

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, DECEMBER 19, 2016 TIME: 6:00PM

## **AGENDA**

- 5:30PM – NON-MEETING RE: STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING - RSA 91-A:2,I (a) – PORTSMOUTH POLICE CIVILIAN EMPLOYEES ASSOCIATION TENTATIVE AGREEMENT
- 6:00PM – PRESCOTT PARK MASTER PLAN

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### **PROCLAMATION**

1. Master Sergeant Darrin Sargent Formal Retirement from the NH Air National Guard

### **PRESENTATION**

1. Portsmouth High School Madrigal Singers
2. New Hampshire Municipal Association
3. Update Re: Click N' Fix

### **V. ACCEPTANCE OF MINUTES – DECEMBER 5, 2016**

### **VI. PUBLIC COMMENT SESSION**

### **VII. PUBLIC HEARINGS**

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXIS, SECTION 7.201 – 7.217
- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLES 2, 3, 11 AND 15, TO IMPLEMENT HOUSEKEEPING CHANGES RELATIVE TO CONFORMANCE WITH STATE LAW, NONCONFORMING BUILDINGS AND STRUCTURES, SETBACK REQUIREMENTS FOR PARKING AREAS, AND THE DEFINITION OF “STRUCTURE”
- C. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLES 5 AND 15, TO REVISE AND CLARIFY PROVISIONS RELATED TO YARDS (I.E., SETBACKS) EXCEPTIONS TO YARD REQUIREMENTS, AND PROJECTIONS INTO REQUIRED YARDS; AND TO CLARIFY THE DEFINITION OF “BUILDING COVERAGE”
- D. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5, SECTION 10.521, TO REDUCE THE MAXIMUM BUILDING HEIGHT FROM 35 FEET TO 30 FEET IN RESIDENTIAL DISTRICTS, AND FROM 40 FEET TO 35 FEET IN THE MIXED RESIDENTIAL DISTRICTS

- E. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLES 4, 8 AND 15, TO ALLOW ACCESSORY DWELLING UNITS AND GARDEN COTTAGES BY CONDITIONAL USE PERMIT FROM THE PLANNING BOARD, AND TO ESTABLISH STANDARDS AND PROCEDURE FOR SUCH USES, IN ORDER TO COMPLY WITH A NEW STATE LAW
- F. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLES 5A AND 6, REGARDING THE HISTORIC DISTRICT, TO REFERENCE DESIGN GUIDELINES ADOPTED BY THE HISTORIC DISTRICT COMMISSION, TO REVISE AND EXPAND THE LIST OF ACTIVITIES THAT ARE EXEMPTED FROM HDC REVIEW AND APPROVAL, AND TO CLARIFY THAT EXEMPTED USES ARE SUBJECT TO ADMINISTRATIVE REVIEW AND APPROVAL
- G. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 10, SECTION 10.1010 – WETLANDS PROTECTION, TO EXPAND THE JURISDICTIONAL WETLANDS TO INCLUDE A PORTION OF THE PISCATAQUA RIVER SHOREFRONT NORTH OF THE I-95 BRIDGE, TO CLARIFY THE EXISTING ALLOWANCE FOR EXPANSION OF A SINGLE OR TWO-FAMILY DWELLING, AND TO REQUIRE RESTORATION OF A VEGETATED BUFFER STRIP TO THE EXTENT FEASIBLE
- H. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 12 – SIGNS, TO LIMIT THE TYPE AND MANNER OF ILLUMINATION OF SIGNS USING “DIRECT ILLUMINATION,” SUCH AS LED OR PLASMA SIGNS

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

- A. Acceptance of Donation for the 400th Anniversary Trust from Harold Whitehouse - \$300.00 (***Sample motion – move to accept the \$300.00 Donation for the 400<sup>th</sup> Anniversary Trust***)

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

- A. Second reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217
- B. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure”
- C. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”
- D. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts

- E. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law
- F. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval
- G. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible
- H. Second reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination,” such as LED or plasma signs

## **X. CONSENT AGENDA**

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

- A. Request for License to Install Projecting Sign:

Chloe Kelley owner of Serendipity for property located at 41 Pleasant Street  
***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

#### ***Planning Director’s Stipulations:***

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

B. Request for License to Install Projecting Sign:

Emily Stearns owner of Drift, LLC for property located 12B Fleet Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

***Planning Director's Stipulations:***

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

C. Request for License to Install Projecting Sign:

Tom Chappell owner of Ramblers Way for property located at 100 Market Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

***Planning Director's Stipulations:***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

*(There are no items under this section of the agenda this evening)*

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

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

1. Proposed Public Hearing Re: Amending Elderly and Disabled Exemptions
2. Request for Public Hearing Re: All Veterans Tax Credit RSA 72:28 (b)
3. Sale of Surplus Generator
4. Adoption of Housing Policy & Housing Committee Recommendations

#### **Informational items**

1. Events Listing
2. Report Back Re: Cultural Plan
3. LED Streetlight Rebate Funds

### **B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Reappointment of Philip Cohen to the Economic Development Commission
  - Appointment of Sarah LaChance to the Economic Development Commission
  - Appointment of Jane Begala to the Planning Board as an Alternate member
2. \*Appointments to be Voted:
  - Appointment of Robin Pickering to the Portsmouth Housing Authority – Resident Representative
  - Reappointment of Chris Mulligan to the Zoning Board of Adjustment
  - Reappointment of David Rheaume to the Zoning Board of Adjustment
3. Appointment by Mayor to Sustainable Practices Blue Ribbon Committee – Tracey Cameron
4. Resignation of Stefany Shaheen from the Economic Development Commission

### **C. ASSISTANT MAYOR SPLAINE**

1. At 50 Years:  
Remembering Portsmouth's North End

### **D. COUNCILOR DWYER**

1. \*Middle School Update

### **E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Meeting Action Sheet and Minutes of the December 1, 2016 (***Sample motion – move to approve and accept the Parking & Traffic Safety Committee action sheet and minutes of the December 1, 2016 meeting***)

**F. COUNCILOR SPEAR**

1. \*Extending evening hours of downtown parking meter enforcement in Portsmouth

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

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

*\*Indicates Verbal Report*

**INFORMATION ITEMS**

*(There are no items on under this section of the agenda this evening)*

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

The Council Chambers  
City Hall  
Portsmouth, New Hampshire

A Proclamation

- Whereas:** Portsmouth Police Lieutenant Darrin Sargent, in addition to serving the City of Portsmouth for seventeen years as a police officer, has concurrently served his Country as an airman in the New Hampshire Air National Guard; and
- Whereas:** The members of the Air National Guard play an essential role in safeguarding the rights and freedoms of Portsmouth, the State of New Hampshire, and the Country; and
- Whereas:** It is important that all citizens take every opportunity to acknowledge the responsibilities, hazards, service, and sacrifices of those who guard our freedom; and
- Whereas:** The Airmen and Women of the New Hampshire Air National Guard 157<sup>th</sup> Air Refueling Wing, unceasingly provide a vital public service; and
- Whereas:** Master Sergeant Darrin P. Sargent has distinguished himself as the recipient of the Air Force Commendation Medal in 2006, the Air Force Commendation Medal, First Oak Leaf Cluster, in 2009, and the Meritorious Service Medal in 2015;

Now, therefore, I, Jack Blalock, Mayor of the City of Portsmouth, on behalf of the members of the City Council, on the occasion of Master Sergeant Darrin P. Sargent's formal retirement from service in the New Hampshire Air National Guard do hereby publicly recognize, commend, and thank Master Sergeant Darrin P. Sargent for his twenty-two years of selfless service and deployment on behalf of his countrymen, and call upon all citizens of Portsmouth to do the same.

Given with my hand and the  
Seal of the City of Portsmouth,  
on this 19<sup>th</sup> day of December, 2016.

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Jack Blalock, Mayor of Portsmouth

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 5, 2016

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:00 p.m. the City Council held a Work Session regarding Food Vendor Trucks.

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

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

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Dwyer led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

1. Update Re: Pease Tradeport PFC's

Andrea Amico provided an updated for the community regarding the Pease Tradeport PFC's. She addressed the Air Force putting together their Restoration Advisory Board to focus on the cleanup of the wells. She said the meetings are taking place quarterly and a great deal of information is exchanged. She also spoke regarding the CAP which met 3 times but phone calls are held monthly that take approximately 1 hour. Ms. Amico said that people are in need of more streamlined information for their health care providers. She said that there is a comprehensive website available on these matters and brings all the resources together. She urged residents to refer to the website for additional in-depth information.

Assistant Mayor Splaine asked if they can define better the needs for the future. Ms. Amico said there will possibly be decades of research taking place.

Councilor Spear said the State and National Government could do a better job in preventing this. Ms. Amico said they should be regulating on the front end.



2. Update from Deputy Public Works Director Brian Goetz Re: Haven Well

Deputy Director Goetz explained the Pease Tradeport Water System that is made of 3 wells and 2 storage tanks. He reviewed the chronology of events of the Haven Well shutdown. He stated that ongoing monitoring continues on the wells. He spoke to the EPA update for regulating advisory on the PFC's and said they are lowering the levels of PFOA & PFO's to 70 parts per trillion.

He addressed the filters of the wells and the consideration in final design on the new treatment system. Deputy Director Goetz stated that all sample results are on the City's website and we will continue the sampling and assessment of the filter performance.

City Manager Bohenko said that we are going to keep trying to get the Air Force to pay for the entire cost of the system and all water will come through totally treated.

3. Zagster – Bike Share for Portsmouth – Juliet Walker, Deputy Planning Director

Deputy Planning Director Walker said that Zagster provides bike sharing for small and medium size communities. The bikes are designed to get you from point to point.

Dave Reed of Zagster provided an overview of Zagster and the impact of bike share for the community. He said people love to get around via a bicycle. He reported that bike sharing brings business which is an economic benefit, it also impacts public health and bike share drives mode shifts which benefits the transportation aspect for the City. He stated that Zagster has the most bike-share programs in the United States with over 150 programs. Mr. Reed advised the City Council that coming in 2017 will be Manchester, NH; Lexington, MA; Salem, MA; and New Bedford, MA. Deputy Planning Director Walker reported that Portsmouth will launch this program in the summer of 2017.

Councilor Denton asked if this would affect current bike racks in the City. City Manager Bohenko said it would not.

Councilor Cyr said the West End is an ideal location for a bike station. Councilor Spear said he would like to have seasonal stations.

Deputy Planning Director Walker said that the City will also look into program incentives.

Councilor Dwyer asked what does liability insurance cover. Mr. Reed said he would get back to the City with that information.

**V. ACCEPTANCE OF MINUTES – OCTOBER 17, 2016 & NOVEMBER 21, 2016**

**Councilor Lown moved to accept and approve the minutes of the October 17, 2016 and November 21, 2016 City Council meetings. Seconded by Councilor Pearson and voted.**

## VI. PUBLIC COMMENT SESSION

Zelita Morgan – said she would like to know when the ethics complaint will come to the public. She asked when the meeting will be held by the City Attorney and the Mayor on the ethics complaint.

Marylou McElwain – spoke to the recent event Tote around Town that was held by Tonya Hart. She said 30 business were involved in the shop locally day where you received a sticker or a tote bag and could receive discounts in those stores that participated. She said the recent \$20,000.00 grant to the Chamber of Commerce should include those small businesses owners that are not part of the Chamber.

Mark Brighton spoke regarding the City Council being ethical with the recent ethics complaint made.

John Palreiro asked the City Council to table the first reading of the Taxi Ordinance because the taxi companies have not had the opportunity to look at the Ordinance.

Jerry Zelin said he supports Assistant Mayor Splaine's policy for non-meetings that he will be bringing forward this evening. He spoke between the difference of a Non Public Session and a Non-Meeting. He said if the City Council engages with discussion between City Manager and the City Council during the non-meetings it is a violation.

Jeffrey Cooper spoke on the Accessory Dwelling Units proposed Ordinance and said you cannot use the Zoning Ordinance to restrict accessory dwellings. He said he opposes the proposed Ordinance and said he understands the City Council's concern of over density and setbacks. He said the new State Law provides home owners a way to keep their homes and we should welcome these changes. He said the City Council should do nothing on the accessory dwelling matter.

Ronald Poulin – spoke on the Comcast contract which expires in 2018. He said the Cable Television Communication Commission is conducting a survey and urged everyone to take part in it which is located on the City's website for the public to access.

Esther Kennedy said Assistant Mayor Splaine's policy is supported by many individuals. She said the Council should adopt the policy and be more transparent.

Barbara Ward spoke in favor of the City taking action on the 400<sup>th</sup> Anniversary that will be coming up in 2023 for the City. She feels everyone should provide content on this matter. She would like there to be a method where organizations could apply and produce content.

Councilor Spear said the grant to the Chamber of Commerce is to benefit all businesses.

## VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Wilcox Industries, Corp. - \$40,000.00

Mayor Blalock said the Wilcox Industries will provide the funding on an annual basis.

City Manager Bohenko said Mr. Teetzel approached him to provide this annual donation for the next 10 years and that the funding also go towards entertainment prior to the fireworks. He also spoke to Mr. Teetzel's request to have the event theme for Veteran's Count. He said we are very excited and looking forward to the event and are very thankful for his generosity.

**Councilor Spear moved to accept Wilcox's donation and ongoing sponsorship through July 4, 2027. Seconded by Councilor Cyr.**

Councilor Spear said he would like to look at having the fireworks on July 4<sup>th</sup>. City Manager Bohenko said there are a limited number of certified technicians and we have held the fireworks for the last 40 years on July 3<sup>rd</sup>. He said he does not suggest rebranding the event.

Councilor Cyr asked what we budget for the event presently. City Manager Bohenko said funding is currently \$25,000.00 to \$30,000.00.

**Motion passed.**

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

- A. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure”

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Dwyer and voted.**

- B. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Spear and voted.**

- C. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10,521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Spear.**

Councilor Spear said he would like to limit this to flat top roofs. City Manager Bohenko said we could look into that.

Councilor Dwyer said she would like a sense of common heights in some of these zones.

**Motion passed.**

- D. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new State law

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Cyr.**

Councilor Dwyer asked if there is a definition of accessory use. Planning Director Taintor said there is no definition. Councilor Dwyer said there should be a definition and other legislation should come forward for this. She said this provides more flexibility in the City.

