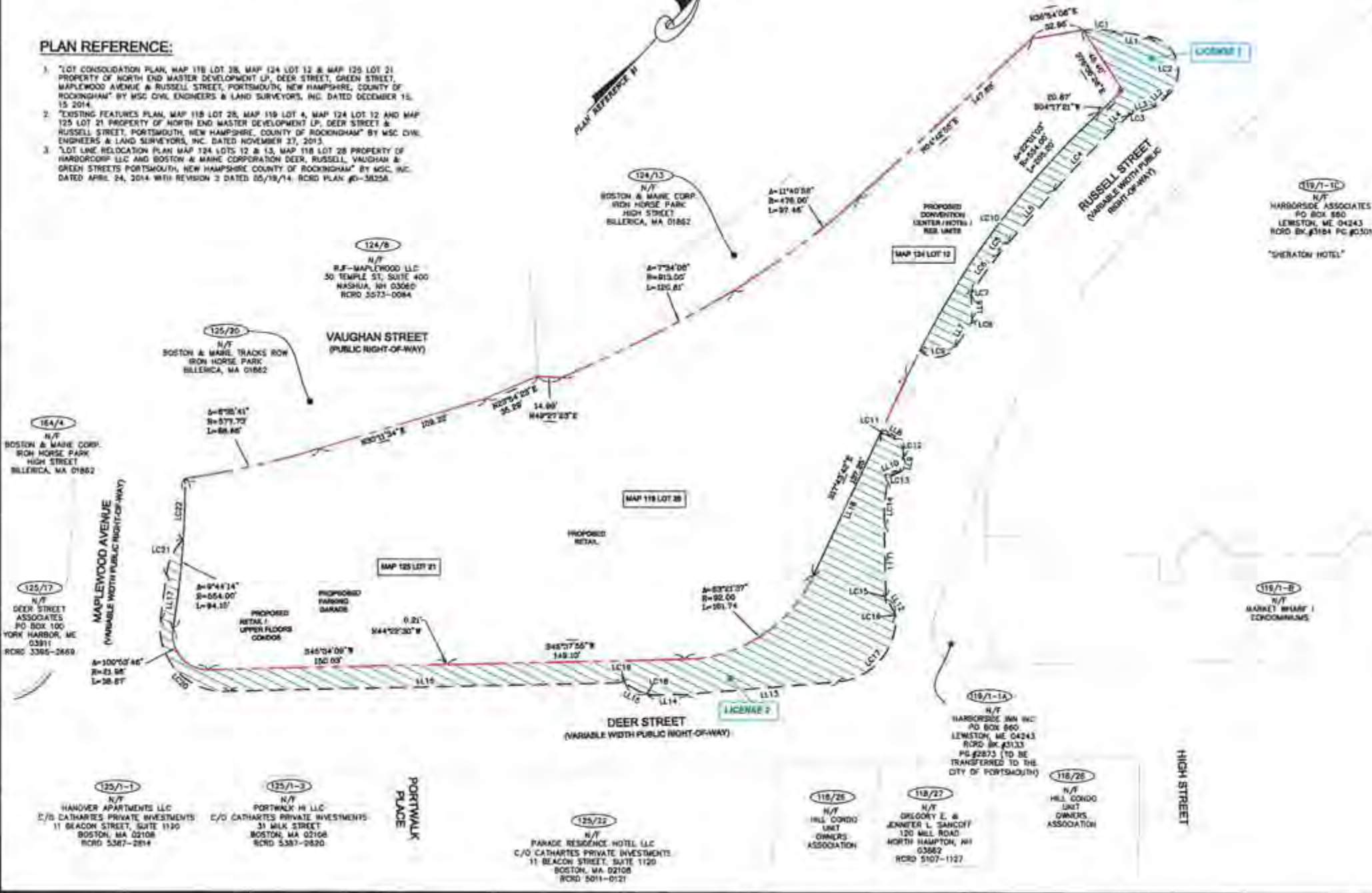
LICENSE DESCRIPTIONS:
 1. LICENSE AREA FOR COMMERCIAL ACTIVITIES (AREA 1 - 4,885 S.F.)
 2. LICENSE AREA FOR COMMERCIAL ACTIVITIES AND TEMPORARY USES (AREA 2 - 13,280 S.F.)
 3. AREA FOR CONSTRUCTION ACTIVITIES (AREA 3 - 13,280 S.F.)

PLAN REFERENCE:

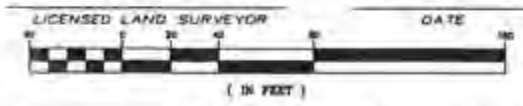
- "LOT CONSOLIDATION PLAN, MAP 118 LOT 28, MAP 124 LOT 12 & MAP 125 LOT 21 PROPERTY OF NORTH END MASTER DEVELOPMENT LP, DEER STREET, GREEN STREET, MAPLEWOOD AVENUE & RUSSELL STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM" BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED DECEMBER 15, 15, 2014.
- "EXISTING FEATURES PLAN, MAP 118 LOT 28, MAP 119 LOT 4, MAP 124 LOT 12 AND MAP 125 LOT 21 PROPERTY OF NORTH END MASTER DEVELOPMENT LP, DEER STREET & RUSSELL STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM" BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC. DATED NOVEMBER 27, 2013.
- "LOT LINE RELOCATION PLAN MAP 124 LOTS 12 & 13, MAP 118 LOT 28 PROPERTY OF HARBORSIDE ASSOCIATES AND BOSTON & MAINE CORPORATION DEER, RUSSELL, VAUGHAN & GREEN STREETS PORTSMOUTH, NEW HAMPSHIRE COUNTY OF ROCKINGHAM" BY MSC, INC. DATED APRIL 24, 2014 WITH REVISION 2 DATED 05/19/14. RCRD PLAN #0-38258.

NOTES:

- THE PARCELS ARE LOCATED IN THE CITY OF PORTSMOUTH CENTRAL BUSINESS (CB) ZONE AND THE HISTORIC DISTRICT A OVERLAY. THE PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 118 AS LOT 28, MAP 124 LOT 12 & MAP 125 LOT 21.
- THE PARCELS ARE LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 250 OF 681, MAP NUMBER 3301SC0259C, EFFECTIVE DATE: MAY 17, 2005.
- OWNERS OF RECORD:
MAP 118 LOT 28, MAP 124 LOT 12 & MAP 125 LOT 21
NORTH END MASTER DEVELOPMENT LP
501 DANFORTH STREET
PORTLAND, ME 04102
RCRD BK #0569 PG #2553
- THE PURPOSE OF THIS PLAN IS TO DEFINE AREAS THAT ARE TO BE LICENSED TO NORTH END MASTER DEVELOPMENT LP FROM THE CITY OF PORTSMOUTH IN CONJUNCTION WITH THE NORTH END PORTSMOUTH PROJECT. SEE SITE PLANS ON FILE AT THE CITY OF PORTSMOUTH PLANNING DEPARTMENT.



PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 678:18, II, III AND IV AND 672:14:
 "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."
 I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN JANUARY, 2015. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSEURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.
 A COPY OF THIS PLAN HAS BEEN FILED WITH THE LOCAL PLANNING BOARD.



CHECKED BY: JAC
 REVISED BY: [blank]
 DATE: [blank]
 DRAWN BY: CFS

LICENSE PLAN
 TAX MAP 118 LOT 28,
 TAX MAP 124 LOT 12 & TAX MAP 125 LOT 21
 PROPERTY OF NORTH END MASTER DEVELOPMENT LP,
 DEER, GREEN, RUSSELL, & VAUGHAN STREETS
 AND MAPLEWOOD AVENUE
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM

MSC
 A Division of TETRA TECH, INC.
 Civil Engineers, Structural Engineers,
 Traffic Engineers, Land Surveyors,
 Landscape Architects & Scientists
 170 COMMERCIAL WAY, SUITE 102
 PORTSMOUTH, NH 03801
 PHONE: 603-431-2222 FAX: 603-431-0030
 www.tetra-tech.com

PROJECT NO.: 47118
 DATE: AUGUST 4, 2015
 SCALE: 1" = 40'
 1" = 80'

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

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

A. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.326 Limited Parking – Fifteen Minutes

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:

A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 7:00 p.m., Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays not included, on the following streets and locations:

6. Hanover Street:

c. northerly side, first two spaces east from Bridge Street.

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

Section 7.328: LIMITED PARKING – THREE HOURS:

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

~~5. Chestnut Street: both sides from State Street to Court Street.~~

16. Market Street:

- a. westerly side from Market Square to Bow Street, except for the ~~first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408)~~ first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.
 - b. easterly side from Daniel Street to Deer Street: ~~except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).~~
 - c. both sides from Deer Street to Russell Street.
-

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330: No Parking

Section 7.330: NO PARKING

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

20. Chestnut Street:

c. both sides, entire length of street between State Street and Court Street.

31. Dearborn ~~Street Place~~: ~~westerly northerly~~ side from Maplewood Avenue to the easterly end of Dearborn ~~Lane Place~~ (entire ~~westerly northerly~~ side).

32. Dearborn Lane: both sides, from Dearborn Street westerly to property line of 39 Dearborn Street, a distance of 60 feet.

53. Hanover Street:

- a. (Hanover Street Extension): northerly side from ~~Pearl Street Rock St.~~ to Brewster St.

117. State Street:

g. South side, between Fleet Street and Court Place, when reserved for use by licensed vendor.

D. Amend: Chapter 7, Article IVA – BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES

Section 7A.408: TAXI STANDS DESIGNATED

The following areas are hereby designated as Taxi stands:

D. State Street: northerly side, 40 feet east from Pleasant Street for a distance of 20 feet, from 7 p.m. to 6 a.m., Monday through Sunday.

