

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 7, 2015 TIME: 6:15PM

AGENDA

- 6:00PM - CITY COUNCIL PHOTOGRAPH
- 6:15PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: UPDATE ON OUTSTANDING COLLECTIVE BARGAINING AGREEMENTS IN ACCORDANCE WITH RSA 91-A:2, I (b)

I. CALL TO ORDER (6:15PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Report of Sagamore Creek Blue Ribbon Committee

V. ACCEPTANCE OF MINUTES – NOVEMBER 5, 2015 AND NOVEMBER 16, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 DESCRIBED LAND BE REZONED FROM WATERFRONT BUSINESS (WB) TO SINGLE RESIDENCE B (SRB): LOT 2 AS SHOWN ON A PLAN TITLED “SUBDIVISION PLAN – TAX MAP 201 LOT 1 – APPLICANT: WILLIAM L. PINGREE – OWNER 955 SAGAMORE REALTY TRUST – 955 SAGAMORE AVENUE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE,” PREPARED BY AMBIT ENGINEERING, INC., DATED JUNE 2015, REVISED 11/06/2015, CONTAINING 25,698 SQUARE FEET. AND THAT THE ZONING MAP REFERENCED IN CHAPTER 10, ARTICLE 4, SECTION 10.420 (DISTRICT LOCATION AND BOUNDARIES) OF THE ORDINANCNES OF THE CITY OF PORTSMOUTH BE REVISED
- B. ORDINANCE AMENDING CHAPTER 10, SECTION 10.1530, TERMS OF GENERAL APPLICABILITY, AMEND THE DEFINITIONS OF “HOTEL” AND “MOTEL” BY INSERTING THE PHRASE “BUT SHALL NOT INCLUDE CASINO GAMBLING, KENO OR OTHER GAMES OF CHANCE” AFTER THE WORDS “RECREATIONAL FACILITIES” IN EACH DEFINITION

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation from Annette Roylos for lights on the Market Square Christmas Tree - \$200.00 (***Sample motion – move to accept the donation of \$200.00 from Annette Roylos for lights on the Market Square Christmas Tree***)
- B. *Acceptance of Grant from New Hampshire Division of Historical Resources - \$45,725.00 (***Sample motion – move to give the City Manager authority to enter into a grant agreement and accept and expend funds up to \$45,725.00 from the New Hampshire Division of Historical Resources***)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article II – Transportation Services Ordinance
- B. Second Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB)
- C. Second Reading amending Zoning Ordinance - Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of “hotel” and “motels as follows – shall not include casino gambling, keno or other games of chance
- (***A Presentation will be made prior to action on this item***)
- D. Third and final reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters (***Tabled from October 5, 2015 City Council Meeting***)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Requests for License to Install Projecting Signs:
- John F. Golumb, owner of Two Ceres Street, for property located at 33 Bow Street
 - Bethany Hayes, owner of TJ's Food & Spirits, for property located at 88 Penhallow Street

(Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests)

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. Letter from Caryl Dow, Dottie Bailey and Sarah Rafferty, Compassionate Friends', requesting to hold the 19th Annual Worldwide Candle Lighting on Sunday, December 13, 2015 at 7:00 p.m. in Market Square, for 1 hour ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Deidre Reynolds, NH Chapter Leader for Moms Demand Action, requesting permission to hold a walk from the South Church to Prescott Park to honor the Sandy Hook Anniversary on Sunday, December 13, 2015 from 12:00 p.m. to 1:15 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the Seacoast Century on Saturday, September 24, 2016 and Sunday, September 25, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Chamber of Commerce Run Portsmouth Road Race Series Races for 2016: ***(Anticipated action – move to refer to the City Manager with power)***
- Easter Seals Veteran's Count – Pack & Boots 5k on Monday, July 4, 2016 at Strawberry Banke at 9:00 a.m.
 - Portsmouth Rotary Club – 5K Cross Country Race on Thursday, August 4, 2016 at Portsmouth High School at 6:00 p.m.
 - CelebratePink 5K Road Race & Walk on Sunday, September 18, 2016 at Portsmouth Middle School at 9:00 a.m.
 - Memorial Bridge Road Race, Saturday, October 8, 2016 at Memorial Bridge at 10:00 a.m.
 - Great Bay Services – Resolution 5k on Sunday, January 1, 2017 at Portsmouth Middle School at 11:00 a.m.
- G. Letter from Thomas P. D'Arcy requesting permission to hold a charity fundraiser road race event, "Danielle's Dash", on Saturday, April 30, 2016 on Pease Tradeport. ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Gerald Zelin regarding Right to Know Law

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Proposed Adoption of Blue Ribbon Committee's Report Back Re: Sagamore Creek Parcel
2. Acceptance of Sagamore Creek Bridge Project
3. 2016 Schedule of City Council Meetings and Work Sessions
4. Holiday Parking
5. License Request for 110 Chapel Street from Applicant Rye Beach Landscaping, LLC

Informational items

1. Events Listing
2. Charter Committee
3. Downtown Parking Shuttle Service for 2015
4. Planning Board Report Renaming of Ledgewood Drive
5. Zoning Board of Adjustment Action to Override Decision Re: 65 Mendum Avenue
6. Update Re: 165 Deer Street
7. Report Back Re: Electronic Communications
8. Stormwater Management Flyer

B. MAYOR LISTER

1. Appointments to be Considered:
 - Appointment of Dexter Legg to the Planning Board effective January 1, 2016
 - Appointment of Jim Lee as an alternate to the Zoning Board of Adjustment
 - Appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment
2. Appointments to be Voted:
 - Appointment of Jamie Baker to the Citizens Advisory Committee

C. ASSISTANT MAYOR SPLAINE

1. *Renaming of Lafayette Playground

D. COUNCILOR SHAHEEN & COUNCILOR DWYER

1. *Update Re: Community Meeting on Heroin Epidemic

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet, Minutes and Work Session Minutes of the November 5, 2015 meeting (***Sample motion – move to approve and accept the minutes of the Parking and Traffic Safety Committee of the November 5, 2015 meeting***)

F. COUNCILOR MORGAN

1. Right-to-Know Law – charging for labor costs (***Sample motion – move that the Portsmouth City Council does not support any proposal to amend the Right-to-Know law (RSA91-A) that would allow municipalities to charge for the cost of labor for the reproduction of public documents. It shall be the policy in the City of Portsmouth to not charge city residents and the press for the cost of labor for access to and retrieving or reproducing public documents***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the October 15, 2015 meeting of the Planning Board are now available on the City's website
2. Notification that the minutes of the November 5, 2015 Site Review Technical Advisory Committee are now available on the City's website
3. Notification that the minutes of the October 20, 2015 Zoning Board of Adjustment are now available on the City's website

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



**Sagamore Creek Master Plan
Final Report
Mayor's Blue Ribbon Committee
on
Sagamore Creek Land**



Councilor Eric Spear, Chair and Council Representative
Councilor Chris Dwyer, Council Representative
John Mikolajczyk, Resident Representative
Alison Pyott, Resident Representative
Lennie Mullaney, School Board Representative
Kory Sirmaian, Recreation Board Representative
Allison Tanner, Conservation Commission Representative
David Moore, City Manager's Designee, Ex-officio

November 18, 2015

INTRODUCTION

In February 2015, the Mayor appointed the Blue Ribbon Committee on the Sagamore Creek Land. Since that time, the Committee has worked to make progress on its charge: to create a plan for public usage of the city-owned land at Sagamore Creek. The Committee includes representatives from the community, the Recreation Board, Conservation Commission, and School Board. The process and steps taken by the Committee are summarized in this report as is the Committee's vision, Master Plan of proposed improvements, key considerations in developing this report back, and recommendations for the management of the site. The Master Plan and recommendations in this report do not represent a large increase in usage or traffic to the site. Many of the uses discussed in this report are currently taking place on the parcel.



Vision

In June 2015, the Committee recommended, and the City Council adopted, a vision and guidelines for the use of the Sagamore Creek Land. The following is the vision for public use of the land:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another and which are sensitive to the overall vision of preserving the site's character.

The full Vision and Guidelines can be found in ***Appendix A, Vision & Guidelines***.

Committee Process and Public Input Opportunities

The Committee completed extensive research and outreach to the community throughout its 11 meetings since February 2015. The Committee worked to review and discuss the site's past usage and history; its environmental characteristics and natural resource values; its past use as a landfill; previous plans and studies associated with the parcel; and options for landfill reuses.

In addition to comprehensive public input from the residents of Portsmouth (summarized below), the Committee's work benefited from significant study and work of other City's boards and staff as well as in depth consultations with experts in various fields. In addition to having member representatives from the School Board, Recreation Board, and Conservation Committee, the Committee met with various professionals and users to obtain their input on this plan. A summary of these efforts is described below.



1. The Committee was presented with extensive background and history of the parcel by and details about environmental characteristics and natural resource values by City staff. In particular the Committee reviewed:
 - 2010 Recreation Needs Study – Recreation Board
 - 2010 Public Undeveloped Lands Assessment – Conservation Commission
 - 2007 Sagamore Creek Land Vernal Pool Study - Conservation Commission
 - 2007 Jones Avenue Landfill Status Update – Hoyle, Tanner & Associates
 - 1999 Master Plan for Peirce Island – Community Department
2. The Committee met with engineers who have worked on the Landfill closure at Jones Avenue as well as an engineer who has worked on various reuse projects for landfills, including in New Hampshire.
3. The Committee hosted a large meeting and invited each of the four boards and Commissions who interact with the Sagamore Creek property. Representatives of the City's School Board, Recreation Board, Conservation Commission and Sustainability Committee attended to discuss the current uses of the site and to provide their perspective of each on the future uses of the parcel. Representatives from High School Cross Country Program, Environmental Club, and Science Department attended as well as many other conservation, environmental, recreation, and sustainability advocates.
4. On May 7, 2015, the Committee held a public input session on a draft vision and guidelines for a plan for public use of the city-owned property. Nearly 20 people made public comments on the draft document at the meeting. Another 25 people submitted comments electronically (see below).

5. In June, the Committee submitted an interim report, which included a Vision and Guidelines document, to the City Council for adoption prior to moving forward with plan development. The document was adopted by the City Council unanimously and it has guided the Committee through to the submittal of this final report.
6. A sitewalk and meeting with Portsmouth Department of Public Work's Water Resources Manager, Transportation Planner, and Environmental Planner/Sustainability Coordinator was held.
7. City staff consulted with the Cross Country program at Portsmouth High School to discuss the proposed improvements included in this report. Northeast Passage (NEP) an advocacy organization for universal access programs (a program of the University of New Hampshire) will be a resource during the implementation stage.
8. The Committee City met several times to discuss a final plan for the site and its report back. It held a public input meeting in November on the draft plan and report.

Summary of Public Outreach Strategies

1. Committee website. A dedicated website for the Committee's work has assisted in communicating about the work of the Committee. At that web site, interested members of the Community accessed presentations and documents reviewed by the Committee as well as links to each of the Committee's minutes and meeting notices. Materials reviewed by the Committee as well as a link to agendas and meeting minutes can be viewed at <http://www.cityofportsmouth.com/sagamorecreek.html>.
2. Public Comment Form and Submitted Letters. A public comment form was made available via the Committee's webpage and a total of 25 comments was received for the Vision and Guidelines document in May and several more received for a November public input meeting on the draft version of this plan. Each comment is published on the Committee's webpage as are copies of letters submitted to the Committee.
3. Public Comments within Meetings. Each meeting's agenda has included a public comment section, which has been extensively utilized by the public. Each comment delivered during the meetings has been recorded in each set of meeting minutes accessed via the City's meeting's calendar on the website. A list of meeting dates is located at the webpage for the Committee.

KEY CONSIDERATIONS IN DEVELOPING THE SAGAMORE CREEK PLAN

Coordination with the Department of Environmental Services

The Sagamore Creek parcel is the site of a closed landfill with an active groundwater management permit (GMP) that is administered by the State of New Hampshire Division of Environmental Services (NHDES) through a post-closure monitoring plan. Groundwater and surface water quality testing is conducted semi-annually in accordance with the GMP and reports are submitted annually to the NHDES. Any changes to the landfill that are not consistent with the post-closure plan including modifications to uses, cap access, security fencing and proposed development of the cap itself must be coordinated with and approved by NHDES through a post-closure use modification. City staff consulted with NH DES staff as part of the Committee work and the Committee met with an engineer familiar with the cap's construction and another engineer with extensive landfill reuse efforts in New Hampshire. The Committee also reviewed two reuses of landfill sites in New Hampshire that included significant and extensive reuses, including structures and parking lots, etc. The level of anticipated improvements envisioned in this plan is significantly less extensive than previous larger scale redevelopments on other closed landfills in New Hampshire. In consultation with NHDES on this subject, the envisioned improvements described in this plan are consistent with requests that the NHDES has authorized at other closed landfills. Additional investigations of the landfill cap integrity and gas production may be needed as part of the use modification request.

Stewardship and Promotion of City Passive Recreation Assets

The Vision and Guidelines developed by the Committee specifically address the desire to avoid overuse of the Sagamore Creek parcel in ways that may negatively impact the neighborhood, environmental qualities or natural setting. The Committee discussed how one way to manage overuse of the parcel by any one use is to maintain and promote the network and series of recreational opportunities that permit various uses. Sagamore Creek Parcel is a passive recreational asset, which will be added to the current inventory of similar resources:

- the Creek Farm trails at Little Harbor Road (owned by NH Society for Protection of Forests);
- City trail system at Little Harbor Road and linked with the Creek Farm;
- Peirce Island trail systems and recreation areas; and
- Great Bog with its trails.

Other recreational assets, such as the creation of a new Hampton Branch Rail Trail and ongoing efforts by the Conservation Commission to create additional trails and public access points will ensure that many opportunities for passive recreation will exist, thereby helping to manage the

overuse of any one asset. As these recreational opportunities expand and the trends toward passive unorganized recreational opportunities continue, the Committee recommends a more formal strategy for managing the parcels, promoting their availability, and encouraging stewardship through volunteerism.

Recreation Fields

The Committee deliberated at length on the many proposals for the parcel's use that were brought forward by Committee members, members of the public, as well as representatives from other City Boards and Commissions. In its Interim Report in June, the Committee addressed the specific city-wide need for recreation fields. In that Interim report, the Committee did not recommend moving forward with recreation fields for organized sports at the Sagamore parcel; however it did make specific recommendations to the City Council in pursuing next steps for making progress on alleviating the field shortage. At the Committee's recommendation, the City Council requested the City Manager report on ways to both maximize usage of existing City assets as well as research the potential for acquiring new land for recreation fields. A Phase I report on the use of existing City assets was provided to the City Council in August. That report prioritized opportunities for resurfacing fields, making upgrades to existing undersized fields, and moving forward with the development of the former Stump Dump on Greenland Road. A phase 2 report back on the acquisition of land for further adding to the inventory is planned in coming months. The phase I report can be found on the City's website at <http://www.cityofportsmouth.com/recreation/ReportBack-August3,2015-PhaseIRecreationFields.pdf>.

MASTER PLAN: DESCRIPTION AND EXPLANATION OF RECOMMENDED IMPROVEMENTS

This final report applies the Vision and Guidelines to a Master Plan, which is part of this final report (**Appendix B, Master Plan**). In addition, the report also includes this summary and recommends the adoption of management recommendations, which are intended to be used in support of the plan as the implementation moves forward.

This plan was developed with an eye toward balancing competing interests of various stakeholders; these include abutting property owners and residents of the Jones Avenue area; current user groups and individuals who make use of the site presently; residents who would utilize the site more if it was signed as publicly-owned and accessible; people of all abilities who seek passive recreation areas within Portsmouth; and others.

In follow-up to the adoption of the Vision and Guidelines, the Committee identified improvements needed in order to realize the vision in a Master Plan. In keeping with the Vision above as well as public comments throughout its process, the Committee sought to achieve a balance of encouraging use without overdevelopment of the site or impeding on the natural setting. The site is home to an extensive and widely used trail system that is recommended to remain in place. The existing trail system is outlined in a thin green line in this image of the Master Plan below (figure 1). The Master Plan is reprinted in a larger format in **Appendix B**.



Figure 1 This Master Plan is printed in a larger format in Appendix B. The thin green trail lines are existing, well-used trails. The trails on the cap (thicker green lines) - in the center of the parcel - are a proposed trail expansion to promote waterfront viewing, enhanced access to the cap.

This Master Plan is intended to show the type and location of the recommended improvements. Final designs, materials, and locations of elements will be finalized as part of the implementation phase(s) and the engineering and design work completed prior to each improvement. These improvements include the following:

1. **Signage.** Perhaps one of the most common observations heard by the Committee has been the need to make sure this valuable public asset is signed in a manner that invites use by the public. One resident reported not knowing the resource was available during the entire tenure of her residency in the Jones Avenue neighborhood. As a result, the Committee has recommended creating a more welcoming frontage by removing the locked fence at the entrance at Jones Avenue and adding signage, which identifies the parcel as being publicly-owned and welcoming to visitation by the public.



Figure 2 This signage from Peirce Island is in keeping with the style of signage recommended for the site.



Figure 3 A kiosk like this one may be appropriate to orient visitors and provide information.

2. **Improve Existing Pedestrian Linkages.** In keeping with the stated goals of the City’s Master Plan and Bike and Pedestrian Plan, the Committee has recommended maximizing the connections this parcel already has to adjacent parcels and uses including residential areas along the Route 1 corridor, the Jones Avenue neighborhood, the High School, and Sagamore Creek. In one location, this will require the construction of a boardwalk to cross a tidal creek between the Sagamore Creek Land and Winchester Place apartments.



Figure 4 The City's Bike-Ped Plan shows the Sagamore Creek Parcel in relationship to the Urban Forestry Center and other bike and pedestrian connections.



Figure 5



Figure 6

Figures 5 and 6 show an example of a boardwalk feature over a wet area or depression that is recommended to better link an abutting property to the site.

3. **Creation of On-site Parking.** The Committee is recommending an on-site parking area be created in order to ensure residents of all abilities are able to access both the wooded and open portions of the site. Presently, only haphazard and informal parking is available for users at the site outside of the fence at Jones Avenue; it is not accessible and can accommodate few vehicles.



Figure 7 This detail from the Master Plan in the Appendix shows how the parking will be along the existing roadway into the site, with a turnaround (circle) near the cap. This provides non-intrusive parking and access to the cap for people of all abilities.



Figure 8 This picture shows the current condition outside the locked gate at Jones Avenue. Not many cars can be accommodated; the parking is unorganized, and potentially unsafe.

After much deliberation and input, the Committee is recommending a configuration for providing parking, which will have the smallest environmental and aesthetic impact on the site. This recommended improvement utilizes the existing roadway into the site, provides parallel parking on one side (to accommodate approximately 30 vehicles), and creates a turnaround at its terminus along with accessible spaces. Alternative options for creating parking for vehicles would require widening the existing roadway into the site thereby impacting wetlands and requiring tree removal. The recommended scenario utilizes the existing roadway and creates a turnaround area at the current opening at the end of the roadway at the cap. As part of this recommendation, the Committee is recommending no additional impermeable pavements be utilized and, where possible, reduce the existing paved area to benefit both the adjacent wetlands (including vernal pools) as well as promote the natural undeveloped nature of the site.

4. **Promote Access to the Landfill Cap Open Space.**

A major underutilized portion of the parcel is the landfill cap, which lies elevated in the middle of the parcel at the edge of Sagamore Creek. This green space may be the only undeveloped and unprogrammed open field space of its size owned by the City. This open field space with no trees is ideal for walking and waterfront viewing, bird watching, kite flying, cross-country skiing, picnicking and other unorganized passive activities enjoyed by a wide cross-section of our community of all abilities. Recommended improvements are intended to maximize the flexibility and availability of this open space for the many possible activities and promoting use by people of all



Figure 9 This detail from the master plan shows an accessible trail system and mowed areas around the landfill cap's border.

abilities while maintaining the high value of this meadow-like area as nesting habitat for many bird species. With these uses and values in mind the Committee is recommending the following improvements to the cap:

- a. Create an accessible trail system from the parking area to a waterfront overlook. This area would be made accessible by a paved path and mowed edges. The Public Works Department current mows the capped area twice a year. With this improvement, additional mowing would be needed around the trail system.
- b. Increase public access to the cap by reducing the linear feet of fencing along its perimeter. A chain link fence surrounds the open field space of the cap; removal of significant portions of this fence would promote public use and reduce structures in this area. Fencing will need to remain in areas where there are steep grades (such as that portion along the waterfront) and in certain areas of the cap system. Where fencing is required to remain, some alternative to chain link fencing might be introduced which better complements the property.

5. **Waterfront Access & Viewing.** Creating waterfront viewing opportunities to improve access to the waterfront is a major priority and recommendation in this final report. This recommendation includes the potential future inclusion of a canoe-kayak dock facility for use by non-motorized watercraft. This canoe-kayak dock is not a high priority due to the tidal nature of Sagamore Creek and the inaccessibility of the access point during significant portions of the tidal creek. This feature is designed to be accessible via the water as opposed to promoting the portage of canoes and kayaks from the parking area.



Figure 10 This detail from the Master Plan in Appendix A, shows recommended locations of waterfront features to ensure public access to the waterfront.



Figure 11 These two examples of waterfront structures are envisioned to provide meaningful public access to the waterfront at the parcel's shoreline along Sagamore Creek

6. **Interpretative Signage.** The Sagamore Creek parcel has the potential to be an opportunity to encourage conservation, promote sustainability, encourage scientific discovery (through existing School programs), and educate residents about the City's past strategies for managing solid waste through this landfill site.



Figure 12 This is an example of interpretative signage in a wooded area.

Some examples of interpretative marker content might include:

- the presence of Native Americans in Portsmouth;
- Landfill Practices of the 19th and 20th Centuries
- Vernal Pool Habitats
- Invasive Species Management
- Gulf of Maine Tidal Marsh
- Sagamore Creek Estuary

7. **Toilet Facilities.** Like many other recreational spaces in the City, the Sagamore Creek parcel is recommended to have a toilet facility. The Committee believes it would be appropriate to have a composting toilet on site, which could also serve as a potential educational opportunity.

Figure 13 A compostable toilet facility at the site is envisioned to both provide a needed service at a recreational area of this type and may also be an educational opportunity. This one is located at Cathedral Ledge State Park in New Hampshire.



8. **Improvement to Existing Trails.** The Sagamore Creek Land already has a series of well-developed, maintained, and used trails. In addition to use by the Cross-Country program at Portsmouth High School for both competition and practice, the trails are used by the general public. While no trail expansion is recommended as part of this plan, the Master Plan does note the need to continue to care for the trails in a manner that encourages users to stay on the trails avoiding sensitive wetland or vernal pool areas and minimizing impact to existing understory vegetation. This might include improving drainage in certain areas or boardwalking trail sections in particular need of protection. Consultations with the Cross-Country program confirmed that no proposal in the Master Plan presents conflicts with the program.

IMPLEMENTATION OF THE MASTER PLAN

According to the City Charter, the City Manager is responsible for managing City-owned property and day-to-day operations of the City government. This plan and report is designed to layout the community's vision and desired improvements for the parcel. The overall vision for the parcel will not be achieved in a year or even two years, but over a longer time horizon. We hope that, by defining the big picture, the City Manager and City staff, with support of the City Council will find ways to sequence these improvements that make sense and that best leverage investment of local tax dollars with other sources of funding. The following are potential strategies and opportunities for carrying out these improvements.

1. **Regular funding through the Capital Improvement Program (CIP).** Identification of specific elements of this master plan should be completed through the City's CIP plan. Regular and predictable levels of investment will help staff plan projects in the future.
2. **Conservation Fund.** The City's conservation fund has been identified as a resource in the Capital Improvement Plan for implementation of this plan. As many of the improvements envisioned include conservation-related strategies and measures, additional use of this resource may be appropriate.
3. **Use of Volunteers.** Each year, many businesses, civic groups, and individuals work with the various departments including the Department of Public Works to carry out useful projects throughout the City. Many items in the Master Plan can be carried out in coordination with these groups, including invasive species management, trail maintenance and improvements, and general clean-ups and other maintenance activities.
4. **Coordination with Boards and Commissions.** The Sagamore Creek Land is valued and used by many people in our community. Likewise, several City Boards and commissions are stakeholders when it comes to the various uses of the parcel, these include the Conservation Commission (planning for stewardship of undeveloped public lands, valuable wetlands and management of invasive species); Recreation Board (recreation programs); Sustainability Committee (natural resource protection and learning environment); and School Board (educational programs and cross country program).
5. **Grants and Donations.** Wherever possible opportunities to further leverage local tax dollars and volunteer hours should be used in furthering progress on the Master Plan.

MANAGEMENT RECOMMENDATIONS

In addition to making progress on the planned improvements, the Committee discussed many management policies related to the enhanced public use of the property. The Committee understands that management of these facilities is the responsibility of the City Manager and the City Council. The Committee's guidance for management practices at the site are below and based on the Committee's deliberations, conversations and input from the Community and abutters. In general, making this unique City asset more visible and usable by residents will require maintenance and monitoring like any other public facility. The Committee has sought ways to minimize the impacts of making this site more usable by the public, however, in general, the value of increasing access and recreation opportunities outweighs the overall impacts of increased maintenance and monitoring needs.

- Carry in, carry out policy – No definitive recommendation is made relative to carry-in, carry-out. In general, the overall master plan is intended to preserve the natural feel of the area; the introduction of more trash and recycling receptacles and additional labor needed to manage them, are in contrast with the overall vision. It is recommended that a carry-in, carry-out policy be piloted in order to encourage continued careful stewardship of the site by the public and to minimize impact on City resources.
- Park Hours and Night Time access – The Committee's vision to make this site accessible includes access by the public at night. Night-time cross-country skiing, star gazing, and night-time walks are already enjoyed by members of the public at this location and many other parks throughout the City.
- Grass-cutting schedule – The landfill cap is currently fenced off from public use and the meadow area is cut twice per year. In coordination with the Public Works Department the committee discussed the impact of making the meadows more accessible to the public. Current mowing of the site is done in coordination with the nesting habits of certain birds at the site. This practice should continue. Additional mowed areas such as along the perimeter and through the middle of cap, are intended to provide enhanced access to the cap for multiple passive uses (including paved accessible paths) without over imposing on the meadow habitat vegetation.
- Maintenance of roadway and parking areas – The roadway and parking areas are improvements that should pose minimal development impacts and be in line with the existing level of development. For example, no roadway de-icing or salting strategies would be used in this sensitive area; however the site would be plowed to encourage year-round use.
- Current on-leash area – The City's existing ordinance is in effect at the site. The site is not currently designated an off-leash area and dogs are to be on-leash. At this time,

while no proposal to change this has come forward, consideration of any change should weigh heavily the risk to sensitive habitats including wetlands and vernal pools and sensitive flora present at the Sagamore Creek land.

- Managing Invasive species – The City Departments should continue to work closely with the Conservation Commission and volunteer initiatives to manage invasive species at this site. Much work has been done to identify invasive species and there is much interest in the community in growing the numbers of volunteer stewards and groups who may wish to further assist and develop this effort; coordination and assistance with these groups should be an administrative priority in managing this site.
- All signage and park rules should reflect existing City ordinances.
- In general, future decisions regarding the facility should refer to the Vision and Guidelines document included in this report for guidance. In particular, given the vision of protecting the site and preserving its character as a natural area, the **Conservation Commission** is well-positioned to provide guidance on moving forward specific elements of Master Plan implementation such as final location of trail boardwalks and overlooks to minimize environmental disruption, coordinating volunteer groups to work on removing invasive species, and protecting endangered plant species, and maintenance practices sensitive to nesting birds, etc.

Appendix A

Vision & Guidelines

Blue Ribbon Committee on the Sagamore Creek Land

Interim Report: Vision and Guidelines

Vision:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another and which are sensitive to the overall vision of preserving the site’s character.

Proposes Uses and Activity From the Community	Does the proposed use/activity fit within the Vision described above	Explanation of the Committee’s determination
1. Outdoor Classroom and educational purposes; including interpretation of historical, cultural and environmental resources	Yes	Many of the uses provided by the School Department representatives (at left) are currently taking place at the site. Given that the land is adjacent to the high school, the Committee determined that educational uses should continue and the parcel should continue to be used in ways that provide experiential enrichment.
2. Cross Country Trail System	Yes	This long established use has benefited not only the Athletic program at the Portsmouth High School, but doubles as a trail network for the general public, which has the added benefit of directing foot traffic away from ecologically sensitive areas.
3. Middle School Mountain Biking Program	Yes	The existing use has complemented the Cross Country and general public use and the current level of activity is in keeping with the vision described above.
4. Mountain Biking (General Public)	Yes	The Committee found that promotion of general mountain biking is consistent with the vision described above.

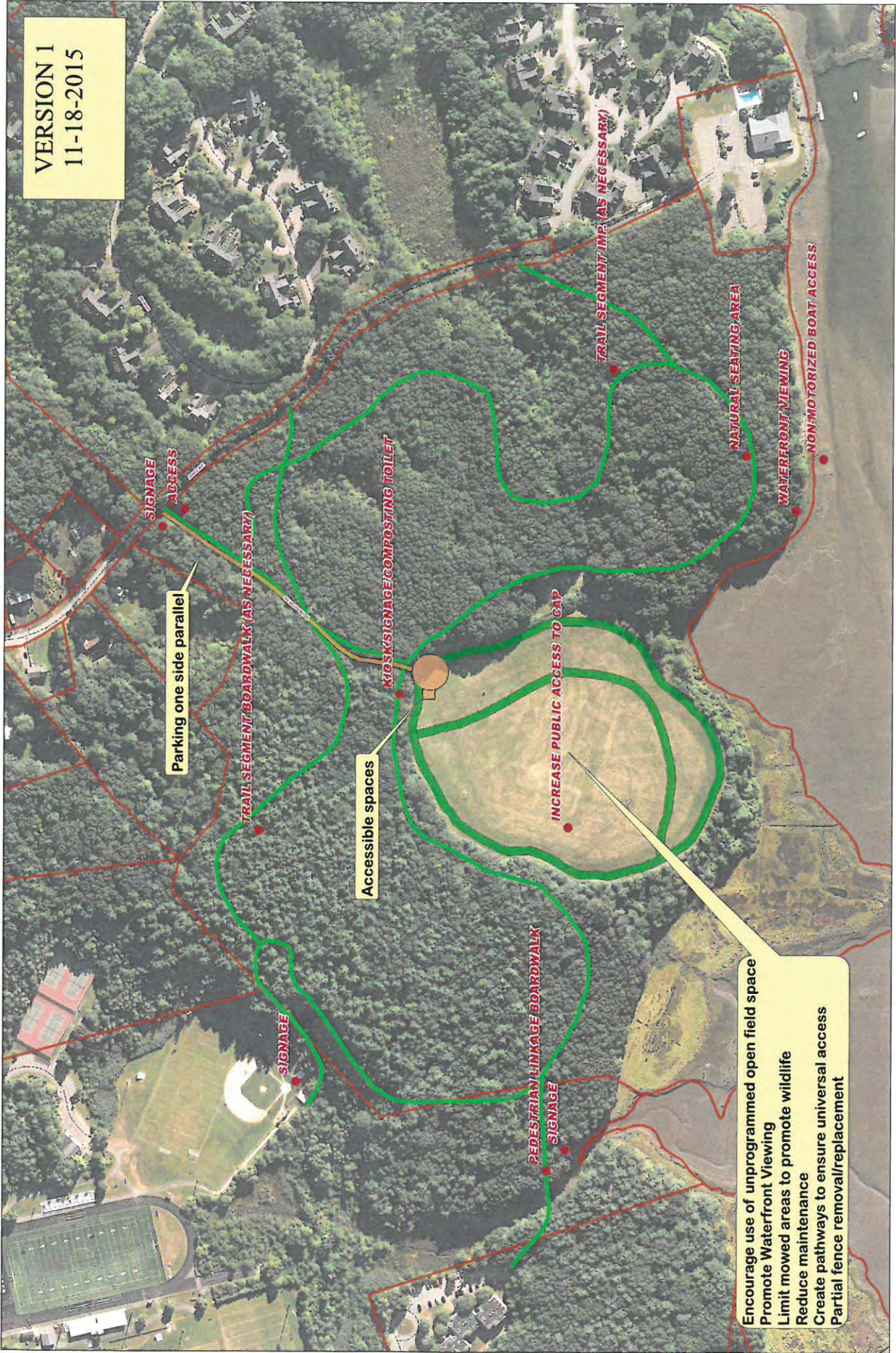
5. Community Garden	No	The implementation of a Community Garden facility and use has many challenges at this particular site including (access and water amenities). However, the Committee is supportive of this use if sponsored as an educational program adopted and managed through the School system.
6. Recreation Fields for organized team sports	No	The Committee explored at length the planning documents and input from the Recreation Board regarding the need for multi-purpose recreation fields for organized field sports in Portsmouth and agrees adding fields and capacity to meet demonstrated needs should be a high priority for the City Council. There are three reasons the Committee has found these uses inconsistent with the vision above. 1. There are many significant physical constraints that would limit the recreational value of the end product and consume large amounts of capital resources that could be better used in meeting the field needs in alternative locations. 2. Extensive alteration of the landscape to make the fields usable (grading changes, retaining walls, and extensive tree removal) that would negatively impact the natural resources present. 3. Development of access ways, field lighting, restrooms, and related amenities would negatively impact the character of the parcel.
7. Passive Recreation and Informal Recreation Uses (i.e., kite flying, sledding, bird watching, cross country skiing, Frisbee, picnicking) on the landfill cap.	Yes	Many of these activities take place at the site currently. They are consistent with the vision above.
8. Water Access for non-motorized water craft with defined entry	Yes	A major ongoing priority of the City as expressed in its planned documents and elsewhere is waterfront access. This parcel's unique and long frontage along Sagamore Creek is not only an invaluable vista for public enjoyment but holds the possibility of another low –impact access point for non-motorized watercraft.