Councilor Cyr spoke to the item in accessory dwelling requiring an interior door. Planning Director Taintor said it is a part of state law. Councilor Cyr said in garden cottages he would like to see them larger and to the size of a two car garage. He expressed concern with everything going through the Planning Department for a decision. Planning Director Taintor said the Planning Board decided they wanted everything to go through them and if things needed to change they would make a change.

Councilor Dwyer said she supports the Planning Board reviewing these for the first year and after the year the City Council should review the entire process.

Councilor Perkins said she would like to allow more opportunity for this and the Council should revisit this in a year.

**Motion passed.**

- E. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Spear and voted.**

- F. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Spear and voted.**

- G. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Spear and voted.**

**Councilor Spear moved to suspend the rules in order to take up Item XI. A.1. – Approval of Agreement Re: 400<sup>th</sup> Anniversary Celebration. Seconded by Councilor Lown and voted.**

City Manager Bohenko reported that this would be a 9 member Committee and the first part of funding would come from UDAG and the Contingency Fund. He said in FY19 there will be a budget submitted to get money into the Trust. He recommended moving forward with his suggested motion.

**Councilor Spear moved to approve the Agreement for the 400<sup>th</sup> Anniversary Celebration, and further, request the use of \$50,000.00 from Urban Development Action Grant (UDAG) and \$50,000.00 from the Contingency Account to fund the Agreement. Seconded by Assistant Mayor Splaine and voted.**

- H. First reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Seconded by Councilor Spear.**

Assistant Mayor Splaine asked if the Commission reviewed the Ordinance. Councilor Cyr said there was feedback from the Commission at their last meeting. Deputy City Attorney Woodland said that a different draft was provided to the Commission but the Ordinance was posted on the website and feedback was received.

Councilor Dwyer said it was helpful to have the side by side comparison of the Ordinance. She would like to make it easier for taxis at second reading.

Councilor Denton suggested making the background checks similar to the checks by the State of New Hampshire.

Assistant Mayor Splaine said amendments to the Ordinance can be made at second reading but they should be made in writing.

**Motion passed.**

At 9:00 p.m., Mayor Blalock called a brief recess. Mayor Blalock called the meeting back to order at 9:15 p.m.

## **IX. CONSENT AGENDA**

- A. Letter from Jennie Halstead, Celebrate Pink, requesting permission to hold the 9<sup>th</sup> Annual 5k Walk & Run on Sunday, September 17, 2017 at 9:00 a.m. at Portsmouth Middle School
- B. Letter from Lilia Potter-Schwartz requesting permission to hold a triathlon beginning at Portsmouth High School on Sunday, May 18, 2017
- C. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 26, 2017

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

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

### **A. CITY MANAGER**

2. Renewal of New Hampshire Public Radio Lease for Rooftop Antenna

City Manager Bohenko said this is a renewal of the lease and maintenance to the antenna on the top of the City Hall building.

**Councilor Spear moved to authorize the City Manager to enter into a Lease with New Hampshire Public Radio for a rooftop antenna and other equipment. Seconded by Councilor Cyr and voted.**

### **B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Appointment of Robin Pickering to the Portsmouth Housing Authority – Resident Representative
  - Reappointment of Chris Mulligan to the Zoning Board of Adjustment
  - Reappointment of David Rheaume to the Zoning Board of Adjustment

The City Council considered the appointments brought forward by Mayor Blalock and action will take place at the December 19, 2016 City Council meeting.

2. Appointments to be Voted

**Councilor Spear moved to reappoint Robert Marchewka to the Economic Development Commission until October 1, 2020; appointment of Richard Shea to the Historic District Commission until June 1, 2019 and appointment of Martin Ryan as Alternate to Historic District Commission until June 1, 2018. Seconded by Councilor Cyr and voted.**

**C. ASSISTANT MAYOR SPLAINE**

1. Portsmouth City Council Policy, Re: “Non-Meetings with Legal Counsel,” and request for Ethics and Conflicts of Interest Training Workshop

**Assistant Mayor Splaine moved “The City Council shall not hold a “Non-Meeting” as provided for under the New Hampshire Right-to-Know law, “91-A-2(b) Consultation with Legal Counsel” unless it is conducted in full compliance with the N.H. Attorney General Right-To-Know Law guidelines Memorandum dated March 20, 2015, which states:**

***“Everyone except members of the public body should be excluded from the room when any consultation with legal counsel occurs. Minutes are not required or appropriate for consultation with legal counsel. Consultation with legal counsel should be limited to discussion of legal issues. Deliberation about the matter on which advice is sought may not occur during consultation with legal counsel. The public body must reconvene and, unless a statutory exemption allowing deliberation in non-public session exists, conduct deliberation in a public session.” Seconded by Councilor Denton.***

Assistant Mayor Splaine said that this is the right thing to do and guarantees transparency.

Councilor Denton said he agrees with the intent but disagrees with the wording of the motion. He said the control group for Non-Meetings includes the City Manager and City Clerk.

**Councilor Denton moved to amend the motion to read as follows: “The City Council shall not hold a “Non-Meeting” as provided for under the New Hampshire Right-To-Know, “91-A-2(b) Consultation with Legal Counsel” unless the City Attorney initiates and defines the scope of the meeting”. Seconded by Councilor Spear.**

Councilor Denton said that this would do what the motion is intended and would lend to the discussion between the City Attorney and City Council.

Councilor Lown said currently the City Manager defines the content and scope of the “Non-Meeting” and asked if Councilor Denton is saying that the City Attorney would set the scope at the time the City Council wants to enter into “Non-Meeting”.

Councilor Dwyer said she read the Attorney Generals guidance and there is one mention of who should be in “Non-Meeting”. She said it does speak to the town meeting, but in nowhere does it say to exclude the City Manager from “Non-Meeting”

Councilor Lown said we need to have “Non-Meetings” and we do not seek to make decisions in “Non-Meetings”, we received advice, we follow the law, and do not violate the law in any way.

Councilor Spear asked City Attorney Sullivan on who can attend the “Non-Meetings.” City Attorney said the statute does not say who can be present at “Non-Meetings.” He spoke to the recent guide he provided on transparency and urged the City Councilors to review it.

Councilor Denton said in a ruling in the case Porter vs. Town of Sandwich the judge ruled that the City Manager is part of the control group in “Non-Meetings.” He further stated that the City Manager and the City Clerk were allowed to be part of the “Non-Meetings.”

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said in accordance with our Charter the City Manager shall have the right to take part in discussion of all matters coming before the City Council, but the City Manager shall not be a voting member of the Council. Mayor Blalock said he would support the amendment by Councilor Denton.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Assistant Mayor Splaine said the Council has done things wrong. He said we have had “Non-Meetings” and not involved the City Attorney and there have been no comments by the City Council in a “Non-Meeting.” He said he would take the matter to court and former City Councilors will testify to us not following the rules of a “Non-Meeting”.

Much discussion followed.

Councilor Cyr said he would like to table the discussion until the next City Council meeting. Councilor Cyr moved to table until the December 19, 2016 City Council meeting. Motion received no second.

Assistant Mayor Splaine asked who could attend the “Non-Meeting” with the City Council. City Attorney Sullivan said any one allowed by State law.

**On a Roll Call vote 8-1, amendment to the motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton, Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.**

Assistant Mayor Splaine said he would be watching the Council very closely. He feels there are other ways of the Council doing business without having “Non-Meetings”.

Councilor Pearson said that the comments made by Assistant Mayor Splaine are accusatory and she would not support the motion as she does not feel the Council has done anything wrong.

Councilor Spear indicated he would vote against the motion as well. He said that Non Public Sessions do not include collective bargaining matters.

**On a roll call vote 5-4, voted to pass main motion as amended. Motion to read as follows: “The City Council shall not hold a “Non-Meeting” as provided for under the New Hampshire Right-To-Know, “91-A-2(b) Consultation with Legal Counsel” unless the City Attorney initiates and defines the scope of the meeting. Assistant Mayor Splaine, Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Perkins, Lown, Pearson and Spear voted opposed.**



1 A. Request for Ethics & Conflicts of Interest Training Workshop

**Assistant Mayor Splaine moved to hold a work session on Ethics & Conflicts of Interest Training in 60 days. Seconded by Councilor Denton.**

Councilor Spear said he would not support the motion.

Mayor Blalock said we will schedule a work session but most likely in March.

**On a roll call 1-8, motion to hold a work session on Ethics & Conflicts of Interest Training in 60 days failed to pass. Assistant Mayor Splaine voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.**

City Manager Bohenko announced that the Council will have tentatively two collective bargaining agreements coming before them for the next Council meeting and will ask City Attorney Sullivan on scheduling a "Non-Meeting".

**D. COUNCILOR DENTON**

1. Capital Improvement Plan - Anaerobic Digesters

**Councilor Denton moved to have City staff complete a Capital Improvement Plan form and be prepared to brief when necessary inclusion of an Anaerobic Digester at the Pease Wastewater Treatment Facility. Seconded by Councilor Lown and voted.**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Mayor Blalock said he received a letter regarding an ethics complaint and has done his independent review and City Attorney Sullivan is conducting his independent review.

Assistant Mayor Splaine said he is on the Board of Ethics and in January new members are chosen by lot. He asked that City Attorney Sullivan ensure that the School Board, Fire and Police Commissions do their votes by lot and follow proper conditions.

Councilor Dwyer said the Prescott Park Master Plan Committee will provide a physical Master Plan in a Work Session at the next Council meeting. City Manager Bohenko said the presentation will be held at 6:00 p.m.

Assistant Mayor Splaine said his legal counsel may be asking for a declaratory judgement against the City regarding the holding of "Non-Meetings."

**XIII. ADJOURNMENT**

**At 10:30 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.**

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

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201-7.217. 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

PM-00248610

The City Council will have to evaluate the extent to which it seeks to provide parity between a taxi owner and its drivers and a transportation network company (TNC) and its drivers. From the joint work session between the City Council and Transportation Services Commission it appeared that there was interest in maintaining a more robust regulatory structure for taxis. As will be evident from the summary below, the robustness of the proposed City taxi ordinance is premised on the separate regulation and municipal oversight of both taxi owners (vehicles) and their drivers. The new state law governing transportation network service companies is “less burdensome” in that the companies are effectively responsible for ensuring that its drivers and vehicles are compliant with state requirements. The ordinance can be redrafted if the City Council prefers a different structure of regulation.

**VEHICLE SAFETY:**

<b>TNC</b>	<b>Taxis</b>	<b>Comment</b>
TNC ensures vehicle safety compliance condition is met.	City ensures vehicle safety condition is met.	
State inspection.	State inspection by manufacturer dealer.	Slightly more burdensome.

**BACKGROUND CHECKS:**

<b>TNC</b>	<b>Taxis</b>	<b>Comment</b>
TNC responsible for local and criminal multi-state/multijurisdictional background check.	City is responsible for reviewing background information prior to issuing individual driver permits.	
No individual is to be a driver if: <ul style="list-style-type: none"> <li>- more than 3 moving violations in a prior three year period or one major violation in the prior 3 year period</li> <li>- convicted in the last 7 years of driving under the influence, fraud, sexual offenses, use of a motor vehicle to commit a felony, crime involving property damage/theft, acts of violence, acts of terror.</li> </ul>	No individual is to be a driver if: <ul style="list-style-type: none"> <li>- 3 or more convictions for moving violations directly related to operation of vehicle in past 3 years.</li> <li>- lost privilege to operate vehicle in past 3 years.</li> <li>- convicted of a felony or misdemeanor in past 7 years.</li> <li>- convicted of a felony involving a controlled substance or violence in past 15 years.</li> </ul>	Could make taxi ordinance identical.

**INSURANCE:**

<b>TNC</b>	<b>Taxis</b>	<b>Comment</b>
TNC ensures condition is met.	City ensures condition is met.	
\$300,000 for personal injury and property Damage while carrying a passenger for hire	\$300,000/\$500,000 per person/accident for personal injury. \$50,000 property damage.	The State law requires different levels of insurance depending on whether there is a passenger in the vehicle. When there is no passenger in the vehicle it is less.

**FEES:**

<b>TNC</b>	<b>Taxis</b>	<b>Comment</b>
\$500.00 annual permit fee to be paid by TNC.	Taxicab owners pay \$125.00 for a medallion for the first year with renewal fee \$100.00. Fees to be adjusted annually as part of regular budget process.	Because the requirements of meeting the state statute are left with the private company, the only fee collected by the State annually is from the registered TNC. The State does not directly regulate the drivers and therefore does not collect a fee from them. I have not investigated what types of fees the TNCs may charge those who wish to drive for them.
No State fee for TNC drivers.	Taxi drivers pay \$65.00 per year with renewal fee \$50.00. Fees to be set annually as part of regular budget process.	

**REPORTING/OVERSIGHT:**

<b>TNC</b>	<b>Taxis</b>	<b>Comment</b>
Little oversight.	Mandatory reporting obligations relative to driver conduct.	I have not investigated what type of internal reporting obligations TNCs may impose on their drivers.
	City has significant enforcement tools.	

**TAXI STANDS AND HAILS:**

<b>TNC</b>	<b>Taxis</b>	<b>Comment</b>
No street hails.	Street hails permitted.	
	May use taxi stands.	

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - S - of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced as follows:

**ARTICLE II: TAXIS**

**Section 7.201: PURPOSE**

**It is the intention of this ordinance to provide a structure for the regulation of motor vehicle operators who seek to hold themselves out as operators of a taxi, accepting the special benefits and burdens of that particular designation.**

**Section 7.202: TAXI DEFINED**

**The term "Taxi" shall mean any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger; except that this Ordinance shall not apply to the following:**

- A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;**
- B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse;**
- C. Transportation services that carry seven (7) or more passengers;**
- D. Transportation services operated by the municipality or other entity free-of-charge; and**
- E. Transportation network companies and their operators who are regulated under the laws of the State of New Hampshire.**

**Section 7.203: OPERATOR AND OWNER DEFINED**

- A. The term "Operator" as used in this Ordinance shall mean the person driving or having control or possession of a motor vehicle while it is being used as a Taxi.**
- B. The term "Owner" as used in this Ordinance shall mean the person or business entity having the ownership or leasehold of any vehicle used or licensed to be used as a Taxi.**

**Section 7.204: MEDALLION REQUIRED**

No vehicle shall be operated as a Taxi unless that vehicle has been issued a Medallion and such Medallion has not be suspended or revoked. The word “Medallion” shall mean the permission granted by the City of Portsmouth for a vehicle to be used as a Taxi.