E. Amend: Chapter 7, Article VA: COMMUNITY CENTER, CITY HALL, DISTRICT COURT PARKING.

~~**Section 7A.501: COMMUNITY CENTER PARKING**~~

~~**Parking in the parking lot at the rear of the Community Center, which said lot is on Chapel Street, shall be restricted to vehicles used by Recreation Department Staff.**~~

~~**7A.502: CITY HALL PARKING**~~

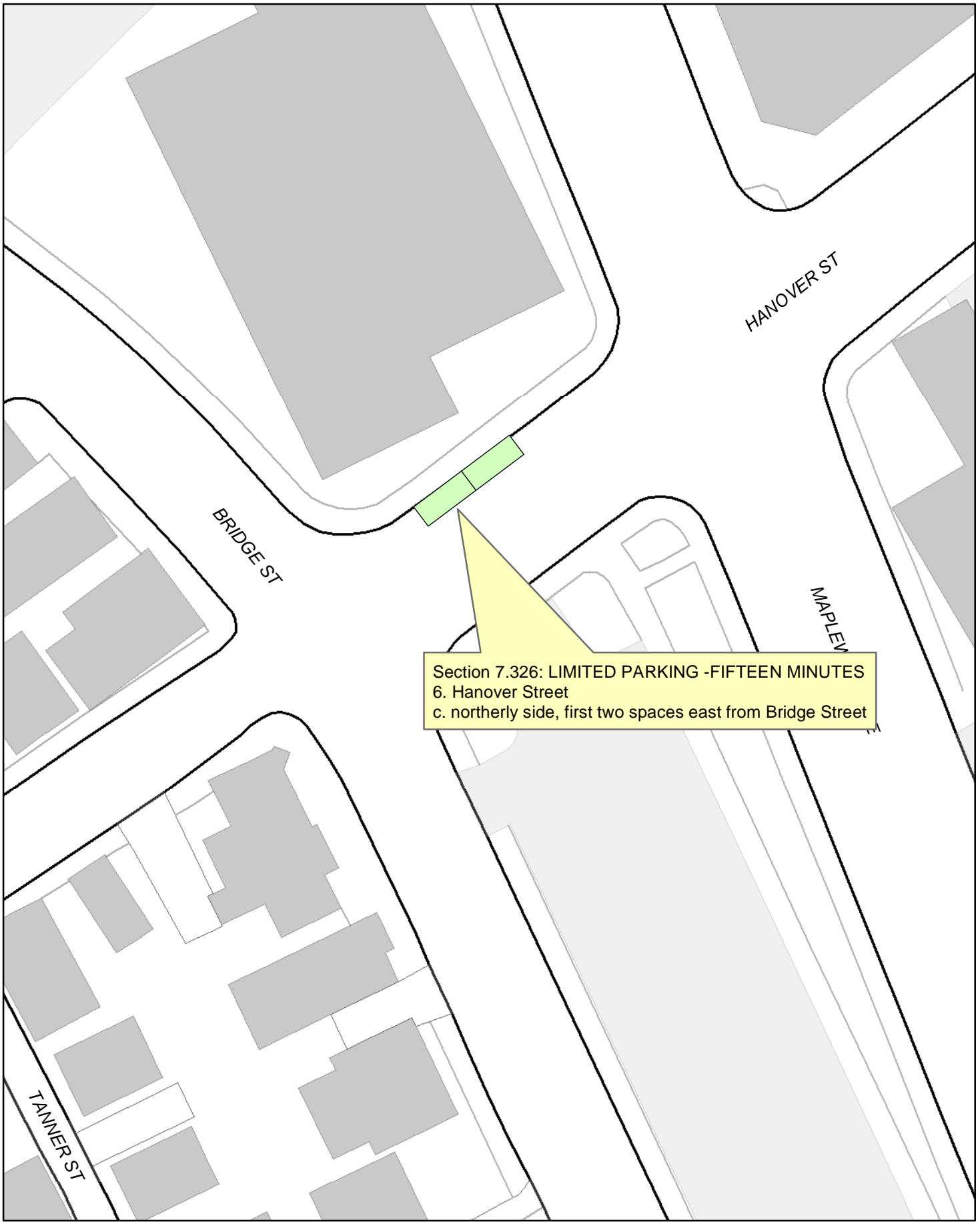
~~**Parking in the area adjacent to the City Hall and lying between City Hall and Chapel Street shall be restricted to use by visitors with official business at City Hall.**~~

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

Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

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

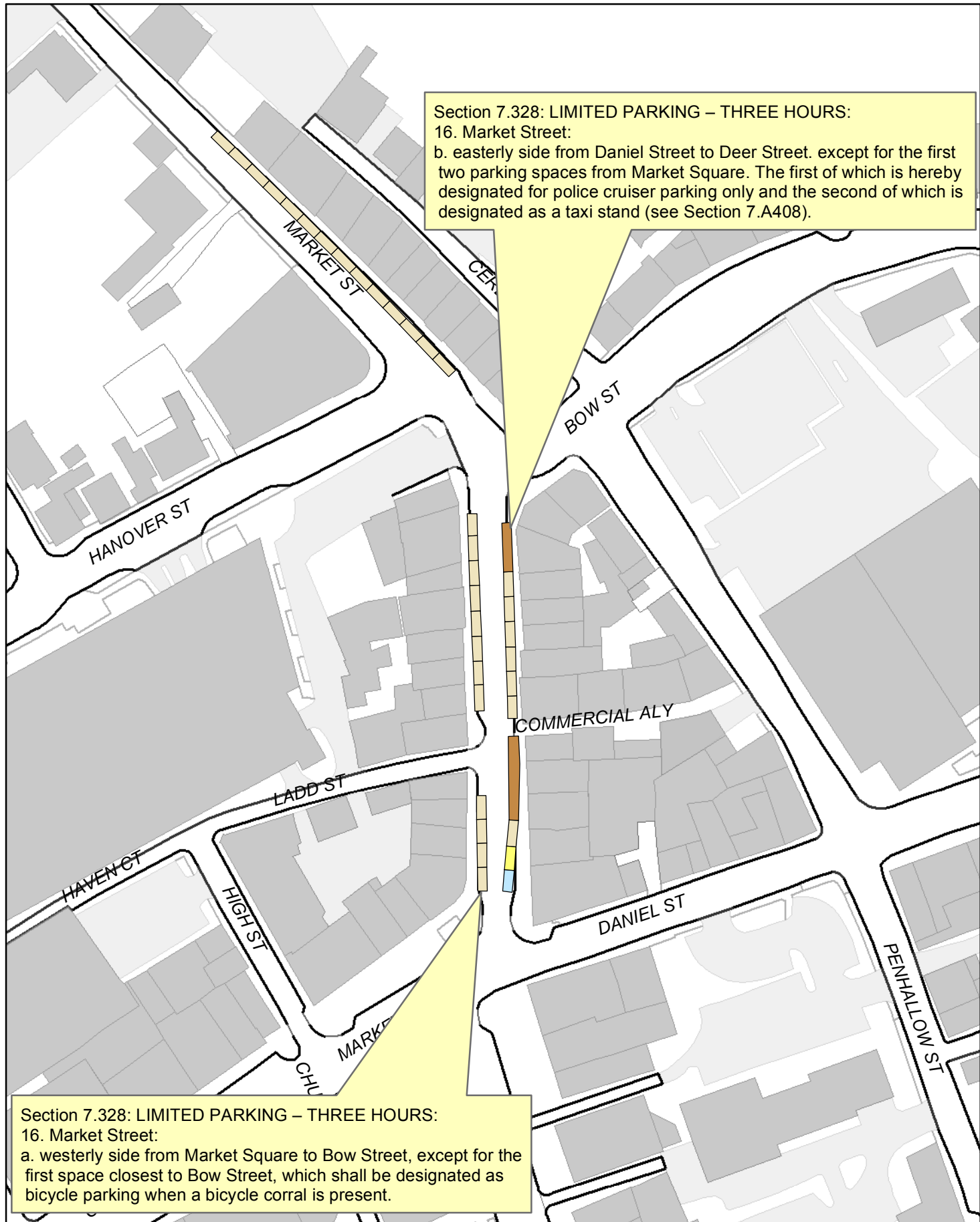
11. State Street: northerly side, 40 feet east from Pleasant Street for a distance of 20 feet. **In addition, from 7:00 p.m. to 6:00 a.m., Monday through Sunday, this area shall be designated as a taxi stand per Section 7A.408.**
-



**Hanover Street Two Parking Spaces 15 minutes
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 6 August 2011
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes





Section 7.328: LIMITED PARKING – THREE HOURS:
 16. Market Street:
 b. easterly side from Daniel Street to Deer Street. except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).

Section 7.328: LIMITED PARKING – THREE HOURS:
 16. Market Street:
 a. westerly side from Market Square to Bow Street, except for the first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.

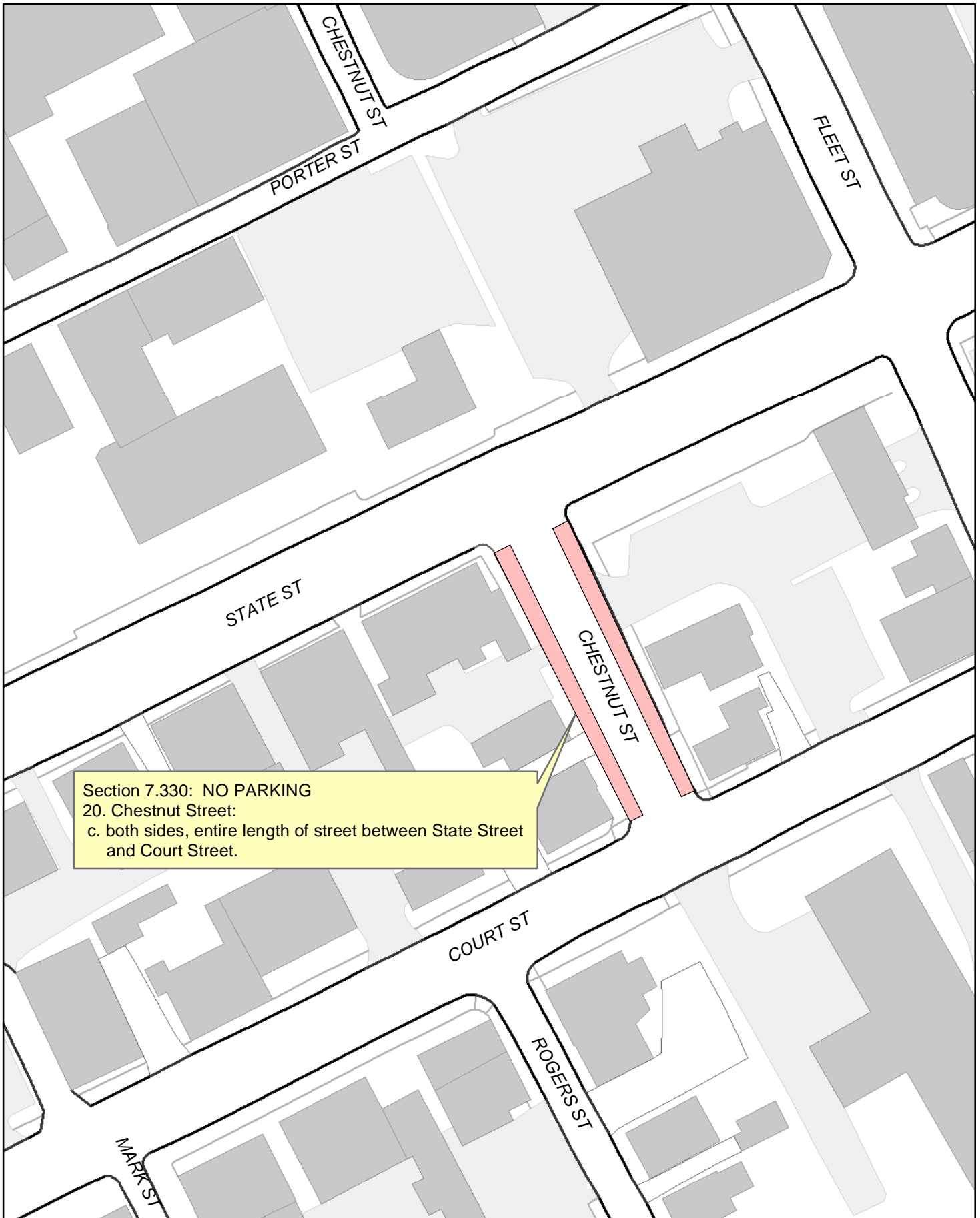
**Market Street Limited Parking
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 6 August 201
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes

Legend

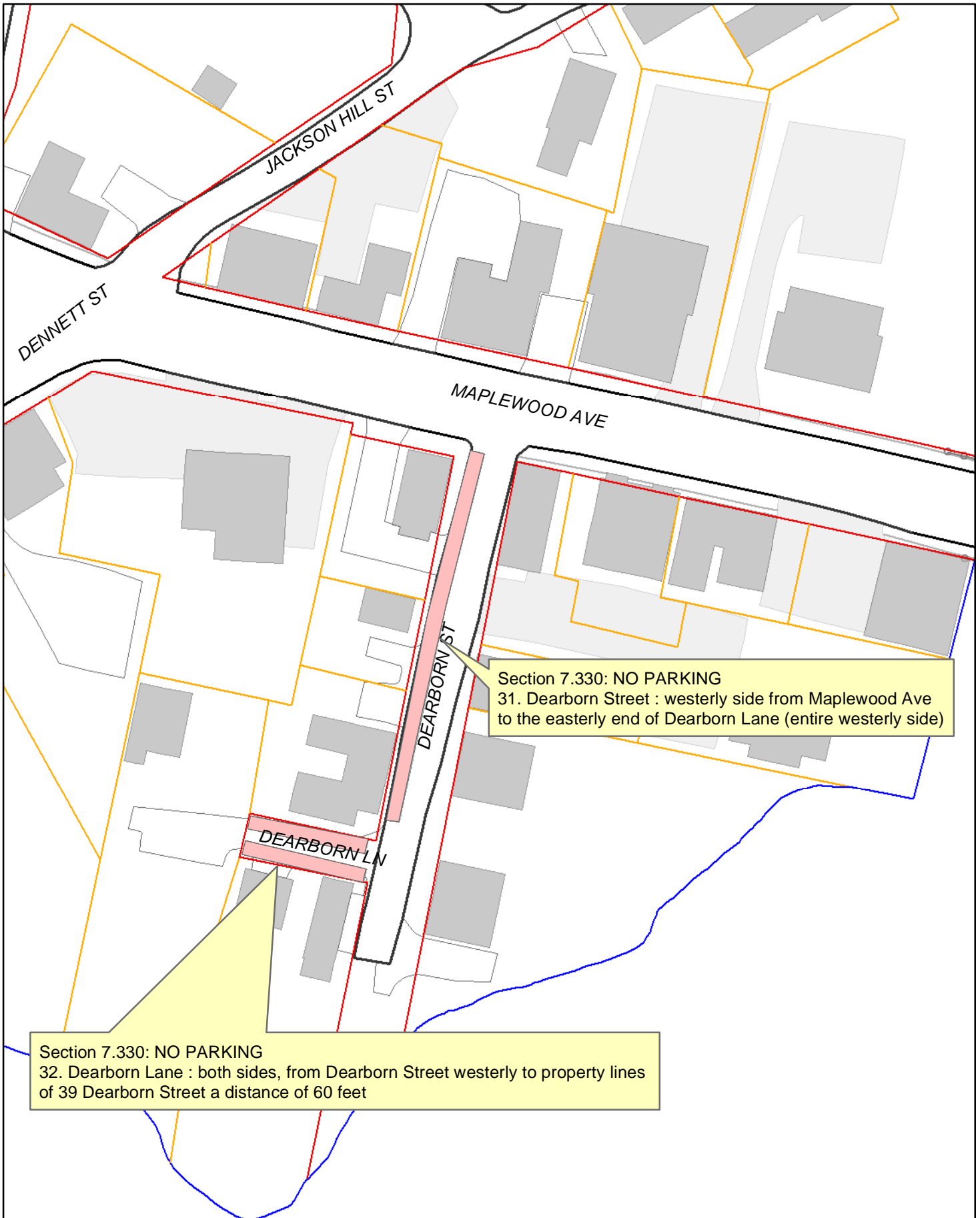
	Three Hour Parking		Taxi
	Police		Loading Zone





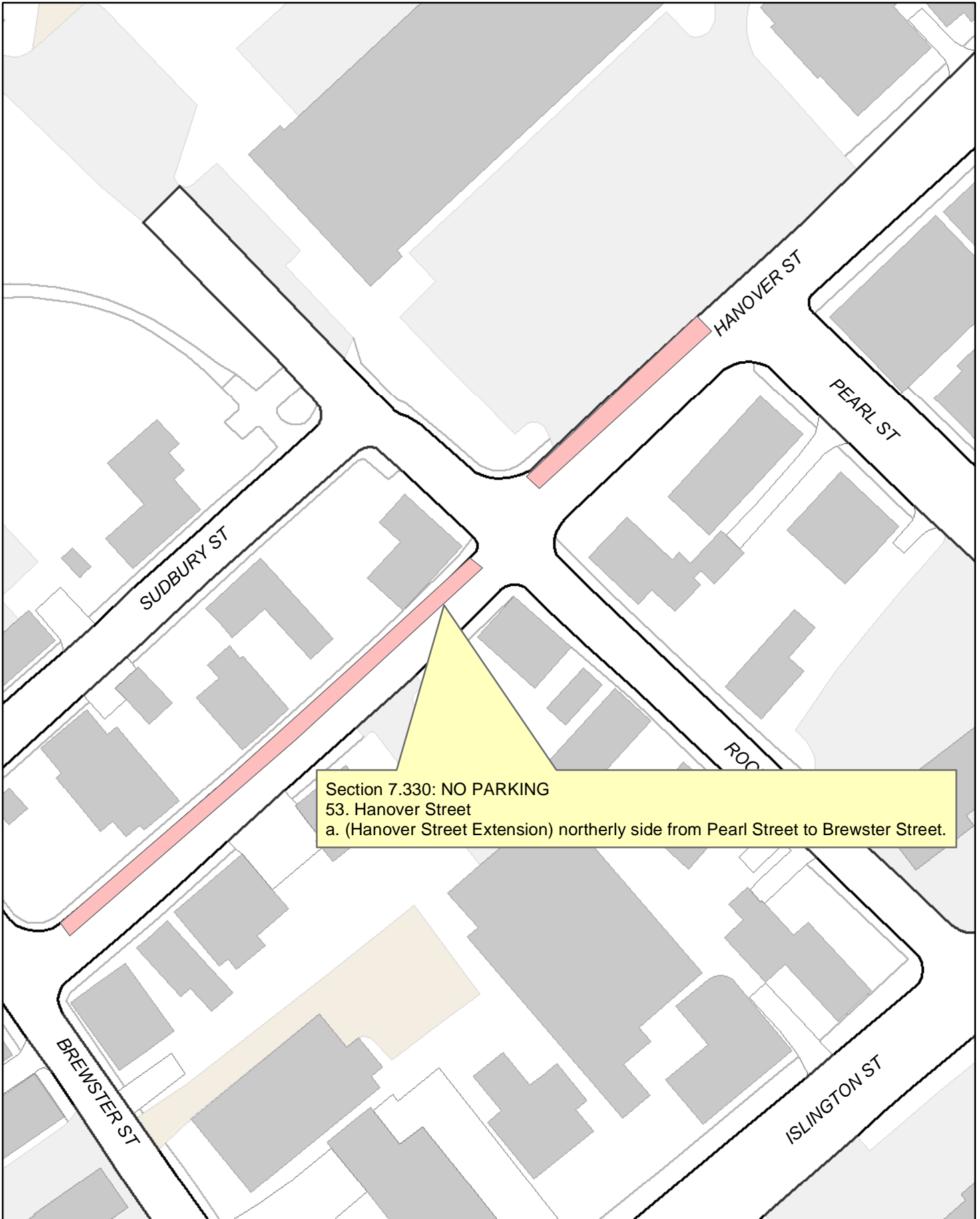
Section 7.330: NO PARKING
20. Chestnut Street:
c. both sides, entire length of street between State Street
and Court Street.