9. Solar panel array	No	The Committee determined that solar panels in this location would preclude the use of the site for a number of other attractive uses benefitting the public. It also noted the solar panels can be placed in many settings such as roofs and on top of parking structures, which are preferable to preventing other uses for valuable waterfront and open space lands.
10. Access Improvements for pedestrians, vehicles, and bicycles; including universal access for people of all abilities. This item includes promoting linkages to other nearby passive recreation areas	Yes	Formalizing access to and providing signage at the site will ensure the public is welcomed and can safely access the Sagamore Creek Land. Access to the site is consistent with the vision above in that it can encourage access in ways that are sensitive to the natural resource values.
11. Disc Golf	No	The Committee discussed the potential for siting a disc golf course at the parcel. The Committee noted the installation of single-purpose structures as well as the risk to off trail activities that could threaten natural resources present. It was noted that some publicly-owned undeveloped lands (identified in the PULA study) likely represent appropriate opportunities for this use.
12. Dogs	Yes	The Committee discussed how the presence of dogs at the site were appropriate and welcome provided they be on leash. This is important for ensuring the protection of endangered plant species and ensuring trail boundaries are respected. In addition, the Committee noted the existence of a number of other sanctioned off-leash areas within the City, which can accommodate this use.

Appendix B

Master Plan

VERSION 1
11-18-2015



SIGNAGE
ACCESS

Parking one side parallel

TRAIL SEGMENT BOARDWALK (AS NECESSARY)

Accessible spaces

KIOSK SIGNAGE/COMPOSTING TOILET

PEDESTRIAN LINKAGE BOARDWALK
SIGNAGE

INCREASE PUBLIC ACCESS TO GAP

TRAIL SEGMENT IMP. (AS NECESSARY)

NATURAL SEATING AREA

WATERFRONT VIEWING

NON-MOTORIZED BOAT ACCESS

- Encourage use of unprogrammed open field space
- Promote Waterfront Viewing
- Limit mowed areas to promote wildlife
- Reduce maintenance
- Create pathways to ensure universal access
- Partial fence removal/replacement

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: THURSDAY, NOVEMBER 5, 2015

PORTSMOUTH, NH
TIME: 6:30 PM

I. CALL TO ORDER

Mayor Lister called the meeting to order at 6:30 p.m.

II. ROLL CALL

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

Absent: Councilors Shaheen and Kennedy

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Morgan led in the Pledge of Allegiance to the flag.

V. CANVASS OF THE VOTE OF THE NOVEMBER 5, 2013 MUNICIPAL ELECTION

City Clerk Barnaby provided the City Council with copies of the November 3, 2015 Municipal Election results and requested the City Council accept the results as presented.

The following positions were elected:

City Council 2 year term

Mayor Jack Blalock
Assistant Mayor James Splaine
Councilor Rebecca Perkins
Councilor M. Christine Dwyer
Councilor Brad Lown
Councilor Nancy Pearson
Councilor Eric Spear
Councilor Joshua Cyr
Councilor Josh Denton

School Board 4 year term

Ann M. Walker, Patrick L. Ellis, Roseann Vozella Clark and Gary Epler

Fire Commission 4 year term

Michael Hughes

Police Commission 4 year term

Joe Plaia

Police Commission 2 year term

Joe Onosko

Ward Moderators 2 year term

Petra Pantelakos-Barstow - Ward 1
Susan Denenberg – Ward 2
Raymond Mullaly – Ward 3
Gerald W.R. Ward – Ward 4
Brian Wazlaw – Ward 5

Ward Clerks 2 year term

Steven Pesci – Ward 1
William Tucker – Ward 2
Catherine Cosgrove – Ward 3
Rahul Sivaprasad – Ward 4
Donald Margeson – Ward 5

Ward Selectmen 2 year term

Joe Plaia, Nancy Brown and Robert Shouse – Ward 1
Diane Stradling, Leslie McCarthy, and William McClure – Ward 2
Jennifer Fahey, Joan Hamblet and William St. Laurent – Ward 3
Sharon Nichols, L. Clifton Lazenby and Allegra May – Ward 4
Robin P. Read, Jr., Mary Lou McElwain and Kimberly Meuse – Ward 5

Registrar of Voters 2 year term

Penny Reynolds – Ward 1
Candace Thayer – Ward 2
Angelynne Hinson – Ward 3
Marcia Main – Ward 4
Alan Gordon – Ward 5

Registrar of Voters At Large 2 year term

Barbara Ward

Councilor Spear moved to approve and accept the November 3, 2015 Municipal Election Results as presented by City Clerk Barnaby. Seconded by Councilor Thorsen and voted.

VI. ADJOURNMENT

At 6:45 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Morgan and voted.



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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 16, 2015

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER (7:00PM)

Mayor Lister opened the meeting at 7:00 p.m.

II. ROLL CALL

Members Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (via teleconference), Kennedy (via teleconference), Lown, Dwyer, Morgan, Spear and Thorsen.

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Lister asked that a moment of silence be held in memory of the victims of the recent attacks in Paris, France.

Mayor-elect Jack Blalock led the Pledge of Allegiance.

PRESENTATION

1. Wastewater Treatment Facility Schedule Update

Assistant City Attorney Suzanne Woodland and City Engineer Terry Desmarais reviewed the history of informal discussions and explained the formal process and next steps relating to the upgrade of the Wastewater Treatment Facility at Peirce Island.

Assistant City Attorney Woodland explained that in 2007 the EPA issued a new permit requiring a secondary treatment plant due to a change of interpretation of the Clean Water Act. She continued that since then, they have been evaluating and designing the largest Public Works project in the City's history as it will determine how the city handles wastewater for the next 50-100 years. She stated that contrary to statements in the newspaper, the City will be at 100% design by the end of the year. She reviewed the various issues that caused delays over the last few years including the nitrogen limits issue that required a more complicated and bigger plant as well as the evaluation of the Pease option. She stated following the approval of the plan, we will begin the local permitting process, pre-qualifying bidders, bond authorization and a possible contract by July 1, 2016 and compliance with the permit by September 2020. She further explained that this is a complicated project that will required 47 months construction and then a 4 month start up of operations. She stated that the constraints of construction with one shift, a tight work site, and keeping the current plant operational are all issues that have to be taken into consideration. She stated that adding a 2nd and/or 3rd shift could be considered, but it will add additional truck traffic and noise for the residents of the south end. She stated the May 2017 deadline will not be met, but we are hoping for some relief from that timeline. She concluded that once the plans are complete, a Statement of Position will be submitted to the EPA who will have until January 24, 2016 to respond and if there are any disputes, they can take the dispute to a federal judge.

Councilor Spear stated we just went through the complex project of building a new school and this building is twice as technical and agrees that we cannot do a 3rd shift in that neighborhood. He stated he supports a request for formal disputation.

Councilor Lown stated he appreciates the update and hopes that this clears up the mistaken idea that the city is dragging this out as clearly we are not and asked if it is reasonable to expect an extension of the May 2017 date stated in the Consent Decree if a federal judge becomes involved.

Assistant City Attorney Woodland stated she does not want to speculate, but the EPA has until January 24, 2016 to submit their statement of opposition.

Councilor Dwyer stated she supports a formal dispute as well but asked if we are also looking at the costs of the shorter time frame.

City Manager Bohenko stated yes, but we would have to waive the ability to have sanctions on contractors for delays, but reiterated that we are committed to 100% design by end of December 2015.

Councilor Dwyer stated this is a complex issue and feels it needs to be reported correctly in the newspaper and suggested that we meet with the Editorial Board to clarify the facts.

Councilor Kennedy asked if it is still going to remain in the current fence line even with the 3.0 nitrogen level requirement.

City Manager Bohenko stated yes and that is why there have been the delays and we have to keep the plant running during construction.

Councilor Shaheen stated that one of the challenges is the EPA monthly average total nitrogen limit being based on seasonal average or monthly average and has that been decided yet. City Engineer Desmarais stated that in the most recent conversations with the EPA, there will be a monthly average from June-October with monitoring of the wet weather months of April and May, and a seasonal average of 8 months. Councilor Shaheen stated it is worth noting that we were at 80% design approval before this issue came up.

Councilor Kennedy asked if we can meet the 3 parts per million and still stay within the fence line. City Engineer Desmarais stated there is no need to go outside of the fence line to meet the lower limit.

V. ACCEPTANCE OF MINUTES – OCTOBER 5, 2015 AND OCTOBER 19, 2015

Councilor Lown moved to accept the minutes of October 5 and 19, 2015 City Council meetings. Seconded by Councilor Spear and passed on a 9-0 roll call vote.

VI. PUBLIC COMMENT SESSION

Michael Berman, Portsmouth resident and Uber driver – read into the record a letter from Christopher David, Uber Driver, regarding the “turf war” occurring between Uber and Taxi Drivers and urged suspension of the ordinance until it has been resolved.

John Palreiro, Taxi Company owner/driver – stated that the Transportation Services Commission Chairman Peter Bresciano asked him to relay to the Council that they should refer the requested changes by Uber to the Transportation Services Commission for review. Mr. Palreiro continued that he doesn't feel any more amendments should be made to the ordinance as they have already done everything that had been requested by Uber but they still do not comply and are running their business illegally. He stated that this is a matter of safety and fairness and he would rather see deregulation entirely than anymore concessions to Uber.

Ralph DiBernardo – spoke opposed to any further changes to the Transportations Services ordinance stating that the ordinance is meant to meet the needs of the City of Portsmouth, not Uber. He continued by listing various misdemeanors that fall under that category that Uber wants eliminated from the background check requirement and stated it is a matter of safety of the people using the service.

Peter Sommsich – stated he also opposes any further changes to the Transportation Services ordinance or suspending the current ordinance. He stated he appreciates the work that went into the ordinance by the Council and city staff and feels that more time needs to be given to see if it will work. He concluded that Uber needs the City of Portsmouth more than we need Uber.

Brendan Dubois – resident of Exeter, NH, introduced himself as the brother of Police Chief Stephen Dubois. He discussed the recent Police Commission meeting where 2 vendors were invited to attend and make presentations and received what he feels was rude treatment as they announced an interim Police Chief instead of going through the process. He stated that City Manager Bohenko commented that he had never seen such behavior in his years in government. He continued by detailing the personal relationship between Commissioner Cavanaugh and David Mara as well as relating an incident of a police cover up during then Chief Mara's term in Manchester. He concluded by asking the City Council to intervene before this situation gets worse.

VII. APPROVAL OF GRANTS/DONATIONS – *There were none on the agenda*

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB)

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 7, 2015 City Council meeting, seconded by Councilor Spear.

Planning Director Taintor reviewed the proposed change and stated that there has been a minor revision since the ordinance was drafted, increasing the square footage to 25,678 and the revision date to November 6, 2015.

Councilor Spear stated that he defers to the Planning Board in doing the research of an ordinance change and impacts, but wonders if the maritime businesses, who need water access, will be impacted and lose their access and what is the long-term vision.

Planning Director Taintor stated that maritime businesses have been struggling, but clarified that this particular lot does not go to the water because of the steep drop. He stated the rest of it will remain waterfront.

Councilor Morgan asked about the revision in square footage. Planning Director Taintor explained that the DES requirements for septic system changed to 25,000 sq. feet so they had to move the lot line 11 feet closer to the water.

Councilor Kennedy asked what happens when communities give up their waterfronts. Planning Director Taintor reiterated that this isn't usable for that purpose.

Councilor Spear moved to amend the revision date to November 6, 2015 and square footage to 25,678. Seconded by Councilor Thorsen and passed on an 8-1 roll call vote. Councilor Kennedy voted opposed.

Main motion as amended passed on an 8-1 roll call vote, Councilor Kennedy voted opposed.

- B. First Reading amending Zoning Ordinance - Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of “hotel” and “motels as follows – shall not include casino gambling, keno or other games of chance

Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 7, 2015 City Council meeting, seconded by Councilor Morgan.

Planning Director Taintor explained the request from Attorney Zelin to add Hotels and Motels to the definition of not allowing gambling.

Motion passed on a 9-0 roll call vote.

Councilor Dwyer asked if “game of chance” is defined anywhere in the ordinance. Planning Director Taintor stated no. Councilor Dwyer stated that if a local group wanted to hold a Bingo game in a hotel, they wouldn’t be able to do so, and feels that this needs to be taken into account.

Assistant Mayor Splaine moved to suspend the rules to move up Item XI.C.1. on the agenda for action. Seconded by Councilor Spear and passed on a 9-0 roll call vote.

- 1. Possible Solution to UBER Application Process

Assistant Mayor Splaine moved to authorize the City Attorney to prepare an ordinance for first reading at the December 7, 2015 City Council meeting that includes the technical amendments to the Transportation Services ordinance that have been requested by UBER in its letter of October 19, 2015, seconded by Councilor Lown.

Assistant Mayor Splaine explained that this issue needs to be resolved as we are entering into the holiday season and then the tourist season will start again in early spring and we need to have enough transportation services in place. He stated this is meant to level the playing field, simplify the process, and maintain the safety of the residents and visitors.

Councilor Spear asked for a friendly amendment that the 3 requests be brought forward separately and that there also be a report back from the Transportation Services Commission.

Assistant Mayor Splaine agreed stating that the Commission is meeting on 11/18/2015 and he would like the City Attorney and Police Chief to give their input as well. Councilor Lown stated as the seconder of the motion, he agrees with the friendly amendment.

Discussion ensued regarding the ride-sharing issue.

Councilor Thorsen stated that he wonders why this particular service is singled out for background checks as we do not require them for other businesses and feels there should be consistency and fairness.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister stated he agrees that we need ride-sharing services as well as taxis in the City of Portsmouth, but his main concern is public safety. He continued that a lot of time has been spent on working out the ordinance as it currently exists which took into consideration Ubers' concerns at the time. He concluded by stating that we have rules to operate in the City that includes insurance and background checks.

Assistant Mayor Splaine passed the gavel back to Mayor Lister.

Motion as amended passed on a 7-2 roll call vote. Councilor Kennedy and Mayor Lister voted opposed.

Councilor Lown asked if there is enough time to bring this forward before the Council term ends. City Manager Bohenko explained that the Council can suspend the rules to do the third and final reading after the public hearing and second reading on the same evening.

IX. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Spear and passed on a 9-0 roll call vote.

- A. Letter from Donald Allison, Eastern States 20 Mile requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 26, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Emily Christian, National Multiple Sclerosis requesting permission to hold the 2016 Walk MS Portsmouth on Saturday, April 16, 2016 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the Seacoast Rotary Turkey Trot 5k on Thursday, November 24, 2016 at 7:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from St. Patrick School requesting to host its 3rd annual 5k Road Race on Saturday, March 12, 2016 at 10:30 a.m.; route from Peirce Island and end in front of Strawberry Banke on Marcy Street ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michael Potori, Beara Irish Brewing Co., requesting permission to hold a 5k run and Brewfest at 2800 Lafayette Road on March 19, 2016 and provide 4 oz samples to paying attendees with a portion of proceeds will go to a local charity

Councilor Spear moved to refer to the City Manager for report back, seconded by Councilor Dwyer.

City Manager Bohenko stated he has not had the opportunity to talk with the requestor so he will report back in December regarding the request for providing the alcohol samples as he doesn't want to set a precedent. Mayor Lister asked that the charity should be clarified as well.

Motion passed on a 9-0 roll call vote.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request Partial Waiver of Municipal Service Fee for 31-32 Rochester Avenue, Portsmouth

Lynn Marie Hinchee, Attorney, Pease Development Authority, stated she has been asked to attend in order to answer any questions the Council may have regarding this request. She explained the history of the initial sublease agreement with the Dept. of State in 1992 for 20 years, which did not require any rent to the PDA but did require them to pay the Municipal Services Fee. After the 20 years, the PDA tried to then collect rent, but were unsuccessful at which time the PDA began negotiations with the General Services Administration (GSA) on a new lease at fair market value for a 10 year period, but they argued that they don't have to pay any municipal service fee. At that point, they went out and got 2 appraisals of the property, but couldn't see the appraisals because it is a government property. Finally, in order to avoid litigation, and because it is the sole Visa Processing Center in the United States, the property was leased to the GSA for \$6.00 a foot with the PDA paying the city 75 cents of the \$6 a foot for the municipal service fee.

City Manager Bohenko explained that the City will be waiving approximately \$36,751 in fees annually over the next 10 years but will be guaranteed \$88,000 a year going forward.

Councilor Lown moved to authorize the partial waiver under Section 2.9 of the Municipal Services Agreement between the City and the PDA and allow for payment of the Municipal Service Fee in the amount described for 31-32 Rochester Avenue, seconded by Councilor Dwyer.

Councilor Dwyer asked if this agreement is for the next 20 years with the two 5-year options. Ms. Hinchee stated potentially 20 years, but it is only fixed for the first 10 years.

Discussion ensued regarding the appraisals and the practice of governmental agencies working with each other.

City Manager Bohenko stated that this does not set a precedent and also this building employs over 700 people.

Motion passed on an 8-0 roll call vote.

(City Manager Bohenko attempted to reconnect with Councilor Kennedy as she was no longer responding to the roll call, but was unable to connect with her.)

2. Letter from Attorney Bruton Re: Unmerge Lots at 75 Monroe Street Nathan Aviezri Revocable Trust

City Manager Bohenko stated that this had been referred to the Planning Board for a public hearing and there were no objections.

Councilor Lown moved to accept the Planning Board's aforementioned recommendation. Seconded by Councilor Spear and passed on an 8-0 roll call vote.

3. Report Back Re: Request for License for Trash Enclosure on City Property at 319 Vaughan Street

Councilor Thorsen moved to approve a License for the trash enclosure based upon the two approval processes by City land use boards and City staff determination that the health and safety issues have been adequately addressed, and further, to enter into a License Agreement as drafted by the Legal Department, seconded by Councilor Lown.

Councilor Thorsen stated that when the Planning Board reviewed this there was an issue because they were no longer going to be dumpsters but totes and people would be walking by them but there was no other place to locate them.

City Manager Bohenko stated that the Health Department and Zoning Enforcement will ensure they are cleaned by making it a part of the licensing agreement, which can be revoked if they become unsanitary.

Councilor Thorsen asked about the drain in the pad. Planning Director Taintor stated no drain is required with totes, but they wanted a water source for cleaning.

Councilor Morgan asked if 3S Art Space is using city property, does it impact ownership of the land by their using it. City Attorney Sullivan explained that it is not the same as private property.

Motion passed on an 8-0 roll call vote.

4. Parking Agreement with Piscataqua Bank

Councilor Lown moved to authorize the City Manager to negotiate and enter into an Agreement with Piscataqua Bank for the public's use of 19 parking spaces for which the City will provide parking enforcement services, seconded by Councilor Spear.

Parking and Transportation Director Joey Giordano explained the agreement with Piscataqua Bank for 19 spaces for \$1.00 a year and enforcement of the lot by the City.

Assistant Mayor Splaine asked if the City would be responsible for snow removal. Mr. Giordano responded no.

Motion passed on an 8-0 roll call vote.

5. Ratify Agreement Re: Gundalow Company

Councilor Lown moved to ratify the one (1) year Agreement entered into between the Trustees of Trust Funds and Gundalow Company. Seconded by Councilor Spear and passed on an 8-0 roll call vote.

Informational items

1. Events Listing
2. Charter Committee
3. Haven School Playground Improvement Project

Assistant Mayor Splaine requested that Item 2, Charter Committee, be brought back to the next meeting as Councilor Kennedy was not available to address any questions or comments.

B. MAYOR LISTER

1. Appointments to be Considered:
 - Appointment of Jamie Baker to the Citizens Advisory Committee

The appointment of Jamie Baker to the Citizens Advisory Committee was considered and will be voted at the December 7, 2015 City Council meeting.

2. Appointments to be Voted:
 - Appointment of Anne Poubeau to the Portsmouth Housing Endowment Fund Advisory Board
 - Appointment of Hannah K. Dahlgren to the Citizen Advisory Committee

Assistant Mayor Splaine moved to approve the appointment of Anne Poubeau to the Portsmouth Housing Endowment Fund Advisory Board and Hannah K. Dahlgren to the Citizens Advisory Committee. Seconded by Councilor Lown and passed on an 8-0 roll call vote.

C. ASSISTANT MAYOR SPLAINE

1. Possible Solution to UBER Application Process (*Previously addressed*)

D. COUNCILOR MORGAN

1. Right-to-Know Law: City Council's Official Position

Councilor Morgan stated she will bring a motion back at the next meeting.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer stated that she would like clarification regarding an issue brought up during public comment about the role of "interim" chief versus "acting" and when the appointment comes to the Council etc. City Attorney Sullivan stated that in terms of the position of Chief, either term would make the position a Department Head, but if they are not called "Chief" then they may not be a Department Head.

Councilor Spear stated that "Chief" is in the term "Deputy Chief" and there is currently an interim Deputy Chief. City Attorney Sullivan clarified there is an "acting" Deputy Chief which is not the same as a regular Chief.

Councilor Thorsen clarified that the Police Commission makes the appointments and the City Council approve the contracts.

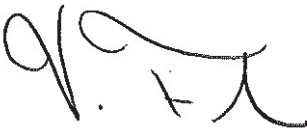
Councilor Morgan stated that she understands that the contract for the Chief will come to the Council for the financial aspect, but asked why when the Deputy Chief recently left, that did not come before the City Council. City Attorney Sullivan stated it was a severance agreement. He stated there are currently no agreements drafted for the Council to review.

Councilor Morgan asked if the Short-term rental issue will be coming back to this Council. City Manager Bohenko stated that there will be a Work Session on November 23, 2015 which will include that issue as well as recycling/solid waste and renaming of the Lafayette Playground. Councilor Morgan stated she would like public comment added to the Work Session agenda for the Short-term rental issue. City Manager Bohenko stated that the Council can choose to suspend the rules that night.

Councilor Dwyer stated there is not enough time for the current Council to take action on that issue by the end of the year. Councilor Morgan stated she requested the Work Session so the information is available for the next Council and so they can have a precise picture of the city's position.

XIII. ADJOURNMENT

Councilor Lown moved to adjourn at 9:00 p.m. Seconded and passed unanimously.



Valerie A. French
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 as follows:

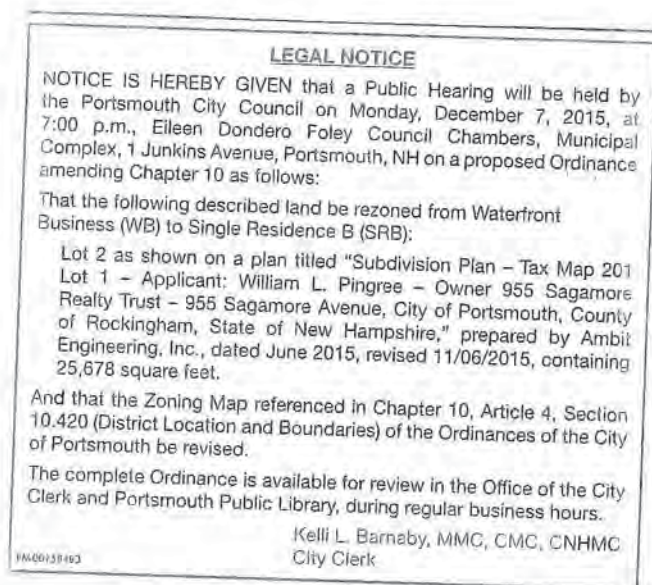
That the following described land be rezoned from Waterfront Business (WB) to Single Residence B (SRB):

Lot 2 as shown on a plan titled "Subdivision Plan – Tax Map 201 Lot 1 – Applicant: William L. Pingree – Owner 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire," prepared by Ambit Engineering, Inc., dated June 2015, revised 11/06/2015, containing 25,678 square feet.

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

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the following described land be rezoned from Waterfront Business (WB) to Single Residence B (SRB):

Lot 2 as shown on a plan titled "Subdivision Plan – Tax Map 201 Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire," prepared by Ambit Engineering, Inc., dated June 2015, revised 11/6/15, containing 25,698 square feet.

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

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

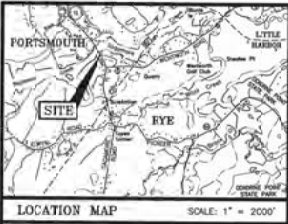
This ordinance shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

APPROVED:

Robert Lister, Mayor

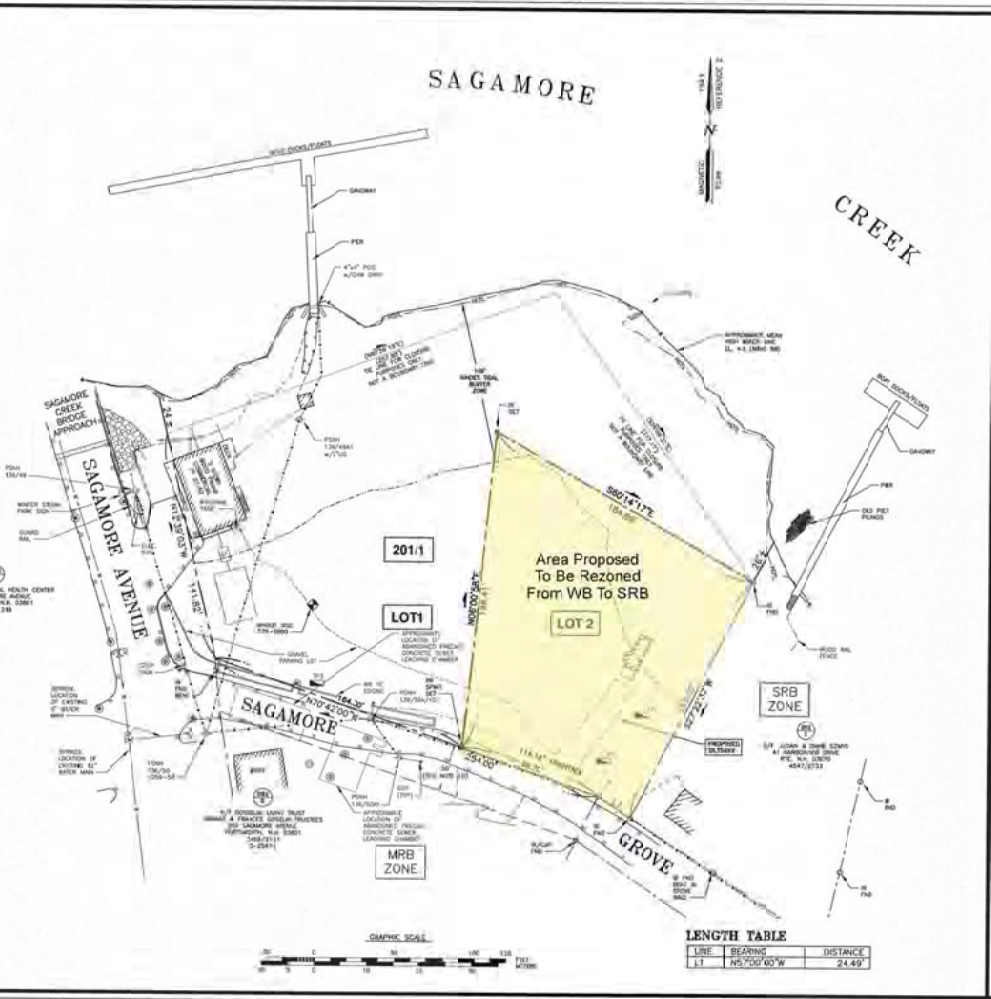
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



- LEGEND:**
- 1/4" = NOW OR FORMERLY RECORD OF PROBATE
 - SP = RECORD OF PROBATE
 - CO = RECORD OF PROBATE
 - RE = RECORD OF DEEDS
 - RE = RECORD OF DEEDS
 - MAP 11/1/21 ZY
 - 1" = 20' = ROW ROAD FOUND
 - 1" = 20' = ROW ROAD FOUND
 - 1" = 20' = ROW ROAD SET
 - 1" = 20' = ROW ROAD SET
 - 1" = 20' = ROW ROAD SET
 - 1" = 20' = ROW ROAD SET
 - 1" = 20' = ROW ROAD SET

- PLAN REFERENCES:**
- 1) LAND IN PORTSMOUTH, N.H. AS SAGAMORE GROVE CHARLES SCHULZE TO LINDA TERRE. SCALE: 1" = 20' DATED JAN. 1943 BY JOHN W. SURGIN CIVIL ENGINEER, ROAD PLAN 0-234.
 - 2) LAND IN PORTSMOUTH, N.H. SOLE 1" SOLE TO JOHN E. & BRUCE (P.L.), SCALE: 1" = 20' DATED DEC. 1944, ROAD PLAN 0-231, BY JOHN W. SURGIN CIVIL ENGINEER, FORCED DEED, ROAD PLAN 0-231 FILE NO. 100.
 - 3) PROPOSED DOCK FOR QUARRY, UNIT # BRUCE SCHULZER, SAGAMORE GROVE (OFF SAGAMORE) 3RD COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED JUNE 10, 1988, BY AMBIT ENGINEERS, NOT RECORDED.
 - 4) PARKING LOT REVISION PLAN, BRUCE SCHULZER & DAVID HEAT, SAGAMORE GROVE 3RD COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED SEPTEMBER 1991, BY AMBIT SURVEY, NOT RECORDED.
 - 5) RIGHT OF WAY PLAN, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, SCALE: 1" = 20' DATED 4/9/96 BY DAVID W. VERRA AND ASSOCIATES, INC. ROAD PLAN 0-23418.
 - 6) PLAN OF LOTS FOR THE DUDMAN-KUENTZ REVOCABLE TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED APRIL 20, 1999 BY WILLETTE, BRIDGE & GOSWELL, INC. ROAD PLAN 0-23211.
 - 7) LOT LINE REVISION PLAN 4 & 5 SAGAMORE GROVE PORTSMOUTH, NEW HAMPSHIRE, ASSASSORS PRICES 301-A & 201-5 FOR OREGA & MALLIE, SCALE: 1" = 20', DATED 12/17/10, BY JAMES VERRA AND ASSOCIATES, INC. ROAD PLAN 0-23419.



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 201 A (LOT 1).
 - 2) WINNER OF RECORD: 955 SAGAMORE REALTY TRUST 1/12/2008 MICHAEL T. CONROD TRUSTEE 38 FERRY ROAD SUDBURY, MA 01962 AREL/SBS
 - 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE AE (2) IS SHOWN ON FEMA PANEL 3205002000B. EFFECTIVE MAY 17, 2002. NO STRUCTURES OTHER THAN THOSE THAT ARE MARINE RELATED, ARE IN THE FLOOD ZONE.
 - 4) EXISTING LOT AREA: 40,100A S.F. TO MEM. HIGH WHITE 2,000 AC. PROPOSED LOT AREA: LOT 1 81,422A S.F. 25,888 S.F. 1,474 AC. LOT 2 81,422A S.F. 25,888 S.F. 1,474 AC.
 - 5) PARCEL IS LOCATED IN WATERFRONT BUSINESS DISTRICT.
 - 6) ENVIRONMENTAL REQUIREMENTS: MIN. LOT AREA: 20,340 S.F. ZEPHYRUS: 100 FT. FRONTAGE: 100 FT. SETBACKS: FRONT: 30 FT. SIDE: 30 FT. REAR: 20 FT. MAXIMUM STRUCTURE HEIGHT: 35 FT. MAXIMUM STRUCTURE COVERAGE: 30% MINIMUM OPEN SPACE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO TWO LOTS.
 - 8) SAGAMORE GROVE ROAD IS TO BE TREATED AS A PUBLIC WAY PER ACTION BY THE PORTSMOUTH CITY COUNCIL ON OCTOBER 12, 1989. 201-A CHANGING ORDINANCES AND ORDINANCES IN FAVOR OF THE CITY OF PORTSMOUTH AT ROAD 3331/475 FMS (0-23418 ALONG WITH AMBITERS (3331/475-010-2008/001).
 - 9) WHERE SUBDIVISION APPROVAL, RECORDING.
 - 10) THE FIRST 2541(2) OF SAGAMORE GROVE IS A PUBLIC STREET (BY GADSDEN) SEE 400-3493/2151.