**Section 7.205: TAXI LICENSE REQUIRED**

No person shall operate a motor vehicle as a Taxi within the City of Portsmouth unless such person holds a valid Taxi License issued by the City Clerk and is operating a vehicle with a valid Medallion.

**Section 7.206: TAXI LICENSE REQUIREMENTS**

- A. Any person seeking a Taxi License shall submit an application to City Clerk. Such application shall require the applicant to provide a residential history for the preceding ten (10) years and submit the results of a criminal background check and motor vehicle record history covering each jurisdiction in which the applicant has resided and the 10 year time period. In addition, the applicant shall provide a passport photograph and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Taxi License. The City Clerk has the authority to require the submission of results of criminal background checks and motor vehicle history records from multiple jurisdictions depending on the residency and residential history of the individual applicant.
- B. The City Clerk shall have the authority to issue a Taxi License upon the submission of documentation satisfactory to the City Clerk and Taxi Coordinator that the applicant meets the following criteria:
1. Possesses a valid motor vehicle operator’s license;
  2. Maintains a satisfactory motor vehicle record as defined in Section 7.206 (C);
  3. Has no disqualifying criminal conduct as defined in Section 7.206 (D); and
  4. Has received no more than three (3) violations of this ordinance in the year preceding the application and no more than six (6) total in all preceding years; and
  5. Payment of Taxi License fee.

The City Clerk reserves the right to deny a Taxi License to an unsuitable person.

- C. A motor vehicle record shall be deemed not satisfactory if:**
- 1. The applicant has three or more convictions for moving violations directly related to operation of a vehicle such as but not limited to speed, failure to stop and/or lane violations, in this or any other state, in the three years prior to the date of the application.**
  - 2. The applicant has lost his/her privilege to operate a motor vehicle (license revoked and/or suspended) at any time, in this or any other state, in the three years prior to the date of the application, for any reason related to the operation of a motor vehicle.**
- D. Disqualifying criminal conduct is defined as:**
- 1. The applicant has been convicted of a felony or misdemeanor, in this or any other state, in the seven years prior to the date of the application.**
  - 2. The applicant has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen years prior to the date of the application.**
- E. By submitting an application, applicant authorizes the City to undertake such investigation as it deems reasonably necessary to verify the applicant's statements and eligibility to hold a Taxi License.**
- F. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Taxi License shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.**

**Section 7.207: MEDALLION REQUIREMENTS**

- A. Any Owner seeking a Medallion for a vehicle shall submit an application to the City Clerk. Such application shall require the Owner to provide the vehicle identification number, proof of insurance and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Medallion.**
- B. The City Clerk shall have the authority to issue a Medallion upon the submission of documentation satisfactory to the City Clerk and Taxi Inspector that the following criteria have been met:**
- 1. Vehicle registration;**
  - 2. Vehicle has the required markings as set forth in Section 7.211 (A) and (B);**



3. **Proof that the vehicle passed a state inspection such inspection must have occurred at a manufacturer's dealership for the make of the vehicle to be used as a Taxi (maintenance and repair work can be done at any facility);**
  4. **Proof of adequate personal injury and property damage liability insurance coverage for the term of the Medallion; and**
  5. **Payment of Medallion Application Fee.**
- C. Adequate insurance shall be personal injury coverage of not be less than three hundred thousand dollars (\$300,000) for injury to one person with a total coverage of not less than five hundred thousand dollars (\$500,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence.**
- D. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Medallion shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.**

**Section 7.208: TAXI COORDINATOR**

**There shall be a Taxi Coordinator who shall be an officer of the Portsmouth Police Department assigned by the Chief of Police. That officer, in addition to his or her regular duties, shall assist the City Clerk with the implementation of this Ordinance, conduct background investigations and have the enforcement powers set forth in this ordinance.**

**Section 7.209: FEES AND TERMS FOR LICENSES AND MEDALLIONS**

- A. **All Medallions and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31<sup>st</sup> day of March of the following year.**
- B. **All applications for renewals of Medallions or licenses must be filed with the City Clerk no earlier than February 1 and no later than March 1.**
- C. **Fees shall be set by the City Council as part of its annual budget adoption process as set forth in Chapter 1, Article XVI.**
- D. **Until such time as the fees are set by the City Council under paragraph 7.209 (C), the fees are as follows:**
  1. **The first time fee for a Medallion shall be one hundred twenty-five dollars (\$125.00) each year or any part of a year commencing on April 1st for each Taxi**

payable in advance on application for the Medallion. The renewal fee shall be one hundred dollars (\$100.00).

2. The fee for a Taxi License shall be sixty-five dollars (\$65.00) per year or any part of a year commencing on April 1st. The renewal fee shall be \$50.00.
3. The fee for restoration of any Medallion that has been revoked shall be one hundred dollars (\$100.00), except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the Taxi Coordinator within 1 business day of the revocation.

E. If required insurance coverage terminates, expires or is suspended, Owner shall immediately suspend service until insurance coverage is in place. 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. Notice shall be mailed to the City Clerk.

#### **Section 7.210: TAXI OPERATOR CONDUCT**

**A Taxi Operator shall:**

- A. Use only a vehicle that has been issued and displays a Medallion;
- B. Display a copy of his/her Taxi License in a conspicuous place within the Taxi where it may be seen by any passenger;
- C. Not laminate, deface or alter the Taxi License;
- D. Not stand or park on any street except at designated Taxi stands or bus stops, except while actually engaging in taking on or discharging passengers;
- E. Not engage in any conduct that endangers the health, welfare or safety of passengers or the public; and
- F. Report in writing to the City Clerk any and all of the following:
  1. Any change of address within thirty (30) days of such change;
  2. Any motor vehicle motor vehicle moving violation within seven (7) days;
  3. Any motor vehicle license suspension or revocation within seven (7) days; and
  4. Any misdemeanor or felony arrest within seven (7) days.

**Any failure to report will result in the imposition of a late fee of \$50.00 and may result in the revocation of the Taxi License and/or the finding of a violation**

**Section 7.211: MEDALLION OWNER REQUIREMENTS**

- A. Each Taxi shall have a roof light attached to the roof of the Taxi with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the Taxi is on duty. There shall be no other lights on a Taxi, except those required by law.**
- B. Each Taxi shall have the Medallion holder's name displayed on the sides thereof in letters not less than three (3) inches in height.**
- C. Each Taxi shall display two license plates furnished by the City of Portsmouth with the word "TAXI" on the plates; such plates shall be attached in a conspicuous place on the front and rear of the motor vehicle operated.**
- D. Provide proof of vehicle inspection renewal to the City Clerk within ten (10) days of the end of the month for which inspection is due. Failure to provide such notice will result in a \$50.00 late fee for the untimely compliance and may result in the revocation of the Medallion and/or the finding of a violation.**
- E. Return to the City any Medallion which has not been renewed within five (5) business days after the expiration of the term set forth in Section 7.209.**

**Section 7.212: TAXI STANDS AND HAILS**

- A. The term "Taxi stand" as used in this Ordinance shall be construed to mean such portion or portions of the public street or highway as shall be designated by the City Council of the City of Portsmouth as a place in which Taxis may stand or park.**
  - 1. No Owner or Operator of any Taxi shall allow or permit a Taxi to remain standing or parked unattended for longer than five (5) minutes at any Taxi stand.**
  - 2. No Operator shall park a Taxi in a double line at a public stand nor shall any Operator park a Taxi in such a manner as to interfere with traffic, either vehicular or pedestrian, at any location.**
  - 3. No more than two (2) Taxis owned by the same person or business entity shall occupy any one Taxi stand at any one time.**
- B. Taxis may accept street hails.**

**Section 7.213: ADDITIONAL OPERATOR AND OWNER REQUIREMENTS**

**All Operators and Owners shall:**

- A. Ensure that fares are posted, published or otherwise available to the passenger before engagement of the fare;**
- B. Provide a written receipt if requested;**
- C. Decline multiple fares unless each passenger consents;**
- D. Prohibit the use of smoking materials of any kind within the Taxi at any time; the Owner of each Taxi shall post a notice in each Taxi, plainly visible to all occupants of the Taxi, reading, “No Smoking”; and**
- E. Maintain the Taxi in a safe, clean and sanitary condition at all times.**

**Section 7.214: ENFORCEMENT**

- A. If the Taxi Coordinator reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Coordinator may order the Owner to have the Taxi re-inspected, at Owner’s cost, at a manufacturer’s dealership as required under section 7.207(B)(3).**
- B. Any Portsmouth Police Department officer may:
  - 1. Issue a written notice of violation of this Ordinance.**
  - 2. Issue a Defective Equipment notice to the Owner and/or Operator of the Taxi requiring correction of the defect within five (5) business days with proof of correction provided to the Police Department to avoid automatic suspension of the Medallion. The Medallion will be immediately surrendered to the City Clerk after five (5) business days if proof of correction is not provided to the Police Department.**
  - 3. Suspend immediately an Operator’s Taxi License or an Owner’s Medallion upon a reasonable belief that there is an imminent danger to the health, safety or welfare of passengers or the public.****
- C. Administrative appeals of any notice of violation, defective equipment notice, suspension or revocation shall be made in writing by the Operator or Owner and delivered to the City Attorney within fourteen (14) days of the suspension, revocation or notice of violation. Appeals shall be to the Taxi Coordinator, with notice to the Operator or Owner of the opportunity to be heard and to respond.**
- D. If the Taxi Coordinator determines after notice and response that any violation of state law or this Taxi ordinance has occurred, the Taxi Coordinator may, in addition**

to the actions set forth in Section 7.214 (A), take one (1) or more of the following actions.

1. Remove the Medallion from the Taxi in violation until the violation is corrected and proof of correction is provided to the Taxi Coordinator;
  2. Suspend or revoke any Medallion or License;
  3. Refer for prosecution any violation of this Ordinance.
- E. Any person or entity in violation may be subject to a fine of no more than \$300 upon conviction by the Portsmouth District Court.

#### **Section 7.215 APPEALS**

Written final decisions of the City Clerk and the Taxi Coordinator relative to the issuance, suspension and revocation of licenses, medallions and other actions of enforcement made pursuant to this Ordinance are final. Persons aggrieved of the decisions of the City Clerk and/or Taxi Coordinator shall have all rights and remedies available to them in the courts of the State of New Hampshire.

#### **Section 7.216: RECIPROCITY WITH OTHER MUNICIPALITIES**

Taxis which are licensed in other municipalities may deliver passengers from outside the City to destinations within the City or pick up passengers by prior arrangement in the City for delivery to destinations outside the City.

#### **Section 7.217 TRANSITION PERIOD**

Owners and Operators operating a Taxi upon the effective date of this Ordinance may continue to operate while Taxi License and Medallion applications are pending under this Ordinance and a final decision has been made to approve or deny the Taxi License or Medallion application.

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 become effective as of February 1, 2017.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15 to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure”. 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

FM-00248626

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

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- A. Amend Article 2 – Administration and Enforcement, Section 10.236 – Expiration of Approvals, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Variances and special exceptions shall expire unless a building permit is obtained within a period of ~~one year~~ **two years** from the date granted.

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- B. Amend Article 3 – Nonconforming Lots, Buildings, Structures and Uses, Section 10.320 – Nonconforming Buildings and Structures, as follows:

- (1) Amend Section 10.321 as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A lawful nonconforming building or structure may continue **and may be maintained or repaired**, but may not be extended, reconstructed, or enlarged ~~or structurally altered except in conformity with this Ordinance~~ **unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located.**

- (2) Delete Sections 10.322, 10.324 and 10.327.
- (3) Renumber Sections 10.323, 10.325 and 10.326 as Sections 10.322, 10.323 and 10.324.
- 

- C. Amend Article 11 – Site Development Standards, Section 10.1113 – Location of Vehicular Use Facilities, by inserting the letters “GW” in two tables, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

10.1113.31 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:



District	Minimum Distance from Residential or Mixed Residential District
B	50 feet
GB, <b>GW</b>	100 feet
I, OR, WI	100 feet

[...]