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



**Dearborn Street and Dearborn Lane No Parking
Portsmouth, New Hampshire**

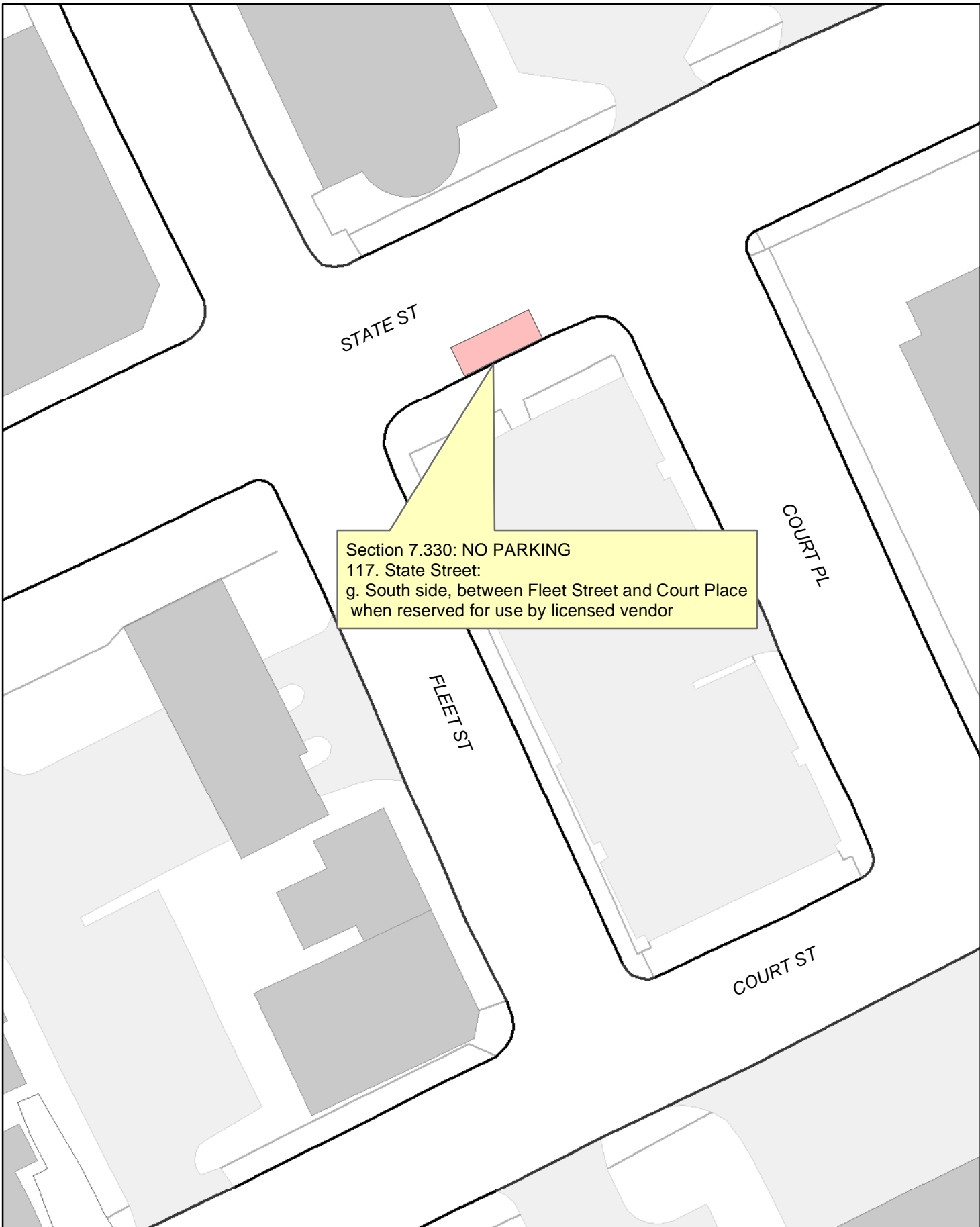
Map prepared by Portsmouth Department of Public Works, 6 August 201
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes



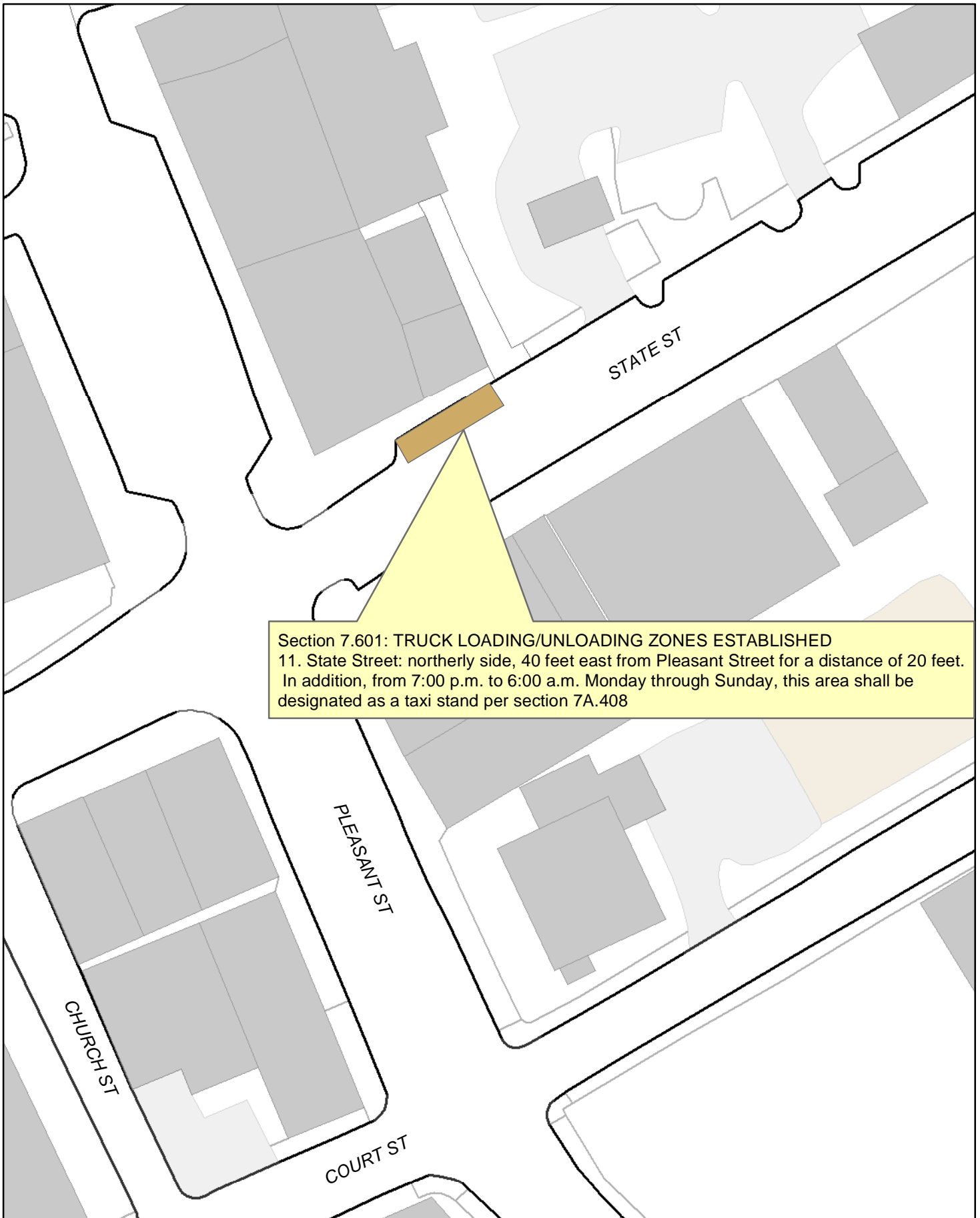
**Hanover Street Extension
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 6 August 2011
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes





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



Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
11. State Street: northerly side, 40 feet east from Pleasant Street for a distance of 20 feet. In addition, from 7:00 p.m. to 6:00 a.m. Monday through Sunday, this area shall be designated as a taxi stand per section 7A.408

**State Street Taxi Stands and Truck Loading Zone
Portsmouth, New Hampshire**

Run: 8/13/15
1:24PM

Event Listing by Date

Page: 1

Starting Date: 8/ 3/2015

Ending Date: 7/31/2016

Start End	Type Description	Location	Requestor	Vote Date
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	RACE 5K at Pease Tradeport starting at 9:00 am. Contacts: Melissa Mikulski mmikulski@bottomline.com or htennet@bottomline.com	Pease Tradeport	Bottomline Technologies	8/ 3/2015
9/12/2015 9/12/2015	SABR Peter Newbury is the contact for this 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).	THIS EVENT IS CANCELED.	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
9/18/2015 9/20/2015	FILM EXPO Closure of Chestnut Street for the Telluride by the Sea. ContactChris Curtis at 603-766-2199	Music Hall	Music Hall	7/14/2015
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 Hollowell is the contact for this event.	Pleasant Street	Portsmouth Maritime Folk Festi	12/ 8/2014

Event Listing by Date

Starting Date: 8/ 3/2015

Ending Date: 7/31/2016

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
12/31/2015 12/31/2015	FIRST NIGH Barbara Massar, Executive Director is the contact for this event. This event begins at 4:00 p.m. until Midnight www.proportsmouth.org	Throught Downtown	Pro Portsmouth	8/ 4/2015
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street o Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/ 3/2015
6/11/2016 6/11/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - 39th	Pro Portsmouth	8/ 3/2015
6/11/2016 6/11/2016	RACE Barbara Massar, Executive Director is the contact for this event. This is 5K Road Race that begins in Market Square.	Market Square Road Race	Pro Portsmouth	8/ 3/2015
6/25/2016 6/25/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Street Music Series	Pro Portsmouth	8/ 3/2015
7/ 2/2016 7/ 2/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015

Run: 8/13/15
1:24PM

Event Listing by Date

Page: 3

Starting Date: 8/ 3/2015

Ending Date: 7/31/2016

Start End	Type Description	Location	Requestor	Vote Date
7/16/2016 7/16/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/23/2016 7/23/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/30/2016 7/30/2016	MUSIC Barbara Massar, Executive Director This event is from 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015

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



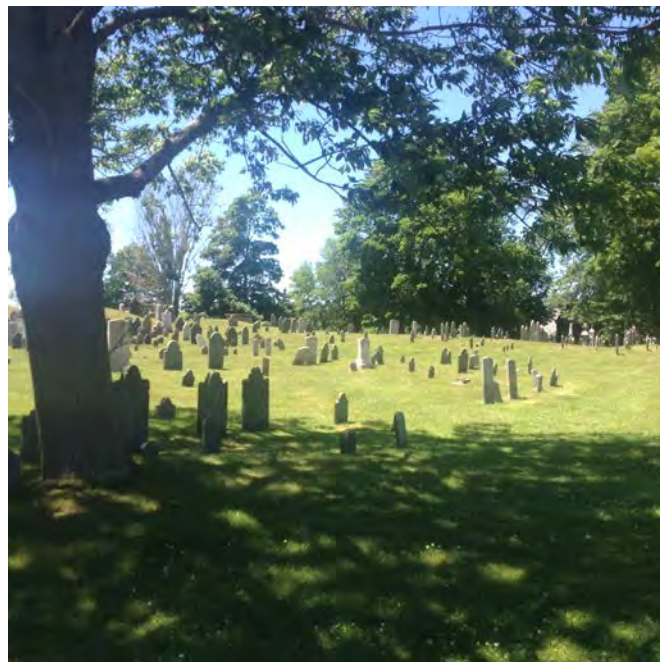
A recent article in the Portsmouth Herald highlighted the deteriorated condition of the Union Cemetery Receiving Tomb. The receiving tomb, which is not a burial site itself, is in a state of disrepair and is a known and monitored gathering place for illicit activities. Addressing this tomb's condition 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 Zdravec, 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 Ammenities
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 multituse 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.