NO.	DESCRIPTION	DATE
4	REVISED LOT LINES PER DES.	11/6/15
1	ADD CIVIL ENGINEER, SCALE TO	10/29/15
2	PER AMBIT REVIEW	10/29/15
1	ISSUED FOR APPROVAL	7/22/15
0	ISSUED FOR APPROVAL	6/30/15

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



Real Estate Consulting ■ Brokerage ■ Construction Management

P.O. Box 673

Portsmouth, NH 03802-0673

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

pgweeks@comcast.net

December 2, 2015

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

Dear Mayor Lister,

In August we wrote to you on behalf of 955 Sagamore Realty Trust requesting that Lot 1 be subdivided and that Lot 2 be rezoned from Water Front Business to SRB.

This item was referred to the Planning Board and the following actions were taken:

- a. TAC recommendation **EXHIBIT 11**
- b. Planning Board Recommendation on Rezoning **EXHIBIT 12**
- c. Planning Board approval on Subdivision **EXHIBIT 13**
- d. DES approval for Subdivision **EXHIBIT 15**

The question has come up on whether or not this rezoning will be elimination of Water Front Business Zoned land. Please refer to **Exhibit 14**. These plans will show the following:

- a. Plan approved for Subdivision
- b. Existing condition plan **C-1**
- c. Plan showing boundary of Waterfront zoning **C-3**

As you can see from Exhibit 14 the subdivision and the rezoning of lot 2 does not diminish the Waterfront usage. All of the land that fronts on the water remains with lot 1. The rear of lot 2 the topo is at least 30' above the edge of the water making any access from the lot for waterfront business impossible.

Each body that has reviewed the plan has voted unanimously to subdivide and to recommend to the City Council to rezone lot 2 to SRB. We would ask for you to vote in favor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter G. Weeks'.

Peter G. Weeks
PGW Real Estate Consulting

EXHIBITS SUBMITTED IN REQUEST TO REZONE LAND
LOT 1 MAP 201

1. AUTHORIZATION TO REQUEST REZONING
2. ZONING HISTORY SAGAMORE GROVE
3. WATERFRONT BUSINESS DISTRICT PURPOSE
4. WATERFRONT BUSINESS DIMENSIONAL REQUIREMENTS
5. SRB DISTRICT PURPOSE
6. SRB DIMENSIONAL REQUIREMENTS
7. TAX MAP 201 SHOWING CURRENT ZONING
8. PROPOSED REZONING AND SUBDIVISION PLAN
9. LETTER OF SUPPORT AUGUST 2015 FROM SAGAMORE GROVE RESIDENTS
10. PHOTOGRAPH OF LOT 2 FROM SAGAMORE GROVE ROAD
11. TAC RECCOMENDATION
12. PLANNING BOARD RECCOMENDATION REZONING
13. PLANNING BOARD APPROVAL SUBDIVISION
14. PLAN SHOWING APPROVED REZONING & SUBDIVISION, EXISTING
CONDITIONS PLAN, (C-1), SHOWING BOUNDARY OF WATERFRONT DISTRICT
PLAN (C-3)
15. DES APPROVAL FOR SUBDIVISION OF LAND

955 SAGAMORE REALTY TRUST

39 FERRY ROAD

SALISBURY, MA

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



MICHAEL T. GOODRIDGE, TRUSTEE



JAKE E. GOODRIDGE, TRUSTEE

ZONING HISTORY **SAGAMORE GROVE**

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

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

Section 10.530 Business and Industrial Districts

10.531 Table of Dimensional Standards – Business and Industrial Districts ¹

	B	CBA ²	CBB ²	GB	Gate ³	WB	I	WI	OR
Minimum Lot Dimensions									
Lot Area	20,000 sf	1,500 sf	2,000 sf	43,560 sf	43,560 sf	20,000 sf	2 acres	2 acres	3 acres ⁵
Lot Area per dwelling unit	2,500 sf	NR	NR	NR	NR ³	NR	NA	NA	NA
Continuous street frontage	100'	NR	NR	200'	200' ³	100'	200'	200'	300' ⁵
Depth	80'	NR	NR	100'	100'	100'	200'	200'	300' ⁵
Minimum Yard Dimensions									
Front	20'	0' ⁴	0'	30'	30' ^{3,4}	30'	70'	70'	50' ⁵
Side	15'	0'	0'	30'	30'	30'	50'	50'	75' ⁵
Rear	15'	0'	0'	50'	50'	20'	50'	50'	50'
Maximum Structure Dimensions									
Structure height	50'	45' or 3½ stories, whichever is less ²	45' or 3½ stories, whichever is less ²	60'	40' ³	35'	70' ⁶	70' ⁶	60' ⁶
Roof appearance height	10'	10'	10'	10'	10'	10'	10'	10'	10'
Building coverage	35%	95%	95%	30%	30% ³	30%	50%	50%	30%
Floor Area Ratio	NR	3.5 ⁷	NR	NR	NR ³	NR	NR	NR	NR
Minimum open space	15%	0%	0%	20%	20% ³	20%	20%	20%	30%

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

Article 4 Zoning Districts and Use Regulations

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

Section 10.410 Establishment and Purpose of Districts

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

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

Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts¹

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

Notes: NA = Not Applicable NR = No Requirement

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

EXHIBIT 7





- LEGEND:**
- SWT HIGH WET FOOTPRINT
 - RP RECORD OF PROBATE
 - RCD RECORDING COUNTY
 - RDW RECORD OF DEEDS
 - RR 3/4" RAILROAD SPIRE
 - MM 11/10/21
 - OW HIGH WET FOOTPRINT
 - OW WITH FIRE FOOTPRINT
 - OW WITH FIRE FOOTPRINT
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- PLAN REFERENCES:**
- 1) LAND IN PORTSMOUTH, NH AT SAGAMORE CREEK, CHURCH DOVER TO LEBAN TERRACE. SCALE: 1" = 20' DATED JUNE 1943 BY JOHN W. BURGER FOR ENGINEER. ROAD PLAN 0124.
 - 2) LAND IN PORTSMOUTH, NH, SAGE H. DOUGLAS TO HANBY E. & WITH FIRE. SCALE: 1" = 20' DATED DEC. 1945. ROAD PLAN 01211. BY JOHN W. BURGER FOR ENGINEER. REVISED OCT. 1952. PLAN NO. 8273 FILE NO. 109.
 - 3) PROPOSED DOCK FOR DART, KENT & BRUCE SCHLEIFER, SAGAMORE GROVE (OFF SAGAMORE AVE.) COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED JUNE 14, 1998. BY AMBIT SURVEY. NOT RECORDED.
 - 4) PARKING LOT REVISION PLAN, BRUCE SCHLEIFER & DART, KENT, SAGAMORE GROVE ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED SEPTEMBER 1993. BY AMBIT SURVEY. NOT RECORDED.
 - 5) RIGHT OF WAY PLAN, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH. SCALE: 1" = 20' DATED 4/8/96 BY GORDON, VERBA AND ASSOCIATES, INC. ROAD PLAN D-25814.
 - 6) PLAN OF LAND FOR THE BIRNA KIMBLE REVOCABLE TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED APRIL 20, 1999 BY HEALTHE, SPRAGUE & COCKELL, INC. ROAD PLAN D-27321.
 - 7) LOT LINE REVISION PLAN, 4 & 6 SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE. ASSOCIATES. PARCELS 201-1 & 201-2 FOR SRB & MRB. SCALE: 1" = 20' DATED 12/17/19. BY JAMES VERBA AND ASSOCIATES, INC. ROAD PLAN D-26782.



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N67°00'00"W	24.49



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSOCIATE'S MAP 101 AS LOT 1.
 - 2) OWNER OF RECORD: 955 SAGAMORE REALTY TRUST 3/12/2008. MICHAEL T. DOORPODOR TRUSTEE. 28 FERRY ROAD. SALESBORO, MA. 01952. 903/490.
 - 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE XE. (S) AS SHOWN ON FIRM PANEL 320502000E. EFFECTIVE MAY 17, 2005. NO STRUCTURES, OTHER THAN THOSE THAT ARE MARINE RELATED, ARE IN THE FLOOD ZONE.
 - 4) CRYSTALLINE LOT AREA: 87,100.5 S.F. TO NEAR HIGH WATER: 2,800.0 AC.
 - 5) PROPOSED LOT AREAS: LOT 1: 64,500.5 S.F. 27,500 S.F. 1,668 AC. LOT 2: 5,510.3 AC.
 - 6) DIMENSIONAL REQUIREMENTS: MIN. LOT AREA: 20,000 S.F. DEPTH: 100 FT. FRONTAGE: 100 FT. SETBACKS: FRONT: 30 FT. REAR: 20 FT. SIDE: 30 FT. MAXIMUM STRUCTURE HEIGHT: 36 FT. MAXIMUM STRUCTURE COVERAGE: 30%. MINIMUM OPEN SPACE: 20%.
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO TWO LOTS.
 - 8) SAGAMORE GROVE ROAD IS TO BE TREATED AS A PUBLIC WAY PER ACTION OF THE PORTSMOUTH CITY COUNCIL ON OCTOBER 2, 1965. SEE ACKNOWLEDGMENTS AND RECORDS IN FAVOR OF THE CITY OF PORTSMOUTH AT RECORD 3221/473 AND 30-2016 ALONG WITH ADJUTANT 0201/468-483, 3201/480.
 - 9) WORKS SUBDIVISION APPROVAL PENDING.

Half Size

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/20/15
0	ISSUED FOR COMMENT	6/23/15

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

SCALE: 1" = 20'
 JUNE 2015
 FE 206, PZ 20 1 207

APPROVED BY THE PORTSMOUTH PLANNING BOARD
 CHAIRMAN: _____ DATE: _____

EXHIBIT 8

August 2015

To: Honorable Mayor and Portsmouth City Council Members:
Members of the Planning Board City of Portsmouth, NH

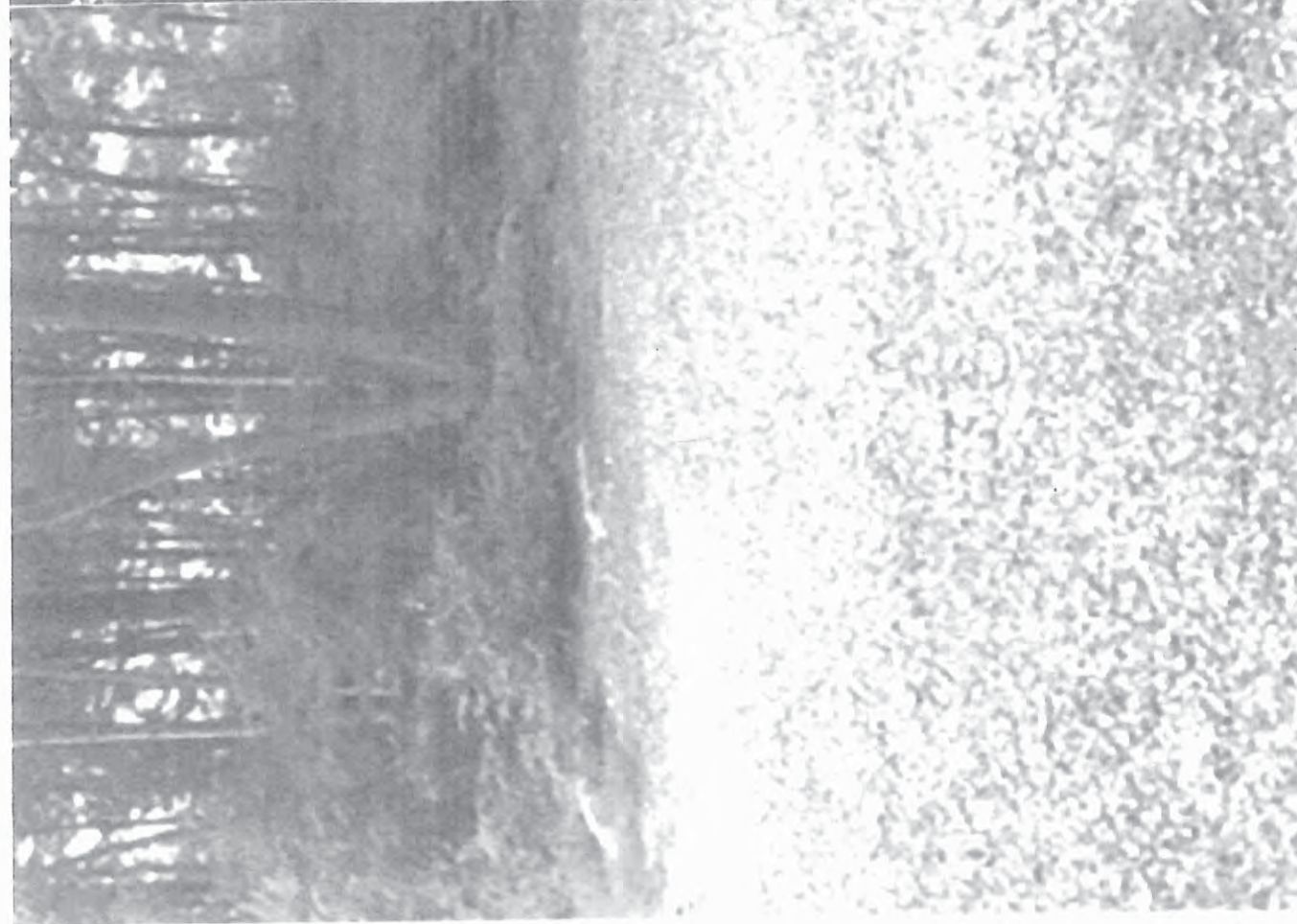
We the undersigned are property Owners in the area of the request and wish to support the application of 955 Sagamore Avenue Realty Trust to subdivide 22,500 square feet from lot one and create lot 2 and rezone it to SRB.

The current zoning is Waterfront Business. Under the definition the uses in this district are *"To accommodate and support businesses that depend on the ocean or the Piscataqua River for transport or resources"*. Currently this 22,500 sq. feet is not utilized for Waterfront Business and will not be in the future. Lot one retains the entire frontage on the water.

We would request that the City Council and Planning Board agree to the subdivision and the rezoning of the 22,500 square feet to SRB

Respectfully Submitted,

<u>NAME</u>		<u>PROPERTY ADDRESS</u>
LUCIAN SZMID	<i>[Signature]</i>	2 Sagamore Grove
WILLIAM L PRINGREE	William L Pringree	Portsmouth NH
Thomas Gosse LIL	<i>[Signature]</i>	6 Sagamore Grove
Craig S Sieve	<i>[Signature]</i>	Portsmouth, NH
Paul W S	Paul S	960 Sagamore Ave
		4 Sagamore Grove
		5 Sagamore Grove



VIEW OF LOT # 2 FROM SAGAMORE GROVE ROAD EXHIBIT 10

VIEW OF LOT # 2 FROM SAGAMORE GROVE ROAD



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

TECHNICAL ADVISORY COMMITTEE

November 10, 2015

955 Sagamore Realty Trust
39 Ferry Road
Salisbury, MA 01952

RE: Subdivision Application for Property Located at 955 Sagamore Avenue

Dear Mr. Goodridge:

The Technical Advisory Committee, at its regularly scheduled meeting of November 5, 2015, considered your Subdivision application to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 64,600 \pm s.f. (1.48 acres) and 141.82' of continuous street frontage on Sagamore Avenue and 171.49' of continuous frontage on Sagamore Grove; and
2. Proposed lot #2 having an area of 22,500 \pm s.f. (.5163 acres) and 107' of continuous street frontage on Sagamore Grove.

As a result of said consideration, the Committee voted to recommend approval with the following stipulations:

- (1) The owner shall rehabilitate the Sagamore Grove pavement after construction is complete, with the limits to be determined by DPW based on the amount of disturbance during removal of the septic system tanks and construction of the water main.
- (2) The Sagamore Grove roadway shall be widened, following either Option A or Option B as shown on the plans (including recording of an easement if Option B is selected), before an occupancy permit is issued for the new house.
- (3) The water line shall be provided as shown on the plans unless a suitable alternative is determined by the City Engineer.
- (4) Access for the residents of Sagamore Grove shall be maintained at all times.

EXHIBIT 11

Page two.

Re: 955 Sagamore Avenue

November 10, 2015

This matter has been scheduled for the Planning Board meeting scheduled for Thursday, November 19, 2015 at 7:00 pm. Twelve (12) copies of revised plans and/or exhibits must be filed in the Planning Department no later than Thursday, November 12, 2015.

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "RT/t", is written over the closing text.

Rick Taintor, Planning Director
Chairman of the Technical Advisory Committee
RT/jms

cc: Robert T. Marsilia, Building Inspector
Peter G. Weeks

Also at the October 15th meeting, the Planning Board voted to recommend as follows:

“Vote to recommend that the City Council amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 10/9/15, containing 24,000 s.f.; provided that the rezoning shall take effect no earlier than the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.”

On November 5, 2015, TAC voted to recommend final subdivision approval subject to certain stipulations, and the matter will be considered again by the Planning Board at its meeting on November 19, 2015.

Attached under Section VIII of the agenda is a proposed Ordinance for first reading amending the Zoning Ordinance so that certain described property on Sagamore Grove Road be rezoned from Waterfront Business (WB) to Single Residence B (SRB), as recommended by the Planning Board at their October 15, 2015 meeting.



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7332

Planning Department
(603) 610-7216

PLANNING BOARD

November 24, 2015

955 Sagamore Realty Trust
39 Ferry Road
Salisbury, MA 01952

RE: Final Subdivision Application for
Property Located at 955 Sagamore Avenue

Dear Mr. Goodridge:

The Planning Board, at its regularly scheduled meeting of November 19, 2015, considered your application for Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 61,402 \pm s.f. (1.41 acres) and 141.82' of continuous street frontage on Sagamore Avenue and 171.49' of continuous frontage on Sagamore Grove; and
2. Proposed lot #2 having an area of 25,698 \pm s.f. (.5899 acres) and 107' of continuous street frontage on Sagamore Grove.

As a result of said consideration, the Board voted to grant Final Subdivision Approval based on the Subdivision Plan dated June 30, 2015, and revised on November 6, 2015, with the following stipulations:

1. Lot numbers as determined by the Assessor shall be added to the final plat.
2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
4. The final plat and all easements shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Page two.
RE: 955 Sagamore Avenue
November 24, 2015

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "RTaintor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rick Taintor, Planning Director
for John Ricci, Chairman of the Planning Board
RT:jms

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
John Chagnon, P. E., Ambit Engineering
Peter G. Weeks

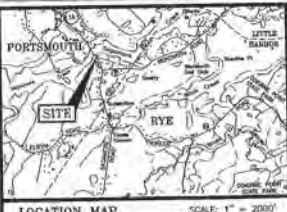


- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 201 AS LOT 1.
 - 2) OWNER OF RECORD:
955 SAGAMORE REALTY TRUST 3/12/2008
MICHA T. GOODENOUGH TRUSTEE
30 TERRY ROAD
SALISBURY, MA 01932
REC'D/RS
APPLICANT:
WILLIAM L. PINGREE
& SAGAMORE GROVE
PORTSMOUTH, N.H. 03801
 - 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE A.
(E) AS SHOWN ON FEMA PANEL 3501000200E,
EFFECTIVE MAY 17, 2005. NO STRUCTURES OTHER THAN
THOSE THAT ARE MAJOR RELIEFS ARE IN THE FLOOD
ZONE.
 - 4) EXISTING LOT AREA:
87,000 SQ. FT. TO MEAN HIGH WATER
2,005 AC.
PROPOSED LOT AREAS:
LOT 1: 81,428 SQ. FT. 23.888 AC.
LOT 2: 5,572 SQ. FT. 0.128 AC.
TOTAL: 87,000 SQ. FT. 2,005 AC.
 - 5) PARCEL IS LOCATED IN MAJOR-TYPE BUSINESS
DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 SQ. FT.
DEPTH: 100 FT.
FRONTAGE: 150 FT.
SETBACKS:
FRONT: 30 FT.
SIDE: 30 FT.
REAR: 20 FT.
MAXIMUM STRUCTURE HEIGHT: 30 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 0%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE
SUBDIVISION OF ONE LOT INTO TWO LOTS.
 - 8) SAGAMORE GROVE ROAD TO BE TREATED AS A PUBLIC
WAY PER ACTION OF THE PORTSMOUTH CITY COUNCIL ON
FEBRUARY 2, 1985. SEE ASSESSMENT DOCUMENTS AND
RELEASES IN FAVOR OF THE CITY OF PORTSMOUTH AT RECORD
3231/415 AND 80-22616 ALONG WITH AFFIDAVITS
7031/490-463, 3230/465.
 - 9) METES AND BOUNDS APPROVAL: PENDING
 - 10) THE FIRST 254143 OF SAGAMORE GROVE IS A PUBLIC
TRUST (SEE RECORDING) SEE RECORD 3489/2151.

NO.	DESCRIPTION	DATE
1	DESIGNED LOT LINES PER LOTS	11/8/15
2	ADD EX. SURVEY NOTES TO	10/25/15
3	PDI FINISH REVIEW	10/9/15
4	DESIGNED FOR APPROVAL	7/20/15
5	DESIGNED FOR COMMENT	6/30/15

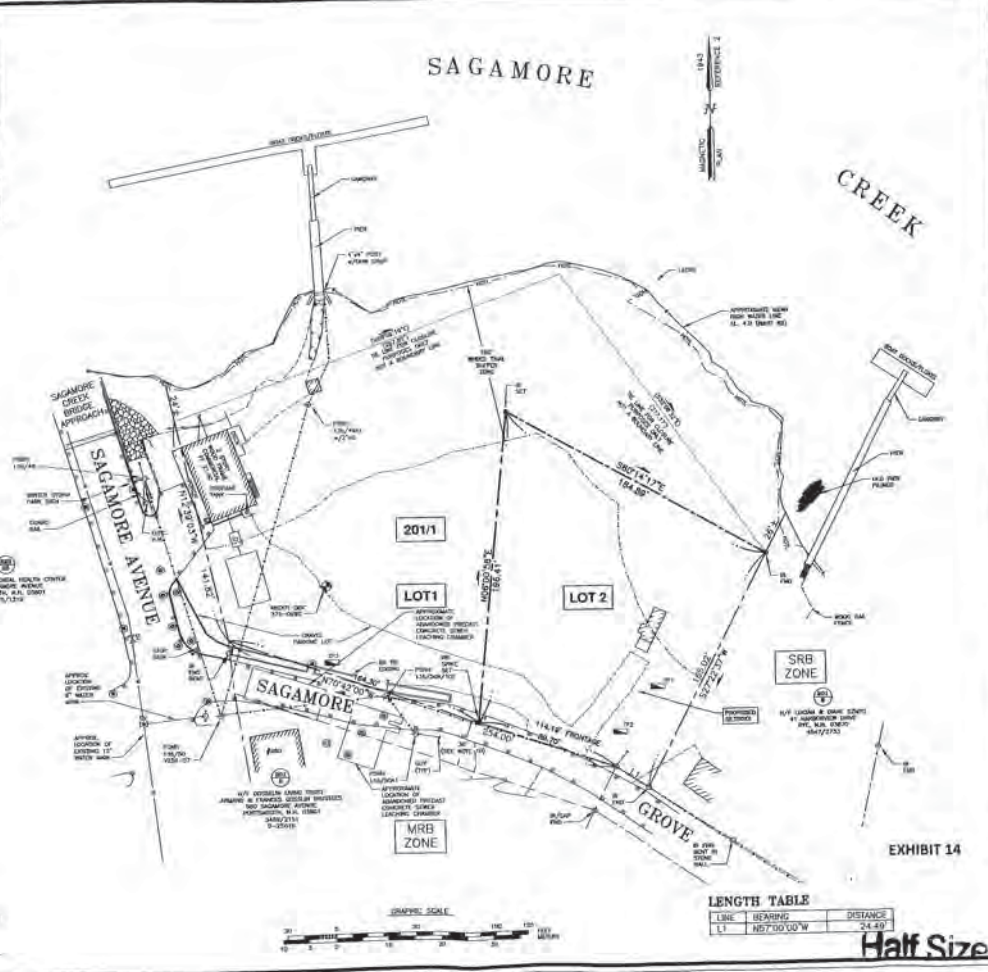
**SUBDIVISION PLAN
TAX MAP 201 - LOT 1**
APPLICANT:
WILLIAM L. PINGREE
OWNER:
**955 SAGAMORE
REALTY TRUST**
955 SAGAMORE AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 30'
JUNE 2015
2452



- LEGEND:**
- N/T NEW OR FORMERLY
 - RP RECORDS OF PROMISE
 - RD ROAD
 - RR RR
 - RR SWK RAILROAD SW/KE
 - MAP 11/A/OT 21
 - RP NEW BORN HOUSING
 - RP FOUND BORN HOUSING
 - RP NEW BORN HOUSING
 - RP FOUND BORN HOUSING
 - RP NEW BORN HOUSING
 - RP FOUND BORN HOUSING

- PLAN REFERENCES:**
- 1) LAND IN PORTSMOUTH, N.H. AT SAGAMORE GROVE, CHARLES GOODE TO LEMMY TERRELL, SCALE: 1" = 20 FT. DATED JUNE 1843 BY JOHN W. BURGESS CIVIL ENGINEER, RECORD PLAN 0225A.
 - 2) LAND IN PORTSMOUTH, N.H. SADE P. GOODE TO HENRY L. & MARY PACE, SCALE: 1" = 20 FT. DATED DEC. 1845, RECORD PLAN 01211, BY JOHN W. BURGESS CIVIL ENGINEER, REVERSED DEC. 1853, PLAN NO. 5272 FILE NO. 105.
 - 3) PROPOSED STOCK FISH DAM, KEET & BRUCE, SAGAMORE GROVE (OFF SAGAMORE AVE.), COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED JUNE 10, 1899, BY AMBIT SURVEY, NOT RECORDED.
 - 4) PAVING LOT REVISION PLAN, BRUCE SCHLESER & MARY KEET, SAGAMORE GROVE, ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED SEPTEMBER 1993, BY AMBIT SURVEY, NOT RECORDED.
 - 5) RIGHT OF WAY PLAN, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, SCALE: 1" = 20' DATED 4/9/96 BY JAMES VERNA AND ASSOCIATES, INC. RECORD PLAN 8-22816.
 - 6) PLAN OF LAND FOR THE QUANTA RUCKLEY REFINANCIAL LENDING TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED APRIL 30, 1999 BY MALLETT SPRADUE & COUNCIL, INC. RECORD PLAN 5-47321.
 - 7) LOT LINE REVISION PLAN, 4 & 4 SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE, ASSessor'S PARCELS 201-14 & 201-5 FOR DORIS & MALLIE, SCALE: 1" = 20', DATED 12/17/10, BY JAMES VERNA AND ASSOCIATES, INC. RECORD PLAN 8-26782.



APPROVED BY THE PORTSMOUTH PLANNING BOARD

DATE: _____

DATE: _____



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N67°00'00"W	24.00'

Half Size



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY THE DATE AT 1-800-255-SAFE (1-800-244-7232) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE NEW HAMPSHIRE STANDARD MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION (MAY 2008).
 - 4) DATUM: NAVD 1988 MEAN SEA LEVEL. BENCHMARK: 441 DPT 830; 387-0989. DPT 15: 46. 845. ERROR ±0.10'

3	ADD EX. SUPP. INFO	10/29/15
2	FOR RICES REVIEW	10/29/15
1	ISSUED FOR APPROVAL	7/29/15
0	ISSUED FOR COMMENT	6/20/15

NO.	DESCRIPTION	DATE

Half Size

SCALE: 1" = 30' JUNE 2015

EXISTING CONDITIONS PLAN **C1**

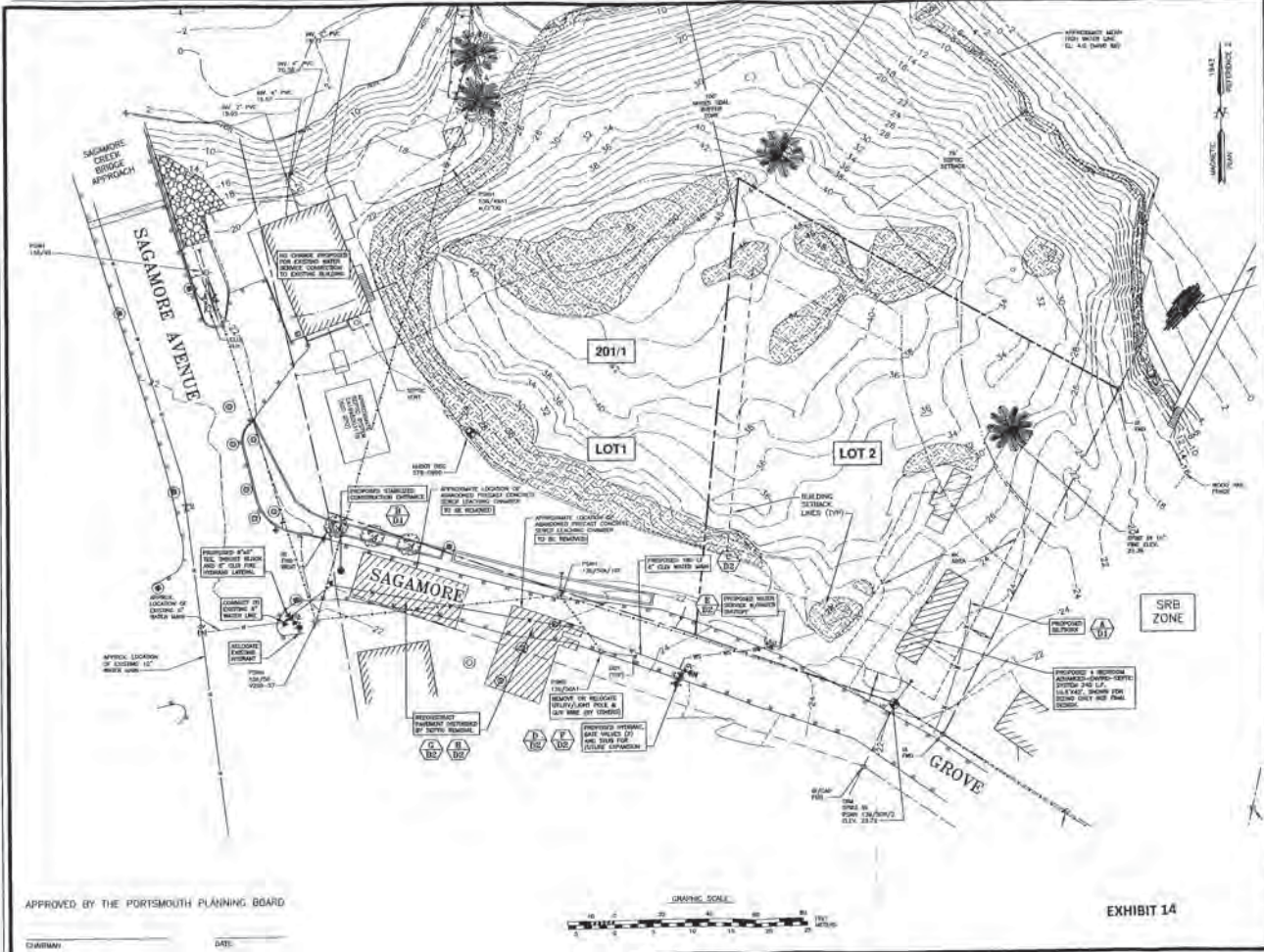
- TEST PIT #1**
 Date: 7/7/15
 Logged by: STEVEN BAKER CWS 210
 Witnessed by: N/A
 EIGHT: 21"
 Observed H₂O: NONE
 Refractive Index: 43"
 REFRACTION: 43"
 Penetration rate: 30 min/Inch
 Moisture: 11"
SOIL DESCRIPTION:
 0" - 6" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEED
 6" - 12" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEED
 12" - 24" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE
 24" - 48" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS & 5% (100% L/S)
- TEST PIT #2**
 Date: 7/7/15
 Logged by: STEVEN BAKER CWS 210
 Witnessed by: N/A
 EIGHT: 18"
 Observed H₂O: NONE
 Refractive Index: 50"
 REFRACTION: 50"
 Penetration rate: 70 min/Inch
 Moisture: 18"
SOIL DESCRIPTION:
 0" - 6" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS, FILL
 6" - 18" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE
 18" - 24" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE
 24" - 30" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS, FILL
- TEST PIT #3**
 Date: 7/7/15
 Logged by: STEVEN BAKER CWS 210
 Witnessed by: N/A
 EIGHT: 30"
 Observed H₂O: NONE
 Refractive Index: 45"
 REFRACTION: 45"
 Penetration rate: 30 min/Inch
 Moisture: NONE
SOIL DESCRIPTION:
 0" - 20" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE
 20" - 30" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS
 30" - 42" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS
 42" - 54" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS, FILL
 54" - 60" 2.0 2/3 FINE SAND LOAM, ORGANIC, FRAGILE, WEEDS, FILL



APPROVED BY THE PORTSMOUTH PLANNING BOARD



C:\AMBIT\ENGINEERING\PROJECTS\2015\14 EXHIBIT 14\14 EXHIBIT 14.dwg



AMBIT ENGINE
Civil Engineers & L.L.C.
1000 North Main Street, # 2
Portsmouth, N.H. 03871-1171
Tel: 603-438-2211
Fax: 603-438-2215

- NOTES:**
- 1) THE CONTRACTOR SHALL ADVISE 48 HOURS PRIOR TO COMMENCING ANY PUBLIC OR PRIVATE PROPERTY.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FULLY VERIFIED. LOCATING AND PROTECTING ANY ADDITIONAL OR UNDISCOVERED UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONSTRUCTIVE SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE NEW HAMPSHIRE STEWARDSHIP MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION (DECEMBER 2000).
 - 4) THE OWNER SHALL REHABILITATE THE SAGAMORE CREEK CHANNEL AFTER CONSTRUCTION IS COMPLETE. WITH THE LIMITS TO BE DETERMINED BY DOW PRIOR TO THE AGENCY OF DISTURBANCE DURING REMOVAL OF THE SEPTIC SYSTEM HANDS AND CONSTRUCTION OF THE WATER MAIN.