10.1113.41 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from front lot lines as follows:

District	Minimum Setback from Front Lot Line
B	20 feet
GB, <b>GW</b>	40 feet
I, OR, WI	50 feet

D. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

Structure (including roof structure)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. Structures include, but are not limited to, buildings, fences **over 4 feet in height**, signs, and swimming pools. (See also: temporary structure.)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

### LEGAL NOTICE

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

PH00248629

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

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A. Amend Article 5 – Dimensional and Intensity Standards, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) In Section 10.515 – Measurement Rules, amend Section 10.515.10 as follows:

10.515.10 ~~Building Coverage and Yards~~

**10.515.11 For a corner lot or through lot, all requirements related to the front yard shall apply to the principal front yard and all secondary front yards.**

**10.515.12** ~~Calculations of building coverage and e~~**Determinations of yards shall not include:**

(a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall;

**(b) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;**

~~(b)~~ **(c) structures (such as decks and patios) less than 18 inches above ground level;**

**10.515.13 Fences not over 4 feet in height shall be exempt from front yard requirements, and fences not over 6 feet in height shall be exempt from side and rear yard requirements.**

**10.515.14** ~~(e) MA~~ **mechanical systems (i.e. HVAC, power generators, etc.) that are is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; are shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and are shall not be located closer to the street than the front of the principal structure.**

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- (2) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.10 as follows:

10.516.10 Front Yard Exception for Existing Alignments

If existing principal buildings on the same side of the same street, in the same zoning district, and within 200 feet of a lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for **the principal building on** such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. **For the purpose of this provision, buildings on the subject lot shall not be included in the average of existing alignments.**

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- (3) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.30 as follows:

10.516.30 Corner Lot Vision Obstruction

On a corner lot, no structure, accessory structure, landscaping, or screening which obstructs visibility shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by the sidelines of the intersecting street rights-of-way and a straight line joining points along said street sidelines 20 feet from the point of intersection of such sidelines or extensions thereof. This provision shall not apply in the CBA and CBB districts **Character Districts 4-W, 4 and 5.**

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- (4) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.40 as follows:

**10.516.40 Projections Into Required Yards**

The following building elements may project into required yards as indicated:

Projecting Element	Maximum Projection Into Yard
Balconies or bay windows, not exceeding 50% of the building face in total	2 feet
Open and uncovered terraces, decks, steps or stoops less than 4 feet in height	Up to one-half the required yard

Projecting Element	Maximum Projection Into Yard
Unenclosed porches, steps or stoops more than 4 feet in height	6 feet
Porticos (either enclosed or unenclosed) less than 20 square feet in area	5 feet
Roof eaves or overhangs	2 feet
Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features	4 feet

In the Single Residence, General Residence and Mixed Residential districts, building elements may project into required yards by the amounts indicated in the following table:

	SRA, SRB		GRA		GRB, GRC, MRO, MRB	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Building Elements	Maximum Projection Into Required Yard					
Terraces, decks, steps and stoops that are uncovered and unenclosed and are less than 3 feet in height and less than 100 square feet in area	5'	5'	0'	5'	10'	0'
Porches, porticos, steps or stoops that are covered and unenclosed and are less than 12 feet in height (to top of roof) and less than 50 square feet in area	5'	5'	0'	5'	5'	0'
Porches and porticos that are covered and enclosed and are less than 12 feet in height (to top of roof) and less than 20 square feet in area	5'	5'	0'	5'	5'	0'

0' = No projection allowed into required yard

- (5) In Section 10.570 – Accessory Buildings, Structures and Uses, amend Sections 10.571 through 10.573 as follows:

10.571 No accessory building, structure or use shall be located in any required front yard, **or closer to a street than the principal building.**

~~10.572 Where the required side yard or rear yard is 10 feet or less, an accessory building or structure shall conform to the yard requirement.~~

~~10.573 Where the required side yard or rear yard is more than 10 feet, an accessory building or structure may be located within the required side yard or rear yard subject to the following standards:~~

~~10.573.10 An accessory building or structure not greater than 10 feet in height and 100 square feet in area shall be set back at least 5 feet from a side or rear lot line.~~

~~10.573.20 An accessory building or structure greater than 10 feet in height or 100 square feet in area shall be set back from the lot line at least 10 feet or 75% of the height of the structure, whichever is greater.~~

**10.572 In a Character, Business or Industrial district, all accessory buildings and structures shall conform to the side yard and rear yard requirements of the applicable zoning district.**

**10.573 In a Residential or Mixed Residential district, an accessory building or structure may be located in a required side yard or rear yard subject to the following:**

**10.573.10 An accessory building or structure not more than 10 feet in height and not more than 100 square feet in area shall be set back at least 5 feet from any lot line.**

**10.572.20 An accessory building or structure more than 10 feet in height or more than 100 square feet in area shall be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less.**

- B. Amend Article 15 – Definitions, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot covered by all buildings and structures on the lot, excluding:

- (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall;
- (b) structures less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;**
- (d) fences; and**
- (e) mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts. 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

PM00248623

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

In Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts, amend the maximum structure height standards as follows:

	SRA	SRB	GRA	GRB	GRC	MRO	MRB
Maximum Structure Dimensions							
Structure height	<del>35'</del> <b>30'</b>	<del>35'</del> <b>30'</b>	<del>35'</del> <b>30'</b>	<del>35'</del> <b>30'</b>	<del>35'</del> <sup>3</sup> <b>30'</b>	<del>40'</del> <b>35'</b>	<del>40'</del> <b>35'</b>

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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

PROPOSED AMENDMENTS TO DIMENSIONAL STANDARDS – BUILDING HEIGHT  
 AMENDMENT AT 2<sup>ND</sup> READING – SUBSTITUTE MAIN MOTION  
 DECEMBER 14, 2016

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ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Article 5 – Dimensional and Intensity Standards, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts, amend the maximum structure height standards as follows:

	R	SRA	SRB	GRA	GRB	GRC	GA/MH	MRO	MRB
Maximum Structure Dimensions									
Structure height									
<b>Sloped roof</b>	35'	35'	35'	35'	35'	35' <sup>3</sup>	35' <sup>3,4</sup>	40'	40'
<b>Flat roof</b>	<b>35'</b>	<b>30'</b>	<b>30'</b>	<b>30'</b>	<b>30'</b>	<b>30'</b>	<b>35'<sup>3,4</sup></b>	<b>30'</b>	<b>30'</b>

B. In Article 5 – Dimensional and Intensity Standards, the following new Section 10.523:

**10.523 Height Setback From Side Lot Line**

**In a Residential or Mixed Residential district, the top of an exterior wall that is less than 20 feet from a side lot line shall not exceed 22 feet above grade.**

C. In Article 15 – Definitions, Section 10.1530, insert the following definitions:

**Flat roof**

**A roof with a slope of less than 1:4 for more than 50% of the roof area.**

**Sloped roof**

**A roof with a slope of 1:4 or more for at least 50% of the roof area.**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

---

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE  
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law. 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

PM  
12-19-16  
11:53:45

PM00248510

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):

- 1 A. In Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses
- 2 – Residential, Mixed Residential, Business and Industrial Districts, insert new uses
- 3 #1.20 and #1.30 as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4
<b>1.20 Accessory dwelling unit</b>									
1.21 Attached	CU	CU	CU	CU	N	CU	CU	CU	CU
1.22 Detached	CU	CU	CU	N	N	N	N	N	N
<b>1.30 Garden Cottage</b>	CU	CU	CU	CU	N	CU	CU	CU	CU

Use	GB	GW	B	WB	OR	I	WI	Supplemental Regulations
<b>1.20 Accessory dwelling unit</b>								<b>10.814 (Accessory Dwelling Units)</b>
1.21 Attached	N	N	N	N	N	N	N	
1.22 Detached	N	N	N	N	N	N	N	
<b>1.30 Garden Cottage</b>	N	N	N	N	N	N	N	<b>10.815 (Garden Cottages)</b>

- 4 and renumber existing uses #1.20 through 1.80 accordingly.
- 5

6 B. In Article 8 – Supplemental Use Standards, insert the following new Sections 10.814  
7 and 10.815:  
8

9 **10.814 Accessory Dwelling Units**

10  
11 **10.814.10 One, and only one, accessory dwelling unit shall be allowed on**  
12 **any lot containing a single-family dwelling. An accessory**  
13 **dwelling unit shall not be allowed under this Section 10.814 on a**  
14 **lot that contains more than one dwelling unit.**

15  
16 **10.814.20 Except as provided in elsewhere in this Section 10.814, all land**  
17 **use regulations applicable to a single-family dwelling shall also**  
18 **apply to the combination of a principal dwelling unit and an**  
19 **accessory dwelling unit.**

20  
21 **10.814.30 All accessory dwelling units shall comply with the following**  
22 **standards:**

23  
24 **10.814.31 The principal dwelling unit and the accessory**  
25 **dwelling unit shall not be separated in ownership**  
26 **(including by condominium ownership).**

27  
28 **10.814.32 Either the principal dwelling unit or the accessory**  
29 **dwelling unit shall be occupied by the owner of the**  
30 **dwelling. The owner shall provide documentation**  
31 **demonstrating to the satisfaction of the City that one**  
32 **of the units is his or her principal place of residence.**

33  
34 **10.814.33 Neither the principal dwelling nor the accessory**  
35 **dwelling unit shall be used for any business, except**  
36 **that the property owner may have a home occupation**  
37 **use in the unit that he or she occupies as allowed or**  
38 **permitted elsewhere in this Ordinance.**

39  
40 **10.814.34 In addition to the two off-street parking spaces**  
41 **required for the single-family dwelling, one parking**  
42 **space shall be provided for an ADU up to 400 sq. ft.**  
43 **gross floor area, and two parking spaces shall be**  
44 **provided for an ADU larger than 400 sq. ft.**

45  
46 **10.814.40 An attached accessory dwelling unit (AADU) shall comply with**  
47 **the following additional standards:**

48  
49 **10.814.41 An interior door shall be provided between the princi-**  
50 **pal dwelling unit and the accessory dwelling unit.**  
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- 10.814.42** The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.
  - 10.814.43** Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall clearly be the principal entrance and the others shall be designed to appear to be secondary.
  - 10.814.50** A detached accessory dwelling unit (DADU) shall comply with the following additional standards:
    - 10.814.51** In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district.
    - 10.814.52** The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.
    - 10.814.54** The DADU shall be separated from the single-family dwelling by at least 20 feet.
  - 10.814.60** Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:
    - 10.814.61** Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.
    - 10.814.62** The site plan provides adequate open space and landscaping that is useful for both the ADU and the primary dwelling.
    - 10.814.63** The ADU will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.



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**10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.**

**10.814.70 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy requirement. Said certificate shall be renewed annually.**

**10.815 Garden Cottages**

**An accessory building existing on the effective date of this ordinance may be converted to a garden cottage through a conditional use permit granted by the Planning Board, subject to the following provisions and limitations.**

**10.815.10 One garden cottage, and only one, shall be allowed on any lot containing a single-family dwelling.**

**10.815.20 Relationship to other provisions of this Ordinance:**

**10.815.21 No garden cottage shall be allowed on the same lot as an accessory dwelling unit authorized under this Ordinance.**

**10.815.22 The establishment of a garden cottage results in two dwelling units on the property and thus makes the property ineligible to establish an accessory dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of receiving a conditional use permit for a garden cottage, the property owner shall waive all rights under RSA 674:72 and RSA 674:73.**

**10.815.23 A garden cottage that complies with the standards of this section is exempt from the residential density standards of the Zoning Ordinance. A second dwelling unit on a lot that does not comply with the standards of this section shall be considered to be either a second primary dwelling or an accessory dwelling unit and shall comply with the applicable standards and provisions of the Ordinance.**

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**10.815.30 Garden cottages shall comply with the following standards:**

**10.815.31 The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.**

**10.815.32 A garden cottage shall not be larger than 500 sq. ft. gross floor area.**

**10.815.33 A garden cottage that is within a required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.**

**10.815.34 One parking space shall be provided for a garden cottage in addition to the two off-street parking spaces required for the single-family dwelling.**

**10.815.35 The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.**

**10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall make the following findings:**

**10.815.41 Exterior design of the garden cottage is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.**

**10.815.42 The site plan provides adequate open space and landscaping that is useful for both the garden cottage and the primary dwelling.**

**10.815.43 The garden cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.**



APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval. 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

MA00248617

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5A – Character Districts, and Article 6 – Overlay Districts, Section 10.630 – Historic District, be amended as follows:

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A. In Article 5A, delete Section 10.5A45 – Architectural Design Guidelines.

---

B. In Article 6, insert a new Section 10.632.30 as follows:

10.632.30 The Design Guidelines adopted by the Commission and approved by the City Council are intended as a tool to help manage change and protect the City’s architectural and historical resources. They are used in the review process to encourage the retention and repair of the existing historic fabric and to provide a framework for the review of new construction within the historic context of the surrounding neighborhood.

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C. In Section 10.635.70 – Review Criteria, revise subparagraph (3) as follows (additions to existing **bolded**; remaining language unchanged from existing):

(3) The extent to which a proposed project’s exterior design, scale, arrangement, texture, detailing and materials complement or enhance the existing structure and are compatible with surrounding properties **and the Commission’s adopted Design Guidelines**.

---

D. In Article 6, Section 10.633.20 – Exemptions from Certificate of Approval, make the following changes (deleted from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.633.20 Exemptions from Certificate of Approval

The following activities shall not require a Certificate from the Commission **but require review and certification by the Code Official**:

[...]

(3) Maintenance and repair of ~~fire~~ **exterior** walls, chimney repairs, entryway repairs, **or** deck repairs provided these are of the same design and material **(including the use of lime-based mortar for repointing historic brick)**;

[...]

- (5) ~~Roofing or re-roofing of~~ **Replacement roofing on** existing structures provided that **(1)** the roof plane ~~and~~ remains the same **and the material remains the same** regardless of color, **or (2) asphalt roofing is replaced with slate, composite-slate, or wood singles;**

[...]

- (7) **Placement or replacement of** ~~R~~roof-mounted mechanical or electrical equipment and ventilation terminators ~~on a single-family or two-family dwelling~~ where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) does not exceed 27 cubic feet, and (3) does not extend more than 3 feet above the roof plane;

- (8) **Placement or replacement of** ~~W~~wall-mounted mechanical or electrical equipment and ventilation terminators ~~for a single-family or two-family dwelling~~ where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;

- (9) **Placement or replacement of** ~~G~~ground-mounted mechanical or electrical equipment **(including a generator)** ~~for a single-family or two-family dwelling~~ where (1) the equipment is located behind the structure and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;

- (10) **Placement or replacement of** ~~S~~storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;

- (11) Placement or replacement of ~~C~~chimney caps or bishop pots that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;

- (12) **Placement or replacement of** ~~G~~gas and electric meters ~~on a single-family or two-family dwelling~~ if mounted on an **exterior** wall, not facing **or visible from** a public way. **Landscaping or fencing may be as a visual screen;**

(13) Construction, alteration or demolition of any structure or element of a structure that the Code Official documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the Code Official shall immediately ~~notify~~ **provide written notification to** the Commission of his **such** action.

[...]

(16) **Placement of a Temporary toilet, trailer, tent or tensile structures;**

[...]

(18) The **placement, removal or** replacement of wood or metal fencing (except for chain-link **which may only be removed**) ~~on a property with a contributing structure~~ provided the replacement fence is in **substantially** the same location with **substantially** the same height, material, and design;

(19) The replacement of exterior lighting ~~on a contributing structure~~ provided the replacement lighting is **substantially** in the same location with **substantially** the same height, material, and design;

[...]

(21) **Placement or replacement of Terraces, walks, driveways, and sidewalks and in-ground swimming pools** provided that any such element is substantially at the existing grade plane of the property;

(22) **Placement or replacement of B**building accessories and décor, such as: window-mounted portable air conditioning units, play equipment, **residential trash enclosures, snow guards, benches, trellises, non-commercial boat rack storage structures,** window boxes, **raised planters,** mailboxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor.;

(23) New or replacement piers, floats, docks or gangways for single-family and two-family dwellings provided any vertical handrail support systems are constructed with metal, wire, rope or wood.;

**or**

(24) **Placement or replacement of wood, brick or granite steps or landings;**

(25) **Placement or replacement of a commercial solid waste enclosure provided the enclosure: (1) is fully enclosed with the use of gates;**



**(2) is constructed of wood or stone material; and (3) is no greater than 60” in height or 100 sq. ft. in area; or**

**(26) Placement or replacement of wood or copper gutters and downspouts.**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible. 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

PA00246614

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

A. Amend Section 10.1013 – Jurisdictional Areas, as follows:

10.1013.40 The tidal wetlands of Sagamore Creek, Little Harbour, North Mill Pond, and South Mill Pond **and part of the Piscataqua River**, defined as follows:

[...]