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



PROPOSED ATHLETIC FIELD COMPLEX



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

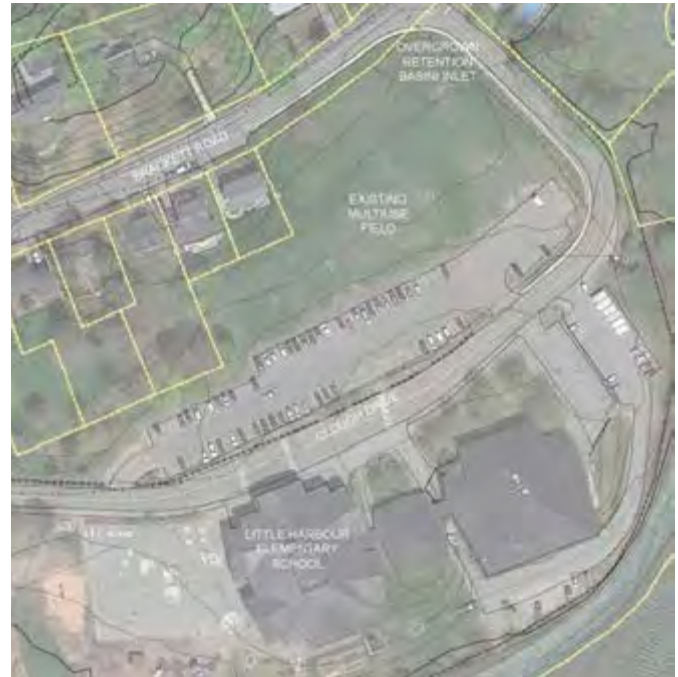
DONDERO
ELEMENTARY
SCHOOL

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



PROPOSED LITTLE HARBOR FIELDS



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'

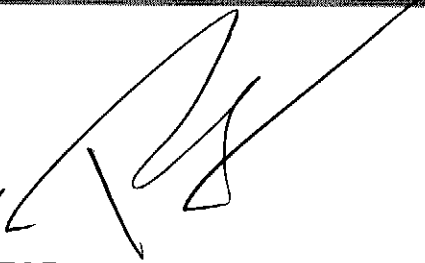
LITTLE HARBOUR
ELEMENTARY
SCHOOL PROPERTY

EXISTING
FOOTPATH

CEMETERY

CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM

DATE: August 12, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: CITY COUNCIL REQUEST REGARDING FORMER DEPUTY POLICE CHIEF COREY MACDONALD SEVERANCE AGREEMENT



At the City Council meeting of August 3, 2015, the Council requested a report back from this office and from the Police Commission regarding the content of an e-mail communication addressed to the Mayor and City Council from Arthur Clough of 431 Pleasant Street, a copy of which is attached hereto as **Exhibit A**. In discussion at the meeting of August 3rd it was made clear that the concern of the City Council related to that portion of Mr. Clough's letter which discussed the Severance Agreement between Deputy Chief MacDonald and the Police Department. Discussions with the Council further indicated that the request to this Office was to produce a list of relevant facts concerning that Severance Agreement and that it was important for the City Council to receive as much information as possible by the Council meeting scheduled for August 17, 2015.

The Police Commission has been unable to hold a meeting in response to the Council request since August 3, 2015 because there are currently only two (2) Police Commissioners and the City Charter requires that there be three (3) Commissioners present for the conduct of a meeting.

In furtherance of the foregoing assignment from the City Council I contacted the Office of the Chief of Police and requested to be provided with every document of any type which mentions the Severance Agreement in any way. I also secured documentation from City Legal Department files. Lastly, I was in direct correspondence or discussion with Mr. Clough, Chief DuBois, former Deputy Chief Corey MacDonald, Police Commissioner John Golumb, former Police Commissioner Jerry Howe, and Police Commissioner Brenna Cavanaugh. Each of these individuals was cooperative to the inquiry directed by the Council and provided as much information as requested. Mr. Clough expended significant time at my request to help me clearly understand the nature of the issue which he had brought to the City Council.

The following is a list of facts which I have determined to be relevant to the issues at hand. The most relevant of the documents are included as exhibits, but the volume of documents in total exceed that which would be practical to include in a Council agenda packet.

1. Corey MacDonald was employed by the Police Department as Deputy Chief under an Agreement dated September 5, 2012 which had been approved by the Portsmouth City Council on September 4, 2012 and which is attached hereto as **Exhibit B**. That Agreement contains at least four (4) provisions which relate to termination, see items 5, 6, 7 and 8. The Agreement had been forwarded to the City Council by memorandum from Police Commission Chairman John Golumb dated August 1, 2012 which indicated, "the contract has been agreed to by the Police Commission and Captain MacDonald".
2. By e-mail dated February 6, 2016 addressed to "All PPD" Deputy Chief MacDonald advised the Department that, "sometime around the end of March" he would be leaving his position to pursue his law practice fulltime.
3. By e-mail dated February 9, 2015, I provided Chief DuBois, Deputy Chief MacDonald, all three (3) Police Commissioners and Human Resource Director Dianna Fogarty with the draft of a "Severance Agreement and Release" which had been requested by the Police Commission. The transmittal e-mail read in pertinent part, "When this document is in a form acceptable to the Police Commission and Corey MacDonald I will produce an original for signatures".
4. Also on February 9, 2015, that Severance Agreement and Release was executed by Deputy Chief MacDonald and Police Commission Chair John Golumb, copy attached hereto as **Exhibit C**.
5. The non-public agenda for the Portsmouth Police Commission meeting for February 18, 2015 contains the agenda item, "Accept the resignation of Deputy Chief Corey MacDonald effective sometime mid-March 2015".
6. Other than the agenda item identified in number 5 there is no reference on any Police Commission agenda or in any Police Commission minutes regarding either the termination of Deputy Chief MacDonald or the Severance Agreement.
7. However, each Police Commissioner, Chief DuBois and former Deputy Chief MacDonald all confirm that there was discussion amongst those persons about the Severance Agreement prior to the execution of the Agreement.
8. The Police Department provided a worksheet entitled, "Corey MacDonald Termination Payout Term Date 3/18/2015" which indicates a total termination payout in the amount of \$77,832.66 which was paid on March 19, 2015. That document is attached hereto as **Exhibit D**. This document was prepared by Administrative Manager Karen Senecal.

9. Also on February 9, 2015, the severance package was reported in the Portsmouth Herald in an article entitled, "Deputy Chief MacDonald inks \$64k severance deal" which contains comments said to be made by Chief DuBois and Deputy Chief MacDonald and which bear upon the negotiation and calculation of the Severance Agreement. A copy of that article is attached hereto as **Exhibit E**.
10. By e-mail dated August 5, 2015, Chief DuBois provided a detailed account of his recollection of the facts surrounding the rationale and negotiations leading to the execution of the Severance Agreement. That e-mail is attached hereto as **Exhibit F**.
11. Police Department files contained a document entitled "Draft Work Product", "Public Remarks for Commissioners RE: Deputy MacDonald's March Departure". This unattributed document appears to provide both the rationale and the financial considerations relating to the Severance Agreement. It is attached as **Exhibit G**.

The foregoing are the facts which I was able to determine the following the actions described above in response to the request of the City Council in the time available. I have provided no analysis or conclusions, as to do so would have exceeded the terms of the assignment and would have required more time than circumstances allowed.

If the City Council requires further legal work into this matter it may be advisable for the Council to accept the recommendation of Mr. Clough, "to commission an independent investigation" so that the end work product is not affected in any way by the work previously performed for the Police Department by this Office.

attachments

cc: Police Commission
Stephen DuBois, Chief of Police
Corey MacDonald, Esq.
Arthur Clough

From: Arthur Clough [mailto:arthurclough@hotmail.com]
Sent: Wednesday, July 29, 2015 7:13 AM
To: Kelli L. Barnaby
Subject: Fwd: RE: June 25 Letter to City Council - revision

Sent from Outlook

----- Forwarded message -----

From: "Arthur Clough" <arthurclough@hotmail.com>
Date: Wed, Jul 29, 2015 at 4:11 AM -0700
Subject: Fwd: RE: June 25 Letter to City Council - revision
To: <arthurclough@hotmail.com>

Sent from Outlook

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 have been 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

The City of Portsmouth, New Hampshire Police Department states that this electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank You.

EMPLOYMENT AGREEMENT

Corey F. MacDonald and the Portsmouth Board of Police Commissioners
September 1, 2012 to August 31, 2017

1. Preamble

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

2. Employment and Term

The Commission/Board agrees to employ the Employee and the Employee agrees to accept employment in the position of Deputy Police Chief for a 5-year term commencing on September 1, 2012 and ending on the August 31, 2017. The Commission/Board and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on week-ends. The Employee agrees to devote sufficient professional effort to ensure the successful fulfillment of all his responsibilities to the Commission/Board and the City as Deputy Police Chief. In the event that the Employee's outside legal employment results in his involvement in any matter that the Commission/Board determines unduly interferes with his ability to devote sufficient professional effort to successfully fulfill all of his responsibilities to the Commission/Board and the City as Deputy Police Chief, the Commission/Board will provide the Employee with written notice and a thirty (30) day opportunity to cure. If the Employee fails to cure, the Commission/Board may proceed to terminate for cause consistent with the provisions of paragraph 5 below.

3. Salary

Effective September 1, 2012, the Employee shall receive a salary of ninety one thousand nine hundred and fifty six dollars (\$91,956) per annum, payable in no fewer than twenty-four installments and subject to such deductions as may be authorized or as may be required by law. See grade 24, step C of City's Wage/Salary Schedule for Non-Union Employees. The Employee shall not be entitled to any salary enhancements except as specifically provided herein.