Half Size

4	REVISED LOT LINES/ADD. 4	11/9/15
3	REV. WATER DESIGN, ADD. EX. SUPPLY INFO	10/28/15
2	PER PERM REVIEW	10/9/15
1	ISSUED FOR COMMENT	7/22/15
0	ISSUED FOR COMMENT	10/14/15
NO.	REVISION	DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD

DATE: _____

DRAWING SCALE: 1" = 20'

EXHIBIT 14

SCALE: 1" = 20' JUNE 2015

UTILITY PLAN

C3

TR 250, PG. 18



The State of New Hampshire
Department of Environmental Services



Thomas S. Burack, Commissioner

APPROVAL FOR SUBDIVISION OF LAND

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN

SUBDIVISION APPROVAL DATE: 11/24/2015

APPROVAL NUMBER: eSA2015112403

I. PROJECT LOCATION

Subdivision Name: PINGREE SUBDIVISION
Address: 955 SAGAMORE AVENUE
PORTSMOUTH NH 03801
Tax Map: 201
Parent Lot No.: 1
No. of Lots: 2
Lot Nos.: 1 & 2

II. OWNER INFORMATION

Name: MICHAEL GOODRIDGE
Address: 39 FERRY ROAD
SALISBURY MA 01952

III. APPLICANT INFORMATION

Name: WILLIAM PINGREE
Address: 6 SAGAMORE GROVE
PORTSMOUTH NH 03801

IV. DESIGNER INFORMATION

Name: JOHN R CHAGNON
Address: 585 GOODWIN RD
ELIOT ME 03903
Permit No.: 00785

V. SURVEYOR INFORMATION

Name: JOHN R CHAGNON
Address: 585 GOODWIN RD
ELIOT ME 03903
Permit No.: 00738

IV. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Subdivision of Land

A. OTHER CONDITIONS AND WAIVERS:

1. Approved with a municipal water supply only.
2. All activity shall be in accordance with RSA 483-B, the Shoreland Water Quality Protection Act.

EXHIBIT 15

Eric J. Thomas
Subsurface Systems Bureau

APPROVAL FOR SUBDIVISION OF LAND

V. GENERAL TERMS AND CONDITIONS: Applicable to this Approval for Subdivision of Land

- A. By exercising any rights under this approval, the parties have agreed to all terms and conditions.
- B. No liability is incurred by the State of New Hampshire by reason of any approval of any Approval for Subdivision of Land. Approval by the Department of Environmental Services of any subdivision of land is based on plans and specifications supplied by the Applicant.
- C. This Approval for Subdivision of Land does not supersede any equivalent or more stringent local ordinances or regulations. State standards are minimal and must be met statewide.

WORK NUMBER: 201504137

APPROVAL NUMBER: eSA2015112403

APPLICATION RECEIVED DATE: September 28, 2015

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 as follows:

In Section 10.1530, Terms of General Applicability, amend the definitions of "hotel" and "motel" by inserting the phrase "but shall not include casino gambling, keno or other games of chance" after the words "recreational facilities" in each definition..

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

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):

In Section 10.1530, Terms of General Applicability, amend the definitions of “hotel” and “motel” as follows:

Hotel

A building in which the primary use is transient lodging accommodations offered to the public on a daily rate for compensation and where ingress and egress to the sleeping rooms is made primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno or other games of chance.** (See also: motel.)

Motel

A building or group of detached or connected buildings intended or used primarily to provide sleeping accommodations to the public on a daily rate for compensation and having a parking space generally located adjacent to a sleeping room with each sleeping room discharging directly outdoors. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno or other games of chance.** (See also: hotel.)

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

70 Kensington Road
Portsmouth, NH 03801

September 1, 2015

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

Re: September 8, 2015 City Council Meeting -- proposed zoning amendments
regulating short term rentals, hotels, and motels

Dear Mayor Lister and members of the City Council,

The proposed zoning amendments scheduled for a public hearing and second reading on September 8, 2015 include provisions governing hotels and motels.

Please add a prohibition on gambling at hotels and motels.

This can be accomplished by amending the definitions of hotels and motels in Section 10.1530 of the zoning ordinance by adding the following at the end of those definitions: **“but shall not include casino gambling, keno, or other games of chance.”**

Analysis

The state legislature may soon legalize casino gambling or keno, as it almost did during the 2015 session.

Portsmouth’s zoning ordinance does not explicitly prohibit gambling. Instead, the ordinance forbids all uses that it does not expressly allow. (Sections 10.132, 10.432, 10.434.40.)

The ordinance allows hotels and motels in certain districts. (Section 10.440, Table of Uses, subsection 10.40.) Section 10.1530 defines “hotels” and “motels.”

The ordinance’s definitions of hotels and motels conclude with the following sentence: “Such activities may include, where allowed,¹ such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly *or recreational facilities.*” (Emphasis added.)

¹ At first glance, this “where allowed” clause seemingly permits hotels and motels to operate recreational facilities only if recreational facilities are otherwise allowed in the same district. However, this reasoning is circular, because the zoning ordinance says little about where recreational facilities are allowed. The ordinance mentions “recreational facilities” only three times: (1) in the definitions of hotels and motels; (2) in Section 10.450, subsection 19.18, allowing recreational facilities in the Pease Airport District; and (3) in Section 10.722.20(a), allowing recreational facilities as accessory uses in planned unit residential developments.

*The problem is that the ordinance does not define “recreational” or “recreational facilities.”*²

Given this muddy state of affairs, *the operator of a hotel or motel could argue that an attached gambling parlor qualifies as a “recreational facility” allowed by the zoning ordinance.*

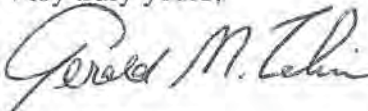
Some developers take advantage of loopholes created by such ambiguities. Portwalk III is a good example. The zoning ordinance set a height limit of 60 feet for Portwalk III and defined height based on average building height. The developer successfully argued that a 10 foot high screening wall should be included when calculating average building height, allowing other portions of the building to approach 70 feet in height.

The solution is to eliminate ambiguities by precisely defining critical terms.

For all of those reasons, I recommend that the definitions of hotels and motels in Section 10.1530 of the zoning ordinance be amended by adding the following boldface language: “Such activities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno, or other games of chance.**”

Thank you for considering this suggestion.

Very truly yours,



Gerald M. Zelin

cc: Robert Sullivan, Esq., City Attorney

² One might consult Section 10.1112.30(4) of the ordinance for an indirect definition of recreational facilities. That section sets *parking standards* for certain “recreational uses,” specifically for amusement parks, tennis courts, driving ranges, golf courses, skating rinks, playing fields, commercial outdoor recreation operations, health clubs, and indoor recreation facilities with no fixed seating. However, Section 10.1112.30 does not purport to define any terms, nor does it use the term “recreational facilities.” The amendment I propose is more explicit and direct.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - TAXICABS - of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES

Section 7.201: **TRANSPORTATION SERVICES**

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

Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.

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

Section 7.202: **TRANSPORTATION SERVICE PROVIDER**

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

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

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

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

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

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

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

Section 7.204: **BACKGROUND CHECK**

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

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

Section 7.205: **INSURANCE**

Every Transportation Service Provider shall maintain at all times in the office of the City Clerk satisfactory proof, on a form approval by the Legal Department, of commercial personal injury and property damage liability insurance covering any vehicle used under the authority of or operated in any way in conjunction with the Transportation Service Provider and any person who might drive that vehicle in the performance of Transportation Services for any time period in which the vehicle might be providing Transportation Services. The personal injury coverage shall be not be less than \$100,000.00 for injury to one person with a total coverage of not less than \$300,000 for each accident. The property damage coverage shall be not less than \$50,000 per occurrence.

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

Section 7.206: **TRANSPORTATION SERVICE LOCATIONS**

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

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

Section 7.207: **SAFETY INSPECTIONS**

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

Section 7.208: **ANNUAL RENEWAL**

Every Transportation Service Agreement must be renewed on May 1st of every year.

Section 7.209: **FARE REGULATION**

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

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

Section 7.210: **TRANSPORTATION SERVICE COMMISSION**

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

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

Section 7.211: **SIGNAGE**

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

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

Section 7.212: **PENALTIES FOR VIOLATION**

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

- A. Suspension or revocation of the Transportation Service Agreement under which Transportation Services may be provided by vote of the Transportation Service Commission; and/or
- B. An administrative penalty as may be determined by the Transportation Service Commission, in an amount not to exceed five hundred dollars (\$500.00) for a first offense or one thousand dollars (\$1,000.00) for a second offense, payment of which shall be a condition of continued maintenance of the Transportation Service Agreement; and/or
- C. Payment upon conviction by a Court of competent jurisdiction of any amount determined by the Court up to the maximum permissible penalty authorized by state law for violation of a municipal ordinance.

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

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

This ordinance shall take effect forty-five (45) days after adoption. (Which is September 17, 2015.)

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

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

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

If records of metered water use are not available or do not reasonably reflect the quantity of waste discharged into the sewage system, the sewer user charge shall be based upon estimated water use or on actual measurement of the volume of waste discharged into the sewer system.

Sewer surcharges shall be levied upon users whose waste characteristics are found to be above normal strength. For the purpose of evaluating waste characteristics, the terms of the Report on the Proposed Rates and Charges for Sewer Services by the City of Portsmouth, prepared by Coffin and Richardson, dated June 15, 1976, are incorporated herein for reference.

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

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

This ordinance shall take effect as of January 1, 2016~~upon passage.~~


APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: November 30, 2015
RE: City Council Referral – Projecting Sign
Address: 33 Bow Street
Business Name: Two Ceres Street
Business Owner: John F. Golumb

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

Sign dimensions: 36" x 24"
Sign area: 6.0 sq. ft.
Height from sidewalk to bottom of sign: 10'0"

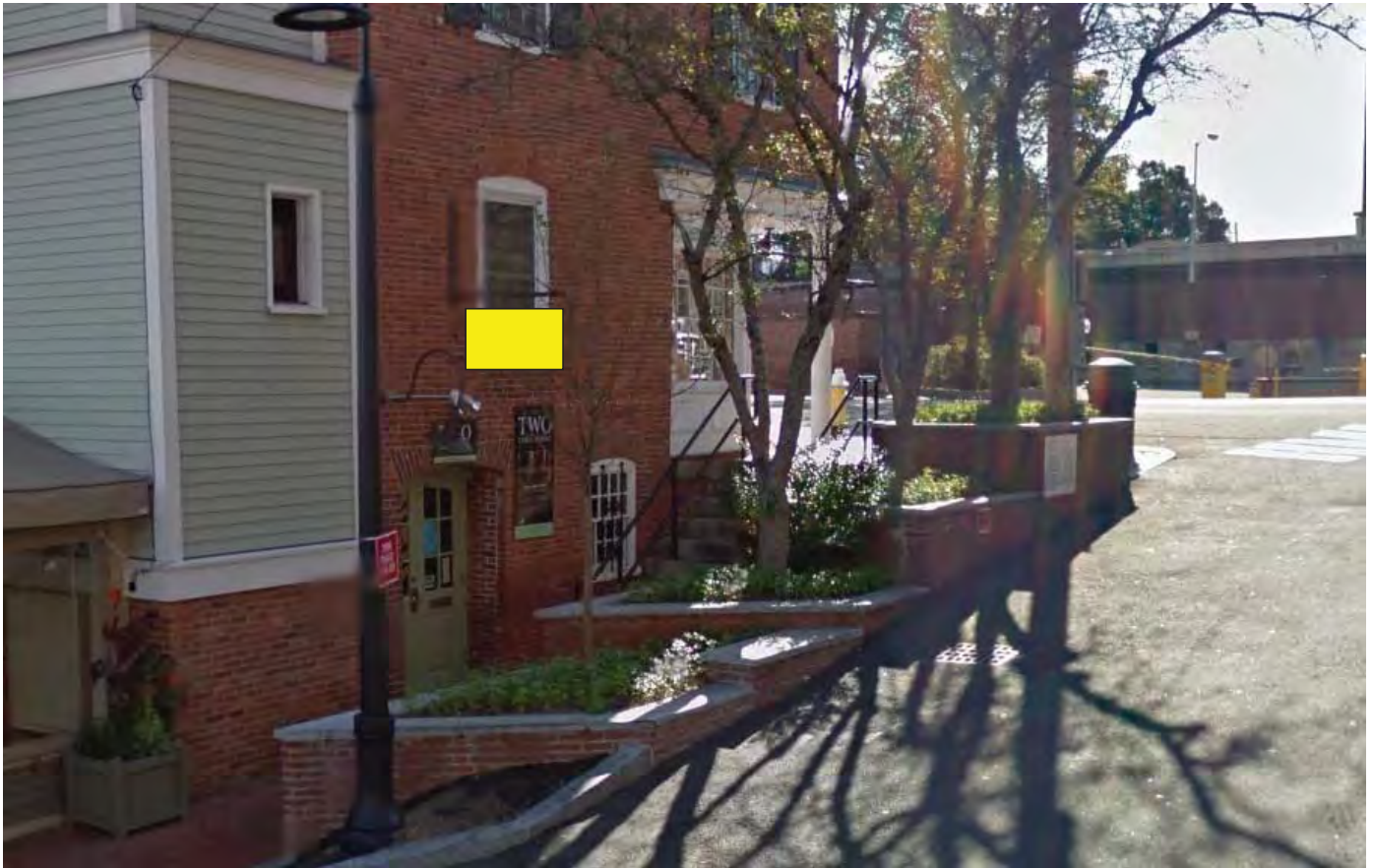
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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



Request for Projecting Sign License 33 Bow Street

Two Ceres Street
33 Bow Street
1 Projecting Sign



36 in



24 in

8.25in LH

2.5in LH



PortsmouthSign.com
603-436-0047

REVISION:

All orders under \$250 include 1 revision only.
All orders over \$250 include 3 revisions only.
Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

11/3/15

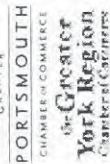
RETURN SIGNED TO: service@portsmouthsign.com

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

SIGNATURE: _____

Date: _____

Member of:



© COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only

Qty:

SS DS

Materials:

Background Color:

Vinyl Color:

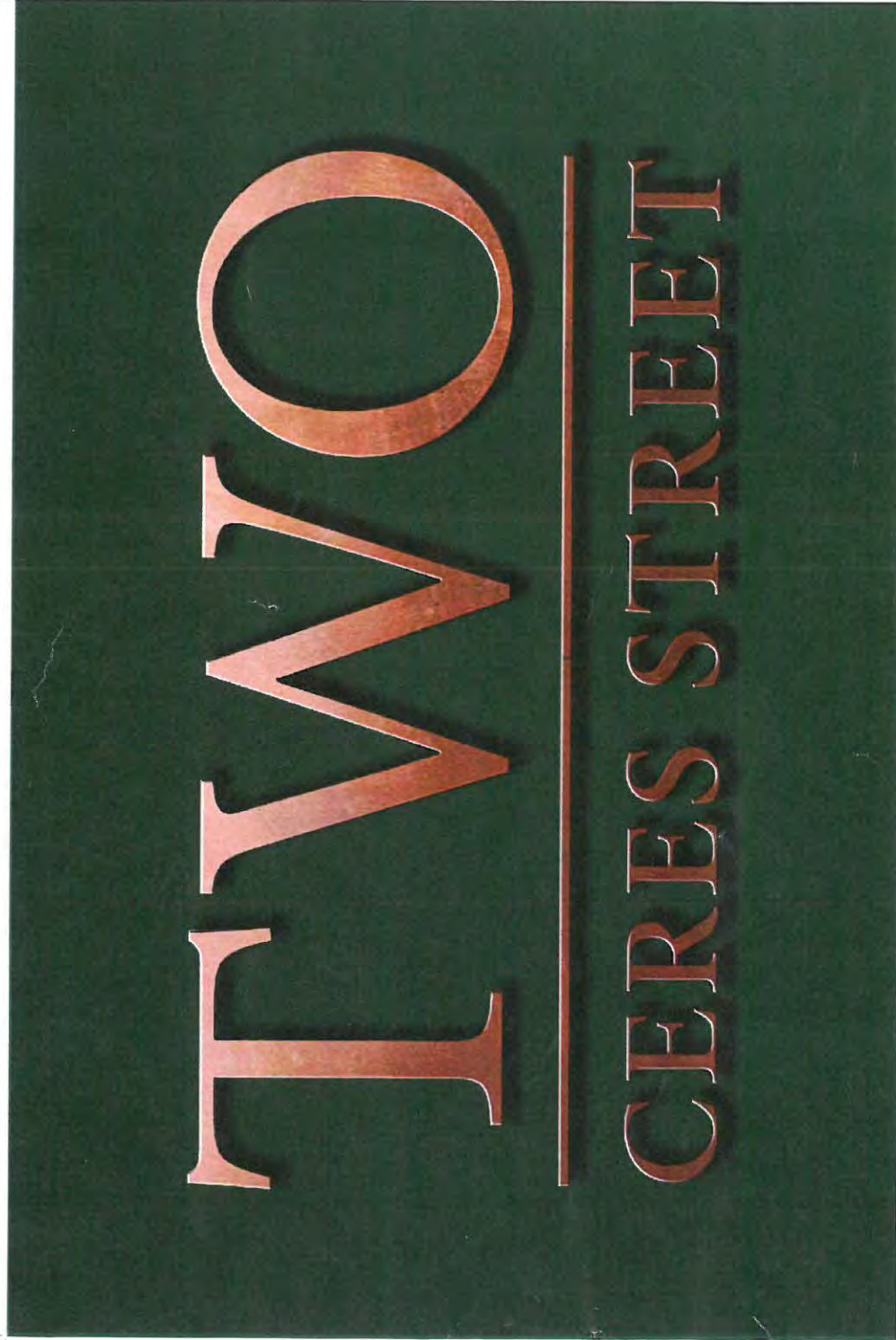
HP Int

Other:



36 in

24 in



8.25in LH

2.5in LH



REVISION:

All orders under \$250 include 1 revision only.
All orders over \$250 include 3 revisions only.
Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

10/15/15

RETURN SIGNED TO: service@portsmouthsign.com

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

SIGNATURE: _____

Date: _____

Member of:



GREATER

PORTSMOUTH

CHAMBER OF COMMERCE

the Greater

York Region

Chamber of Commerce

©COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only

Qty: _____

Materials:

SS DS

Background Color:

Vinyl Color:

HP Int

Other:

M E M O R A N D U M

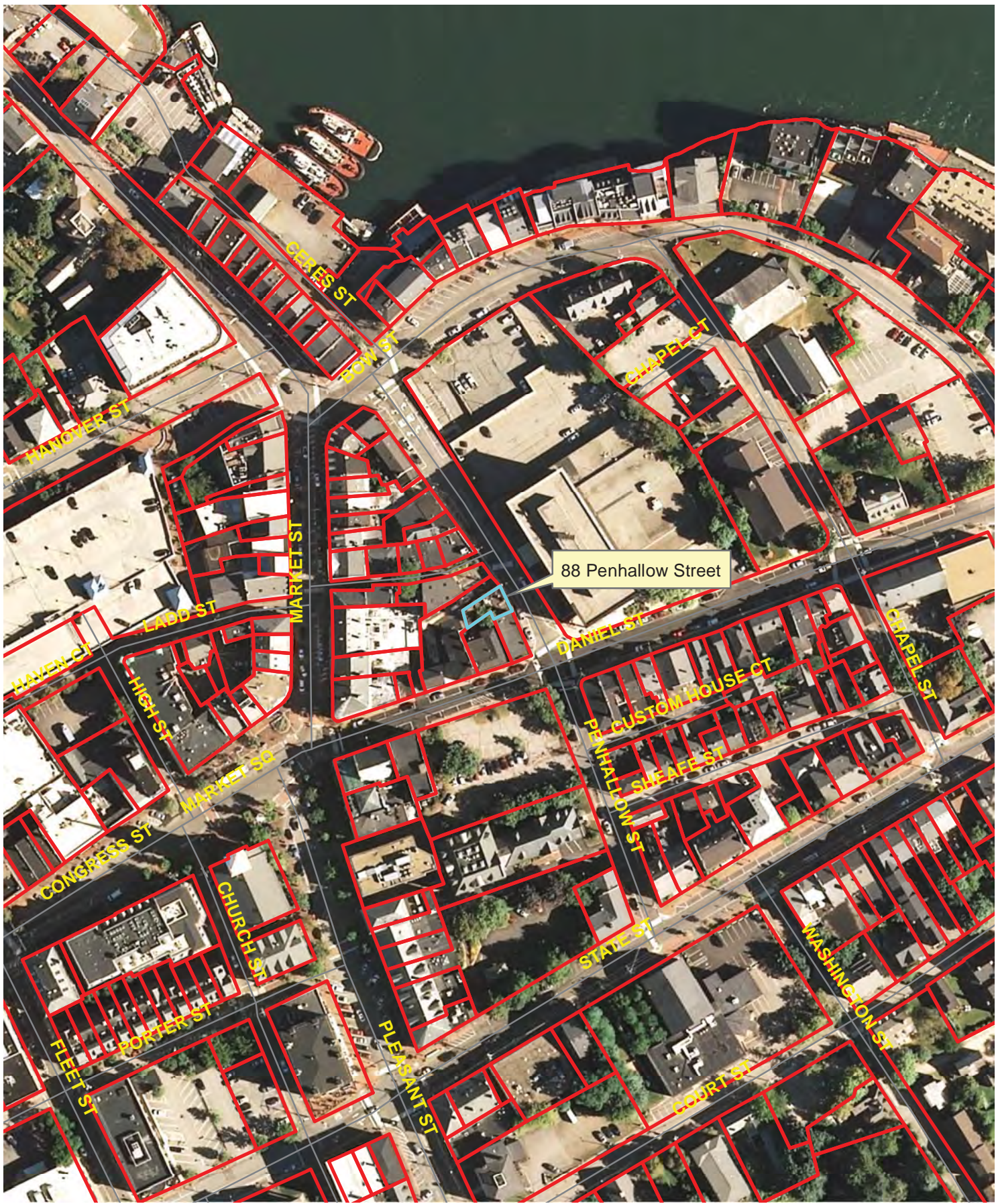
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: November 30, 2015
RE: City Council Referral – Projecting Sign
Address: 88 Penhallow Street
Business Name: TJ's Food & Spirits
Business Owner: Bethany Hayes

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

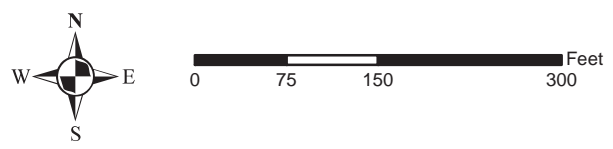
Sign dimensions: 33" x 50"
Sign area: 11.5 sq. ft.
Height from sidewalk to bottom of sign: 10'10"

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

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



88 Penhallow Street

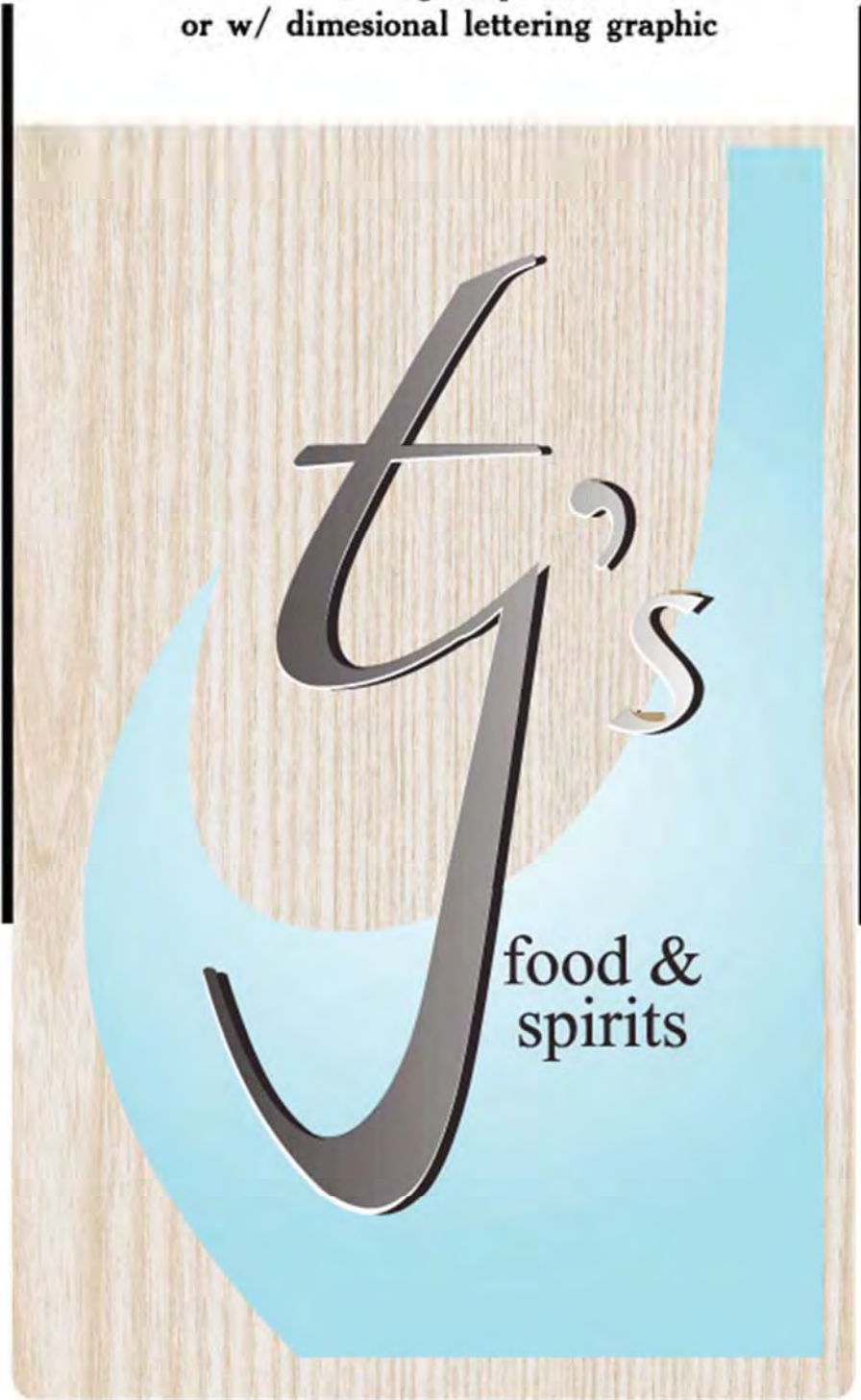


Request for Projecting Sign License 88 Penhallow Street

TJ's
Food and Spirits
88 Penhallow Street
1 Projecting Sign



1" PVC 33" x 50" and side strip brackets
w/ digital print
or w/ dimensional lettering graphic



November 20, 2015

Mr. Robert J. Lister, Mayor

City Council Members of Portsmouth, New Hampshire

Dear Mayor Lister and City Council Members;

We are writing to request permission to hold a Candle Lighting Vigil.

We would like to hold this vigil, which is part of the Compassionate Friends' 19th Annual Worldwide Candle Lighting on **Sunday, December 13, 2015 at 7pm in Market Square, for 1 hour.**

The Compassionate Friends Worldwide Candle Lighting unites family and friends around the globe in lighting candles for one hour to honor the memories of their children gone too soon.

Now believed to be the largest mass candle lighting on the globe, the annual Worldwide Candle Lighting, a gift to the bereavement community from The Compassionate Friends, creates a virtual 24-hour wave of light as it moves from time zone to time zone. It is our hope that together with the Portsmouth City Council, we can bring this special tribute to the greater Seacoast community.

We have reached out to Reverend Carolyn Keilig at North Church and have her blessing for a successful event in the public area in front of the church.

Thank you very much for your time, we look forward to hearing your response.

Very truly yours,

Caryl Dow

Dottie Bailey

Sarah Rafferty

Bereaved mother & sister

Bereaved mother & sister

Bereaved mother

Additional information: Caryl & Dottie organize and run a Child Loss Grief Group at Exeter Hospital for bereaved parents, grandparents and siblings since 2005. Sarah is currently organizing a special group for bereaved parents of infants and pre-natal loss.

Hi,

I am the NH Chapter Leader for Moms Demand Action. I am writing with a question regarding an event we would like to hold in Portsmouth to honor the Sandy Hook Anniversary on December 13, 2015 .

We hope to start at South Church at noon after their service ends. We would walk over together to Prescott Park to hold a remembrance vigil with 1-2 speakers.

Do we need a permit to walk from the church to Prescott Park? I am estimating possibly 50 people. The time frame would be 12:00pm from the church to the park. The event at the park would be over by 1:15pm.

I have been in touch with Michael Warhurst at Prescott Park and hope to receive permission to use the park in the next few days.

If you have any questions please don't hesitate to email me at dede40@comcast or call 236-9616.

Best regards,

Deidre Reynolds



Granite State Wheelmen, Inc.

181 Leavitt Road
Belmont, NH 03220

November 9, 2015

Portsmouth City Council
1 Jenkins Avenue
Portsmouth, NH 03801

To: Portsmouth City Council

On behalf of the Granite State Wheelmen bicycle club, please accept our thanks for the excellent support provided by the City of Portsmouth, City Manager John Bohenko and his staff including Ann Sharpe and your Police Department for the September 26-27, 2015 Tri-State Seacoast Century. It was nice to find ourselves on your Community Calendar based on the dates we provided last fall without even a reminder from us! The riders appreciated the support from the Police details and mentioned that they were helpful and friendly. We appreciated the assistance of Chief Du Bois, Capt. Frank Warchol and the Police details.

We have set the date for next year's Seacoast Century as September 24-25, 2016. We will contact the City staff in the Spring to start the process for 2016. Please let us know if the permit application process for Portsmouth changes; to be safe, we request a copy of the application you will be using for 2016.

Again, our thanks for your support and assistance in making the Seacoast Century a safe and successful event. We could not host this event without the support and cooperation of the City of Portsmouth staff, citizens and Police Department. I have sent a separate letter to your Police Chief to thank him for the assistance, but wanted to ensure that the City knew how much we appreciate your support.

Sincerely yours,


Donna L. Hepp
Seacoast Century Co-Coordinator
dhepp3@gmail.com
414-258-3287

File: Thanks to City-P15.doc

A New Hampshire club for men and women enthused with bicycling

Friends of the South End
PO Box 443
Portsmouth, NH 03802

November 19, 2015

Mr. John Bohenko, City Manager
Portsmouth City Hall
One Junkins Ave.
Portsmouth, NH 03801

NOV 19 2015

Dear John,

On behalf of the Friends of the South End and the annual Fairy House Tour event, I am seeking the City's permission to host this event on Saturday, Sept. 24, 2016 and Sunday, Sept. 25, 2016 from 11:00-3:00 pm both days, as well as to help clear the area from conflicting events.