- (e) **Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.**

B. Amend Section 10.1016 – Permitted Uses, as follows:

10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:

[...]

- (4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:
  - (a) The footprint area of the addition or extension, **together with the area of all prior such additions and extensions**, shall not exceed 25 percent of the area of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures);

[...]

C. Amend Section 10.1017 – Conditional Uses, as follows:

10.1017.50 Criteria for Approval

Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

- (6) Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

---

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 19, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs. 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

PM00248612

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 12 – Signs, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.1263 – Illumination Standards, insert the following new subsection:

**10.1263.60 A sign using direct illumination shall consist only of letters, numbers and other common typographical characters, all of which shall be in no more than three colors against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the sign.**

B. In Section 10.1290 – Sign Definitions, amend the definition of “changeable sign” as follows:

Changeable sign

A sign or portion thereof with characters, letters or ~~illustrations~~ **symbols** that can be changed, whether electronically or manually without altering the face or surface of the sign. A sign on which the message changes more than once per day shall be regulated as an animated sign. A sign on which the only changes are mechanical or electronic indication of time or temperature is not considered a changeable or animated sign.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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

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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** December 9, 2016  
**RE:** City Council Referral – Projecting Sign  
Address: 41 Pleasant Street  
Business Name: Serendipity  
Business Owner: Chloe Kelley

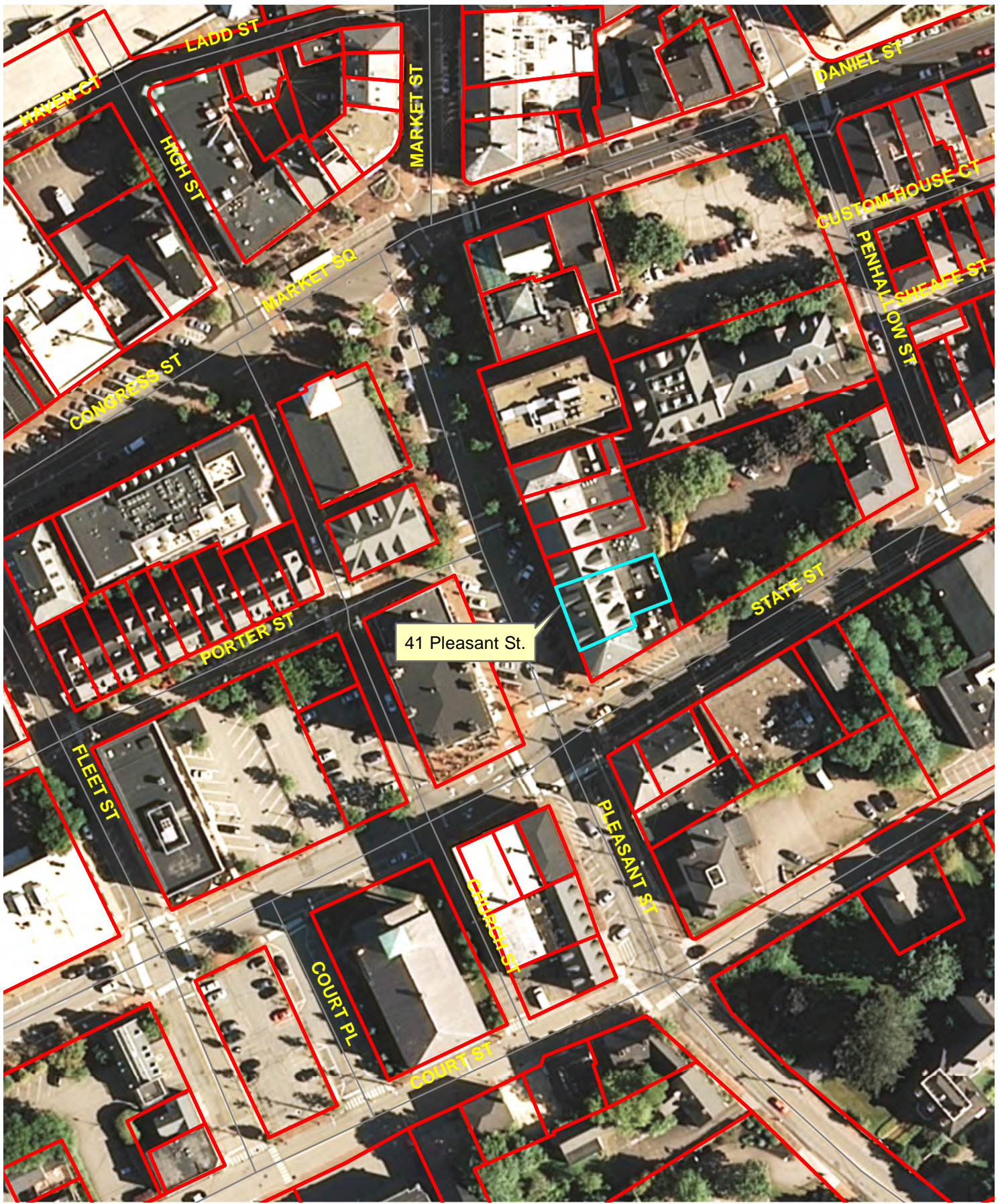
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

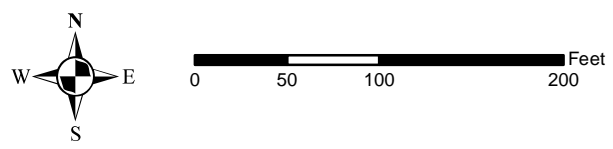
Sign dimensions: 32 x 30"  
Sign area: 6.7 sq. ft.  
Height from sidewalk to bottom of sign: 8.4'

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.

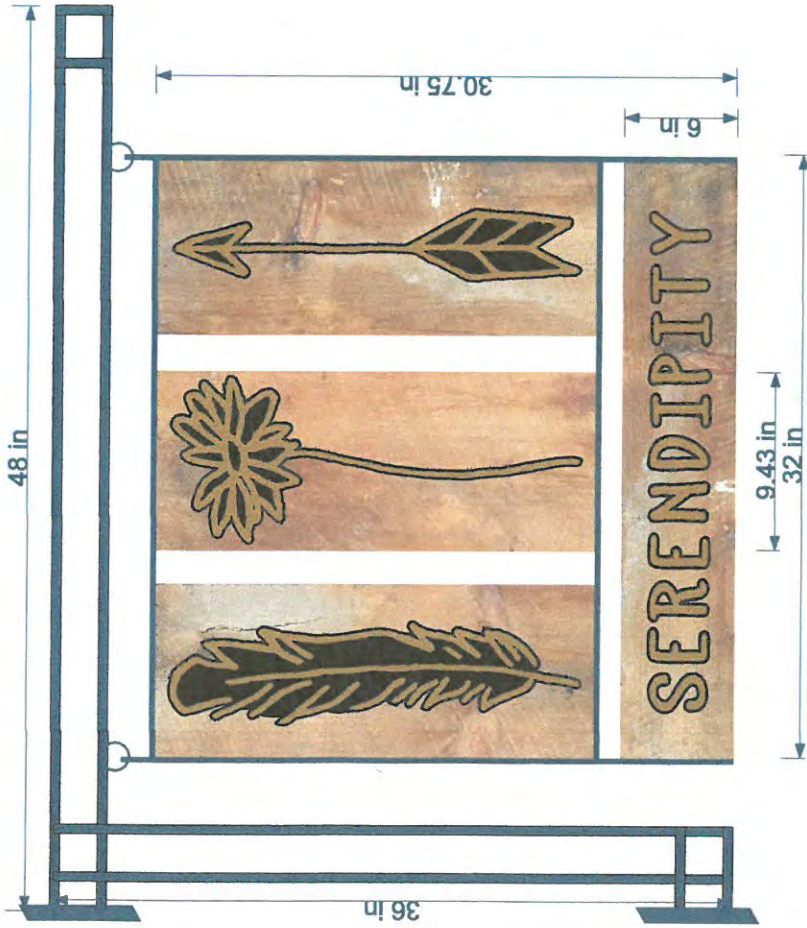


41 Pleasant St.



# Request for Projecting Sign License 41 Pleasant St.





**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.

**11/16/16**  
 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.

**RETURN SIGNED TO: service@portsmouthsign.com**  
 SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_



© 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:



**SIGN PERMIT APPLICATION**

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801

Office Number: (603) 610-7243 (Facsimiles Not Accepted)

Zone Dist.: CD5

Street Address of Sign(s): 41 Pleasant Street Map #: Sign District: **3**

Business Name: Serendipity Phone #:

Business Owner Name: Chloe Kelley Phone #: 427 0650

Sign Contractor: Portsmouth Signs Address: 19 Nimble Newington NH Phone #: 436 0047

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1					n/a			1					n/a	
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5						n/a		5					n/a	
Free- Standing	6								6						
	7								7						
	8								8						
Projecting	9								9	1	32	30	6.7	8.4	N
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

Existing Signs Total: **SF**

New Signs Total: **6.7 SF**

\* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.

\*\* Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

**Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:**

*Do not include any existing signs that are being removed.*

Wall Attached: \_\_\_\_\_ SF      Awning: \_\_\_\_\_ SF      Roof: \_\_\_\_\_ SF  
 Spl. Event      Free-Stand.: \_\_\_\_\_ SF      Canopy: \_\_\_\_\_ SF      Marquee: \_\_\_\_\_ SF  
 SF      Projecting: \_\_\_\_\_ 6.7 SF      Parapet: \_\_\_\_\_ SF      Temporary: \_\_\_\_\_ SF

**TOTAL SIGN AREA: **6.7** SF (exclude temporary & F.S. signs)**

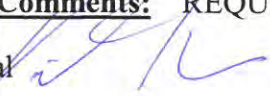
Total # of New Signs: **1**      Total # Temp. Signs: \_\_\_\_\_

**Store front dimension is NEEDED for complete review of application:**

Store Front Linear Frontage: **18** Feet - **On Site Plan List Setback dimensions and Location of Signs**

**For Office Use:** Allow Area: Factor **2** X **18** Store Front **36 SF TOTAL**  
 Allow FS Hgt. **12** Allow Area: Factor \_\_\_\_\_ X \_\_\_\_\_ **SF TOTAL**  
**Allow. Areas: (ea.)** Wall = **40** Projecting = **12** Roof = **na** Marquee = **20**  
 Temp. = \_\_\_\_\_ Freestd. = **20** Parapet = **na** Awning = **20** Canopy = **na**

**Stipulations / Comments:** REQUIRES LICENSE FROM CITY COUNCIL.

:Zoning Official 

Code Official:

Date: 18-Nov-16

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** December 9, 2016  
**RE:** City Council Referral – Projecting Sign  
Address: 12B Fleet Street  
Business Name: Drift, LLC  
Business Owner: Emily Stearns

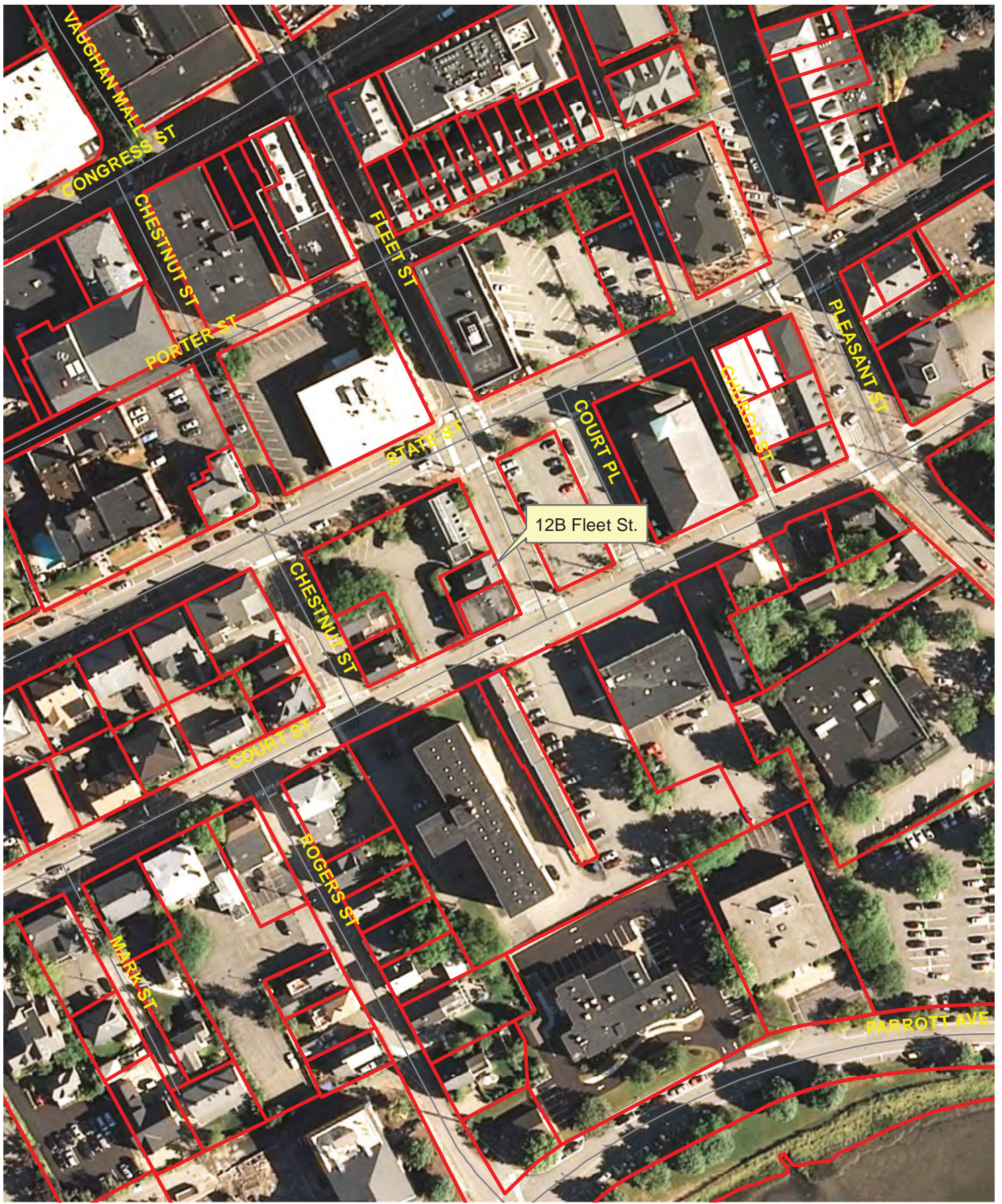
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Permission is being sought to install a projecting sign on a new bracket, as follows:

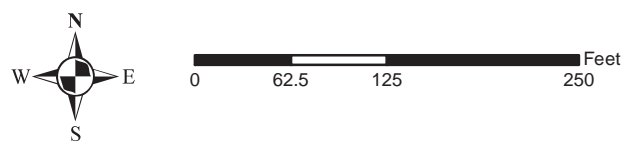
Sign dimensions: 36" x 18"  
Sign area: 4.5 sq. ft.  
Height from sidewalk to bottom of sign: 8.5'

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.