COLA ADJUSTMENTS. On July 1, 2013 and on each July 1st thereafter during the term of the Agreement, a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. The COLA Adjustment percentage shall be determined by taking the 10 year average of the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November (it is not published on a December to December basis).

JFG
CFA
Contract

The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

STEP INCREMENTS. On July 1, 2013 and on each July 1st thereafter during the term of the Agreement (unless the Employee has already reached the top step of the Wage/Salary Schedule), the Employee is eligible to move up one (1) step on the Schedule.

4. Certification

The Employee shall be required to hold for the life of this Agreement a valid certificate, properly registered and issued by the State of New Hampshire, as follows: New Hampshire Certified Police Officer.

5. Termination for Cause

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

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

6. Termination with Severance Payment or Reassignment

If at any time the Commission/Board in its discretion shall so determine, the Commission/Board may, without cause and with or without prior notice, relieve the Employee of his duties under this Agreement. In such event, the Employee shall be entitled to severance benefits. Such severance benefits shall be six (6) month's salary or the balance of the contract, whichever is less. As is set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee.

In the event that the position of Deputy Police Chief is eliminated, or if the Employee's employment as Deputy Police Chief is terminated for reasons other than for cause or voluntary resignation, in lieu of receiving any severance benefits, the

Employee may opt for reassignment to another position in the Portsmouth Police Department, such position to be selected by the Chief of Police at his/her sole discretion, provided that the Employee will also be returned to the level of compensation and benefits he was earning immediately prior to the execution of this contract.

7. Termination by Mutual Consent/Voluntary Resignation

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

8. Severance Constitutes Release

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

9. Benefits

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

10. Exception to Benefits in Section 9

In addition to the compensation enumerated above, the Employee shall also be entitled to the following:

- a. The Deputy Police Chief shall be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Deputy Police Chief is on-call at all times, it is understood that the automobile may also be used for personal business.
- b. As a condition of employment, the employee shall be domiciled within a thirty (30) mile radius of the Portsmouth Police Department and shall remain domiciled within that radius during the term of employment.

JFB
CFS
Contract

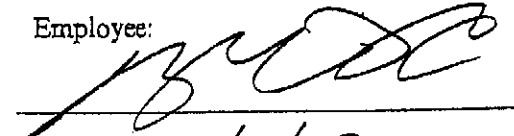
The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

For the Commission/Board:



Date: 9/5/12

Employee:




Date: 9/5/12

Approved by the Portsmouth City Council:

September 4 2012
Date

Certified by the City Clerk:


City Clerk, Deputy

SEVERANCE AGREEMENT & RELEASE

This Agreement is made between Deputy Police Chief Corey MacDonald (the "Employee"); and the Portsmouth Police Department (the "Employer"). The parties desire to resolve all outstanding issues between them on the terms and conditions set forth herein.

1. **Termination of Employment:** Employee agrees that employment with Employer terminates on March 18, 2015 (the "Termination Date").
2. **Additional Employee Obligations.** Employee agrees to turn over to Employer on or before the Termination Date all property owned by Employer in Employee's possession including but not limited to Employer documents, equipment, supplies, keys, credit cards, financial reports and manuals.
3. **Severance Benefits.** In consideration for the Employee's release of claims described in Paragraph 5 below, Employer agrees to provide:
 - A. Severance pay of 2 weeks (Current bi-weekly amount) for every year worked - \$63,852.72.
 - B. Annual pay out of \$411.95 per diem for every unused annual day through 3/18/15 to a maximum of 50 days per contract.
 - C. Health and dental insurance for Employee through the end of March. After March Employee will be covered by COBRA up to 18 months.

All compensation to be paid with ten (10) days of the Termination Date.
4. **All Other Benefits and Compensation.** Except as specifically provided in this Agreement or required by law, Employee agrees that all benefits and compensation shall terminate on the Termination Date and that Employee is not entitled to any additional compensation or benefits from Employer.
5. **Release.** As a material inducement to the Employer to enter into this Agreement, Employee agrees to the full and final release and settlement of all claims, charges and the like arising out of or in related to Employee's employment with Employer or the termination of that employment, including but not limited to any claim in contract, tort or under any federal or state employment statute, such as sex, race, national origin, religious,

disability or age discrimination (Age Discrimination in Employment Act) which Employee may now have against Employer, or any employee, official, board member, attorney, agent or representative of Employer.

6. **Execution and Revocation.** In connection with this release of claims, Employee has been informed that Employee (a) has ten (10) calendar days to consider whether or not to execute this Agreement; and (b) has seven (7) calendar days following the execution of this Agreement to revoke it. The execution and revocation will be considered effective upon delivery to the Office of Human Resources.
7. **Miscellaneous.**
 - A. This Agreement may be modified only in writing executed by all of the parties hereto, with all of the formalities of this Agreement.
 - B. This Agreement merges and supersedes all prior agreements and understandings of the parties whether written or oral as to the employment of Employee by the Employer, and Employee and Employer mutually agree that any such prior agreements and understandings are hereby terminated.
 - C. All captions used herein are for purposes of convenience only and shall not be referred to in construing the Agreement.
 - D. This Agreement shall be governed, construed and enforced in accordance with the laws of New Hampshire and all actions brought in connection with this Agreement shall be maintained only in a state or federal court of competent jurisdiction in New Hampshire.
 - E. The failure of any party to insist upon strict compliance with any of the terms, conditions or covenants contained herein shall not be deemed a waiver of any such terms, conditions or covenants; nor shall any waiver at any one or more times be deemed a waiver at any other time or times.
 - F. If any provision of this Agreement is determined to be unlawful or unenforceable, it shall not invalidate the remainder of the Agreement provided the unlawful or unenforceable provision does not affect the essence of this Agreement.

IN WITNESS WHEREOF, Employee and Employer have each executed this Agreement.

WARNING. READ BEFORE SIGNING. CONSULT AN ATTORNEY. THIS DOCUMENT CONTAINS A RELEASE OF ALL CLAIMS AGAINST EMPLOYER AND ALL OF ITS EMPLOYEES, OFFICERS, DIRECTORS, ATTORNEYS, AGENTS AND REPRESENTATIVES.

Employee:

By:


Corey MacDonald

Date:

2-9-15

Employer by its Police Commission:

By:


John F. Golumb, Chairman

Date:

2-9-15

Corey MacDonald

Termination Payout

Term Date: 3/18/2015

Balance Sick Days

Current per diem rate

N/A

0 = Sick

0 = 90% per diem rate

- Total Sick

30.421 Beginning System Balance (as of 3/11/15)

Accrued from last Annual Leave credit on : 01/01/15

3.500 Time earned per contract for meetings

33.921 Balance Annual Days 411.950 Current per diem rate

33.921 = Annual

411.950 = Per Diem Rate

13,973.76 Total Annual

63,852.72 Severance Benefits Agreement & Release
(Agreement on file in Legal Dept.)

63,852.72 Total Severance

0.120 Balance Comp Hours 51.494 Current hourly rate

0.120 = Comp

51.494 = Hourly Rate

6.18 Total Comp

77,832.66 TOTAL Termination Payout Paid on: 03/19/15

Leave at Term Account : 11-740-610-00-100-002-016001 (PAY CODE: 34, 35, 36, 234, 235, 236)

By Elizabeth Dinan
edinan@seacoastonline.com

[Print Page](#)

February 09, 2015 5:09PM

Deputy Chief MacDonald inks \$64K severance deal

PORTSMOUTH — Deputy Police Chief Corey MacDonald signed a severance package Monday that pays him \$63,853, plus \$411 a day for up to 50 unused days off, while police officials plan for his departure next month.

MacDonald announced he's leaving mid March to work full-time at his private law practice and said he's also teaching an ethics class at the University of New Hampshire and pursuing a master's degree. His contract is valid through Aug. 31, 2017 and states that if he voluntarily resigns before that date, he "shall not be eligible for severance benefits."

But Police Chief Stephen DuBois said the Police Commission negotiated the severance agreement with MacDonald because when he gave notice, he said he'd stay until August, but "in the interest of getting the agency moving on, it was preferable that he leave sooner rather than later."

"He's got some opportunities and I don't want to drag the transition process out any longer than necessary, certainly not for that position," DuBois said. "I want to get going on it, but I also want to do it in a thoughtful and deliberate manner."

MacDonald said when the Police Commission gave him his March 18 end date, rather than accept his suggestion that he stay until August, it triggered a provision in his contract that gives him six months severance pay. That provision states that if he's terminated without cause, he's entitled to the six months pay, or the balance of the contract, whichever is less.

MacDonald said he does not want to work toward being police chief, because he was told he'd have to give up his law practice, and the long-term plans and goals for the department included him as chief. He said he decided instead to grow his law practice with law partner Tim Black, who is a Portsmouth police officer resigning later this month.

MacDonald's severance agreement states that he'll receive health and dental insurance through the end of March and be eligible for COBRA insurance for 18 months after that. The 38-year-old deputy chief said he's vested in the New Hampshire Retirement System to receive a pension, but not until he reaches age 45.

DuBois said he plans to meet with the Police Commission at its Feb. 18 meeting to discuss whether or not the commissioners support maintaining the deputy chief position. He said he considers the role an important one, but wants to be sure the commission agrees. That discussion will likely be in a nonpublic session, he said.

DuBois said the deputy chief role is helpful to him because it's not a union position and offers someone he can confer with about labor issues in a confidential manner. He also described the position as "someone in the foxhole with me" when it comes to developing police department strategies.

The police chief said if the commission agrees that the deputy position should be maintained, he wants to be thoughtful about finding a new person because of its long-term impact on the department and the "domino effect" it could have on the department, if the promotion comes from within.

The police chief stressed that "right now everything is on the table."

"If we continue with the deputy chief model," he said, "I'd like to get that filled sooner rather than later."



Corey MacDonald. Photo by Deb Cram/Seacoastonline, file

Raeline O'Neil

From: Robert P. Sullivan
Sent: Thursday, August 06, 2015 8:34 AM
To: Raeline O'Neil
Subject: FW: Corey Severance

Pls print for file.

RPS

From: Stephen DuBois
Sent: Wednesday, August 05, 2015 5:10 PM
To: Robert P. Sullivan
Subject: Corey Severance

This is what I recall?