The Tour will take place on the grounds of the Governor John Langdon House, Strawberry Banke Museum and in collaboration with the Prescott Park Arts Festival. We are asking the City for permission to use Peirce Island for parking and fairy house building, as well as the use of Prescott Park. We would again like to close Washington Street between Hancock and Court Streets to through traffic from 9:30am-4pm both days.

We anticipate hiring two police officers to aid in the public's crossing over Marcy Street at the Prescott Park flag pole and at the intersection of Mechanic Street.

We look forward to working with the City to create one of our area's most beloved events. Please let us know if you need more detailed information at this time. I will contact your office in the Spring to schedule a meeting with the City departments at a date set at your convenience.

Thank you for always helping us create a magical event in the South End.



Caroline Amport Piper
2016 Event Coordinator
caroline@canoeharbor.com
(603) 686-4338

Cc: Thomas Hindle and Hilary O'Neil, FOSE Co-Presidents

GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

November 21, 2015

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

NOV 23 2015

Re: Run Portsmouth Road Race Series Races for 2016

Dear City Manager Bohenko & Portsmouth City Council Members,

The Greater Portsmouth Chamber of Commerce on behalf following races of the 2016 Run Portsmouth Road Race Series hereby requests permission to conduct the following races in the City of Portsmouth:

Friday, January 1, 2016 (this was approved last year)
Sunday, January 1, 2017

Great Bay Services - Resolution 5K

Michael Rennebu
Great Bay Services
2061 Woodbury Avenue
Newington, NH 03801-2893
Work phone: 604.436.2014 ext 23.
Cell: 603.969.9783
mrennebu@greatbayservices.org
Website: www.millenniumrunning.com/RunPortsmouth
Race Location: Portsmouth Middle School, Parrott Avenue
Race Start: 11:00 AM
Registration: 9:00 AM
201 Participants 350 estimated

Monday, July 4, 2016

Easter Seals Veteran's Count - Pack & Boots 5K

David Hampson
Willis of New Hampshire Inc.
1 New Hampshire Avenue
Portsmouth, NH 03801
603-334-3032
david.hampson@willis.com
Website: www.millenniumrunning.com/RunPortsmouth
Race Location: Strawberry Banke, Marcy Street
Race Start: 9:00 AM
Registration: 7:30 AM
2015 Participants 300

Thursday, August 4, 2016

Portsmouth Rotary Club - 5K Cross Country Race
(Race will work with PHS for permission to use property)

Justin D. Finn
Investment Advisor Representative
Secure Planning, Inc.
42 Middle Street
Portsmouth, NH 03801
Phone: (603)433-5515
justinf@secureplanninginc.com
Website: www.millenniumrunning.com/RunPortsmouth
Race Location: Portsmouth High School
Race Start: 6:00 PM
Registration: 4:30 PM
2015 Participants 300

Sunday, September 18, 2016

CelebratePink 5K Road Race & Walk
(Race will work with PMS for permission to use facility)

Wendy McCoolle
My Breast Cancer Support
PO Box 1576
Portsmouth, NH 03802-1576
603-759-5640
wendy@mybreastcancersupport.org
Website: www.millenniumrunning.com/RunPortsmouth
Race Location: Portsmouth Middle School, Parrott Avenue
Race Start: 9:00 AM
Registration: 7:30 AM
2015 Participants 900

Saturday, October 8, 2016

Memorial Bridge Road Race

Catherine Edison
Community Child Care Center of Portsmouth
100 Campus Drive Suite 20
Portsmouth, NH 03801
603-422-8223
CEdison@communitycampus.org
Ben Anderson
Angela Greene
Prescott Park Arts Festival
PO Box 4370
Portsmouth, NH 03801
603-436-2848

Memorial Bridge Road Race (con't)

ben@prescottpark.org

angela@prescottpark.org

Website: www.millenniumrunning.com/RunPortsmouth

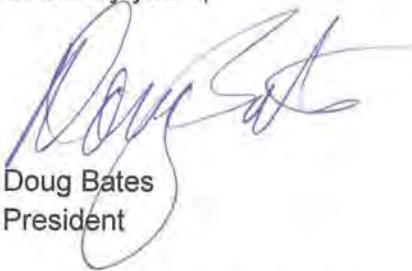
Race Location: Start Memorial Bridge Portsmouth, Finish Prescott Park, Marcy Street, Portsmouth, NH 03801

Race Start: 10:00 AM

Registration: 8:00 AM

2015 Participants 725

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Doug Bates", written over a circular stamp or seal.

Doug Bates
President

Cc: Anne Sharpe via email

December 1, 2015

Honorable Mayor Robert J. Lister
City Council Members
City of Portsmouth, NH
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and Council Members –

This letter is a request for approval of all required permits to allow us to sponsor and hold a road race event – ‘Danielle’s Dash’ - on Pease Tradeport, Saturday April 30, 2016. The race is a charity fundraiser in honor of our daughter, Danielle Benedict, who passed away suddenly this past April. Danielle worked at the Discovery Child Enrichment Center day care on Pease for fifteen years, and we were encouraged by the many parents and employees of the companies located on the Tradeport to hold this event there. The proposed start time is 9:00AM. There will be a 1K ‘fun run/walk’ as well as 5K & 10K timed races. The route is the standard Pease Tradeport designated route along Corporate & International Drives, a 5K route which is run twice for the 10K distance.

The Pease Development Authority has formally granted us permission to hold this event there on this date provided we contract with an even coordinator to manage the event. I can provide this letter if needed. We have hired TI Event Services of Manchester, NH for this purpose. I understand we will need to hire a Police detail for the day of the event, secure permission from all property owners and acquire insurance coverage for same.

I can be contacted as described below if any additional information is needed.

Thank you for your consideration.

Best regards,

Thomas P. D’Arcy

Thomas P. D’Arcy
138 Estes Rd.
Rochester, NH 03867
tomd@sdmaterials.com
603-978-7884

70 Kensington Road
Portsmouth, NH 03801

December 2, 2015

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

Re: Right to Know Law

Dear Mayor Lister and members of the City Council,

The City recently supported a bill that would amend New Hampshire's Right to Know Law by allowing municipalities to charge for labor when "retrieving" documents. The legislature tabled the bill, but may revive it. The bill did not distinguish between document requests filed for commercial purposes, filed by curious nonresidents, and filed by the municipality's own citizens.

The following information may be helpful as the City decides whether to continue supporting that bill, as well as to assist the City in developing more efficient procedures for responding to requests for records.

I recall filing three Right to Know Law requests with the city.

1. In August 2013, I asked whether the City had adopted the 1999 Northern Tier Feasibility Study, which the Sheraton Harborside Hotel and the Portsmouth Economic Development Commission co-funded. I posed that question after a member of the Historic District Commission, when voting to approve a project, emphasized that the building's design complied with the Study. The City Attorney's Office responded to my Right to Know Law request by stating that the City had never adopted the Study. In other words, my Right to Know Law request revealed that the Historic District Commission was relying on an imposter master plan.
2. A few months ago, I asked for a copy of the architectural rendering HarborCorp's representatives projected at the April 7, 2014 City Council meeting. This rendering was important, because Chris Thompson of HarborCorp told the City Council that night,

"Here's a plan showing most of our building at 45 feet. Some of it needs 60 feet, but certainly not all of it, as you can see."

The City Council thereupon repealed the conditional use permit ordinance, but exempted HarborCorp from repeal. The Historic District Commission then granted HarborCorp a conditional use permit for a much larger building, one with

an average height of over 57 feet. In response to my Right to Know Law request, the City Attorney's office reported that it could not locate the architectural rendering HarborCorp had shown the City Council.

3. On June 29, 2015, I asked to "inspect" all communications since January 1, 2013: (a) between the City of Portsmouth and HarborCorp; and (b) between city officials regarding the HarborCorp project. To my amazement, the City Attorney's office reported there were approximately 8,000 such documents in the City's computer system. A fraction of them have been disclosed to me thus far, all in digital format loaded onto thumb drives.

Here is what I learned from that third Right to Know Law request.

The City searched its computer system by entering the keyword "HarborCorp."

Most of the documents produced by that search were emails.

Many of those emails were duplicates. For example, if city official A sent an email to official B and cc'd officials C, D, E, F, and G, that resulted in seven separate documents.

Many of the emails were threads of back and forth chit-chat. Each email in the thread counted as a separate document.

Some of that chit-chat included communications from city employees to land use board members calling citizens insulting names, such as "idiot." This biasing of land use board members violated the state statute requiring that they be as impartial as jurors.

A few of the emails show that some land use board members decided to approve the HarborCorp project before conducting public hearings. That was illegal.

On the afternoon of June 10, 2015, a few hours before the HDC conducted its public hearing on HarborCorp's application for a conditional use permit, the Planning Department drafted a decision granting the application. Tellingly, the Planning Department did not draft an alternate decision denying the application. The Planning Department's draft decision, shared with HDC members before the public hearing, was argumentative and biased. Shockingly, the Planning Department emailed a copy of that decision to HarborCorp's lawyer before the June 10 public hearing.

Lastly, the documents I received reveal that the Economic Development Commission developed "talking points" on the HarborCorp project outside of public meetings, via sequential emails between Commission members. The Right to Know Law explicitly forbids that practice. RSA 91-A:2-a, II.

Before disclosing any document to me, a lawyer in the City Attorney's office checked whether it contained the following categories of information exempt from disclosure under the

Right to Know Law: (a) attorney-client communications; or (b) attachments that were less-than-final drafts. That strikes me as an inefficient use of lawyer time.

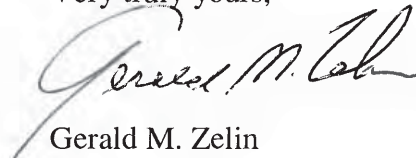
I can think of at least two more efficient alternatives for screening digital documents in response to Right to Know Law requests.

- One option is to require that city employees, when *creating* documents exempt from the Right to Know Law, flag the documents as exempt.
- Another option is for a clerk, rather than a lawyer, to review the documents about to be disclosed. The clerk can automate the search by looking for digital documents that contain the names of the city's attorneys or that include attachments. The clerk can then forward those specific documents to a city attorney, relying on the attorney to decide whether they are indeed exempt from disclosure.

I hasten to add that every employee at City Hall has always been courteous and helpful to me. Also, Suzanne Woodland at the city attorney's office has worked hard, devoting evening hours to screening documents in response to my third Right to Know Law request.

Thank you for considering these comments.


Very truly yours,



Gerald M. Zelin

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 2, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on December 7, 2015 City Council Agenda

6:00 p.m. – City Council Photograph

6:15 p.m. – Non-meeting with counsel regarding update on outstanding collective bargaining agreements in accordance with RSA 91-A:2, I (b)

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

Presentation:

1. **Presentation Re: Final Report of the Blue Ribbon Committee on the Sagamore Creek Land.** On Monday evening, David Moore, Assistant City Manager for Special Projects/Community Development Director, will make a presentation regarding the attached [Final Report of the Blue Ribbon Committee on the Sagamore Creek Land](#).

Action on this matter is requested under the City Manager's Action Items.

Acceptance of Grants and Donations:

1. **Acceptance of Donation for Market Square Christmas Tree Lighting.** The City of Portsmouth has received a donation in the amount of \$200.00 from Annette Roylos for lights on the Market Square Christmas Tree.

I recommend the City Council move to accept and approve the donation for lighting for the Market Square Christmas Tree. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Grant from New Hampshire Division of Historical Resources.** Staff is in receipt of a Grant Agreement from the New Hampshire Division of Historical Resources (DHR) in the amount of \$45,725 to conduct pre-disaster mitigation work. The National Park Service awarded DHR funds to repair historic properties damaged during Superstorm Sandy and support other initiatives that will better prepare historical properties for future disasters.

The grant will fund a detailed review of historic properties and their vulnerability to climate change, development of a mitigation plan with adaptation strategies to include but not be limited to elevating mechanical equipment, flood-proofing, relocating buildings, and other engineering solutions such as seawalls, tide gates, elevated structures and/or streets. Work will be conducted by a contractor overseen by Planning Department staff and a local advisory committee and will include enhanced GIS mapping, 3-D modelling, limited archeological assessments and a public outreach component. Staff will provide an in-kind match of \$5,646 and a cash match of \$4,305 which is a portion of the expanded 3-D modeling of the Historic District.

I recommend the City Council move to give the City Manager authority to enter into a grant agreement and accept and expend funds up to \$45,725 from the New Hampshire Division of Historical Resources. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Request for First Reading of Proposed Ordinances.**
 - 1.1 **First Reading of Proposed Ordinance amending Chapter 7, Article II – Taxicabs, Section 7.201: Transportation Services Ordinance.** [Attached under Section IX of the Agenda is a proposed Ordinance](#) amending Chapter 7, Article II – Taxicabs, Section 7.201: Transportation Services Ordinance as requested by Assistant Mayor James Splaine with amendments.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Zoning Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

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

- 2.1 **Second Reading/Public Hearing Amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB).** As a result of the November 16th City Council meeting, under Section VII of the Agenda, I am bringing back for second reading and public hearing the [attached proposed amendment to the Zoning Ordinance](#) so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB).

At its meeting on August 3, 2015, the City Council considered this matter. [Attached is a new letter from Peter G. Weeks, PGW Real Estate Consulting, on behalf of 955 Sagamore Realty Trust, dated December 2, 2015 further clarifying this matter.](#)

Concurrently with its consideration of the rezoning request, the Planning Board has reviewed and approved an application for subdivision approval to create a new lot corresponding to the area proposed for SRB zoning. After the initial plan for a 22,500 sq. ft. lot was submitted to the Planning Board, the applicant revised the subdivision plan by increasing the proposed lot area to 24,000 sq. ft. as a result of a separate review process by the New Hampshire Division of Environmental Services. At its meeting on October 15, 2015, the Board granted preliminary subdivision approval for this plan, and referred the application to the Technical Advisory Committee for review of utility issues, easements and related matters.

Also at the October 15th meeting, the Planning Board voted to recommend as follows:

Vote to recommend that the City Council amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 10/9/15, containing 24,000 s.f.; provided that the rezoning shall take effect no earlier than the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

On November 5, 2015, TAC voted to recommend final subdivision approval subject to certain stipulations. On November 12, 2015, the applicant submitted a further revised plan (dated November 6) showing the proposed lot area increased to 25,698 sq. ft., and on November 19, 2015, the Planning Board granted final subdivision approval for that revised plan.

At its meeting on November 16, 2015, the City Council voted to amend the area of the proposed rezoning to conform to the lot dimensions and area shown on the November 6 plan. Therefore, it is recommended that the vote on second reading

refer to that plan and to the stipulation recommended by the Planning Board regarding this matter.

I recommend the City Council move to pass second reading and schedule third and final reading of this Ordinance at the December 21, 2015 City Council meeting and further:

Vote to amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 11/6/15, containing 25,698 s.f. This amendment shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

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

- 2.2 **Second Reading/Public Hearing of proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.1530, Terms of General Applicability, Definitions of Hotel and Motel.** As a result of the November 16th City Council meeting, under Section VII of the Agenda, I am bringing back for second reading and public hearing the [attached proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Section 10.1530, Terms of General Applicability, Definitions of Hotel and Motel. At its meeting on September 8, 2015, the City Council considered the [attached letter from Gerald Zelin](#) proposing to amend the Zoning Ordinance to prohibit gambling at hotels and motels, and voted to refer the proposal to the Planning Board for a report back.

The Planning Board considered this matter at its meeting on October 15, 2015, and voted to recommend that the City Council amend the definitions of “hotel” and “motel” in Section 10.1530 of the Zoning Ordinance by inserting the phrase “but shall not include casino gambling, keno or other games of chance” in each definition following the words “recreational facilities,” so that the sentence reads as follows:

Such activities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, but shall not include casino gambling, keno or other games of chance.

I recommend the City Council move to pass second reading and schedule third and final reading of the proposed Zoning Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

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

- 3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up - by the Elimination of Irrigation Meters. (Tabled from the October 5, 2015 City Council meeting)**. As you will recall at the October 5th City Council meeting, the Council tabled the aforementioned proposed Ordinance. Under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up regarding the elimination of irrigation meters.

Prior to action on this item, a Presentation will be made by Brian Goetz, Deputy Public Works Director and David Hyder of Burton and Associates outlining four (4) different options for course of action.

The City Council will move the following motions:

- 1) *Remove the proposed Ordinance from the table, and,*
- 2) *Pass one of the four 4 options that will be outlined as part of the Presentation.*

Consent Agenda:

1. **Request for License to Install Projecting Signs.** [Attached under Section X of the Agenda](#) are requests for a projecting sign licenses (see [attached memorandums from Rick Taintor, Planning Director](#)):
 - John F. Golumb, owner of Two Ceres Street, for property located at 33 Bow Street.
 - Bethany Hayes, owner of TJ's Food & Spirits, for property located at 88 Penhallow Street.

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

City Manager's Items Which Require Action:

1. **Proposed Adoption of Blue Ribbon Committee's Report Back Re: Sagamore Creek Parcel.** Under the Presentation portion of the meeting, Assistant City Manager for Special Projects/Community Development Director David Moore will present the Final Report of the Mayor's Blue Ribbon Committee on the Sagamore Creek Land. The Committee's report includes recommendations for improvements to the City-owned 66-acre parcel along Sagamore Creek. The proposed improvements and related recommendations are consistent with the Vision and Guidelines for the parcel proposed by the Committee and

adopted by the City Council in June of this year. Councilor Eric Spear served as the Committee Chair. Committee members also included Councilor Chris Dwyer; City resident John Mikolajyk; City resident Alison Pyott; Conservation Commission representative Allison Tanner; Recreation Board representative Kori Sirmain; School Board representative Lennie Mullaney; and David Moore who served as the City Manager's designee in an ex-officio capacity.

I recommend the City Council move to adopt the Blue Ribbon Committee's Report Back as well as its recommendations and Master Plan for the Sagamore Creek parcel.

2. **Acceptance of Sagamore Creek Bridge Project.** As you know, the City reconstructed the Sagamore Creek Bridge in 2014 using 80% Federal funds with a local 20% match. The total cost of the structure and all appurtenant work was \$6,214,163.20. As part of the State's closeout procedure on the project, the City is required to formally accept the project. We are requesting therefore that the City Council accept this project formally at Monday's meeting. The Public Works Department and their consulting engineers FST, Inc. have reviewed the entire project in depth and find no fault with the work that was performed.

I recommend the City Council move to accept the Sagamore Creek Bridge Project, and further, authorize the City Manager to execute the Certificate of Final Completion of Work.

3. **2016 Schedule of City Council Meetings and Work Sessions.** [Attached for your review and adoption is a proposed schedule](#) for City Council Meetings and Work Sessions for calendar year 2016. Please note that the Budget Work Session is scheduled for Saturday, May 7, 2016.

May I have your approval on this schedule.

4. **Holiday Parking.** As the December holidays approach, it is time to consider a Portsmouth tradition - free holiday parking in the downtown. In past years, the City Council has approved roughly three weeks of free parking beginning in mid-December and running through January 2nd (the day after New Year's). The cost of that is approximately \$8,105 a day or a total of approximately \$154,000. I am proposing this year to reduce that number to 9 days starting Saturday, December 19, 2015 and running through Sunday, December 27, 2015. The loss of revenue for this proposal would be approximately \$73,000 with a savings of \$81,000. During this time, parking enforcement officers would check for time-limit violations only and inserts would be placed in all single-space and pay & display parking meters, stating, "Seasons Greetings, 3 Hours Free Parking" or "4 Hours Free Parking", as appropriate.

I recommend the City Council move to approve Holiday Free Parking commencing on Saturday, December 19, 2015 through Sunday, December 27, 2015.

5. **License Request for 110 Chapel Street from Applicant Rye Beach Landscaping, LLC.** The Applicant, Rye Beach Landscaping, LLC, requests on behalf of the owner of 110 Chapel Street, Jim O'Donoghue, Member of RoxyJames Realty LLC, a license to install two new electrical meter panels attached to the side of the house that will protrude into the right of way of Chapel Court. The Applicant seeks to encumber the area more specifically shown in [Attachment A](#). See attached letter from [Bennett Holmes, Rye Beach Landscaping LLC](#).

In addition, the owner seeks to install a necessary underground conduit from the pole located on Chapel Street under the City sidewalk along Chapel Court to the new electrical meter panels. Typically Eversource will request a license to install conduit when they are installing wire to bury utilities. However, in this instance, the conduit is being installed prior to Eversource installing the wires. As a result, the conduit license needs to be held by the owner until the wires are installed. Once the wires are installed by Eversource, the license will be automatically transferred to Eversource. This license is incorporated into a single document entitled [Petition and Underground Utility License and License to Homeowner and Eversource attached](#). Eversource and the City's legal department have reviewed and approved the content of the [draft license attached](#). The Department of Public Works supports the request and location of the conduit (see attached memorandum from [Ryan Flynn, Construction Project Coordinator](#)).

I recommend the City Council move to authorize the City Manager to negotiate and enter into a revocable meter panel license with Applicant Rye Beach Landscaping, LLC on behalf of owner and accompanying Petition and License for the new electrical conduit.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on November 16, 2015. In addition, this can be found on the City's website.
2. **Charter Committee.** As requested by Councilor Esther Kennedy, [attached is a memorandum from Robert P. Sullivan, City Attorney](#), regarding the establishment of a Charter Committee.
3. **Downtown Parking Shuttle Service for 2015.** For your information, [attached is a memorandum from Juliet Walker, Transportation Planner](#), regarding the Downtown Parking Shuttle Service for 2015.
4. **Planning Board Report Naming of Ledgewood Drive.** [Attached for your information is a memorandum from Rick Taintor, Planning Director](#), regarding the renaming of Ledgewood Drive in compliance with E-911 requirements.

5. **Zoning Board of Adjustment's Action to Override a Decision Re: 65 Mendum Avenue.** As you will recall, at the September 8, 2015 City Council meeting, the Council voted to approve the unmerging of involuntarily merged 4 lots at 65 Mendum Avenue under RSA 674:39-aa. [Attached for your information is a memorandum from Rick Taintor, Planning Director](#) regarding the Zoning Board of Adjustment's action at their November 17, 2015 meeting to reverse the City Council's action to restore the lots to their pre-merger status.
6. **Update Re: 165 Deer Street.** [Attached is a memorandum from David Allen, Deputy City Manager and Robert P. Sullivan City Attorney](#) updating the City Council concerning negotiations of purchase and sale agreement for property on which the Deer Street Parking Garage would be located.
7. **Report Back Re: Electronic Communications.** As requested by Councilor Jack Thorsen, [attached is a memorandum from City Attorney Robert Sullivan](#), regarding electronic communication by city Councilors during Council meetings.
8. **Stormwater Management Flyer.** For your information, the [attached flyer](#) will be inserted in the December 2015 mailing of water/sewer bills. It provides information to our water and sewer customers regarding stormwater and efforts to protect and improve water quality throughout our service territory. Though it is primarily directed to stormwater, the Best Management Practices referenced in the flyer also apply to the surface and groundwater that supply the Portsmouth regional drinking water system.

2016 SCHEDULE OF CITY COUNCIL MEETINGS AND WORK SESSIONS

Regular Meetings - 7:00 p.m.

January 4*, 11 and 25

*(Inauguration Ceremony)

February 1 and 16* (Tuesday)

*Public Hearing on CIP

March 7* and 21

*(Adoption of CIP)

April 4 and April 18

May 2, 11* (6:30 p.m.) (Wednesday) and 16

*Public Hearing on FY17 Budget

June *6 and 20

*Adoption of Budget

July 11 (One meeting in July)

August 1 and 15

September 6 (Tuesday) and 19

October 3 and 17

November 21 (One meeting in November)

December 5 and 19

Work Sessions - 6:30 p.m.

February 8 (CIP Work Session)

April 27
(Pease WWTF)

May 7 (Saturday – 8am-2:30pm

Levenson Room at Library)

(Gen. Gov., Police, Fire & School Presentations)

May 18 (Water & Sewer Proposed FY17
Budget)

May 23 (Budget Review on FY17 Budget)

June 1 (Budget Review on FY17 Budget)

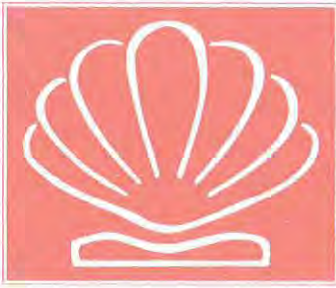
October 1 (Saturday 9 am – 3 pm)

Levenson Room at Library

(Council Retreat)

All Work Sessions will be in the Chambers unless otherwise indicated

***Footnote: Additional Work Sessions can be scheduled at the call of the Mayor**



RYE BEACH LANDSCAPING LLC



John Bohenko
Manager, City Of Portsmouth
RE: Request for License 110 Chapel St

Sir,

I am writing on behalf of Jim O'Donaghue, property owner at 110 Chapel St, to request a license for installation of new electrical panels which will protrude into the right of way on adjacent Chapel Ct. Additionally, I am requesting a license for the installation of the necessary underground conduit from the nearby electrical pole, under the city sidewalk and along Chapel Ct to the new meter.

This installation is the final step of our heated driveway project. The previous gravel driveway and parking areas have been changed to concrete pavers with electric heat mats underneath. A drain has been installed on the downhill exit to catch any runoff. This project was made necessary by the nearly total lack of snow storage on the property, which has been made apparent by the last two heavy winters. Additionally, the decorative pavers add a professional appearance to the property and improve the value. The heated mats will also ensure safety for our customer's clients.

An extra 400 Amp service is required to power the heat mats. Eversource is scheduling the power upgrade at the poles, which involves new pole placements on Chapel St, the permitting for which we are told is largely complete. Our electrical contractor (RELCO) has separate permitting in place with the Building Department for the subsequent electrical work within the structure.

The panel location has been identified by Eversource as the only possible location given the existing building power locations and other utilities on the building. The new panel will protrude 9" from the face of the building, see included images with measurements. The trench for the underground conduit will run from the corner pole to the panel location, under the sidewalk and along the building foundation, see included picture with measurements.

Nick Cracknell from The Historic District Commission has given his approval for the panel, noting that there is no conflict.

Rye Beach Landscaping has received an encumbrance permit for the excavation and has applied for an excavation permit to dig on city property pursuant to this project.

We appreciate the City Councils time and consideration.

Sincerely,

Bennett Holmes, Rye Beach Landscaping LLC

P.O. Box 200, Rye Beach, NH 03871 * Phone 603-964-6888 * Fax 603-433-8664
Email: ben@ryebeachlandscaping.com Web site: www.ryebeachlandscaping.com

Bennett Holmes, Owner

ICPI, CSP, NH Landscape Assoc., BBB, SIALA



Panel
locations.

CHAPEL ST

70

New Panel Locations
Pole

54'

110

3
0.174 ac

72'

40'

100

66'

91.5'

2
0.077 ac

CHAPEL ST

80

54'

4
0.039 ac

22.5'

39'

57'

168 Chapel St



Image capture: Sep 2011 © 2015 Google

Portsmouth, New Hampshire

Street View - Sep 2011





168 Chapel St



Image capture: Sep 2011 © 2015 Google

Portsmouth, New Hampshire

Street View - Sep 2011



PETITION AND UNDERGROUND UTILITY LICENSE

PETITION

To the City Council of the City of Portsmouth, New Hampshire. Date: 12-2-15

I, James O'Donoghue, owners of property located at 110 Chapel St at Tax Map 106, Lot 3, (hereinafter "Homeowners") request a license to install and maintain underground conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License to install and maintain conduit and devices thereon from existing pole #3 (owned by Eversource, see license # _____) located on Chapel St, under the right of way on Chapel St in the City of Portsmouth.

It is understood and agreed to by Homeowners and Eversource that this license will be assigned and transferred to Eversource upon the installation of cable and wires or within ninety (90) of the granting of the license, whichever occurs first.

HOMEOWNER
James O'Donoghue

EVERSOURCE

_____ By: _____
Duly authorized

LICENSE TO HOMEOWNER AND EVERSOURCE

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

ORDERED

This ____ day of _____, 20__, that _____ be granted a license to install and maintain conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public way covered by said petition.

That the approximate location of the conduit shall be shown on plan marked "SITE PLAN" _____ attached and made a part hereof.

This license is hereby assigned to Eversource and its successors, upon the installation of cable and wires and Eversource is granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in

accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

Eversource shall provide Notice to the City's Department of Public Works and the City Clerks Office of the Assignment.

Homeowner will be responsible for moving and relocating conduits as may be necessary when required by the City and upon the assignment of this license to Eversource, the requirements of RSA 231:163 shall apply.

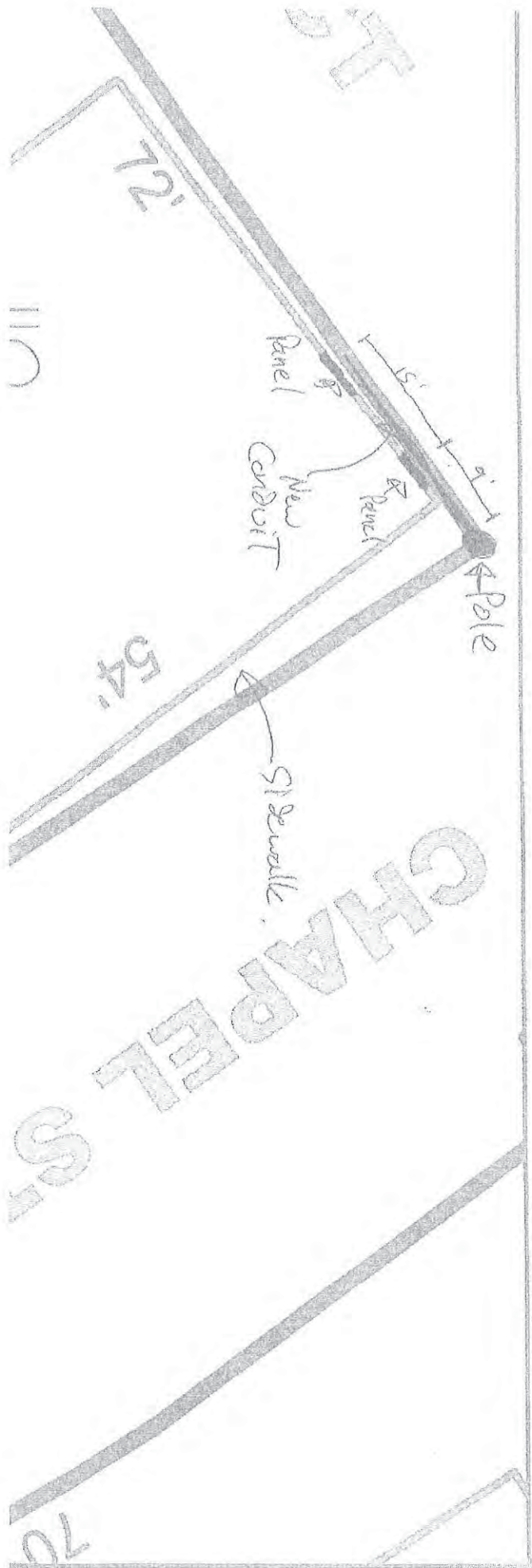
City of Portsmouth, New Hampshire

By: _____

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

Date: _____

Attest: _____
City Clerk



SITE PLAN
"A"

ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

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

Approved by City Council:

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Ryan Flynn, Construction Project Coordinator *RAF*

DATE: December 2, 2015

SUBJECT: Petition and Underground Utility License for Jim O'Donaghue of 110 Chapel Street and Eversouce

I have reviewed the provided by Jim O'Donaghue, owner of property located at 110 Chapel Street to install underground conduit from the utility pole located at the corner of Chapel Street and Chapel Court, to the meter panel, to be mounted on the side of his building on Chapel Court.

This request is to license conduit along the southern side of the Chapel Court right-of-way from the pole, to the meter.

After examining the locations of this installations, I have determined they pose no impact to existing infrastructure.