12B Fleet St.



# Request for Projecting Sign License 12B Fleet Street

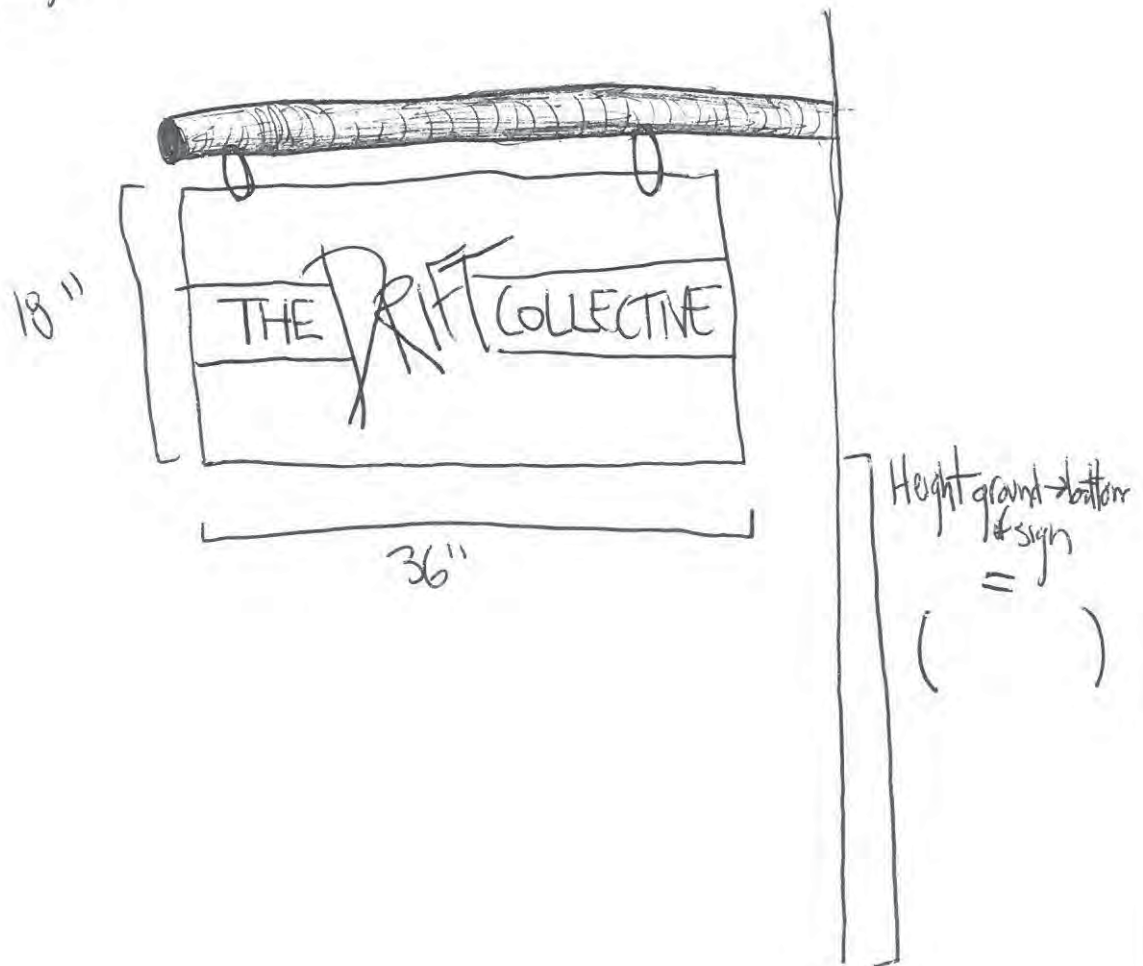


THE DRIFT COLLECTIVE

NOW OPEN



Proposed Projecting Sign



**RRF**

**THE**

**COLLECTIVE**

**SIGN PERMIT APPLICATION**

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801

Office Number: (603) 610-7243 (Facsimiles Not Accepted)

Zone Dist.: CD4

Street Address of Sign(s): 12 B Fleet Street Map #: Sign District: **3**

Business Name: Drift LLC Phone #: (603) 812-5038

Business Owner Name: Emily Stearns Phone #:

Sign Contractor: Self Address: Phone #:

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1	2	48	36	12.0	n/a	E	N	1	2	48	36	24.0	n/a	N
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5					n/a			5					n/a	
Free- Standing	6								6	1	36	18	4.5	8.5	E
	7								7						
	8								8						
Projecting	9								9						
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17	1	36	18	4.5	8.5	E

Existing Signs Total: 12.0 SF

New Signs Total: 33.0 SF

\* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.

\*\* Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

**Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:**

*Do not include any existing signs that are being removed.*

Wall Attached:	36.0 SF	Awning:	_____ SF	Roof:	_____ SF	
Spl. Event	Free-Stand.: 4.5 SF	Canopy:	_____ SF	Marquee:	_____ SF	
SF	Projecting:	_____ SF	Parapet:	_____ SF	Temporary:	4.5 SF

**TOTAL SIGN AREA: 36.0 SF** (exclude temporary & F.S. signs)

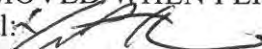
Total # of New Signs: 3 Total # Temp. Signs: 1

**Store front dimension is NEEDED for complete review of application:**

Store Front Linear Frontage: 31 Feet - **On Site Plan List Setback dimensions and Location of Signs**

<b>For Office Use:</b>	Allow Area: Factor	2	X	31	Store Front	61.3 SF TOTAL
Allow FS Hgt. 12	Allow Area: Factor	_____	X	_____		_____ SF TOTAL
<b>Allow. Areas: (ea.)</b>	Wall =	40	Projecting =	12	Roof =	na
	Marquee =	20	Temp. =	_____	Canopy =	na
	Freestd. =	20	Parapet =	na	Awning =	20

**Stipulations / Comments:** PROJECTING SIGN REQUIRES LICENSE FROM CITY COUNCIL. TEMPT SIGN WILL BE REMOVED WHEN PERMANENT SIGN IS RECEIVED AND INSTALLED, MAX 60 DAYS.

Zoning Official: 

Code Official:

Date: 16-Nov-16



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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** December 9, 2016  
**RE:** City Council Referral – Projecting Sign  
Address: 100 Market Street  
Business Name: Ramblers Way  
Business Owner: Tom Chappell

---

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

Sign dimensions: 36" x 36"  
Sign area: 9 sq. ft.  
Height from sidewalk to bottom of sign: 12'

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.



100 Market St.



0 50 100 200 Feet

# Request for Projecting Sign License 100 Market Street



**NON-ADA JOB SPECIFICATIONS**

Job Name: Ramblers Way Portsmouth NH

Job #: 24626

Customer Name: Ramblers Way

Scope:

Sales Rep: JP | Drawn By: MLH

Revision #:

Sign Type: Blade Sign

Date: 12.01.2016

File Location: Ramblers Way/ 24626

**SIGN PANEL**

Face: 24 Gauge Copper Sheet

Edges: Straight | West System: No

Corners: Square

**COLOR**  
1st Surf: Oxidized  
2nd Surf: NA

Insert: NA

Vinyl Color: PMS Warm Grey 1c match

2nd Layer: NA

**COLOR**  
1st Surf: NA  
2nd Surf: NA

Sides: Double

**GRAPHIC CONTENT**

Process: FCO Letters, RTA Vinyl

**TEXT/COPY**  
Height: Per Drawing  
Style: Per Logo  
Color: PMS Warm Grey 1c match

**MOUNTING**

Hardware: eye bolted, steel frame, SS Screws

Holes: NA | Location: NA

Mount. Location: Existing Arm

Tape: NA

Wall Surface: TBD

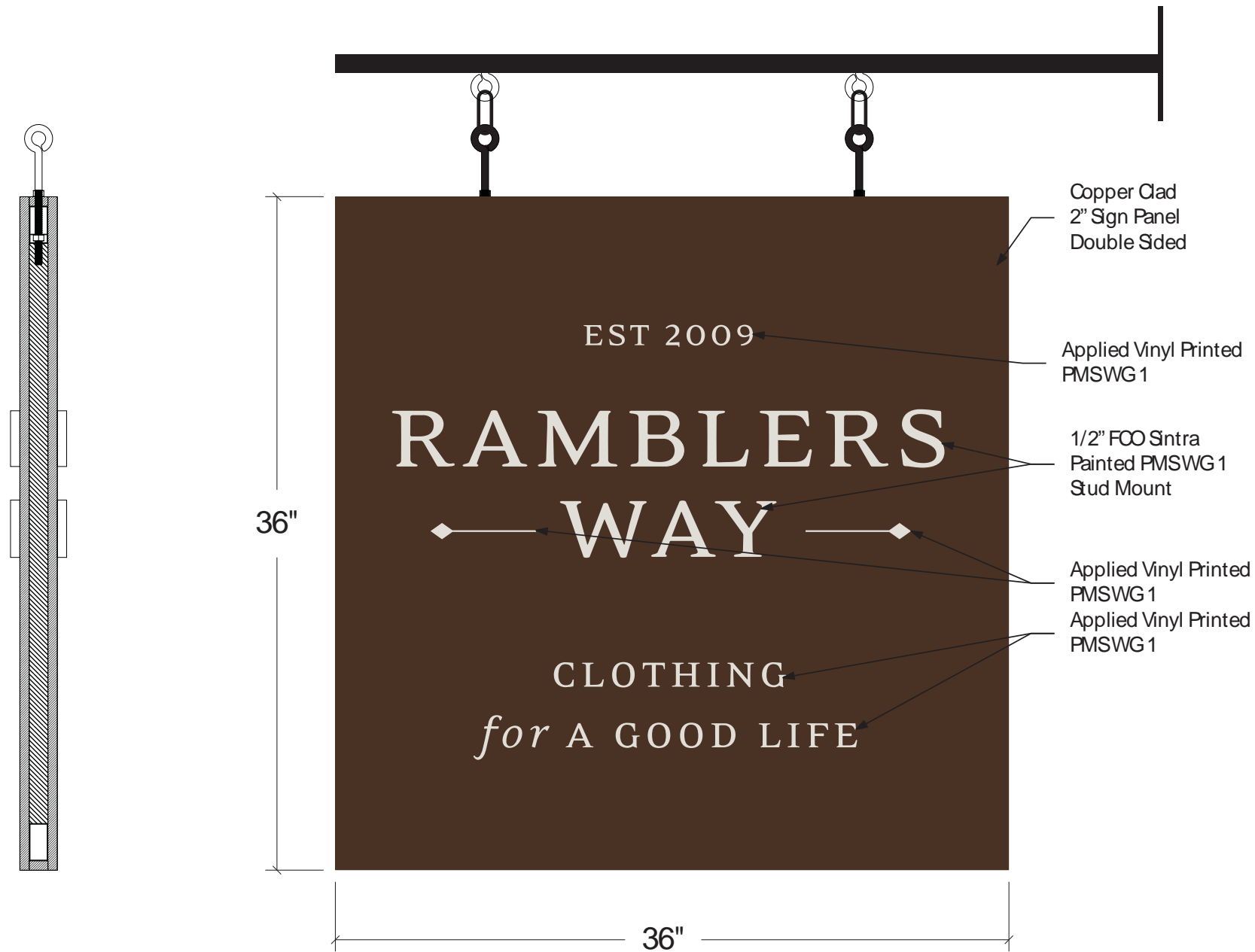
Glass Backer mat: NA | Color: NA

**FRAME**

Type: eye bolted, steel frame

Size: 36"x36"x2"

Color: Copper Clad



Approved by:

Date:

**SIGN PERMIT APPLICATION**

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801  
Office Number: (603) 610-7243 (Facsimiles Not Accepted)

Zone Dist.: CD5

Street Address of Sign(s): 100 Market Street (Space No 6) Map #: Sign District: **3**  
Business Name: Ramblers Way Phone #: (207) 838 6310  
Business Owner Name: Ramblers Way Phone #: (207) " "  
Sign Contractor: Welch Signage Address: 7 Lincoln Ave Scarborough Phone #: (207) 883 6200

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1					n/a			1					n/a	
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5						n/a		5					n/a	
Free- Standing	6								6						
	7								7						
	8								8						
Projecting	9								9	1	36	36	9.0	12.0	n/a
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

Existing Signs Total: **SF**

New Signs Total: **9.0 SF**

\* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.  
\*\* Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

**Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:**  
*Do not include any existing signs that are being removed.*

Wall Attached: \_\_\_\_\_ SF      Awning: \_\_\_\_\_ SF      Roof: \_\_\_\_\_ SF  
Spl. Event \_\_\_\_\_ SF      Free-Stand.: \_\_\_\_\_ SF      Canopy: \_\_\_\_\_ SF      Marquee: \_\_\_\_\_ SF  
SF      Projecting: 9.0 SF      Parapet: \_\_\_\_\_ SF      Temporary: \_\_\_\_\_ SF


**TOTAL SIGN AREA: 9.0 SF (exclude temporary & F.S. signs)**

Total # of New Signs: 1      Total # Temp. Signs: \_\_\_\_\_

**Store front dimension is NEEDED for complete review of application:**  
Store Front Linear Frontage: 40 Feet - **On Site Plan List Setback dimensions and Location of Signs**

<b>For Office Use:</b>	Allow Area: Factor	<u>2</u>	X	<u>40</u>	Store Front	<u>80</u> SF TOTAL
Allow FS Hgt. <u>12</u>	Allow Area: Factor		X			SF TOTAL
<b>Allow. Areas: (ea.)</b>	Wall = <u>40</u>	Projecting = <u>12</u>		Roof = <u>na</u>	Marquee = <u>20</u>	
Temp. = _____	Freestd. = <u>20</u>	Parapet = <u>na</u>		Awning = <u>20</u>	Canopy = <u>na</u>	

**Stipulations / Comments:** PROJECTING SIGN REQUIRES LICENSE FROM CITY COUNCIL.

Zoning Official: 


Code Official: \_\_\_\_\_ Date: 16-Nov-16

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** December 15, 2016

**To:** Honorable Mayor Jack Blalock and City Council Members

**From:** John P. Bohenko, City Manager 

**Re:** City Manager's Comments on December 19, 2016 City Council Agenda

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**5:30 p.m. Non-Meeting Re: Strategy or Negotiations With Respect to Collective Bargaining - RSA 91-A:2,I (a) – Portsmouth Police Civilian Employees Association Tentative Agreement**

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

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***Work Session:***

**6:00 p.m.**

1. **Prescott Park Master Plan.** On Monday evening, the City Council will hold a Work Session regarding Prescott Park. Members of the Blue Ribbon Committee will be present along with City staff and representatives from the Weston & Sampson design team who have worked with the Committee since February of this year on a Master Plan for Prescott Park. Councilor Dwyer, who Chairs the Committee, will facilitate the discussion. The other Committee members are Mayor Blalock, Councilor Pearson, Resident Stefany Shaheen and the three members of the City's Trustees of Trust Funds Phyllis Eldridge, Tom Watson, and Dana Levenson.