Earlier on in the year I met with Corey to discuss making him the project manager for the new police department which was going to be a multi-year project. At that time he expressed to me that he wasn't sure he was going to be here for that long. He said he knew he wasn't going to be able to be chief and a lawyer and he was contemplating going full time as a lawyer. With such a large project and with the Goodwin trial looming I was concerned that he wasn't going to be completely focus and vested in the upcoming year. We talked about timing of things and the possibility of either him staying on for a while or just cut bait now so I can get a Deputy in place now to handle these heavy things coming up. The topic of severance came up and I told him he would have to talk to the commission. Over the following days he met individually with each commissioner and explained the predicament and gained consensus of the 3 that the best course of action was to get rid of him now with a severance so we could move on sooner. At some point after that the commission met and agreed, that they would severance him out. After that he worked with you on a separation agreement which was signed by Corey and Chairman Golumb. I immediately moved to fill the Deputy position, again to deal with the heavy stuff that was coming up. Sometime after that, the commission asked me to put it on hold until the Roberts Report came out. Below is an email to Mark Brighton responding to his inquiry into the severance agreement:

Mark,

In recent history, the department has been through three chiefs and three deputies. This is an unprecedented level of change at the top. These departures in turn create a ripple effect down through the ranking officers as promotions are made to fill vacancies which in turn create new vacancies. This turnover interrupts the forward motion of the department. It affects projects, initiatives, and planning. Decisions and pending decisions are placed on hold as people leave and the newcomers work to get their feet under them in new positions.

As a 24/7/365 public safety operation, there is a lot on the plate with day to day operations. Executive functions such as strategizing for major crime issues like a heroin epidemic, possibly relocating the department, etc. require in-depth position-specific knowledge.

The commission feels strongly that a deputy who will not be part of the department's future should not be making the decisions that will shape that future. The long view in promoting Corey MacDonald to deputy had him becoming chief-of-police "X-number" of years down the road. This possibility is no longer in the picture for reasons already covered publicly. The commissions' first responsibility is what is best for the department. Faced again with the turmoil of an agency in flux with movement at all rank levels, and with firsthand experience from the last three transitions, the commission made the decision to expedite this transition if at all possible.

We looked at the cost of negotiating the current Deputy's exit. Although there will be a cost to having him leave in March, there are savings that partially offset that cost. Ultimately, when all the transitional promotions are done down through the layers, we will be hiring an entry-level officer. There will be a potential savings of about \$23,000 with an additional \$4,000 saved from Deputy MacDonald not accruing monthly annual leave from March to August which we would have to pay him for on his termination date. The savings potential from him leaving in March is about \$27,000.

The March departure allows us to appoint a new Deputy. Since the Deputy oversees patrol and detective operations, this would allow him or her to be in the position before the summer season, An incredibly challenging time for the department every year.

The commission made a brutally simple but practical decision based on experience and the needs of the community and the department going forward. Yes it is a financial decision, but as commissioners, we can't just consider the purse; law enforcement is far too complex for that to become the only criteria.

Additionally, let me break it down further. If your wife tells you she's in love with another man and she's leaving you, but not until 6 months from now, don't you think it's best she leave now, get out of the house, so everyone can get on their merry way, you included?

Chief Stephen J. DuBois
Portsmouth Police Department
3 Junkins Avenue
Portsmouth, NH 03801
603-610-7572

The City of Portsmouth, New Hampshire Police Department states that this electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank You.

Public Remarks for Commissioners re: Deputy MacDonald's March Departure

In the past 5 years, the department has been through three chiefs and three deputies. This is an unprecedented level of change at the top. These departures in turn create a ripple effect down through the ranking officers as promotions are made to fill vacancies which in turn create new vacancies. This turnover interrupts the forward motion of the department. It affects projects, initiatives, and planning. Decisions and pending decisions are placed on hold as people leave and the newcomers work to get their feet under them in new positions.

As a 24/7/365 public safety operation, there is a lot on the plate with day to day operations. Executive functions such as strategizing for major crime issues like a heroin epidemic, possibly relocating the department, etc. require in-depth position-specific knowledge.

The commission feels strongly that a deputy who will not be part of the department's future should not be making the decisions that will shape that future. The long view in promoting Corey MacDonald to deputy had him becoming chief-of-police "X-number" of years down the road. This possibility is no longer in the picture for reasons already covered publicly. The commissions' first responsibility is what is best for the department. Faced again with the turmoil of an agency in flux with movement at all rank levels, and with firsthand experience from the last three transitions, the commission made the decision to expedite this transition if at all possible.

We looked at the cost of negotiating the current Deputy's exit. Although there will be a cost to having him leave in March, there are savings that partially offset that cost. Ultimately, when all the transitional promotions are done down through the layers, we will be hiring an entry-level officer. There will be a potential savings of about \$23,000 with an additional \$4,000 saved from Deputy MacDonald not accruing monthly annual leave from March to August which we would have to pay him for on his termination date. The savings potential from him leaving in March is about \$27,000.

The March departure allows us to appoint a new Deputy. Since the Deputy oversees patrol and detective operations, this would allow him or her to be in the position before the summer season, and the fall and winter holidays. Both are incredibly challenging times for the department every year.

The commission made a brutally simple but practical decision based on experience and the needs of the community and the department going forward. Yes it is a financial decision, but as commissioners, we can't just consider the purse; law enforcement is far too complex for that to become the only criteria.

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Kelli L. Barnaby, City Clerk

DATE: August 11, 2015

SUBJECT: Analysis of Polling Hours

I conducted a survey of 20 communities regarding questions relative to polling hours, staffing, etc. Of the 20 communities 14 responded to the survey. The survey included questions relative to polling hours during a Municipal, State and Federal Elections. Here are the results:

- 9 communities have the same polling hours as we do or close earlier. 5 communities have longer hours with only 1 polling place, which is a dramatic difference from having multiple polling locations
- 9 communities have less polling locations which makes a significant difference
- 8 communities have larger staffs than we do in Portsmouth
- 6 communities utilize City staff to assist with the operations at the polls. The function of the staff can be working throughout the day or only during the closing of the polls for the completion of the paperwork
- 1 community extends polling hours during State/Federal Elections
- 2 communities close their offices during Presidential Elections which is something that I feel strongly about for here in Portsmouth. Due to the large voter turnout, to effectively perform required tasks dealing with transactions other than elections makes it extremely difficult

Communities involved in the research were: Berlin, Claremont, Concord, Exeter, Franklin, Hampton, Exeter, Franklin, Hampton, Keene, Laconia, Lebanon, Manchester, North Hampton, Rochester and Stratham.

Based on the survey it is my recommendation to have the polling hours for Municipal Elections remain the same 8:00 a.m. – 7:00 p.m. If I was going to support a change to the hours it would need to be 8:00 a.m. – 7:30 p.m. for the 2017 Municipal Election. I feel the same for the State and Federal Elections. The exception to this which has always been during a Presidential General Election the polling hours would be 8:00 a.m. – 8:00 p.m. There is a strong likelihood with an extension in polling hours that we will need to hire additional staff due to the age and time and workers ability to make that kind of commitment.

I would also like to indicate that 2016 will be a large election year so the City Clerk's Office may need to hire a part-time person to assist us with the workload involved in a Presidential Election Cycle. It was clear in 2012 that there is was a need for additional staffing in this department during the Presidential Election because of the sheer workload.

If you should have any questions, please do not hesitate to contact me.

Thank you.

August 3, 2015

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



Re: Sale of Land to City of Portsmouth

Dear Mr. Bohenko:

It was a pleasure meeting with you and Mrs. Carmer last Tuesday.

You asked that I memorialize our discussion in the letter so that you may present it to the council.

As we discussed, I would be prepared to convey a portion of the property consisting of approximately 8.77 acres for \$9,000,000.00.

The 8.77 acres which I would be willing to convey is shown on the attached plan. Portsmouth Land Acquisitions, LLC would retain the Frank Jones Center with approximately 3.84 acres surrounding it. We would also retain an easement across the land conveyed to the City for purposes of the accessing the new connector road, if and when it is built by the City, until that time, the retained easement would allow access to the Bypass via the existing road.

I look forward to further discussions with you in the future.

Sincerely,

Brian Thibeault



1 inch = 120 feet
0 75 150 300 Feet

Retained by Portsmouth Land Acquisition LLC

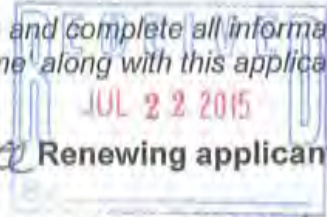
Legend
Sell to the City
Easement
City owned

CATE STREET/ROUTE 1 BYPASS
PORTSMOUTH, NH

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 W. Bird 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 Savelle 148 Pleasant St. Portsmouth 603 498 9502
Name, address, telephone number

2) Brad Boswert 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 Bergen Date: 7/20/15

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09-01-2018

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

603.592.2340 ©

Name: MARIE KELLEHER Telephone: 603.436.7832 (#)

Could you be contacted at work? YES NO If so, telephone # 603.436.7325

Street address: 297 PEVERLY Hill Rd ; PORTSMOUTH, NH

Mailing address (if different): _____

Email address (for derk's office communication): MARIEKELLEHER297@aol.com

How long have you been a resident of Portsmouth? 40+

Occupational background:

DENTAL ASSISTANT

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

ATTENDED MANY CITY WIDE NEIGHBORHOOD COMMITTEE MEETINGS OVER THE PAST 3 YEARS, AND HAVE FOUND THEM VERY INFORMATIVE.



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

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

Reasons for wishing to serve: TO TRY TO BE SOMEONE THAT OUR
NEIGHBORS CAN GO TO WITH ISSUES AND BE THAT
PERSON THAT CAN FOLLOW-UP AND REPORT BACK TO
THOSE W/ ISSUES.

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

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

1) DR. PAOLA PARON, DMD 230 LAFAYETTE #C 436-5500
Name, address, telephone number

2) DR. MELANIE HARDEN 230 LAFAYETTE BLDG C 436-2325
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 6/17/15

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

JUN 11 2015
Renewing applicant
By

Committee: HDC

Name: RICHARD SHEA Telephone: 603 501 0005

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

Street address: 19 HOWARD STREET

Mailing address (if different): _____

Email address (for clerk's office communication): RMSHEAJR@GMAIL.COM

How long have you been a resident of Portsmouth? 5

Occupational background:

ARCHITECT

CONSTRUCTION MANAGER

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

Reasons for wishing to continue serving: I HAVE ONLY BEEN ON THE BOARD 4 MONTHS. I AGREED AND COMMITTED TO AT LEAST ONE YEAR WHEN I FIRST JOINED.