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

Event Listing by Date

Starting Date: 11/16/2015

Ending Date: 12/31/2016

Start End	Type Description	Location	Requestor	Vote Date
11/26/2015 11/27/2015	RACE Matt Junkin of Seacoast Rotary Club is the contact for this event. mrjunkin@gmail.com; Tel. 591-0083	Strawbery Banke	Seacoast Rotary Club - Turkey	12/ 8/2014
12/ 5/2015 12/ 5/2015	CELEBRATIC This is the Holiday Tree lighting in Market Square Time: 5:30 p.m.	Market Square	Tree Lighting	/ /
12/ 5/2015 12/ 5/2015	PARADE Starting point is 800 Islington Street Plaza at 6:00 p.m. Ending point corner of Pleasant and State Streets.	Holiday Parade		/ /
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	Throughout Downtown	Pro Portsmouth	8/ 4/2015
3/12/2016 3/12/2016	ROAD RACE Matthew A. McFarland is the contact for this event. He can be reached at 498-5778. This event begins at 10:30 a.m. Starting ppoint at Peirce Island and ends at Strawbery Banke	Peirce Island and Strawbery Banke - start and fini	St. Patrick School Road Race	11/16/2015
3/26/2016 3/26/2016	ROAD RACE Donald Allison is the contact for this event. He can be reached at (617) 835-2378. This race begins at Traip Academy in Kittery and travels through Portsmouth.	Through Portsmouth	Eastern States 20 Mile	11/16/2015
4/16/2016 4/16/2016	WALK Emily Christian, Development Manager is the contact for this event. Telephone number 781-693-5154	Little Harbour School - start and finish	National Multiple Sclerosis So	4/16/2016
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
5/ 1/2016 5/ 1/2016	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/17/2015
5/ 7/2016 5/ 7/2016	ROAD RACE Carolyn Ostrom, NH Community Relations Specialist is the contact for this event. The event begins on Peirce Island and ends at Strawbery Banke Starting time is 9:00 a.m.	Peirce Island	Susan G. Koman	8/17/2015
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

Event Listing by Date

Starting Date: 11/16/2015

Ending Date: 12/31/2016

Start End	Type Description	Location	Requestor	Vote Date
6/18/2016 6/18/2016	RACE Nicole McShane is the contact for this event. Her contact number is 430-1140 ex. 2407 Raindate for this event is Sunday, June 19th.	Pleasant Street	Big Brother Big Sisters of New	10/19/2015
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
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
11/24/2016 11/24/2016	ROAD RACE Matt Junkin, Race Director is the contact for this event. This is the Thanksgiving Day Turkey Trot which begins at Peirce Island and ends at Strawberry Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawberry Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: November 10, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 

RE: INQUIRY OF COUNCILOR KENNEDY REGARDING CHARTER COMMITTEE

Following the course of several discussions with Councilor Esther Kennedy regarding the methods by which the municipal charter might be modified, she has requested a memorandum on the topic of whether or not it might be possible to establish a Charter Committee at some point in the future.

Our discussions began with an overview of the various methods by which municipal charters can be changed. The most involved of those processes is that municipal charters may be “revised” by the creation of a Charter Commission. This action would take under the provisions of RSA 49-B:3 and is the only method by which a municipal charter can be revised or a new charter adopted. It calls for the establishment of a Charter Commission by election, a lengthy procedure for that Commission to follow in making any recommendation and an ultimate referendum vote by the electorate on any recommendation made by the Commission. This method of Charter modification would generally be appropriate only when the issue under consideration was the “revision” of the Charter, which, “means multiple changes in the basic form of government proposed by several enactments or repeals”.

Councilor Kennedy and I also discussed the process of charter amendment under RSA 49:B-5, a much simpler mode of changing the municipal charter. At its most basic level a charter amendment would simply require that the Council, after public hearing, vote to put an amendment question on the referendum ballot. However, the limitation of the amendment process is that the term is defined to mean, “the enactment or repeal of a single section or subsection of a charter pertaining to any one subject matter and any related section the meaning or operation of which is changed as a result of the enactment or repeal”. Thus the amendment process needs to deal with one charter issue at a time.

Councilor Kennedy expressed an interest in a process which might be more flexible in approaching a broad range of citizen concerns about the municipal charter. This led to the consideration of the possibility of the establishment of a Charter Committee. A Charter

Committee is a body which is not directly authorized by statute to take any action with regard to charter change. Rather, a Charter Committee is a creation of the City Council. It is a body established in accordance with criteria and direction from the Council with the idea of recommending either one or more charter amendments, or perhaps a charter revision. The genesis of the Charter Committee meeting occurred at the City Council meeting of January 5, 2000. On that evening after a lengthy discussion of Charter Revision, Charter Amendments and Charter Commissions, the Council voted:

“On a unanimous roll call 9-0, voted to authorize the Mayor to create a nine member Charter Advisory Committee to consider the issues of charter revision and amendment and to offer its recommendations in a report back to the City Council no later than the first City Council meeting in June of 2000.”

Mayor Sirrell then created a Committee consisting of three (3) City Councilors and six (6) residents of the City. The Committee held numerous public meetings, each proceeded by a public comment session. The Committee ultimately produced a final report at the Council meeting of August 5, 2000. That report contained a list of proposed amendments, which the City Council then took up and ultimately placed four (4) amendments on the ballot for referendum vote. The amendments to the municipal charter initiated by this process included Amendment F, which created the unified Human Resource Department for the City, inclusive of Police, Fire and School Departments.

The advantage of commencing any charter modification process with a Charter Committee is that the Committee is unencumbered by the very detailed procedural steps and timing issues created by state law. In place of those restrictions the Committee would be subject to whatever rules would be determined by the City Council with regard to its composition, scope of duties and timing.

If the City Council should desire to proceed with a Charter Committee process, an appropriate first step would be for a detailed motion to be drafted which addresses the issues described above for adoption by the full Council.

cc: Esther Kennedy, City Councilor

MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET WALKER, TRANSPORTATION PLANNER *JW*
SUBJECT: DOWNTOWN PARKING SHUTTLE SERVICE FOR 2015
DATE: 11/25/2015

Summary of 2015 Operations

For the 2015 season, the shuttle is scheduled to operate from May 1, 2015 to January 3, 2016. To date, the shuttle has been in service for 30 weeks and has transported 14,223 total one-way riders. The average weekly ridership is 474 one-way riders, ranging from a low of 159 in the first week of October to a high of 1,403 for the Independence Day Fireworks. This results in a total cost per one-way rider of \$6.52.

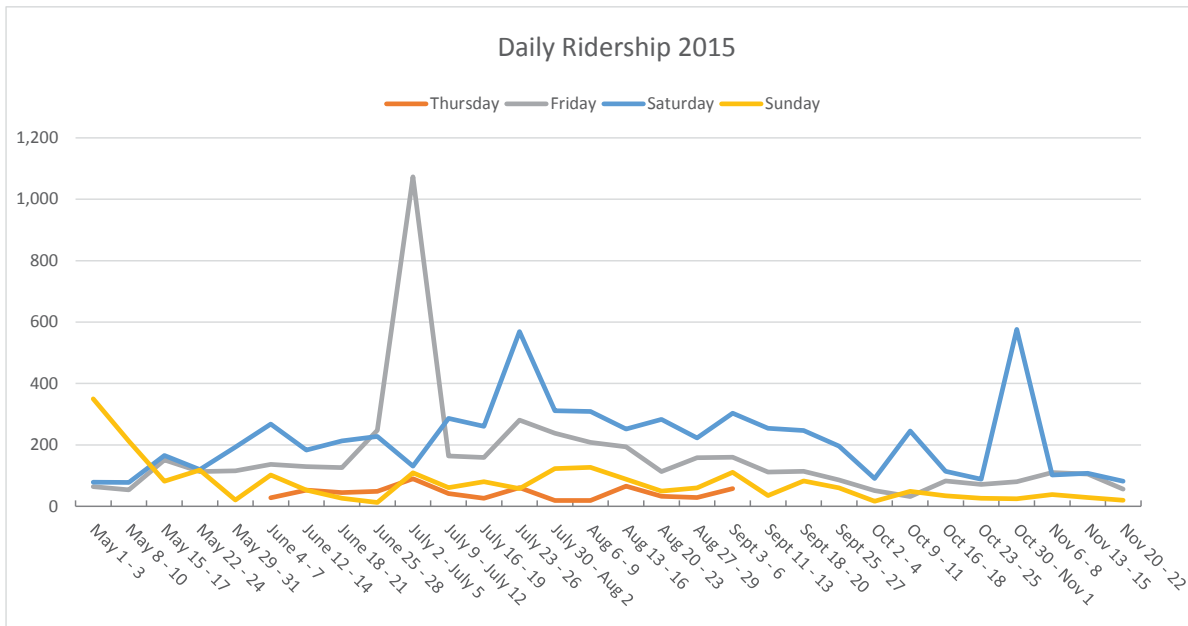
The City continues to contract with TransAction Corporate Shuttles to operate the Shuttle. Marketing costs, which have been contracted to Darci Creative, have included design and print of shelter posters and rack cards, and web page formatting. On-site security at the Market St Church lot has been provided through a contract with the Connect Community Church staff.

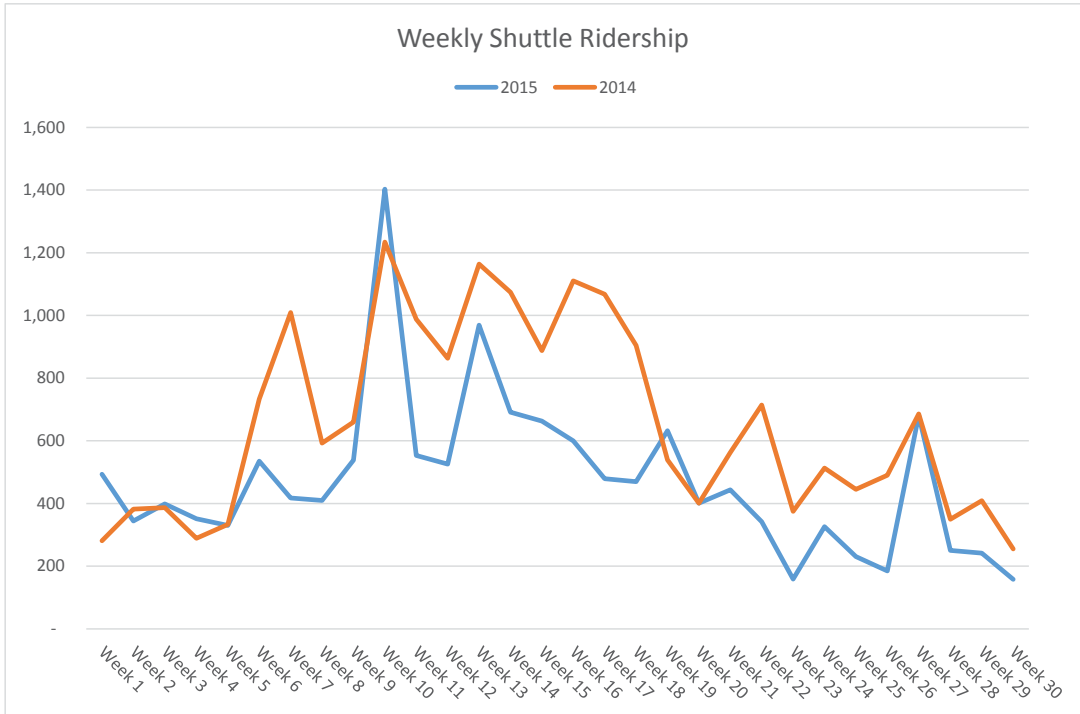
Parking Shuttle Anticipated Costs for 2015 Season

Service Period	Service Hours	Weekly Costs	Total Anticipated Costs
5/2 – 5/31/2015 (5 weeks)	Friday 12pm-1:30am (13.5 hrs) Saturday 12pm-1:30am (13.5 hrs) Sunday 1pm-11pm (10 hrs)	\$2,807.92	\$14,040
6/4 – 9/6/2015 (14 weeks)	Thursday 4:30pm – 1:30am (9 hrs) Friday 12pm-1:30am (13.5 hrs) Saturday 12pm-1:30am (13.5 hrs) Sunday 1pm-11pm (10 hrs)	\$3,490.93	\$48,873
9/11/2015 – 1/3/2016 (17 weeks)	Friday 12pm-1:30am (13.5 hrs) Saturday 12pm-1:30am (13.5 hrs) Sunday 1pm-11pm (10 hrs)	\$2,807.92	\$47,735
Total TransAction Cost			\$110,648
Total Marketing Costs			\$1,500
Total Security Costs			\$10,000
Total Parking Shuttle Costs			\$122,148

Summary of Daily and Weekly Ridership for 2015 Shuttle Season To Date

	Notes	Dates	Thursday	Friday	Saturday	Sunday	Weekly Total
Week 1	Children's Day	May 1 - 3		64	79	350	493
Week 2	Mother's Day	May 8 - 10		54	78	212	344
Week 3		May 15 - 17		151	166	82	399
Week 4	Memorial Day Weekend	May 22 - 24		113	120	118	351
Week 5		May 29 - 31		116	193	21	330
Week 6		June 4 - 7	28	137	268	102	535
Week 7	Market Square Day	June 12 - 14	53	129	183	53	418
Week 8	Father's Day	June 18 - 21	45	126	213	26	410
Week 9		June 25 - 28	49	248	228	13	538
Week 10	Fireworks	July 2 - July 5	90	1073	131	109	1,403
Week 11		July 9 - July 12	42	164	286	61	553
Week 12		July 16 - 19	26	159	261	80	526
Week 13	Tall Ships, Big Apple Circus	July 23 - 26	61	281	569	58	969
Week 14		July 30 - Aug 2	19	238	311	123	691
Week 15		August 6 - 9	19	208	309	127	663
Week 16		August 13 - 16	66	194	252	88	600
Week 17		August 20 - 23	33	113	283	50	479
Week 18		August 27 - 29	29	158	223	60	470
Week 19	Labor Day Weekend	Sept. 3 - 6	58	160	303	111	632
Week 20		Sept. 11 - 13		112	254	35	401
Week 21		Sept. 18 - 20		114	247	83	444
Week 22		Sept. 25 - 27		86	196	60	342
Week 23		Oct. 2 - 4		51	91	17	159
Week 24		Oct. 9 - 11		32	245	49	326
Week 25	Film Festival	Oct. 16 - 18		83	114	34	231
Week 26		Oct. 23 - 25		71	88	26	185
Week 27	Halloween Parade	Oct. 30 – Nov. 1		80	576	25	681
Week 28	Restaurant Week	Nov. 6 - 8		110	102	38	250
Week 29	Restaurant Week	Nov 13 - 15		105	108	29	242
Week 30		Nov 20 -22		56	82	20	158
TOTAL			618	4,786	6,559	2,260	14,223





M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 2, 2015
RE: Renaming of Ledgewood Drive in Compliance with E-911 Requirements

At its meeting on June 18, 2015, the Planning Board voted to recommend that the City Council accept Ledgewood Drive up to the cul-de-sac as a City street, and the City Council took this action at its meeting on July 20, 2015. At that time, it was also suggested that the name of the street be in accordance with E-911 specifications.

The issue of duplicate and similar-sounding names was raised as early as 2006 by the Police Department and the Traffic and Safety Committee. In April 2007 the City Council referred to the Planning Board a memorandum from the Police Chief and Fire Chief identifying five groups of street names that resulted in “a greater likelihood of actual safety and liability issues associated with confusing one street address with another similar-sounding one.” One of these groups of streets was Ledgewood Drive, Edgewood Road and Wedgewood Drive. The Chiefs noted that “there were two separate incidents involving the Wedgewood and Ledgewood addresses where police and fire units were sent to the wrong address due to the difficulty in initially ascertaining from the reporting party where they were calling from.” This information was presented again in a memorandum from the Deputy Police Chief in April 2008 and a subsequent presentation to the City Council.

The naming of streets in New Hampshire is the responsibility of the governing body of the municipality. (RSA 231:133, I) “The municipality shall not be bound by any name previously assigned to the street or highway by any private owner, developer, or dedicater. No name for a highway or street shall be selected which is already in use, or which is confusingly similar to any such existing name, or which otherwise might delay the locating of any address in an emergency.” (RSA 231:133, II)

In Portsmouth, the naming of public streets is further subject to approval by the Planning Board. (City Ordinances, Article V, Section 11.501(A)) Accordingly, the Planning Department brought the question of renaming to the Planning Board for its consideration.

The Planning Board held a public hearing on this matter at its meeting on September 17, 2015. At that hearing, Attorney Bill Scott appeared on behalf of the Winchester Apartments in opposition to the renaming of Ledgewood Drive due to the inconvenience that this would create for the residents of the approximately 150 apartments in the complex. It was noted that

Winchester Apartments is the only property that currently has a Ledgewood Drive address. There were no other comments at the public hearing.

Following the public hearing, the Board requested that the Planning Department contact the Police and Fire Departments for an update on their 2007-2008 memoranda. In response, Chief Achilles stated in an October 5 email that "The fire department is still supportive of the issues identified in the 2008 memo. As I agree that Ledgewood Drive should be renamed, I also believe strongly that all similar named streets / roads should be revised. There are frequent minor issues with similar named streets and on occasion more significant issues as far as emergency incidents and response."

The Planning Board continued its discussion of the issue at its meeting on November 19, 2015, and Attorney Scott again appeared in opposition to a name change. Following the discussion, the Board voted to recommend that Ledgewood Drive not be renamed at this time.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 2, 2015
RE: 65 Mendum Avenue – Zoning Board of Adjustment Action

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

RSA 674:39-aa provides that “lots or parcels that were involuntarily merged prior to September 18, 2010 ... shall at the request of the owner, be restored to their premerger status” The statute applies only where “no owner in the chain of title voluntarily merged his or her lots.” Further, RSA 674:39-aa,II(b) states “If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration.”

RSA 674:39-aa assigns the responsibility for “restoration of involuntarily merged lots” to the City Council. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. Conversely, if the merged lots do not meet the criteria in the statute, the City Council has no jurisdiction to grant a request to split the lots.

65 Mendum Avenue – Owners’ Request and City Council Action

In a letter dated August 6, 2015, Bernard W. Pelech, on behalf of Patricia L. Russell and Burton J. Russell, requested that the City Council restore “two lots” to their premerger status pursuant to RSA 674:39-11. As noted in a staff memorandum from the Planning Department, the premerger status consisted of two original parcels described in separate 1913 deeds, plus portions of two additional parcels that were added in 1915 and 1925. Accordingly, restoring the merged lots to their premerger status would require the creation of four lots, which the owner would then have to voluntarily merge back into two separate lots for the purpose of conveyance.

At its meeting on September 8, 2015, the City Council granted the request the lots to their premerger status as four lots. Subsequently, the owner submitted to the Planning Department the required “Notice of Voluntary Lot Merger of Contiguous Lots” for each pair of lots, creating two new lots.

Appeal to Zoning Board of Adjustment

A decision by the Council regarding a request to restore lots to their premerger status may be appealed to the Zoning Board of Adjustment, but no standards for such appeals are set forth in

the statute. On November 17, the Board of Adjustment heard an appeal by neighbors of 65 Mendum Ave. regarding the action taken by the Portsmouth City Council to restore involuntarily merged lots for this property. The Board voted to grant the appeal, which had the effect of reversing the City Council's action to restore the lots to their pre-merger status. The Board determined that the lots had been voluntarily merged by overt action or conduct of the owners in the chain of title indicating that the owners regarded the lots as merged; and that, as a result, there had been no involuntary merger under RSA 674:39.



The owners of 65 Mendum Ave. have until December 17 to request a rehearing on this decision from the Board of Adjustment. If the request is granted, the rehearing would likely be scheduled for the Board's February 2016 meeting.

cc: Juliet Walker

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: December 3, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: DAVID ALLEN, DEPUTY CITY MANAGER 
ROBERT P. SULLIVAN, CITY ATTORNEY 

RE: UPDATE CONCERNING NEGOTIATIONS OF PURCHASE AND SALE
AGREEMENT FOR PROPERTY ON WHICH THE DEER STREET
PARKING GARAGE WOULD BE LOCATED

This memorandum is a response to your request for an update concerning the Purchase and Sale Agreement negotiations regarding the proposed Deer Street Parking Garage site.

The Council voted to purchase the land from Deer Street Associates for the project on September 21, 2015. Negotiations were immediately commenced on the necessary Purchase and Sale Agreement as well as other related documents required for the acquisition of the property by the City. These negotiations have been constantly ongoing from that date to the present time and have involved more than forty (40) hours at the negotiating table. The progress of those negotiations have reached a point where there are two major unresolved issues among numerous lesser items still under discussion. The major issues are:

1. **Real Estate Title Issues:**

Efforts to determine title ownership of the property on which the garage would be built have been inconclusive to date. The difficulty has arisen from the complicated history of the area of the City in which the Deer Street parcel is located. Of special complexity is that much of the property that is part of this purchase is said to have been owned by the railroad. One example of the problems associated with this title search is that we have been unable to locate a source deed indicating when or how the railroad might have acquired the land to establish ownership. When Deer Street Associates acquired the property from the railroad the instrument of conveyance was simply a "Release Deed" under which the railroad did not indicate that it owned the property but simply released any rights it might have in that property to DSA. Prior to expending 5.1 million dollars of public funds to acquire land, it is necessary to determine that the seller in fact owns that land.

Extensive title work involving the review of literally hundreds of pages of documents has been conducted and is continuing.

2. **Environmental Issues:** The site on which the parking garage would be built has perhaps two hundred years of industrial and railroad use. Accordingly, environmental considerations have been a major focus during the entire negotiation. The City has engaged the engineering firm of Ransom Consulting Inc. to prepare both a Limited Subsurface Investigation (LSI) to document soil and groundwater quality at the site, as well as a Phase I and Phase II Environmental Site Assessment (ESA) with the intent of identifying potential environmental conditions that may not have been evaluated as part of the LSI. A draft of the LSI is attached. As your review of the LSI will indicate, the site presents environmental issues of significant consequence. However, the full extent of those consequences cannot be known at the present time, and in fact cannot be known until the actual construction of the garage is underway. This situation has created an impasse in negotiation of the Purchase and Sale Agreement. Briefly, the impasse is that the Seller (Deer Street Associates) believes it is the City's responsibility to deal with environmental conditions on the site. The City feels to the contrary. Various potential solutions to the impasse, such as the creation of an escrow account from the proceeds of the sale to deal with environmental issues, have been discussed and the parties are unable to reach agreement.

The range of possible remediation costs to make the site suitable for the construction of a parking garage could be as much as \$200,000. Much of the cost estimate is driven by the fact that the urban fill soil which would have to be excavated for the construction of the new sewer line, road and parking garage might have to be transported to a permitted off-site location and disposed of as "special waste".

RECOMMENDATIONS

We believe that the title issues will be resolvable, based primarily upon the acquisition of appropriate title insurance. Negotiations on this aspect of the Purchase and Sale Agreement will continue with that concept in mind.

Because the cost of remediating the environmental conditions on the site were not contemplated by the City at the time that the 5.1 million dollar acquisition price was presented to the City Council, it is recommended that City Council authority will be sought prior to execution of the Purchase and Sale Agreement.

attachment

DRAFT
LIMITED SUBSURFACE INVESTIGATION
PROPOSED DEER STREET PARKING GARAGE
DEER AND BRIDGE STREETS
PORTSMOUTH, NEW HAMPSHIRE

Prepared for:

Mr. David Allen
City of Portsmouth, Department of Public Works
680 Peverly Hill Road
New Hampshire 03801

Prepared by:

Ransom Consulting, Inc.
Pease International Tradeport
112 Corporate Drive
Portsmouth, New Hampshire
(603) 436-1490

Project 151.05073.001.02
October 29, 2015

John M. Ouellette
Project Manager

Steven F. Rickerich, P.G.
Vice President

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Table 1:	Summary of LSI Soil Laboratory Analytical Results
Table 2:	Summary of AST Soil Laboratory Analytical Results
Table 3:	Summary of Groundwater Elevation Measurements
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Figure 1:	Site Location
Figure 2:	Site Plan
Figure 3:	Site Groundwater Contour Plan

APPENDICES

- Appendix A: Field Procedures
- Appendix B: Boring Logs with Monitoring Well Construction Details
- Appendix C: LSI Soil Laboratory Analytical Results
- Appendix D: AST Soil Laboratory Analytical Results
- Appendix E: Groundwater Laboratory Analytical Results

1.0 INTRODUCTION

This Limited Subsurface Investigation (LSI) was conducted by Ransom Consulting, Inc. (Ransom) to document soil and groundwater quality at the Proposed Deer Street Parking Garage property located at the intersection of Deer and Bridge Streets (the "Site") in the City of Portsmouth, Rockingham County, New Hampshire (Figure 1) on portions of three separate parcels (Map 125, Lot 17; Map 138, Lot 62; Map 164, Lot 4) owned by Deer Street Associates. On August 24, 2015, the City of Portsmouth approved the consolidation of these three lots, having an area of approximately 54,017 square feet, into one lot. The lot is currently referred to as Lot #1 and will be assigned an official lot number by the City of Portsmouth Assessor at a later date. The work was conducted as requested by Mr. David Allen of the City of Portsmouth, Department of Public Works and as authorized in our signed Proposed Scope of Work and Cost Estimate dated September 10, 2015 and our signed Proposed Scope of Work Addition and Cost Estimate dated September 17, 2015.

1.1 Purpose

This purpose of this LSI was to evaluate soil and groundwater conditions at the Site as they pertain to items/areas of potential environmental concern associated with former uses of the Site. The areas of potential concern chosen for investigation were based upon a review of historical Sanborn® Fire Insurance Maps that were available to Ransom at the time of work scope development.

Concurrent with the LSI, Ransom is also performing a Phase I Environmental Site Assessment (ESA) that may identify other potential Recognized Environmental Conditions (RECs) in connection with the Site that were not evaluated as part of this LSI.

The scope of this LSI, which was based on identified historical land use at the time of work scope development, is limited to the general characterization of Site soils and groundwater.

1.2 Work Scope

The completed project work scope included:

1. Preparing a Site-Specific Health and Safety Plan according to Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120; conducting a site visit to premark the boring locations according to Dig Safe protocol; notifying Dig Safe.
2. Advancing fourteen test borings at selected locations across the Site using hollow stem augers. Collecting soil samples from the borings and screening the samples for the presence of selected metals using a hand-held x-ray fluorescence (XRF) analyzer and for the presence of photoionizable compounds (PICs) using a photoionization detector. Based on PIC measurements, XRF readings, location and/or field observations, selecting soil samples for laboratory analyses for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (U.S. EPA) Method 8260, polynuclear aromatic hydrocarbons (PAHs) by U.S. EPA Method 8270, total petroleum hydrocarbon - diesel range organic (TPH-DRO) by U.S. EPA Method 8015-DRO, the 8 Resource Conservation and Recovery Act (RCRA) metals plus zinc by appropriate U.S. EPA methods, hexavalent chromium by U.S. EPA Method 7196A and/or polychlorinated biphenyls (PCBs) by U.S. EPA Method 8082. Installing an overburden groundwater monitoring well in five of the borings.
3. Surveying the locations of the borings and/or monitoring wells to a common datum.

4. Subsequent to measuring static water levels in the five monitoring wells (MW101 through MW105), developing (purging) each well using a peristaltic pump and dedicated polyethylene tubing until stabilization of oxidation/reduction potential (ORP), pH, specific conductivity, and/or temperature was achieved. Collecting a groundwater sample from each of the monitoring wells for laboratory for analysis for the presence of VOCs by U.S. EPA Method 8260, PAHs by U.S. EPA Method 8270, and the 8 RCRA metals by appropriate U.S. EPA methods. The samples for PAH and metals analyses were field-filtered.
5. Collecting a discrete soil sample from the petroleum-impacted soil observed beneath the heating oil aboveground storage tank (AST) located adjacent to the northeastern corner of Building #4 on Lot 62 and submitting the sample to the laboratory for analysis for the presence of VOCs by U.S. EPA Method 8260, PAHs by U.S. EPA Method 8270, and TPH-DRO U.S. EPA Method 8015-DRO.
6. Preparing a report including a Site plan showing the boring and monitoring well locations, a tabulated summary of the soil and groundwater laboratory analytical results, an interpretation of the data collected, and recommendations.

2.0 FIELD INVESTIGATION ACTIVITIES

2.1 Limited Subsurface Investigation

On September 15, 16 and 22, 2015, fourteen test borings were advanced on the Site using hollow stem augers drilling methods by personnel and equipment of New England Boring Contractors of Derry, New Hampshire. Five of the fourteen test borings were completed as overburden groundwater monitoring wells.

The locations of these borings and monitoring wells are shown on Figure 2. A summary of exploration locations and sampling/analysis rationale for the LSI is presented in the table below.

Soil Boring & Well IDs	Approximate Depth of Boring (feet bgs)	Purpose/Rationale	Analytical Testing for Soil	Analytical Testing for Groundwater
B101	10	Investigate subsurface soil conditions on Lot 4 adjacent to the southwestern corner of Building #4 (Lot 62).	VOCs RCRA Metals + Zn Chromium (VI)	n/a
B102	14	Investigate subsurface soil conditions on Lot 4 inferred downgradient of Building #4 along the western Site boundary.	VOCS, PAHs RCRA Metals + Zn	n/a
B103	13	Investigate subsurface soil conditions on Lot adjacent to the northwestern corner of Building #4.	TPH-DRO, PAHs RCRA Metals + Zn	n/a
B104	8	Investigate subsurface soil conditions on Lot 62 near the southeastern Site boundary.	VOCs, PAHs TPH-DRO Chromium (VI)	n/a
B105/ MW102	13	Investigate subsurface soil and groundwater conditions on Lot 4 near the southwestern Site boundary.	Chromium (VI)	VOCs PAHs RCRA Metals
B106/ MW101	13	Investigate subsurface soil and groundwater conditions on Lot 4 in the immediate vicinity of boring B103.	RCRA Metals + Zn	VOCs PAHs RCRA Metals
B107	8	Investigate subsurface soil conditions on Lot 62 along the eastern exterior wall of Building #4.	VOCs, PAHs TPH-DRO RCRA Metals + Zn	n/a
B108/ MW103	10	Investigate subsurface soil and groundwater conditions on Lot 62 adjacent to the northern-central side of Building #2 (Lot 62).	PAHs RCRA Metals + Zn	VOCs PAHs RCRA Metals
B109/ MW104	13	Investigate subsurface soil and groundwater conditions on Lot 17 in the northwestern corner of the Site.	PAHs RCRA Metals + Zn Chromium (VI)	VOCs PAHs R CRA Metals
B110	10	Investigate subsurface soil conditions on Lot 62 adjacent to the northeastern end of Building #2 (Lot 62).	VOCs TPH-DRO PAHs RCRA Metals + Zn	n/a
B111	8	Investigate subsurface soil conditions on Lot 17) adjacent to the northwestern end of Building #2.	PAHs RCRA Metals + Zn	n/a

Soil Boring & Well IDs	Approximate Depth of Boring (feet bgs)	Purpose/Rationale	Analytical Testing for Soil	Analytical Testing for Groundwater
B112	9	Investigate subsurface soil conditions on Lot 17 adjacent to the southwestern end of Building #2.	Visual observations and Field Screening	n/a
B113	9	Investigate subsurface soil and groundwater conditions on Lot 62 adjacent to the northwestern corner of Building #3 (Lot 62).	VOCs TPH-DRO PAHs RCRA Metals + Zn	VOCs PAHs RCRA Metals
B114	8	Investigate subsurface soil conditions on Lot 17 in the roadway in the northeastern portion of the Site.	PAHs RCRA Metals + Zn	n/a

Subsurface conditions at the Site generally consisted of surficial layers of gravel or asphalt pavement underlain by fill materials, and a native silt and clay unit. Groundwater was encountered in each soil boring at approximate depths ranging from 4 to 7.5 feet below ground surface. Fill materials were observed in each of the 14 test borings to depths up to approximately 4 to 8 feet below ground surface. Fill materials generally included near surface layers of dark brown to black fine to coarse sand with varying amounts of silt and gravel, coal ash, clinker, and brick fragments. At depth, fill materials generally consisted of brown fine to coarse sand with varying amounts of silt and gravel, with trace amounts of coal and/or brick fragments. Directly underlying the fill materials, a native gray/brown silt and clay unit was encountered. The entire thickness of the silt and clay unit was not penetrated in any of the Site test borings conducted to depths up to approximately 14 feet below ground surface (bgs).

Boring B103 encountered a void space at an approximate depth of 8 feet below ground surface. Boring B103 was conducted to an approximate depth of 13 feet below ground surface and terminated in the native silt and clay unit. The void space was discovered during backfilling of the boring annulus. The soil boring was backfilled with soil boring cuttings to a depth of approximately 8 feet below grade, at such elevation backfill materials were observed to be escaping the annulus into a void space. Brick were noted in auger cuttings; however the composition of the materials adjacent to the void could not be determined. A slight septic odor was noted in the borehole, which was dry. An approximately 18 inch thick bentonite grout and cement plug was placed at the depth of the void to seal the void and backfilling of the boring was completed from approximately 6.5 feet below grade to ground surface with soil boring cuttings. Prior to plugging the borehole Ransom contacted the City of Portsmouth Department of Public Works to evaluate if the boring had potentially penetrated the nearby sewer main. Portsmouth Department of Public Works officials visited the site and determined that the boring was at least 7 feet off of the centerline of the marked sewer line and had not penetrated the sewer system.

Associated field procedures including soil and groundwater sample collection are included in Appendix A. The soil boring logs are included in Appendix B.