The Committee has met approximately 23 times and held several public forums and input sessions on the Master Plan. In the coming weeks, the Committee intends to finalize the Master Plan and related recommendations in a report back to the City Council by the end of January. A public hearing (to be scheduled) will take place in early January prior to the finalization of the Committee's recommendations and final report to the City Council.

## ***Presentations:***

1. **Portsmouth High School Madrigal Singers.** The Portsmouth High School Madrigal Singers will perform at Monday's City Council meeting.
2. **Presentation from New Hampshire Municipal Association.** On Monday evening, the New Hampshire Municipal Association will make a presentation to the City Council.
3. **Update Re: Click N'Fix.** Public Works Director Peter Rice will give an update to the City Council regarding Click N'Fix.

## ***Acceptance of Grants and Donations:***

1. **Acceptance of Donation for the 400<sup>th</sup> Anniversary Trust.** The City of Portsmouth has received the first donation to the 400<sup>th</sup> Anniversary Trust in the amount of \$300.00 from Harold Whitehouse.

*I recommend the City Council move to accept and approve the donation for the 400<sup>th</sup> Anniversary Trust. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **Public Hearing/Second Reading of Proposed Ordinance Amendments.**
  - 1.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217.** As a result of the December 5<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance](#) amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217. This ordinance is identical to the draft provided to the City Council on November 21, 2016 with the exception that Section 7.214 was changed in response to Councilor Dwyer's comment. It now provides taxi owners with five (5) business days to correct a defect. Councilor Splaine asked for a comparison of the draft ordinance with the new State law that governs transportation network companies such as Uber and Lyft. The Deputy City Attorney provides a short summary attached and can provide more detail as may be requested.

Prior to the public hearing, Deputy City Attorney Suzanne Woodland will give a presentation on the proposed changes.

*I recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 9, 2017 City Council meeting. Action on this matter should take place under Section IX of the Agenda*

- 1.2 **Public Hearing/Second Reading of Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part 1”)**. As a result of the December 5<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Zoning Ordinance Amendments](#) (“Zoning Omnibus, Part 1”).

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council enact the series of amendments to the Zoning Ordinance set forth in [the attached document](#). These amendments address a variety of issues throughout the Ordinance, ranging from simple housekeeping matters to implementation of the new State mandate regarding accessory dwelling units.

The City Council will be acting on the seven proposed Ordinances separately. At the December 5<sup>th</sup> meeting, Councilors requested that staff consider several amendments to proposed ordinances C (building heights) and D (accessory dwelling units), and staff have prepared suggested wording for these amendments. Planning Director Rick Taintor will give a presentation for each proposed Ordinance prior to the respective public hearing.

- B. **Public Hearing/Second Reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setbacks requirements for parking areas, and the definition of “structure.”**

This ordinance would amend and update four provisions in the Zoning Ordinance:

- Article 2 – Administration and Enforcement: Extend the life of variances and special exceptions from 1 year to 2 years, to conform to a change in state law.
- Article 3 – Nonconforming Lots, Buildings, Structures and Uses: Revise one provision relating to changes to nonconforming buildings and structures, and delete three other provisions, in order to eliminate inconsistencies and clarify the intent.
- Article 11 – Site Development Standards: Off-Street Parking: Add the Gateway district to two tables of setback requirements for off-street parking areas. (These tables were not updated when the Gateway district was established.)
- Article 15 – Definitions: Amend the definition of “structure” to exclude fences up to 4 feet in height.

*I recommend the City Council move to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*



- C. **Public Hearing/Second Reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage.”**

This proposed Ordinance revises and clarifies several provisions relating to yards, exceptions to yard requirements, and projections into required yards; and amends the definition of “building coverage” to clarify items that are exempted from the definition.

*I recommend the City Council move to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

- D. **Public Hearing/Second Reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in Residential districts and from 40 feet to 35 feet in the Mixed Residential districts.**

As passed at first reading, this proposed Ordinance would reduce maximum allowed building heights in Residential districts from 35 feet to 30 feet, and in Mixed Residential zoning districts from 40 feet to 35 feet, as a step in addressing concerns about infill development that is out of scale and character with the surrounding neighborhood. (The Planning Board also considered a proposal to create a new “bulk control plane” standard to regulate bulk, but determined that more work was needed before presenting this to the Council.)

At the December 5<sup>th</sup> City Council meeting, Councilor Spear requested that the ordinance be amended so that the reduction in building height would apply only to flat-roofed buildings; and Councilor Dwyer requested information on the heights of existing buildings to ensure that the reduced building height maximums would not create a large number of non-conforming situations. In response, staff conducted a detailed review of two sample neighborhoods and on the basis of that review considered alternative approaches to managing building heights in context with the City’s established character. A revised proposed Ordinance, dated December 14, 2016, is [attached](#), and the results of the staff analysis of existing building heights will be presented at the December 19<sup>th</sup> meeting.

*I recommend the City Council move as follows:*

1. *Move to amend the proposed Ordinance by substituting the revised Ordinance dated December 14, 2016.*

2. *Move to pass second reading of the amended Ordinance and schedule third and final reading at the January 9, 2017 City Council meeting.*

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

**E. Public Hearing/Second Reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new State law.**

This proposed ordinance will make additions to Articles 4 (Table of Uses), 8 (Supplemental Use Standards) and 15 (Definitions) to implement the state law enacted in 2016 (SB 146, codified at RSA 674:71-73), which will take effect on June 1, 2017.

In accordance with the new law, the proposed ordinance allows attached accessory dwelling units (AADUs) in every zoning district where single-family dwellings are permitted. The statute defines “accessory dwelling unit” as a unit that is “within or attached to a single-family dwelling.” The proposed ordinance further states that “attached to” means “sharing a common wall for at least 25 percent of the length of the side of the single-family dwelling.”

The Planning Board recognizes the need for affordable housing in the City, but is also cognizant of the potential impacts of increased density on already congested neighborhoods. Under the state law, communities must permit accessory dwelling units – either by right or by special exception or conditional use permit – without requiring any increase in lot area for the second unit. This mandate does not create a significant issue where the accessory unit is created within the existing dwelling, but could significantly impact neighborhood character and perceived density where the accessory unit is created by building an addition to the existing dwelling.

In addition to attached accessory dwelling units, under the state law communities may, but are not required to, allow detached accessory dwelling units, i.e., units in a separate structure from the primary dwelling unit. If detached units are permitted, they are subject to all local regulations that apply to a single-family dwelling. Among other things, this means that an existing garage or carriage house that is in violation of a zoning provision, such as a setback requirement, could not be converted to a detached accessory dwelling unit.

The Planning Board felt that in many cases converting an existing accessory structure into a small dwelling unit would be more appropriate for a neighborhood than building an addition onto the primary dwelling. In addition, a unit converted from a garage or carriage house might be more likely to be

affordable than a unit created by an addition or new construction. Therefore, the staff looked for a way to allow such conversions as an alternative to the detached ADU that would be allowed under the statute.

The approach to this issue included in the proposed ordinance is a separate category of dwelling unit called “garden cottage” (this term is used by many communities in the western U.S. and in Canada and seems more colloquial than other planning-jargon alternatives in use). As set forth in the second part of the proposed ordinance (beginning on page 14), a garden cottage is a smaller unit created by conversion of an existing accessory unit. By creating a second unit on the lot, the garden cottage makes the lot no longer eligible for an attached or detached ADU.

Under the proposed ordinance, both an accessory dwelling unit and a garden cottage require a conditional use permit from the Planning Board and an annual certificate of use from the Planning Department demonstrating continued compliance with all standards.

If an ordinance implementing the state law is not enacted by June 1, 2017, attached accessory dwelling units will automatically be allowed as of right (i.e., without requiring any approval by a land use board) in all zoning districts throughout the City. Therefore, it is important that the Council adopt the proposed ordinance or an alternative by that date.

At the December 5<sup>th</sup> City Council meeting, Councilors suggested several changes to the proposed ordinance:

- Councilor Dwyer suggested that the term “conditional use permit” be defined in the Zoning Ordinance (perhaps at a future date);
- Councilor Spear recommended that a provision be added to give the Planning Board additional flexibility, particularly with respect to the minimum required number of off-street parking spaces;
- Councilor Cyr recommended that the maximum size of a Garden Cottage be increased from 500 sq. ft. to 600 sq. ft., to accommodate the conversion of a 24-foot by 24-foot (576 sq. ft.) two-car garage;
- Councilor Denton requested information as to whether other communities have prohibited separation of ownership of the primary and accessory dwelling units.

Staff have prepared proposed amendments to address the Council suggestions regarding Planning Board flexibility and the maximum size of garden cottages, and are continuing to research the question of common vs. separate ownership of the primary and accessory dwelling unit.

*I recommend the City Council move as follows:*

1. *Move to amend the proposed Ordinance as follows:*

(a) *Insert the following new Section 10.814.80:*

*In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.60.*

(b) *In proposed Section 10.815.32, change “500 sq. ft.” to “600 sq. ft.”*

(c) *Insert the following new Section 10.815.60:*

*In granting a conditional use permit for a garden cottage, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.40.*

2. *Move to pass second reading of the amended Ordinance and schedule third and final reading at the January 9, 2017 City Council meeting.*

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

**F. Public Hearing/Second Reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revised and expand the list of activities that are exempted from HDC review, and to clarify that exempted uses are subject to administrative review and approval.**

This proposed Ordinance, recommended by the Historic District Commission, will make the following changes to the Historic District provisions of the Zoning Ordinances:

- In Sections 10.632.30 (new) and 10.635.70 (amended), add references to the Design Guidelines recently developed by the Historic District Commission; and in Article 5A – Character Districts, delete Section 10.5A45 – Interim Architectural Design Guidelines, as these interim guidelines are being replaced by permanent guidelines.
- In Section 10.633.20, revise 15 provisions regarding exemptions from HDC review, and add 3 additional exemptions, to reduce burdens on property owners proposing minor changes.

- Also in Section 10.633.20, clarify that exempted activities, while not requiring a public hearing, are subject to administrative review and approval.

*I recommend the City Council move to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

**G. Public Hearing/Second Reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single- or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible.**

This proposed Ordinance, recommended by the Conservation Commission, will make the following changes to the Wetlands Protection provisions of the Zoning Ordinance:

- In Section 10.1013, expand the jurisdictional areas to include a portion of the Piscataqua River shorefront north of the I-95 bridge.
- In Section 10.1016.10(4)(a), clarify that the existing allowance for a 25 percent expansion of a single- or two-family dwelling is cumulative from the effective date of the Ordinance (i.e., January 1, 2010).
- In Section 10.1017.50, add a sixth criterion for approval of a conditional use permit, requiring restoration of the vegetated buffer strip to a natural state to the extent feasible.

*I recommend the City Council move to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

**H. Public Hearing/Second Reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination,” such as LED or plasma signs.**

In addition to internal and external illumination, the Zoning Ordinance allows signs to be illuminated by “direct illumination,” which means that the lighting elements comprise the sign. Examples include neon and LED signs. This proposed Ordinance limits such signs to not more than three colors on a dark background, in order to preclude signs that are similar to television or video displays. In addition, the proposed Ordinance amends the definition of

“changeable sign” by changing the word “illustrations” to “symbols,” for the same purpose.

*I recommend the City Council move to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

### ***Consent Agenda:***

1. **Request for Licenses to Install Projecting Signs.** Attached under Section X of the Agenda are requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Chloe Kelley, owner of Serendipity for property located at 41 Pleasant Street.
- Tom Chappell, owner of Ramblers Way for property located 100 Market Street.
- Emily Stearns, owner of Drift, LLC for property located at 12B Fleet 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 these 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 Public Hearing Re: Amending Elderly and Disabled Exemptions.** Annually the City Council reviews both the income and asset levels for the elderly and disabled exemptions, along with a change in exemption levels pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels. Last year, the City Council made the following adjustments:

Adjusted the income, asset and exemption limits for the elderly and disabled taxpayers:

- Single \$ 40,000 increase of \$ 3,689
- Married \$ 55,000 increase of \$10,207
- Elderly Asset Limit of \$175,000 increase of \$53,961

Adjusted the exemption amounts for elderly taxpayers in comparison to neighboring communities, this decreased the limit:

- Age 65 to 74 \$120,000 decrease of \$ 5,000
- Age 75-79 \$160,000 decrease of \$15,000
- Age 80 + \$200,000 decrease of \$20,000

Qualified disabled taxpayers exemption off the assessed value of the property remained the same at \$100,000.