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

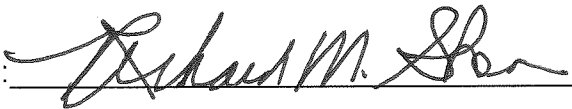
NA

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:

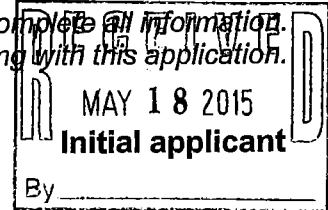
I dedicated my professional life to public service, and I'd like to continue in a volunteer capacity. Portsmouth means a great deal to me, and I'd like to contribute my talents in some small way. I might consider volunteering for other boards in the future. In the meantime, this is a great beginning. 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.

OVER

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

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

Reasons for wishing to serve: I have enjoyed visiting Perci Island on many days and in all kinds of weather. I see the island as an invaluable resource for the Portsmouth community and would like to assist in the preservation and maintenance of the island.

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

I maintain memberships in the Seacoast Artistic Association (Exeter, NH), the Kittery Artist Association, and the Plymouth Guild for the Arts (Plymouth, MA) and have exhibited in their photography shows. I also participate in the Seacoast Photographers Group and the Portsmouth Photographers Group.

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

1) Donald Tarabassi 271 Lafayette Road Portsmouth 603-433-9352
Name, address, telephone number

2) Sally Mulhern Mulhern & Scott 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. Dornseid 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

The City Manager has requested that I e-mail all members of the Council with a summary of my communications with the Secretary of State regarding the current vacancy on the Police Commission.

On July 29, 2015 the Portsmouth Herald reported that the Secretary of State had indicated to Elizabeth Dinan of that newspaper his belief that the method of filling a Police Commission vacancy contained in the City Charter was contrary to state law. I called the Secretary of State the following morning. We discussed the issue. He indicated that he would conduct further inquiry into the matter and that the City would hear from his office. Based on that conversation it was determined that no action on the vacancy should be taken by the City pending the receipt of communication from the Secretary of State.

Because the Secretary had advised that the attorney would be assisting him in this matter was Stephen G. LaBonte of the Office of the Attorney General, I spoke as well at that time to Attorney LaBonte to indicate the urgency with which this matter must be resolved and to offer all possible assistance from the City of Portsmouth in reaching that resolution.

Earlier this afternoon, Elizabeth Dinan forward to this office a copy of a letter dated August 7, 2015 from Attorney LaBonte to the Secretary of State. The letter was neither addressed nor copied to anyone in City government. However, on receipt of it, I spoke directly with the Secretary of State. He then forwarded by fax another copy of the letter, which you will find attached.

In response to my direct question, "should the City treat this letter as instruction from your office?", the Secretary of State indicated, "yes". Accordingly, if the City wishes to follow the instructions from the Secretary of State then it would now appear that the vacancy on the police commission should be, "filled by appointment of the [City Council] until the next regular municipal election". See RSA 105-C:3, quoted in Attorney LaBonte's letter and also attached hereto.

Robert P. Sullivan, City Attorney
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

(603) 610-7204 (Direct Dial)
(603) 427-1577 (Fax)

rpsullivan@cityofportsmouth.com

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 7, 2015

Hon. William M. Gardner
Secretary of State
State House, Room 204
107 North Main Street
Concord, N.H. 03301

Re: Police Commission Vacancy

Dear Mr. Secretary:

You have requested that I opine as to the proper mechanism for which a municipality operating under a city form of government may fill vacancies within its police commission.

Under the New Hampshire Constitution, the Legislature has plenary control over municipalities. *City of Manchester School Dist. v. City of Manchester*, 150 N.H. 664, 666 (2004). As such, municipalities have only the powers delegated to them by the State. *Id.* Prior to 1913 local police commissions were established through special legislation where the commissioners would be appointed by the governor and council. 13-15 N.H.P. § 502. In 1913, the Legislature adopted legislation unifying the laws relating to police commissions in the cities of Manchester, Nashua, Portsmouth, Laconia, Somersworth, Dover, Berlin and the Town of Exeter. *Id.*

In 1981, the Legislature granted the authority to establish police commissions to the remaining municipalities with the passage of RSA Chapter 105-C. *See* 1981 N.H. Laws 277:1. RSA 105-C:1 provides that "[a]ny town which adopts [RSA Chapter 105-C] may establish a police commission, consisting of 3 commissioners, who shall have been residents of the town for at least 3 years immediately preceding the date of their election or appointment." Although the RSA 105-C:1 specifies towns, RSA 44:2, expands the statute's application to cities.¹

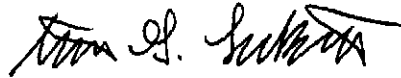
¹ **RSA 44:2 Provisions Applicable.** – All provisions of statutes, now made or hereafter enacted relating to towns, shall be understood to apply to cities; and all provisions relating to the selectmen and town clerks of towns shall be construed to apply to the mayor and aldermen and clerks of cities, respectively, unless a different intention appears.

Source. GS 40:2. GL 44:2. PS 46:2. PL 50:2. RL 62:2.

Police commissioners are chosen by either the plurality at the municipal election or by appointment of the governor with consent of the council. RSA 105-C:2, (II). As set by RSA 105-C:3, (I), police commissioners typically hold office for a term of 3 years, however, the Legislature has authorized municipalities operating under a city form of government to set the term of office for city officials. RSA 44:11 ("all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance"). When a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election. RSA 105-C:3, (I). A vacancy occurring on an appointed police commission is filled by appointment of the governor, with the approval of the council, for the duration of the unexpired term.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3658
Fax: (603) 223-6296

TITLE VII

SHERIFFS, CONSTABLES, AND POLICE OFFICERS

CHAPTER 105-C

POLICE COMMISSIONS

Section 105-C:3

105-C:3 Establishment. –

I. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(a), the voters of such town shall, at the next succeeding annual town election, elect such a police commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission elected under this chapter in any town, one member shall be elected to serve a term of one year and one member shall be elected to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the board of selectmen until the next regular annual town meeting.

II. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(b), the governor, with the consent of the council, shall promptly appoint such a commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission appointed under this chapter in any town, one member shall be appointed to serve a term of one year and one member shall be appointed to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the governor, with the approval of the council, for the duration of the unexpired term.

III. No person holding office as a selectman, treasurer, collector of taxes, auditor, highway agent, or head of a police department shall be elected or appointed as a police commissioner under this section.

Source. 1981, 277:1, eff. June 16, 1981.

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

MEMO

TO: Honorable Mayor Robert Lister
Members of the City Council

FROM: Jack Thorsen, City Councilor

DATE: August 12th, 2015

SUBJECT: Irrigation meters

In this memo, I recommend that the City Council not approve the removal of irrigation meters at this time and discuss and consider what might be a more equitable way to couple the billing of water and sewer usage.

Current situation

The costs for running a water system and a sewer system are fixed and paid for by fees. No matter how charges are calculated or shifted around, the costs remain the same.

Water usage is used as a proxy for sewer usage because there are no sewer meters. In most residential households, water and sewer use are directly related, so sewer usage is easily implied.

Irrigation meters were introduced as a recognition that there are some situations where the water and sewer use are not as related and that in those situations it would be unfair to use a total water usage proxy for sewer usage.

Fairness principles for Water and Sewer Fees

1. Water fees should reflect the actual water usage as accurately as possible. Since all water usage is metered, measuring usage is achieved directly.
2. Sewer fees should reflect the actual sewer usage as accurately as possible. Since sewer usage is not metered, an indirect means of measuring usage is needed.
3. Water fees should reflect the actual cost of the water system.
4. Sewer fees should reflect the actual cost of the sewer system.
5. Charges for capital costs, such as for meters and connection points, should reflect actual cost of capital expenditures.
6. The class of user should not play a part in setting fees (residential vs. commercial use).

7. Tiered fees distort the above principles and therefore require a public policy justification. Example is lower rates for lower usage to encourage water conservation.

Use cases

1. Residential or business user where substantially all water used is discharged to the sewer system. By proxy, the sewer usage is considered to be equivalent to water usage. FAIR.
2. Residential or business user who uses water, and where some substantial amount of water does not discharge into the sewer system, such as for irrigation, and an irrigation meter is used. The amount of water not discharged into the sewer system is metered, so the remainder can be assumed to enter the sewer system for purposes of measuring sewer usage. FAIR.
3. Residential or business user who uses water, and where some substantial amount of water does not discharge into the sewer system, such as for irrigation, and no irrigation meter is used. This user is subsidizing the sewer system without equivalent benefit. NOT FAIR.
4. Residential or business user who uses water, but does not discharge into the sewer system, such as when a property has a leach field and is not connected to the city's sewer system. Currently, this user is subsidizing the sewer system without equivalent benefit. NOT FAIR.

Runoff

Runoff, such as water from rain, is picked up and processed by the city to a lesser degree than sewerage through the sewer system.

A case can be made that a water user who is irrigating is creating runoff, so like for the sewer system, a runoff processing charge could be reasonably attached to that water usage. The cost of processing runoff is substantially lower than processing sewerage.

In considering what is a fair and equitable distribution of water and sewer fees, runoff costs should be understood and applied.

Current proposal to remove irrigation meters decreases fairness

The current proposal to remove irrigation meters will put everyone into the first use case, above. Rather than moving towards more fairness, this change will decrease fairness by raising the sewer fees to those who use water that does not discharge into the sewer system.

We should go the other direction

Concerns

Shifting costs due to recalculating sewer usage may adversely impact residents' water and sewer bills, unless aggressively tiered fees are used to mitigate any increases residents might see.

Suggestions

1. Do not eliminate irrigation meters.
2. Allow any water service user to separately measure water usage that does not discharge into the sewer system. This would include uses such as irrigation, but also include those users who do not have a city sewer connection.
3. Understand and charge for runoff based on the city's cost of processing that runoff.
4. Aggressively adjust the tiered fees so that residents don't pick up the cost of restructured water and sewer usage calculations.

Thank you for your kind consideration in this matter.

Sincerely,

*Jack Thorsen
City Councilor
City of Portsmouth, New Hampshire*