2.2 Aboveground Storage Tank Investigation

On September 15, 2015, during site reconnaissance conducted as part of a Phase I Environmental Site Assessment conducted in conjunction with this LSI, Ransom observed petroleum-impacted soil beneath a 275-gallon heating oil AST located adjacent to the northeastern corner of Building #4 (Lot 62). On September 29, 2015, as part of the LSI, Ransom collected soil samples at a depth of up to one foot below grade from the petroleum-impacted soil for subsequent field screening and laboratory analyses. The sample was collected at a depth just below which visible staining was observed.

2.3 Field Screening

2.3.1 Photoionizable Compounds

Limited Subsurface Investigation: As part of the LSI, sixty four soil samples were collected on September 15, 16 and 22, 2015, for subsequent field screening for the presence of PICs using a MiniRAE 2000 photoionization detector (PID). A dedicated one-quart polyethylene bag was half-filled with a portion of the sample, sealed, and labeled with the corresponding boring and sample number (S1 up to S5). The field screening methodology is summarized in Appendix A.

The highest concentrations of photoionizable compounds (320 and 318 parts per million by volume [ppmv], as referenced to benzene) was detected in the soil samples collected from borings B107 and B103, respectively, advanced adjacent to Building #4. The sample from boring B107 (S-1) was collected at a depth of 0 to 2 feet bgs and the sample from boring B103 (S-3) was collected at a depth of 5 to 6 feet bgs. Field screening data for the presence of PICs are presented in the boring logs included in Appendix B.

Aboveground Storage Tank Investigation: As part of the AST investigation, two soil samples were collected on September 25, 2015, for subsequent field screening for the presence of PICs using a MiniRAE 2000 PID. A dedicated one-quart polyethylene bag was half-filled with a portion of the sample, sealed, and labeled with the corresponding sample number (S1 and S2). The field screening methodology is summarized in Appendix A.

2.3.2 X-ray Fluorescence

Soil samples were collected from nine the borings (B101 through B109) collected on September 15 and 16, 2015, and screened for the presence of metals in soils using an Innov-X hand-held X-ray fluorescence (XRF) analyzer.

Arsenic, chromium, mercury, and/or lead were measured at moderate concentrations (slightly exceeding SRS) in a number of samples and these moderately elevated field results were used to select samples for laboratory analyses.

2.4 Sampling of Soil

2.4.1 Limited Subsurface Investigation

On September 15, 16 and 22, 2015, discrete soil samples were collected from the test borings advanced on the Site. The borings were advanced across exterior portions of the Site in areas of historic Site features and uses with the potential to have adversely impacted environmental conditions at the Site. The soil samples collected were submitted for laboratory analysis for the presence of VOCs by U.S. EPA Method 8260, PAHs by U.S. EPA Method 8270, TPH-DRO by U.S. EPA Method 8015-DRO, the 8 RCRA metals plus zinc by appropriate U.S. EPA methods, hexavalent chromium by U.S. EPA Method 7196A and/or PCBs by U.S. EPA Method 8082.

2.4.2 Aboveground Storage Tank Investigation

The discrete soil sample collected from beneath the 275-gallon heating oil AST on September 29, 2015, was submitted for laboratory analysis for the presence of VOCs by U.S. EPA Method 8260, PAHs by U.S. EPA Method 8270, and TPH-DRO by U.S. EPA Method 8015-DRO.

2.5 Sampling of Groundwater

On September 25, 2015, subsequent to measuring static water levels in the five monitoring wells (MW101 through MW105), each well was purged using a peristaltic pump and dedicated polyethylene tubing until stabilization of ORP, pH, specific conductivity, and/or temperature was achieved. After well stabilization, groundwater samples were collected from each monitoring well for laboratory analyses for the presence of VOCs by U.S. EPA Method 8260, PAHs by U.S. EPA Method 8270 and the 8 RCRA metals by appropriate U.S. EPA methods.

Samples collected for analyses for PAHs and metals were field-filtered to remove suspended sediment. Sampling methodology is described in Appendix A.

2.6 Groundwater Elevation Survey

The depth to groundwater on the Site, as measured in the monitoring wells (MW101 through MW105) sampled on September 25, 2015, ranged from 3.92 feet below the top of casing in monitoring well MW105 to 8.53 feet below the top of casing in monitoring well MW101. Static water levels are summarized in Table 3.

Based upon static water elevations measured on September 25, 2015, the inferred direction of groundwater flow on the Site is to the northwest (Figure 3).

3.0 RESULTS

3.1 Laboratory Analysis of Soil Samples

3.1.1 Limited Subsurface Investigation

Analytical results received from the laboratory with a complete listing of the compounds for which the samples were analyzed for, specific detection limits, the chain-of-custody documentation, and a description of the analytical methods are included in Appendix C. A summary of the soil laboratory analytical results is included in Table 1.

Volatile Organic Compounds: VOCs were detected in the soil sample collected from boring B107 and B113; however, at concentrations well below the New Hampshire Department of Environmental Services (NH DES) Env-Or 600 Soil Remediation Standards (SRS) established by the NH DES for each of the detected compounds.

No VOCs were detected above laboratory detection limits, which were appropriate for comparison to the SRS, in the other six soil samples submitted for analysis from borings B101, B102, B103, B107 and B110.

Polynuclear Aromatic Hydrocarbons: Benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene and/or indeno(1,2,3-cd)pyrene were detected in the soils samples collected from nine of the borings (B102, B103, B105, B107, B108, B109, B110, B111 and B113) at concentrations exceeding the applicable SRS established by the NH DES for each compound.

No PAHs were detected in the soil sample collected from boring B104 at concentrations exceeding the applicable SRS established by the NH DES for each detected compound.

Total Petroleum Hydrocarbons, Diesel Range Organics: TPH-DRO was detected in the six soil samples submitted for laboratory analysis, which were collected from borings B103, B104, B105, B107, B110 and B113, at concentrations ranging from 96.2 to 439 milligrams per kilogram (mg/kg), well below the SRS established for TPH-DRO of 10,000 mg/kg.

Resource Conservation and Recovery Act Metals and Zinc: Arsenic was detected in all thirteen samples submitted for laboratory analysis at concentrations ranging from 22 to 110 mg/kg, which are all above the SRS established for arsenic of 11 mg/kg.

Lead (690 mg/kg) was detected in one of the borings (B110) at a concentration exceeding the SRS established for lead of 400 mg/kg.

Polychlorinated Biphenyls: No PCBs were detected above laboratory detection limits, in the three discrete and two composite soil samples from two specific areas submitted for laboratory analysis. The soils samples submitted for PCB analyses were as follows: "B102-S1A", B105-S1", B109-S1", "B103-S1/B107-S1" and "B108-S1/B111-S1B/B113-S1."

3.1.2 Aboveground Storage Tank Investigation

Analytical results received from the laboratory with a complete listing of the compounds for which the samples were analyzed for, specific detection limits, the chain-of-custody documentation, and a description of the analytical methods are included in Appendix D. A summary of the soil laboratory analytical results is included in Table 2.

Volatile Organic Compounds: No VOCs were detected above laboratory detection limits, which were appropriate for comparison to the SRS, in the soil sample (AST) submitted for analysis from beneath the AST.

Polynuclear Aromatic Hydrocarbons: Benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene and indeno(1,2,3-cd)pyrene were detected in the soil sample (AST) at concentrations exceeding the applicable SRS established by the NH DES for each compound.

Other PAHs were detected in the soil sample (AST); however, at concentrations below the applicable SRS established by the NH DES for each detected compound.

Total Petroleum Hydrocarbons, Diesel Range Organics: TPH-DRO was detected in the soil sample (AST) collected from beneath the AST at a concentration of 5,110 mg/kg; however, at a concentration below the S-1 SRS established for TPH-DRO of 10,000 mg/kg.

3.2 Laboratory Analysis of Groundwater Samples

Analytical results received from the laboratory with a complete listing of the compounds for which the samples were analyzed for, specific detection limits, the chain-of-custody documentation, and a description of the analytical methods are included in Appendix E. A summary of the groundwater laboratory analytical results is included as Table 4.

3.2.1 Volatile Organic Compounds

Benzene (34 micrograms per liter ($\mu\text{g/L}$)) and naphthalene (23.9 $\mu\text{g/L}$) were detected in the groundwater sample collected from monitoring well MW101 at concentrations exceeding the Ambient Groundwater Quality Standards (AGQS) established by the NH DES for benzene and naphthalene of 5 and 20 $\mu\text{g/L}$, respectively.

Other VOCs were detected in the groundwater sample collected from monitoring well MW103; however, at concentrations below the applicable AGQS established by the NH DES for each detected compound.

No VOCs were detected at concentrations above the laboratory reporting limits, which were appropriate for comparison to the applicable AGQSs, in the groundwater samples collected from the four other monitoring wells (MW102 through MW105) installed on the Site.

3.2.2 Polynuclear Aromatic Hydrocarbons

Several PAHs were detected in the groundwater sample collected from monitoring well MW101; however, at concentrations below the applicable AGQS established by the NH DES for each detected compound.

No PAHs were detected at concentrations above the laboratory reporting limits, which were appropriate for comparison to the applicable AGQSs, in the groundwater samples collected from the four other monitoring wells (MW102 through MW105) installed on the Site.

3.2.3 Resource Conservation and Recovery Act Metals

Arsenic (MW102), barium (MW101 through MW105) and lead (MW101 and MW102) were detected in the groundwater samples collected; however, at concentrations below the applicable AGQS established by the NH DES for each detected metal.

4.0 CONCLUSIONS

4.1 Hydrogeology

Subsurface conditions at the Site generally consisted of surficial layers of gravel or asphalt pavement underlain by fill materials, and a native silt and clay unit. Fill materials were observed in each of the 14 test borings to depths up to approximately 4 to 8 feet below ground surface. Fill materials generally included near surface layers of dark brown to black fine to coarse sand with varying amounts of silt and gravel, coal ash, clinker, and brick fragments. At depth, fill materials generally consisted of brown fine to coarse sand with varying amounts of silt and gravel, with trace amounts of coal and/or brick fragments. Directly underlying the fill materials, a native gray/brown silt and clay unit was encountered. The soil borings did not encounter drilling refusal, which indicates that the depth to bedrock is not known.

Groundwater was encountered in each soil boring at approximate depths ranging from 4 to 7.5 feet below ground surface. The depths to groundwater at the Site ranged from approximately 4 to 8.5 feet bgs as part of this LSI. Based upon static water elevations measured as part of this LSI, groundwater flow on the Site is inferred to flow to the northwest. The nearest surface water body is North Mill Pond, located approximately 200 feet northwest of the Site.

4.2 Soil Contaminant Distribution

The field screening and laboratory results of this LSI indicated that elevated concentrations of arsenic and PAHs were generally widespread within the near surface fill materials (0 to 2.0 feet bgs) across the Site. Based on XRF field screening results the highest metals concentrations were noted in shallow (0 to 4 ft bgs) soil samples, and where present extended to at least 4 to 6 feet below grade. Corresponding samples for laboratory analyses from shallow soils confirmed the presence of metals (primarily arsenic, but also lead) above SRS.

Coal/coal ash/clinkers were observed in 11 of 14 borings, typically up to 4 to 6 feet below grade and in two locations up to 8 feet bgs. PAH SRS exceedances were documented in all of the seven soil samples where both coal ash was observed and PAHs were analyzed.

From the occurrence of the PAHs, Ransom infers that the elevated concentrations are likely associated with urban fill and with coal ash or clinkers.

The highest concentrations of lead (up to 1,745 mg/kg) detected with the XRF in the nine samples analyzed was in the 0 to 2 feet bgs range, with the exception of borings B104, B107, B110 and B113 where it was in the 2 to 4 feet bgs range. No lead was detected above 100 mg/kg in any of the samples collected at depths greater than 4 feet bgs with the XRF.

Laboratory analyses for lead documented an elevated lead concentration in the soil sample collected from boring B110 advanced adjacent to a building that was formerly the site of both an iron foundry and a brass foundry. The soil sample analyzed contained ash and glass and the elevated lead was likely related to urban fill which extended to 8 feet bgs at that location. Ransom did not advance borings into underlying soils beneath the building as part of this investigation. However, because lead was often added to brass, foundry castings were often milled or finished, and it is not known whether the foundry had a concrete floor at the time it was a foundry there is the potential for soils with elevated metals (including lead and zinc) concentrations above SRS to be present in foundry footprint areas.

The highest concentrations of PICs measured at the Site were documented in borings B103 and B107 which were advanced adjacent to the northern and southern sides of Building #4, respectively. A strong

petroleum odor was noted during the advancement of boring B103 and the highest concentrations of PAHs detected at the Site were in the soil samples collected from this boring. The source of the petroleum contamination is unknown.

Elevated PAHs were also detected in a soil sample collected from petroleum-impacted soil located beneath the 275-gallon heating oil AST located adjacent to Building #4. Although coal ash/clinkers were observed in the soil directly above the sample depth, TPH-DRO was detected in this sample at a concentration of 5,110 mg/kg which is likely indicative of the petroleum release.

TPH-DRO was detected in the five soil samples analyzed from the 0 to 2 feet bgs range at concentrations that exceed 100 mg/kg, the concentration at which Site soils removed from the parcel of origin would be regulated as a waste under the Solid Waste Rules.

No PCBs were detected above laboratory detection limits in the five soil samples analyzed from the 0 to 2 foot bgs range.

4.3 Groundwater Contaminant Distribution

Although elevated concentrations of PAHs and arsenic were detected in soil samples throughout the Site, no exceedances of PAHs or arsenic AGQSs were detected in the groundwater samples collected from the five monitoring wells installed across the Site as part of this LSI.

AGQS exceedances of benzene and naphthalene were detected in the groundwater sample collected from monitoring well MW101, located adjacent to Building #4. It should be noted that this monitoring well (MW101) could not be installed in the boring (B103) that was installed 10 feet to the north because of a void that was encountered approximately 8 feet bgs in that boring, nevertheless AGQSs were exceeded in the well, where lesser contaminants were noted based PICs measured in the field. Also, the highest concentrations of PICs measured at the Site were documented in the other borings (B103 and B107) advanced adjacent to Building #4.

5.0 RECOMMENDATIONS

Based on the findings of this LSI, Ransom recommends the following:

1. Further characterization of near surface soils throughout the Site for arsenic to determine the extent of soils with elevated arsenic concentrations that could be subject to remediation;
2. Additional interior borings of not only Building #2, but the other three buildings as well, based on the findings of the LSI as well as additional information gathered as part of the Phase I ESA, in progress;
3. Because this investigation has documented soils over broad areas and at depths of up to 8 feet below grade that would (or in some instances, could) be subject to disposal at a permitted facility if Site redevelopment were to involve extensive excavations; in conjunction with the above recommended additional investigations, spatial characterization of soils at a higher frequency and for disposal parameters should be conducted in order to estimate disposal requirements and costs.

Based on the exceedances of AGQs in monitoring well MW101, the DES will likely require additional evaluation of the Site and will require a Site Investigation (SI) per Env-Or 600. As part of the SI, the area of the heating oil AST where soil exceedances were documented should be investigated and this work has the potential to be funded by the NH DES through the Fuel Oil Discharge and Disposal Clean-up Fund.

Per Env-Or 604.02 Notification of Groundwater Quality Violation, the “responsible party shall notify the department no more than 60 days after obtaining knowledge of a violation of the groundwater quality criteria of Env-Or 603.01.” The condition documented in groundwater at monitoring well MW101 triggers this notification requirement and Ransom recommends that the City advise the potentially responsible party (PRP) of its obligation under the Env-Or 604.02 and provide a copy of this report to the PRP for submittal to the NH DES.

Reporting requirements for elevated concentrations of arsenic, lead and PAHs in soils are less clear because the sources are unknown or subject to interpretation.

For example if the source of elevated arsenic was related to a release of hazardous substances then notification under Env-Or 604.04 Discharges of Hazardous Waste would apply. The condition documented in soils from borings B103, B105, B108, B109, B110, B111, and B113 could trigger this requirement. However, modestly elevated concentrations of arsenic can be attributable to urban fill and specifically coal cinders and ash in urban fill, which may constitute a background condition under Env-Or 600 for occurrences of arsenic as characterized herein.

Elevated concentration of PAHs could constitute a reportable condition under Env-Or 604.07 Potential Discharges of Oil Requiring Notification within 60 Days. However, if the PAHs are related to a background condition, where coal cinders are present, then those soils would not be subject to regulation under Env-Or 600, if left on site.

The applicability of Env-Or 600 to soils with contaminants that could constitute a background condition is a determination that falls under the regulatory authority of the NH DES.

Therefore, Ransom recommends submittal of this report for each of the above conditions; per the referenced rules, notification obligations are as noted below.

Env-Or 604.04 cites the NH DES notification obligation falls to “any person required to report under RSA 147-A:11,” and that statute cites “any generator, owner, operator, transporter, or employee of a hazardous waste facility who becomes aware of any storage, treatment, or disposal of hazardous waste in violation of this chapter shall immediately report the violation to the department.”

Env-Or 604.07 cites “The responsible party or other person who becomes aware of a potential discharge of oil based on an exceedance of the soil remediation standards of Env-Or 606.19 that might have been caused by an oil discharge shall notify the department no more than 60 days after obtaining knowledge of the exceedance.”

6.0 LIMITATIONS

This report is based upon the information available to Ransom on the date of this report, and Ransom expressly disclaims any obligation or undertaking to update or modify the opinions and recommendations as a consequence of any future changes in the available information. This report and the opinions and recommendations embodied herein are subject to the Ransom Terms and Conditions as referenced in our signed Proposed Scope of Work and Cost Estimate dated September 10, 2015 and our signed Proposed Scope of Work Addition and Cost Estimate dated September 17, 2015.

The client recognizes that the services provided by Ransom and the contents of this report are solely for the benefit of the client and its heirs, successors and permitted assigns whose reliance thereon is not independent of Client's. The contents of this report are not intended to be quoted or otherwise referenced to nor furnished to any other person, and no other person shall be entitled to rely hereon, without the Company's prior written consent. The Company and the client agree that such consent will be given by the Company only upon its receipt of (i) additional consideration in an amount sufficient in its discretion to compensate the Company for its additional exposure, and (ii) the written agreement of the third party seeking to rely upon the contents of the report that its reliance shall be subject to the specified Work Scope, the Terms and Conditions, and any and all additional limitations and qualifications included within the body of this report. Notwithstanding the foregoing, the Company may withhold its consent for any reason in its sole discretion.



TABLE 1. SUMMARY OF LSI SOIL LABORATORY ANALYTICAL RESULTS
Proposed Deer Street Parking Garage
Deer and Bridge Streets
Portsmouth, New Hampshire

Chemical Parameter (mg/kg)	Env-Or 600	Sample ID	B101	B101	B102	B102	B103	B103	B104	B105	B105
	S-1 Soil	Sample No.	S2A	S3	S1A	S4B	S1	S3	S1	S1	S2
	Remediation Standard	Sample Depth (ft)	2 - 2.5'	4 - 6'	0 - 2'	7.5 - 8'	0 - 2'	4 - 6'	0 - 2'	0 - 2'	2 - 4'
		Sample Date	9/15/15	9/15/15	9/15/15	9/15/15	9/15/15	9/15/15	9/15/15	9/15/15	9/15/15
VOLATILE ORGANIC COMPOUNDS											
Total xylenes	500	na	ND	na	ND	na	ND	na	na	na	na
n-Butylbenzene	110	na	ND	na	ND	na	ND	na	na	na	na
sec-Butylbenzene	130	na	ND	na	ND	na	ND	na	na	na	na
Isopropylbenzene	330	na	ND	na	ND	na	ND	na	na	na	na
n-Propylbenzene	330	na	ND	na	ND	na	ND	na	na	na	na
1,2,4-Trimethylbenzene	130	na	ND	na	ND	na	ND	na	na	na	na
Acetone	75	na	ND	na	ND	na	ND	na	na	na	na
2-Butanone	NS	na	ND	na	ND	na	ND	na	na	na	na
TPH-DRO											
	10,000	na	na	na	na	na	96.2	286	188	na	na
POLYNUCLEAR AROMATIC HYDROCARBONS											
Naphthalene	5	na	na	0.3	na	ND	ND	ND	ND	0.26	na
1-Methylnaphthalene	NS	na	na	0.36	na	ND	ND	ND	ND	0.34	na
2-Methylnaphthalene	96	na	na	0.39	na	ND	ND	ND	ND	0.36	na
Fluorene	77	na	na	ND	na	ND	ND	ND	ND	ND	na
Phenanthrene	960	na	na	0.74	na	2	ND	0.45	0.46	na	na
Pyrene	720	na	na	0.79	na	9.4	ND	0.6	0.65	na	na
Acenaphthene	340	na	na	ND	na	ND	ND	ND	ND	ND	na
Acenaphthylene	490	na	na	0.17	na	1.2	ND	ND	0.17	na	na
Anthracene	1,000	na	na	0.19	na	0.79	ND	0.11	0.12	na	na
Fluoranthene	960	na	na	0.98	na	14	ND	0.68	0.74	na	na
Benzo(a)anthracene	0.7	na	na	0.42	na	5.3	ND	0.32	0.43	na	na
Chrysene	44	na	na	0.58	na	4.7	ND	0.34	0.6	na	na
Benzo(k)fluoranthene	0.7	na	na	0.71	na	5.6	ND	0.44	0.74	na	na
Benzo(k)fluoranthene	4	na	na	0.24	na	1.8	ND	0.13	0.25	na	na
Benzo(a)pyrene	0.7	na	na	0.38	na	2.3	ND	0.3	0.38	na	na
Benzo(g,h,i)perylene	960	na	na	0.27	na	1.6	ND	0.2	0.25	na	na
Dibenz(a,h)anthracene	0.7	na	na	ND	na	0.68	ND	ND	ND	na	na
Indeno(1,2,3-cd)pyrene	0.7	na	na	0.31	na	2.1	ND	0.22	0.3	na	na
RCRA METALS + Chromium (VI)											
Arsenic	11	na	23	na	24	na	38	na	22	34	na
Barium	1,000	86	na	62	na	52	na	50	46	na	na
Cadmium	33	nd	na	ND	na	ND	na	ND	ND	na	na
Chromium (III)	1,000	28	na	13	na	14	na	37	12	nd	na
Chromium (VI) - Hexavalent	130	na	ND	na	na	na	na	ND	na	ND	na
Lead	400	270	na	130	na	70	na	100	260	na	na
Mercury	6	0.62	na	1.3	na	1.4	na	ND	0.62	na	na
Selenium	180	nd	na	ND	na	nd	na	ND	ND	na	na
Silver	89	nd	na	ND	na	nd	na	ND	ND	na	na
Zinc		150	na	130	na	77	na	150	53	na	na
POLYCHLORINATED BIPHENYLS (PCBs)											
	1	na	na	ND	na	ND*	na	na	ND	na	na

Legend:
 NS = None set na = not analyzed for
 nd = parameter not detected above method detection limit.
 Quantitation limit is provided in parentheses. (mg/kg) = milligrams per kilogram

- NOTES:**
- Soil standard as referenced from Env-Or 600 Method 1 Soil Remediation Standards (SRSs).
 - Measured concentrations that exceed the applicable soil standard are surrounded by a box.
 - ND* = Composite sample comprised of B103-S1 and B107-S1.
 - ND** = Composite sample comprised of B106-S1, B111-S1B and B113-S1.

TABLE 1. SUMMARY OF LSI SOIL LABORATORY ANALYTICAL RESULTS
Proposed Deer Street Parking Garage
Deer and Bridge Streets
Portsmouth, New Hampshire

Chemical Parameter (mg/kg)	Env-Or 600 S-1 Soil Remediation Standard	Sample ID, Sample No., Sample Depth (ft), Sample Date	B106	B107	B107	B108	B109	B110	B111	B113	B114
			S2	S1	S3A	S1	S1	S1	S1B	S1	S1
			5 - 6'	0 - 2'	4 - 4.5'	0 - 2'	0.5 - 2.5'	0 - 2'	1 - 2'	0 - 2'	0 - 2'
VOLATILE ORGANIC COMPOUNDS											
Total xylenes	500	na	ND	0.29	na	na	ND	na	ND	na	na
n-Butylbenzene	110	na	ND	0.23	na	na	ND	na	ND	na	na
sec-Butylbenzene	130	na	ND	0.54	na	na	ND	na	ND	na	na
Isopropylbenzene	330	na	ND	0.16	na	na	ND	na	ND	na	na
n-Propylbenzene	330	na	ND	0.32	na	na	ND	na	ND	na	na
1,2,4-Trimethylbenzene	130	na	ND	ND	na	na	ND	na	ND	na	na
Acetone	75	na	ND	ND	na	na	ND	na	ND	na	0.13
2-Butanone	NS	na	3.5	ND	na	na	ND	na	ND	na	0.03
TPH-DRO											
	10,000	na	439	na	na	na	352	na	112	na	na
POLYNUCLEAR AROMATIC HYDROCARBONS											
Naphthalene	5	na	0.56	na	ND	0.65	ND	0.25	ND	ND	ND
1-Methylnaphthalene	NS	na	ND	na	ND	0.63	ND	0.35	ND	ND	ND
2-Methylnaphthalene	96	na	0.25	na	ND	0.69	ND	0.33	ND	ND	ND
Fluorene	77	na	ND	na	0.23	0.22	ND	ND	ND	ND	ND
Phenanthrene	960	na	0.84	na	1.9	2.3	2.7	1.3	0.66	ND	ND
Pyrene	720	na	1.6	na	2.1	2.4	2.6	1.2	0.92	0.22	ND
Acenaphthene	340	na	ND	na	0.16	0.22	0.32	ND	ND	ND	ND
Acenaphthylene	490	na	0.18	na	ND	0.31	ND	ND	ND	ND	ND
Anthracene	1,000	na	0.27	na	0.44	0.6	0.72	0.19	ND	ND	ND
Fluoranthene	960	na	1.5	na	2.6	3	3.3	1.5	0.95	0.26	ND
Benzo(a)anthracene	0.7	na	0.87	na	1	1.4	1.5	0.73	0.37	ND	ND
Chrysene	44	na	0.39	na	1.1	1.8	1.7	0.92	0.48	ND	ND
Benzo(k)fluoranthene	0.7	na	1.3	na	1.4	2	2	1	0.54	ND	ND
Benzo(k)fluoranthene	4	na	0.42	na	0.44	0.7	0.7	0.29	0.17	ND	ND
Benzo(a)pyrene	0.7	na	0.92	na	0.95	1.1	1.5	0.7	0.35	ND	ND
Benzo(g,h,i)perylene	960	na	0.65	na	0.65	0.77	0.99	0.45	0.26	ND	ND
Dibenz(a,h)anthracene	0.7	na	0.18	na	0.17	0.22	0.25	ND	ND	ND	ND
Indeno(1,2,3-cd)pyrene	0.7	na	0.7	na	0.75	0.94	1.1	0.49	0.29	ND	ND
RCRA METALS + Chromium (VI)											
Arsenic	11	na	16	16	na	34	51	20	27	110	17
Barium	1,000	na	40	100	na	100	43	82	58	67	27
Cadmium	33	ND	ND	ND	na	2.1	ND	ND	ND	ND	ND
Chromium (III)	1,000	na	20	35	na	36	160	21	22	220	16
Chromium (VI) - Hexavalent	130	na	na	na	na	na	ND	na	na	na	na
Lead	400	na	92	140	na	310	130	690	190	ND	16
Mercury	5	na	0.72	0.73	na	0.4	0.55	0.23	0.33	0.08	nd
Selenium	180	ND	ND	1.9	na	ND	ND	ND	ND	ND	ND
Silver	89	ND	ND	na	0.78	nd	1	ND	ND	ND	ND
Zinc		130	320	470	na	na	52	470	290	480	140
POLYCHLORINATED BIPHENYLS (PCBs)											
	1	na	ND*	na	ND**	ND	na	ND**	ND**	na	na

Legend:
NS = None set na = not analyzed for
nd = parameter not detected above method detection limit.
Quantitation limit is provided in parentheses. (mg/kg) = milligrams per kilogram

- NOTES:**
- Soil standard as referenced from Env-Or 600 Method 1 Soil Remediation Standards (SRSs).
 - Measured concentrations that exceed the applicable soil standard are surrounded by a box.
 - ND* = Composite sample comprised of B103-S1 and B107-S1.
 - ND** = Composite sample comprised of B109-S1, B111-S1B and B113-S1.

**TABLE 2. SUMMARY OF AST SOIL
LABORATORY ANALYTICAL RESULTS
Proposed Deer Street Parking Garage
Deer and Bridge Streets
Portsmouth, New Hampshire**

Chemical Parameter	Env-Or 600 S-1 Remediation Standard	Sample ID Sample Depth (ft) Sample Date	AST 0 - 1' 9/29/15
VOLATILE ORGANIC COMPOUNDS (mg/kg)			
Various	Various		nd (0.0037 to 0.37)
POLYNUCLEAR AROMATIC HYDROCARBONS (mg/kg)			
Phenanthrene	960		5.1
Pyrene	720		4.9
Acenaphthylene	490		0.87
Anthracene	1,000		1.8
Fluoranthene	960		5.3
Benzo(a)anthracene	0.7		2.5
Chrysene	44		2.6
Benzo(b)fluoranthene	0.7		3.3
Benzo(k)fluoranthene	4		1.1
Benzo(a)pyrene	0.7		2.5
Benzo(g,h,i)perylene	960		2.8
Indeno(1,2,3-cd)pyrene	0.7		2.1
TPH-DIESEL RANGE ORGANICS (mg/kg)	10,000		5,110

NOTES:

1. Soil standards from New Hampshire Code of Administrative Rules Env-Or 600.
2. mg/kg is milligrams per kilogram.
3. nd = Compound not detected above the Laboratory Quantitation Limit (in parentheses); NS = no standard.
4. Concentrations that exceed the applicable Env-Or 600 S-1 Soil Standard are boxed.

TABLE 3. SUMMARY OF GROUNDWATER ELEVATION MEASUREMENTS
Proposed Deer Street Parking Garage
Deer and Bridge Streets
Portsmouth, New Hampshire

Monitoring Well I.D.	Date	Reference Elevation (feet)	Depth to Water (feet)	Groundwater Elevation (feet)	Surface Elevation (feet)	Water Level Below Grade (feet)
MW101	25-Sep-15	20.00	8.53	11.47	20.24	8.77
MW102	25-Sep-15	19.03	5.51	13.52	19.30	5.78
MW103	25-Sep-15	20.42	3.93	16.49	20.60	4.11
MW104	25-Sep-15	21.36	7.64	13.72	21.57	7.85
MW105	25-Sep-15	20.13	3.92	16.21	20.62	4.41

Notes:

1. Reference elevation is highest point of the PVC riser pipe at each location.
2. Elevations are based on an arbitrary benchmark of 20.00 feet set at the top of the PVC riser at MW101.
3. Depth to groundwater measured using an electronic water level indicator.

TABLE 4. SUMMARY OF GROUNDWATER ANALYTICAL RESULTS
Proposed Deer Street Parking Garage
Deer and Bridge Streets
Portsmouth, New Hampshire

CHEMICAL PARAMETER	AGQS (µg/L)	DATE SAMPLED 25-Sep-15	CONCENTRATION (µg/L)				
			MW101	MW102	MW103	MW104	MW105
VOLATILE ORGANIC COMPOUNDS:							
Benzene	5	25-Sep-15	34	nd	nd	nd	nd
Toluene	700	25-Sep-15	4.4	nd	nd	nd	nd
Ethylbenzene	1,000	25-Sep-15	8	nd	nd	nd	nd
Naphthalene	20	25-Sep-15	23.9	nd	nd	nd	nd
1,3,5-Trimethylbenzene	330	25-Sep-15	4.5	nd	nd	nd	nd
1,2,4-Trimethylbenzene	330	25-Sep-15	3.8	nd	nd	nd	nd
Styrene	100	25-Sep-15	1.9	nd	nd	nd	nd
POLYNUCLEAR AROMATIC HYDROCARBONS:							
Acenaphthene	420	25-Sep-15	0.976	nd	nd	nd	nd
Acenaphthylene	420	25-Sep-15	1.97	nd	nd	nd	nd
Fluorene	280	25-Sep-15	0.875	nd	nd	nd	nd
1-Methylnaphthalene	NS	25-Sep-15	2.91	nd	nd	nd	nd
RCRA Metals:							
Arsenic	10	25-Sep-15	nd	5.3	nd	nd	nd
Barium	2,000	25-Sep-15	99.6	87.4	47.7	255	62.6
Lead	15	25-Sep-15	13.2	13.1	nd	nd	nd

Legend:

(µg/L) = micrograms per liter.

nd = parameter not detected above method detection limit.

Notes:

1. AGQS = Ambient Groundwater Quality Standards from New Hampshire Code of Administrative Rules Env-Or 600.
2. Measured concentrations that exceed the AGQS standard are shown in bold and surrounded by a box.
3. Samples collected using modified low-flow methodology.


**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: December 2, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: ELECTRONIC COMMUNICATION BY CITY COUNCILORS DURING
COUNCIL MEETINGS



City Councilor Jack Thorsen has several times raised the issue both at the Council level and in discussions with myself of what ramifications might flow from the use of electronic communication devices by City Councilors during Council meetings. It is noted that citizens who watch the Council meetings either in person or on television have reported that it is plainly evident that one or more Councilors are using electronic devices such as laptop computers and cell phones during the course of City Council deliberation on agenda items.

In our discussions Councilor Thorsen and I have recognized that it is entirely possible that use of electronic devices for communication by Councilors during meetings could be entirely inconsequential and carry no ramification at all. Examples of this situation would be a Councilor receiving a request from a spouse to bring home a quart of milk or a Councilor checking the score of a Patriots game.

However, Councilor Thorsen and I have also recognized that there could be situations in which such electronic communication by Councilors raised serious issues. These issues would seem to be of two separate categories. First, it is possible for certain use of electronic devices for communication purposes during the Council meetings to create violations of the Right-to-Know law, RSA 91-A. Secondly, it is not difficult to foresee a situation in which unregulated use of electronic devices during the meetings by Councilors could adversely affect the decorum of meetings and the effective working relationship between Councilors during deliberation on issues. Beyond these two main categories of issues are obvious collateral matters, such as whether or not e-mails or texts sent or received by Councilors during Council meetings related to City business ought to be public records which should be made available for any member of the public to review. Similarly, if a Councilor during a meeting resorts to an online research tool such as Google in assisting that Councilor to reach a decision, ought not the websites reviewed by that Councilor become part of the public record of the Council meeting?

On the first of these issues, the Right-to-Know law question, the statute speaks in several places to the issues under discussion. The foundation comment would be:

“91-A:1 Preamble. – Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.”

Private electronic communication carried on by any member of the Council during deliberation on a matter before the Council would raise obvious questions as to whether the spirit, if not the actual letter, of this provision was being met.

More specifically, in RSA 91-A:2 III (c) it is written that:

“Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location”.

If even two Councilors were communicating electronically across the Council table about an issued to be decided by the Council, a serious issue arises under this provision of the statute. If five (5) or more Councilors were doing so, there seems to be little question that a Right-to-Know violation would be occurring. Whether or not the actual text of the communication between Councilors thus becomes a public record would have to be determined on a case by case basis by reviewing the actual communications. A comment about the score of the Patriots game would probably not be a public record, whereas a text relating to the merits of the question before the Council would very likely be such a public record.

As noted above the second broad category of issues relate to the maintenance of decorum in Council meetings and keeping open communication between Councilors as they perform their work for the City. This issue is less legal in nature and more a matter of Council policy. However, it seems axiomatic that all Councilors, the Council itself and the citizens of the City benefit from the rational, orderly and open conduct of meetings. To the extent that private electronic communications by or among Council members during meetings negatively affect that concept, it would appear that the City Council would have an interest in avoiding that result. As noted, however, any Council decision along these lines is not so much a legal question as one of policy which needs to be decided by the members of the Council themselves.

CONCLUSION

It appears that the issues raised by Councilor Thorsen have both legal and policy implications of substance. It would be my recommendation that the resolution of those issues be accomplished by means by a Council Rule or Policy defining the use by City Councilors of electronic communication devices during meetings. The creation of such a Council Rule or Policy would not be expected to be a simple task. The adoption of a new rule or Policy would call for the Council to exercise judgment over matters which are not clearly defined and with which reasonable members of the City Council might differ between themselves. Nonetheless, if the Council wished to address the issues raised by Councilor Thorsen there seems to be no other viable approach. The Legal Department can provide assistance with regard to the Right-to-Know law requirements of such a Rule or Policy, but there will remain a determination which must necessarily be made by the Council itself.

cc: Jack Thorsen, City Councilor

Stormwater Management



This flyer has been developed to provide the Portsmouth Water Division's customers with information about how stormwater is managed and suggested steps that individuals can take to protect and improve water quality.

What is stormwater?

Stormwater is precipitation that runs over the land surface (runoff) and does not infiltrate the ground. In the process it may pick up pollutants and deposit them into surface waters (rivers, lakes and oceans), which may create water quality impacts and siltation that could potentially damage aquatic habitats.



Why should we care?

Stormwater pollution creates water quality impacts to swimming, boating and aquatic habitats that can be mitigated or prevented with awareness and new approaches to stormwater management. These pollutants tend to come from eroding soils, fertilizers and lawn chemicals, pet waste, and trash and debris. As a result of stormwater and the increase in volume of surface waters, flooding can also occur. With flooding comes property and infrastructure damages.

In the past, stormwater has been managed with the goals of controlling erosion and flooding, but the conventional approach has not been successful in either protecting water quality or accommodating flood waters. Recent changes in state and federal programs – and to some extent in local programs – recognize the shortcomings of the conventional approach and lay a course for a more up-to-date approach that can preserve both water quality and pre-development hydrologic conditions. The new approach employs tools such as low impact development techniques and stormwater utilities. Using these tools, it is possible to maintain water quality, ecosystem health and groundwater resources.

– New Hampshire Water Resources Primer (2008)

How can you help?

- Never pour hazardous materials into a storm drain
- Dispose of used motor oil, gasoline, antifreeze, cleaning agents, pesticides or fertilizers, paint and other hazardous agents in an appropriate manner - such as taking them to Household Hazardous Waste Days (held twice a year at Portsmouth's Department of Public Works)
- Do not sweep litter, sand, leaves or other materials into storm drains. Dispose of them in the trash or compost the material
- Never hose down a spill into a storm drain. Use absorbent towels or cat litter to clean up the spill and dispose of the material in the trash if it is not hazardous
- Detergents and chemical cleaners should not be used to wash sidewalks or driveways
- If you see a storm drain that is clogged please contact your respective Public Works Department and dispose of the material in the trash if it is not hazardous

Stormwater Management



What is the City doing?

The City's Stormwater Management Program includes the following to better service Portsmouth water customers and protect our environment:

- A completed a **Stormwater Master Plan**.
- A standalone **stormwater ordinance** to protect our waterways
- Site review and **zoning ordinance revisions** including low-impact development requirements.
- A **partnership with Soak Up the Rain New Hampshire (SOAK)**, a program managed by the NHDES with the goal of protecting and restoring clean water.
- Installation of **rain gardens** throughout the area, in which water filters through plants and soil layers before entering the groundwater system.
- **Tree box filter installations**, mini water quality filters installed beneath trees to control runoff while helping irrigate trees.
- **Increased green infrastructure improvements to City projects** with commitments to stormwater enhancements, aesthetics and regulations of the Clean Water Act.



Tree box filter



Rain garden, Portsmouth High School



Sagamore Ave. Reconstruction with Porous Pavement



Resources:

- www.cityofportsmouth.com
- www.soaknh.org
- Portsmouth Department of Public Works: (603) – 427 - 1530

CONSIDERATION

received
9/16/15

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Alternate

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

Committee: Planning Board

Initial applicant

Name: Dexter R. Legg Telephone: 603-431-7851

Could you be contacted at work? YES/NO If so, telephone # 617-910-7220

Street address: 4 Moebus Terrace, Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): dexter.legg@gmail.com

How long have you been a resident of Portsmouth? 34 years

Occupational background:

Liberty Mutual Insurance Group 1977-present

Senior Vice President, Corporate Secretary & Chief of Staff to CEO; 2000-present

Vice President, various positions: elected 1995

Various management positions: 1977-1995

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

Co-Chair, Joint Building Committee, Portsmouth Middle School project; 2009-present

Chair, Elementary School Facilities Committee, School Board; 2014-present

Executive leadership positions, Liberty Mutual: establish and manage corporate governance for parent and subsidiary companies; manage preparation and execution of board meetings; provide required support for Directors; confidant and counselor to CEO and Directors; participate in developing and executing strategies, business plans and budgets.

OVER
➔

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

Would you be able to commit to attending all meetings? YES

Reasons for wishing to serve:

During the past eight years as a member and leader of the School Board and Joint Building Committee, I have had the privilege of helping make Portsmouth a better city in some small ways. My term ends this year, and I would like to continue contributing to Portsmouth in an appointed, not elected, role. I believe I can add value to the Planning Board and to Portsmouth based on my experiences at Liberty Mutual, the School Board and the JBC

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

Portsmouth School Board, 2008-present; Vice Chair, 2014-present; term ends 1/1/2016
Joint Building Committee, 2009-present; Co-Chair

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

- 1) Chris Dwyer 600 Broad St. Portsmouth 603-436-5247
Name, address, telephone number
- 2) Leslie Stevens 151 Park St. Portsmouth 603-427-1346
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: 9/16/2015

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes

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

Dexter R. Legg
Senior Vice President, Corporate Secretary and Chief of Staff to the CEO
Liberty Mutual Insurance Group

Dexter Legg was elected Vice President and Corporate Secretary of Liberty Mutual Holding Company in December, 2000. He was appointed Chief of Staff to the CEO in 1998. He was first elected Vice President of Liberty Mutual Insurance Company in 1995 as Manager of Risk Services Information Processes.

Mr. Legg's career with Liberty Mutual spans over 38 years, during which he has worked in various management and staff positions in Statistical Operations, Information Systems, Corporate Strategy and Research, Risk Services and Corporate Administration. He has been involved in various community boards and organizations, and in 2011 was re-elected a member of the Portsmouth, New Hampshire School Board.

Mr. Legg received a B.A. degree in economics from Tufts University. He and his wife live in Portsmouth and have two adult daughters.



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

11/23/15

APPOINTMENT APPLICATION

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

Committee: Board of Zoning Adjustment **Initial applicant**

Name: Jim Lee Telephone: 603-501-3801

Could you be contacted at work? YES/NO If so, telephone # Yes, 603-501-3801

Street address: 520 Sagamore Avenue, Portsmouth NH 03801

Mailing address (if different): Same

Email address (for clerk's office communication): Jim@JimLee.com

How long have you been a resident of Portsmouth? Since July 2010

Occupational background:

I have been employed full time as a real estate broker since 1980. I practiced real estate in the Knoxville, Tennessee area before moving to Portsmouth in 2010.

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

I have no direct experience serving on a board of this type but in my years as a real estate broker

I have had many occasions to learn of their work.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO No, but I am aware of the time committment required. I have spoken with a current member who encouraged me to apply.

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

Reasons for wishing to serve: I have always had a stongly held belief in giving back service to communities I have lived in. I believe the work of citizen volunteers compliments and multiplies the work of paid staff members.

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

I am a current member and past president of the Seacoast Board of Realtors. I am currently serving on the board of directors at both the Seacoast Baord and New Hampshire Association of Realtors. Master Mason in St. Andrew's Lodge #56 in Portsmouth. Member of Portsmouth Elks Club #97.

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

1) Elizabeth A. Moreau, 99 Bow Street, STE 300E, Portsmouth NH 03801 603-591-3453
Name, address, telephone number

2) Jane S. Leger, 266 McKinley Rd., Portsmouth NH 03801 603-436-9478
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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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: James Roden Date: 11/20/2015

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

James Ralph Lee (Jim)

520 Sagamore Avenue
Portsmouth NH 03801
603-501-3801
Jim@JimLee.com

Professional Summary:

2010 to present: Engaged in real estate sales in the NH Seacoast and southern Maine areas. Focus is primarily on residential resales of single family homes and condos with some commercial sales.

1980 to 2010: Engaged in real state sales in Knoxville, Tennessee. Focus was primarily residential resales, new construction, and some commercial sales.

1970 to 1980: Owned and managed two restaurants in Knoxville, Tennessee

Highlights:

- * Experienced Seller's Agent
- * Experienced Buyer's Agent
- * Sales Presentations
- * Negotiations Expert
- * Certified Residential Specialist (CRS)
- * Accredited Buyer Representative (ABR)
- * Realtor of the year 1999
- * President, Seacoast Board of Realtors 2013

Experience:

- * Counseled buyers and sellers on market conditions.
- * Guided homebuyers and sellers through the short sale process.
- * Developed close relationships with area Realtors, lenders, and builders to promote referral networks.

Education:

Attended University of Tennessee, Knoxville, TN. Major: Business Administration

Attended Memphis State University, Memphis, TN. Major: Business Administration

Military:

United States Air force. Honorably discharged



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Board of Adjustment Initial applicant

Name: Jeremiah Johnson Telephone: 603.303.9396

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

Street address: 4 Fairview Drive

Mailing address (if different): same

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

How long have you been a resident of Portsmouth? 16 years

Occupational background:

Architect

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

I am currently an alternate on the Board of Adjustment, and would like to apply to become a full-time member now that there is a slot available. I have been an alternate for the past 14 months, and have attended and participated in every meeting since my appointment. I typically have sat on 75%+ of the applications as a full member OVER
due to absence/recusals.

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 believe that volunteering to serve on a land use board is a good way to use my experience and skill set to give back to the community.

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

- Board of Adjustment
- NCARB
- USGBC
- PlanNH

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

1) Eric Weirich 133 Court Street Portsmouth, NH 03801
Name, address, telephone number

2) Steven McHenry 4 Market Street Portsmouth, NH 03801
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 11/25/2015

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Citizens Advisory Committee

Initial applicant

Name: Jamie Baker Telephone: 207-632-0513

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

Street address: 75 Humphreys Court, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): jbaker@pierceatwood.com

How long have you been a resident of Portsmouth? 7 years

Occupational background:

Partner at Pierce Atwood LLP (business lawyer in full-service law firm of 150 lawyers)

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

I have experience representing and advising for profit and not for profit entities in
all aspects of their businesses / organizations. I serve on the board of directors of
the Center for Family Business at UNH and New Heights in Portsmouth.

OVER

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

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

Reasons for wishing to serve: Portsmouth is a great city and I look for opportunities
to be involved and bring the expertise and perspective that I've gained over the
years to the community.

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) Scott Pueschel, One New Hampshire Ave, Portsmouth NH, 603-373-2019
Name, address, telephone number

2) Jeff Ward, 200 Domain Drive, Stratham, NH, 603-773-1355
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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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: /s/ Jamie Baker Date: 10/9/15

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

ACTION ITEMS AND MINUTES
PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:26 A.M. – Thursday, November 5, 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 October 1, 2015.

- [2] Accepted and placed on file the Financial Report dated September 30, 2015.

- [3 (V.A.)] **Action Item:** Driveway permit application appeal, 20 Chapel Street – **VOTED** to accept staff recommendation for denial of permit.

- [4 (V.B.)] **Action Item:** Request for No Parking on east side of Cutts Street between Maplewood Avenue and Leslie Drive – **VOTED** to postpone the action item until a Parking and Traffic Safety Committee site visit can be conducted.

- [5 (VI.A.)] **Action Item:** Islington Street speed limit between Route 33 and Route 1 Bypass – speed zoning recommendation – **VOTED** to maintain the speed limit at 30 mph until the Islington Street sidewalk design is completed and approved, and then report back to the Committee for reevaluation.

- [6 (VI.B.)] **Action Item:** Burkitt Street and Thornton Street intersection – All-way STOP request – **VOTED** to accept staff recommendation to relocate the NO PARKING HERE TO CORNER signs to 20 feet from the intersection in all directions.

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:26 a.m.

II. ROLL CALL:

Members Present:

Councilor, Brad Lown
City Manager, John Bohenko
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Acting Deputy Chief, Frank Warchol, Police Department
Member, Ted Gray
Member, Ronald Cypher
Member, Harold Whitehouse
Alternate Member, Mary Lou McElwain

Staff Advisors Present:

Parking Manager, Joey Giordano
Parking and Transportation Engineer, Eric Eby
Transportation Planner, Juliet Walker

Excused Absence:

Member, Shari Donnermeyer

III. ACCEPTANCE OF THE MINUTES:

Ted Gray motioned to accept October 1, 2015, meeting minutes.
Ron Cypher seconded.

Motion passed 9-0.

IV. FINANCIAL REPORT:

Harold Whitehouse asked for information on the boot removal fee and department responsible for action. City Manager Bohenko confirmed that the parking department is responsible for boot removal and staff will provide the cost data at the next meeting.

Harold Whitehouse motioned to accept September 2015 Financial Report.
Ted Gray seconded.

Motion passed 9-0.

V. NEW BUSINESS:

A. Driveway permit application appeal, 20 Chapel Street (Angelo Iannaco) – Eric Eby stated an application for a driveway permit for 20 Chapel Street was submitted to the Department of Public Works (DPW). The application was denied by DPW due to the following factors. As an appeal process, the applicant has presented it to the Parking and Traffic Safety Committee for reconsideration.

The proposed area for the driveway is only 8 feet wide between the two buildings, narrower than a standard parking space width of 8.5 feet. It would be very difficult to turn into the driveway and open the vehicle doors to get in and out of the vehicle. A driveway at this location would also present an unreasonable safety risk to the public: vehicles backing out of the driveway would not be able to see pedestrians on the sidewalk. The driveway would also require the removal of an on-street metered parking space. Staff recommendation is to deny the permit because of these issues.

Ted Gray motioned to accept staff recommendation for denial of permit. City Manager Bohenko seconded. **Vote 9-0, to accept staff recommendation for denial of permit.**

B. Request for No Parking on east side of Cutts Street between Maplewood Avenue and Leslie Drive (Cindy Dodds) – Eric Eby stated the request was presented by a homeowner in the area. He stated there are three No Parking signs posted along this section of Cutts Street between Maplewood Avenue and Leslie Drive. However, the area is not listed in the City's Code of Ordinance as a No Parking zone. Cutts Street is 28 feet wide, which is sufficient for parking on one side, with two 10 foot travel lanes. Parking exists on the west side of the roadway. When vehicles park along the east side of the roadway, it limits sight lines for vehicles turning out of the driveways, and restricts Cutts Street to one lane of traffic. Staff recommends approving the No Parking zone designation on the east side of Cutts Street between Maplewood Avenue and Leslie Drive, to back the existing signs with an ordinance.

Ted Gray stated he did a site visit and noticed that there are open spaces on the roadway to park. He believes the homeowner requesting the action does not live in the area. He does not support the motion for the entire section of roadway. He would support the No Parking zone section from Maplewood Avenue to the driveway of the property formally known as the Cutts Mansion.

Public Works Director Rice stated that typically this type of request would require a site visit. The Committee did not have the usual Tuesday site visit this month because of Election Day.

City Manager Bohenko motioned to postpone the action item until a Parking and Traffic Safety Committee site visit can be conducted. Harold Whitehouse seconded. **Vote 9-0, to postpone the action item until a Parking and Traffic Safety Committee site visit can be conducted.**

VI. OLD BUSINESS:

A. Islington Street between Route 33 and Route 1 Bypass - speed zoning recommendation – Eric Eby said there was a request to lower the speed limit from 30 mph to 25 mph on Islington Street. As part of any speed limit reduction request, a study must be done to document the need for a speed limit change. By state law, 30 mph is the lowest speed limit unless an engineering study is completed.

The Portsmouth Police Department placed a speed monitoring and recording device on Islington Street for a total of three weeks to gather data on traffic volume and speed. The data collected revealed that the average speed of traffic is 32 mph. The 85th percentile speeds, the speed at or below which 85 percent of the motorists travel, are 39 mph inbound and 38 mph outbound on Islington Street. The 85th percentile speed is the main value used for establishing speed limits.

Eric Eby stated if the 85th percentile rule was followed in this case, the speed limit would be posted at 35 mph or 40 mph. However, the residential nature of the street is not compatible with a 40 mph speed limit. He stated 30 mph is the desired speed for the area. Also, studies have proven that lowering the speed limit number on the sign does not effectively reduce speeds. Drivers drive at a speed at which they feel comfortable and safe.

Eric Eby stated that the accident history provided by the Portsmouth Police Department indicated that this section of Islington Street has experienced a total of 11 accidents over the past 5 years. This is equivalent to 108 crashes per 100 million vehicle miles traveled (MVT). It is a very low accident rate for the 7,500 vehicles that travel that section of roadway daily. The accidents that have occurred have not resulted from speeding.

Eric Eby stated that with the current road design, it is recommended to keep the 30 mph speed limit until completion of the planned sidewalk project and updated 85th percentile speed data supports lowering it.

Harold Whitehouse asked about the narrowing of Islington Street from 12 feet to 10 feet. He wanted to know if it would be similar to the Middle Street design. Public Works Director Rice stated the design has not been completed, but it would not be the same configuration as the Middle Street project. The request for a sidewalk has been made and has been funded by the City Council. Public Works Director Rice stated that as part of the work, the department would look at incorporating bicycle lanes and/or a shared path. However, a final design has not been completed.

Mary Lou McElwain presented the issue of enforcement and asked that the topic be addressed at this meeting or a future one. She suggested posting signs at entrances into the city that warn drivers speed limits will be strictly enforced. Enforcement is key to the issue of lowering speed limits.

Acting Deputy Chief, Frank Warchol, stated that enforcement happens on a regular basis. He stated that speeding is the number one quality of life issue in the city and is very important to the department. Efforts are being focused on the issue and education is part of that process.

City Manager Bohenko agreed that enforcement is important and he will discuss it with the Police Department and Department of Public Works Transportation Engineer.

City Manager Bohenko motioned to suspend the rules to allow public comments. Public Works Director Rice seconded. **Vote 9-0, to suspend the rules.**

Rick Becksted, 1395 Islington Street, commended the committee on allowing him to comment before the committee took action on this item. He stated that the average speed on Islington Street was 36 mph to 42 mph when the radar speed signs were present. His neighbor observed the vehicle speeds and took notes. He asked the Police Department to install the radar speed signs in locations where speeding is a problem.

City Manager Bohenko stated that he would make a motion to maintain the speed limit at 30 mph until the design of the sidewalk project has been completed and then bring the item back to the Committee for discussion and possible adjustment. He stated that neighborhoods would be actively involved through context based design. He will also discuss with staff the possibility of purchasing additional radar speed signs.

City Manager Bohenko motioned to maintain the speed limit at 30 mph until the Islington Street sidewalk design is completed and approved, and then report back to the Committee for reevaluation. Ted Gray seconded. **Vote 9-0, to maintain the speed limit at 30 mph until the Islington Street sidewalk design is completed and approved, and then report back to the Committee for reevaluation.**

City Manager Bohenko motioned to suspend the rules for purposes of discussion only regarding the Chapter 7 Bicycle ordinance update. Ron Cypher seconded. **Vote 9-0, to suspend the rules.**

Mary Lou McElwain requested this item be addressed because she would like to have it clarified. The ordinance changes need to be clearly identified for better understanding. She would like the document to address the specific changes proposed to the ordinance.

Eric Eby clarified that mopeds and bicycles are treated the same under the state statutes, but Segways are treated differently.

City Manager Bohenko stated that the document could be "cleaned up" and would be included in the Omnibus list at the end of the year. Chairman Lown stated the item would then go to the City Council for three readings and could be amended during that process.

B. Burkitt Street and Thornton Street intersection – All-way STOP request. Eric Eby stated that this item was presented at the October meeting. Currently, STOP signs are present on the Burkitt Street approaches to the intersection. NO PARKING HERE TO CORNER signs are present on all four legs of the intersection, but less than the state requirement of 20 feet from the intersection. Eric Eby recommended relocating the signs to 20 feet from the intersection in all directions.

Ted Gray said that this item has been presented previously and yield signs were discussed as a possible solution.

Harold Whitehouse motioned to accept DPW recommendation for NO PARKING HERE TO CORNER signs relocation. Mary Lou McElwain seconded. **Vote 9-0, to accept DPW recommendation for NO PARKING HERE TO CORNER signs relocation.**

VII. PUBLIC COMMENT

Doug Roberts, 247 Richards Avenue, discussed three points of Donald Shoup's formula for effective parking. Mr. Roberts discussed the ideas on returning revenues in obvious ways to the community. He offered several specific suggestions of how this could be implemented. Mr. Roberts also discussed traffic enforcement citations.

City Manager Bohenko responded, stating that parking revenues go to the snow removal downtown, which benefits businesses and citizens. Revenues also fund public transportation, senior citizen transportation, and sidewalk improvements near the parking garage. He agrees that the public should be aware of the improvements made by parking revenues.

Sherry Brandsema, 865 Woodbury Avenue, discussed her difficulty backing out into the street from her driveway.

Fred Lewis, 1238 Maplewood Avenue

Kevin Drohan, 1240 Maplewood Avenue

Larry Francoeur, 1003 Woodbury Avenue

Howard Mangold, 1275 Maplewood Avenue

Ryan Akers, 999 Woodbury Avenue

They voiced their opposition to a traffic circle at Maplewood Avenue and Woodbury Avenue.

Rick Becksted, 1395 Islington Street, discussed traffic calming measures on Market Street. He asked about the cost of the devices discussed during the work session and the discounts some businesses receive from parking in the garage.

Ron Cypher commented on backing out onto a roadway: he suggested backing into the driveway.

VIII. INFORMATIONAL

A. Banfield Road update - Eric Eby stated that a RFP (Request for Proposal) has been issued. Two firms will be interviewed and one selected to prepare a design to update the culvert crossings near Heritage Avenue and develop a master plan of the entire corridor. The public process will begin soon on the design portion.

Eric Eby stated that a meeting was held with NHDOT and Water Country representatives to discuss the traffic patterns coming out of Water Country and the use of Banfield Road. The City will work with Water Country to conduct a traffic study to determine the potential impacts of rerouting Water Country traffic.

B. Woodbury Avenue from Gosling Road to Market Street – signal project update

Eric Eby stated this is a state funded project. All signals along the corridor are being inventoried and studied to design an updated coordinated traffic signal system for better traffic flow. It is in the design stage currently, and it is anticipated that a final design will be completed in six months.

Public Works Director Rice stated that intersection configurations are also part of the design process. Modifications and aesthetic improvements of intersections are also being reviewed. These improvements will be phased in over time and are dependent on funding.

C. STOP sign installation Tech Notes handout - Eric Eby provided an informational pamphlet on the proper use of stop signs.

D. Portsmouth Click and Fix - Public Works Director Rice informed the Committee of a new program, Portsmouth Click N' Fix, that will allow residents to report issues and request services through an online and mobile interface. The Portsmouth Library staff can assist residents in learning the new system. It is an additional tool to help in the allocation of resources.

E. Bike corral seasonal removal - Juliet Walker informed the Committee the seasonal bike corrals would be removed the week of Thanksgiving. They will be reinstalled in April or May 2016. She stated that usage has been tracked by parking enforcement staff and a few business owners after hours.

F. Colored crosswalk on Middle Street at Richards Avenue - Eric Eby stated that the brick red color was chosen for the crosswalk pattern due to contrast and visibility. Once the utility work is completed, the colored pattern would be painted in-between the white markings, weather permitting. The pedestrian warning signs have also been updated.

Mary Lou McElwain requested an update on the EasyPark program, including how well it has been advertised. She also requested an update from Joey Giordano, Parking Manager, on the usage of the garage, who is using it, and how many passes are being issued. She also requested information on the summer usage of the municipal lot, free parking, and the shuttle.

IX. ADJOURNMENT – At 9:33 a.m., voted to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary of the Committee

WORK SESSION MINUTES
PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – Thursday, November 5, 2015
City Hall – Eileen Dondero Foley Council Chambers

PRESENT: Councilor Brad Lown,
City Manager, John Bohenko
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Acting Deputy Chief, Frank Warchol, Police Department
Member, Ted Gray
Member, Ronald Cypher
Member, Harold Whitehouse
Alternate Member, Mary Lou McElwain
Councilor Chris Dwyer (via telephone)

STAFF ADVISORS:
Parking Manager, Joey Giordano
Parking and Transportation Engineer, Eric Eby
Transportation Planner, Juliet Walker

ABSENT: Member, Shari Donnermeyer

Joey Giordano, Parking Manager, presented at the work session. His presentation focused on the Guiding Parking Principles for the Central Business District.

The work session goals were as follows: to review the overall parking principles, better understand the current parking system, and to look at the programmatic changes in the parking system. Mr. Giordano focused on two overall principles. The first principle discussed was a balanced mix of retail/restaurant, office, and residential use, which are a key to downtown vitality. The second principle discussed was a downtown parking supply that is convenient, viable, and central to downtown destinations and that this principal is key to the short-term and long-term health of the City's retail, restaurant, and office economy.

The current system includes on-street parking, off-street parking including the parking garage, and public/private parking. The on-street parking program includes single space meters, pay and display meters, and free time-limited parking. The off-street parking program includes the pay and display lots, parking garage and free lots. The public/private partnerships includes a number of locations and staff actively seeks new private partnerships.

Mr. Giordano provided possible future considerations for the parking program. Some considerations discussed were the current industry standards, Donald Shoup's book *High Cost of Free Parking*, and current operations. The current industry standard is to achieve 85% parking utilization by using real time data. The goal is to establish a price point that creates turnover by using real time data to move prices up or down. Mr. Giordano stated that manual counts are currently taken over a four-day period several times per year. He stated that current industry standards are to remove time limits. The City's program currently uses time limits, not

pricing, to create turnover. The current industry standard is 24-hour parking utilization, but City enforcement now ends at 7 p.m. An ordinance change would be required to move from a time-limit based system to a price-based parking system.

Some single space meters are currently being used in the parking program. Several disadvantages of single space meters include the exclusive use of coins and the lack of technology to collect data. If a rate change is made, the utility mechanics must manually address each meter. There are approximately 300 single space meters in the City.

Mr. Giordano discussed current available technologies, which includes smart meters. The smart meters require only a head change to the existing single space meters. They accept coin, credit cards, and payment by smartphone app. There will be a future trial study conducted in the City using this technology.

Multi-space meters are also being used in the parking program. There is one multi-space meter for approximately 10 to 12 parking spaces. This system requires the driver to exit the vehicle, walk to the meter and pay, and return to the vehicle to place the ticket on dashboard as proof of payment. New technology that is currently available uses the same infrastructure system, but it is a pay-by-space system. One drawback to using the pay-by-space system is the need for signs indicating each space number. Sensors could be installed on poles to collect real time data.

Mr. Giordano discussed four programmatic changes needed to move the parking program forward. The changes are: real time data on occupancy, user education, ordinance changes, and continued development of public/private partnerships.

Peter Rice, Public Works Director, reiterated that the parking division is not planning on implementing the changes discussed in the presentation at this time. The presentation was to provide an overview of the technologies that are currently being utilized in the field, provide information to the public, and to inform the Committee.

Ted Gray asked if there was an alternative to the payment process of using a multi-space meter. He stated people do not want to exit their vehicle, pay at a meter and return to the vehicle, especially when it snows. Mr. Giordano stated that there are alternatives, for example, a pay by phone application. Training would be needed for parking enforcement staff and software upgrades would be required.

Mary Lou McElwain asked if the downtown business community has commented on the time limit restrictions. She has heard from business owners who are losing sales because of the time limits. Mr. Giordano stated that the time limits are needed in order to keep turnover in the area. He assured the Committee that business owners would be notified of any changes.

Harold Whitehouse stated that all new technologies must be operational in the New England climate.

Ron Cypher asked about the payment process for parking in the garage. Mr. Giordano explained the new credit card and pay-on-foot process. He assured the public and Committee that more information would be disseminated before changes are implemented.

Chris Dwyer asked if staff had information about evening enforcement programs in other cities. Mr. Giordano stated that many communities are going to no time limits. He stated that some are enforcing until 11 p.m., or 24-hour enforcement, to ensure parking turnover.

Mary Lou McElwain asked if Councilor Thorsen's memo was addressed in the presentation. Mr. Giordano stated that the items in the memo were addressed in today's presentation. She favors single space meters, free parking, and wants to ensure that the community is involved in any changes.

Adjournment – At 8:24 a.m.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

02 December, 2015.

To : Portsmouth City Council

From : Zelita Morgan, City Councilor

Re. : **Right-To-Know Law – charging for labor costs**

In January 2015, the New Hampshire Legislature introduced HB-646, which proposed amending the current Right-To-Know-Law legislation (RSA 91-A) to allow municipalities to charge for the cost of labor for the reproduction of public documents. This bill is currently tabled, and many other subsequent amendments and co-related bills have been introduced since then.

Providing fair, free, reasonable, and easy access to documents related to government actions, processes and decisions, is what makes and keeps democratic societies and communities healthy and strong.

With the power vested in us by the City of Portsmouth residents through a democratic process of representation, it is our obligation and duty to take a stand in safeguarding these rights **now**, not later.

In this spirit, I make the following motion for a vote by the Portsmouth City Council:

"The Portsmouth City Council does not support any proposal to amend the Right-To-Know Law (RSA 91-A) that would allow municipalities to charge for the cost of labor for the reproduction of public documents. It shall be the policy in the City of Portsmouth to not charge city residents and the press for the cost of labor for access to and retrieving or reproducing public documents."

Sincerely,
Zelita Morgan
City Councilor