I propose that the City Council increase the income limits for the elderly and disabled exemptions by the Boston CPI-U for November 2015 to November 2016. Any adjustment if approved would be for assessments as of April 1, 2017 for the 2017 tax year or FY18.

Total tax loss for Tax Year 2015 or FY16 was \$320,000 or 7¢ on the rate.

The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

*On Monday evening, I am requesting that the City Council act to authorize the City Manager to proceed with the proposed increases to income limits for the elderly and disabled exemptions by the increase in the Boston CPI-U for November 2015 to November 2016, and further, move to authorize the City Manager to bring the Resolutions back for public hearing and adoption at the January 9, 2017 City Council meeting, as proposed.*

2. **Request for Public Hearing Re: All Veterans' Tax Credit RSA 72:28 (b).** Councilor Josh Denton is requesting that the City Council conduct a public hearing on January 9, 2017 regarding the amended Veterans' Tax Credit in accordance with RSA 72:28 (b). This law HB430 relative to the "All Veterans' Tax Credit" was approved and signed by the Governor. This Bill expanded RSA 72:28 and added RSA 72:28 (b) enabling municipalities to change the eligibility requirements for persons receiving the veterans' property tax credit to include all veterans who have been honorably discharged or officers honorably separated from service. If adopted, this statute removes all gaps in the eligibility periods described in RSA 72:28.

Last year the City had 789 individuals receiving a veterans' tax credit of \$500.00 each at a tax loss of \$394,500 under RSA 72:28. In addition, there were 43 qualified service related disabled veterans who received a tax credit of \$2,000 each or tax loss of \$86,000 under RSA 72:35. The total tax loss for Fiscal 2016 is \$480,500.

The Assessor estimates that if the City Council were to adopt this new law there could be in excess of an additional 900 veterans eligible. At \$500.00 each, this would be an estimated additional tax loss of \$455,500 and a 10¢ increase on the tax rate. Therefore, a total tax loss for existing and newly qualified veterans could reach approximately \$936,000 or approximately 20¢ on the tax rate.

If the City Council makes any changes in the veterans' tax credit in accordance with the new law, it is required to abolish the existing tax credit and reestablish a new tax credit. (This does not impact the disabled tax credit.) The minimum tax credit by state law is \$50.00 whereas the City provides a \$500.00 tax credit per veteran presently.

Therefore, the City could adopt a new tax credit of \$250.00 per qualified veteran which would make this change approximately revenue neutral. Going forward, we could adjust the credit amount once we know how many additional veterans would qualify.

*The City Council could consider the following options:*

*Provide tax credit of:*

<u>Tax Credit</u>	<u>Estimated Tax Loss</u>	<u>Estimated Tax Rate Impact</u>
\$250.00	\$425,000	9¢
\$300.00	\$510,000	10.7¢
\$400.00	\$680,000	14.3¢
\$500.00	\$850,000	18¢

*On Monday evening, I am requesting that the City Council act on one of the aforementioned options, and further, move to authorize the City Manager to bring back the Resolution for public hearing and adoption at the January 9, 2017 City Council meeting, as presented.*

3. **Sale of Surplus Generator.** The Department of Public Works has a surplus Onan 120/208, 3-phase, 1200 amps GenSet for disposal. This generator is approximately 14 years old and was originally located at the High School. It was replaced by a larger generator when the High School was renovated. It is believed that its value exceeds \$5,000.00.

According to City Ordinance Section 1.505, any sale of property valued at or over \$500.00 must be authorized by the City Council and may be conducted by competitive bidding, public auction, or any other means authorized by a 2/3 vote of the City Council.

Due to the type of product, I believe the best method of disposal is through GovDeals, a government surplus website that we have used twice in the past with favorable results. The GovDeals website will reach a larger population of interested bidders, therefore receiving more competitive bids.

*I would recommend the City Council move to authorize the City Manager to dispose of surplus generator by the sealed bid process.*

4. **Adoption of Housing Policy and Housing Committee Recommendations.** At its work session on November 21<sup>st</sup>, Council reviewed a draft Housing Policy and Recommendations made by the Housing Committee, chaired by Councilor Rebecca Perkins (see attached memorandum and exhibits). Councilors were asked to submit proposed revisions no later than December 14<sup>th</sup>, in order that both documents, as revised, might be considered for adoption at the City Council meeting on December 19<sup>th</sup>. The attached documents incorporate only one change – namely to the title of the policy. At the work session, the draft policy title was “Workforce Housing Policy.” This is now



proposed as “Housing Policy.” Councilor Perkins would like to request that the City Manager make funds available from contingency to draft zoning language to implement the recommendations.

*The City Council may wish to move the following motion:*

*Move that the Council adopt the Housing Policy and endorse the Housing Committee’s recommendations, and to ask the City Manager to make \$10,000 available from contingency to draft zoning language to implement the recommendations.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 5, 2016. In addition, this can be found on the City’s website.
2. **Report Back Re: Cultural Plan.** City staff and Councilor Pearson met to discuss a strategy for updating the 2002 Cultural Plan as requested at the November 21, 2016 City Council meeting. The proposed strategy going forward is to solicit three quotes from individuals to undertake the following tasks:

- With the assistance of the Art-Speak Chair, review the goals and objectives in the 2002 Cultural Plan and identify which are completed, which are no longer relevant, and which should be retained and updated.
- Compile the findings and input regarding arts and culture from the Master Plan public input sessions and the Portsmouth Listens Focus Groups.
- Draft an updated Cultural Plan and meet with Art-Speak, City staff and stakeholders to gather feedback and input.
- Revise the updated Plan as needed and submit to Art-Speak for printing.

Estimated cost for the update and printing: \$8,000- \$10,000 to be paid from UDAG funds.

3. **LED Streetlight Rebate Funds.** For your information, [attached is a memorandum from Jacob Levenson, Solid Waste Sustainability Coordinator](#) regarding LED streetlight rebate funds.

**MEMORANDUM**

**To:** Mayor Jack Blalock  
Portsmouth City Council  
City Manager John Bohenko

**CC:** Housing Committee members (Councilor Spear, Councilor Dwyer, Commissioner Kennedy, Deputy City Manager Colbert Puff, Planning Director Rick Taintor, Planner Jessa Berna)

**From:** Councilor Perkins, Chair, on behalf of the Housing Committee

**Date:** 11/16/2016

**Re: Housing Committee: Final Recommendations**

Portsmouth is quickly becoming a well-known desirable community. In order to maintain future economic growth, the City must continue to compete to attract a highly talented workforce through its desirable features and reasonable cost of living. Our new Master Plan shows a vision for a community with increased vibrancy, authenticity, sustainability and variety. The Housing Committee was charged with taking initial actions to implement these goals by surveying the entirety of Portsmouth to identify the proper areas for zoning changes. These changes enable market forces to create the kind of Portsmouth the residents have chosen.

The cost of housing in Portsmouth has escalated partially due to forces well outside of the City’s control. Households are changing – people are having children later, seeking a carless lifestyle, and seeking to retire somewhere they can maintain mobility. Due to these changes, there is a greater demand for smaller units to accommodate a greater variety of households. While both millennials and baby boomers show a preference for smaller units walking distance from amenities, families with children still show a preference for a suburban home which requires a car. Portsmouth must provide the variety the market is seeking in order to maintain balanced and healthy economic growth. Without changes, the rising housing prices do and will affect a critical asset to Portsmouth’s future: its workforce.

Portsmouth’s workforce is quickly becoming the critical restraint on its economic vitality, and we must maintain workforce growth to keep pace with our growing employer base. Portsmouth benefits tremendously from attracting a vibrant workforce, as in turn the workforce attracts large, tax-paying employers. Currently, there is a limited supply of units that meet the demand of our workforce (studios, 1-bedroom and 2-bedroom apartments), which has driven prices up on many housing types when households cannot find the type of housing units they are seeking.

Zoning changes are the most efficient way to create some relief to rising prices for Portsmouth’s workforce. Zoning changes which allow increased density at appropriate locations incents additional smaller units to meet the specific demand outlined above. These units, sometimes referred to as the “missing middle”, include smaller houses, townhouses, and smaller apartments or condominiums, and could include ownership as well as rental units. Higher density mirrors the historical pattern of development we all love about Portsmouth, is more sustainable and creates vitality. These higher-density areas, as selected by the Housing Committee, can be centers of activity in Portsmouth that serve as draws for the existing residents and for new residents, and can be interconnected by transportation planning.

November 16, 2016

Though the Housing Committee has selected three high-priority changes, there are certainly other sites throughout the City that could be identified as appropriate locations for additional housing.

In addition to zoning changes, the other high priority actions the City can take to address rising housing prices are: (i) to reduce the cost of the development process by streamlining the permitting process at the land use boards and (ii) in appropriate cases, work collaboratively with developers to reduce costs by assuming the responsibility of infrastructure improvements in conjunction with some projects.

The Housing Committee recommends the following priority actions to address the housing challenge in the City of Portsmouth:

1. Refer to City staff drafting of the zoning amendments identified on the chart attached as Exhibit A hereto. Once drafted by staff, these zoning changes will come first to the Planning Board for review, and then to City Council for enactment.
2. Adoption by the City Council of the Housing Policy, attached hereto as Exhibit B.

The Committee seeks a City Council vote to affirm the staff pursuing the recommendations in Exhibit A and adopt the policy in Exhibit B.

**CITY OF PORTSMOUTH**

**CITY COUNCIL POLICY No. 2016-01**

**HOUSING POLICY**

**WHEREAS**, the goals of the City of Portsmouth, as expressed in its 2025 Master Plan, include encouraging walkable mixed-use development, adapting the housing stock to accommodate changing demographics and accommodating the housing needs of the City’s current and future workforce; and

**WHEREAS**, the City Council finds that construction of additional housing is critical to the City’s continuing economic and civic vitality by supplying a new generation of workforce, attracting talent and new business, preserving affordability for long term residents to remain in the City, and increasing our resident base to allow for greater variety of participation in our City Boards, Committees, Commissions and Departments; and

**WHEREAS**, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to interpretation of City regulations and ordinances, project approval and review, staff approval of permits and guidance to developers, and other City involvement in the housing process;

**NOW THEREFORE**, the City Council adopts the following policy (the “Housing Policy” or “this Policy”):

**I. VISION**

Portsmouth will support a housing stock that addresses greater housing supply and variety, including an adequate supply of workforce and moderate-income housing; reflects and enhances the City’s historical development patterns; provides a human-scale design <sup>1</sup>that allows for vibrancy of civic life; and allows for optimal investment in and use of public infrastructure.

**II. CORE COMMITMENT**

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<sup>1</sup> Human-scale design, in this context, refers to the size and proportions of buildings along a street being tailored to the comfort and usability of people walking nearby.

The City of Portsmouth will promote the design, construction, operation and maintenance of residential development appropriate for a variety of different residents, including the elderly and seniors, families, young professionals, seasonal and service industry workers, and people with disabilities; and will make efforts to ensure that housing costs are affordable to a wide range of income levels.

The City of Portsmouth will approach planning and zoning as an opportunity to expand the housing stock and provide increased variety to address the needs of those who work in Portsmouth and its region.

### **III. KEY PRINCIPLES**

In planning for development and reviewing proposals for new residential developments, the City will apply the following principles:

1. **HOUSING CHOICE AND AFFORDABILITY:** Residential growth in the City should include a range of housing types to address the needs of different household types, lifestyles and income levels.
2. **CHARACTER AND HERITAGE:** New residential development should be sympathetic to the local heritage and character of each area, and should incorporate quality built form and streetscapes, including pedestrian-friendly environments.
3. **HOUSING TARGET AREAS:** The City will identify housing target areas that are suitable for more residential development and will focus studies, detailed zoning changes and development controls to guide future development in each of these areas. Context-sensitive standards which address design will accompany each target area.
4. **INFILL DEVELOPMENT:** Outside housing target areas, the City will promote infill development of residences (and, where appropriate, mixed-uses) within existing neighborhoods by rezoning to promote and allow established, traditional development patterns.

### **IV. FOCUS AREAS**

In keeping with the 2025 Master Plan, this Policy recognizes that different solutions are appropriate for different types of areas and neighborhoods within the City. Therefore, the application of this Policy will vary accordingly by focus area, as follows:

1. **URBAN CORE:** The Urban Core, consisting of the historic Downtown and the North and West Ends, accommodates apartments, condominiums and affordable housing in existing and new mixed-use buildings.
2. **CORRIDORS:** On the City’s current major corridors—Lafayette Road/Route 1, Woodbury Avenue/Market Street, and (to a lesser extent) the Route 1 Bypass—provide opportunities to integrate new multifamily residential and mixed-use developments into existing commercial environments and create additional centers of activity.
3. **URBAN NEIGHBORHOODS:** The dense walkable neighborhoods close to the Urban Core provide housing in various sizes and tenancy types. The variety of options helps to preserve neighborhood character, provides affordable housing options, and allows for reduced automobile usage due to proximity to the Downtown and West End. New development in these neighborhoods will consist of small-scale infill and “missing middle” redevelopment.
4. **SUBURBAN NEIGHBORHOODS:** Portsmouth’s low-density suburban neighborhoods provide a range of housing stock from luxury to affordable. These neighborhoods are suitable for incremental infill development including accessory dwelling units.

## **V. LAND USE REGULATIONS AND PERMITTING**

To apply Key Principles from this Policy to each focus area and housing target area, the City will consider the following changes to land use regulations and the permitting process:

1. **DENSITY:** The City will incorporate historical land use patterns and human-scale development principles into local land use regulations (Zoning Ordinance, Site Plan Review Regulations, Subdivision Rules and Regulations) and permitting processes, as well as other standards, plans, rules, regulations and programs as appropriate.
2. **PARKING:** The City will review parking requirements in housing target areas and specific neighborhoods, revise land use regulations as appropriate to reduce housing development costs while preventing street congestion, and proactively seek parking infrastructure solutions or shared parking arrangements that can be substituted for individual unit parking requirements.

3. **IMPACT ON AFFORDABILITY:** Recognizing that local land use regulations can have a direct impact on housing development costs, all Boards, Committees, Commissions and Departments should consider the impacts of their actions on housing affordability within legal guidelines, and should coordinate with each other to the extent possible to provide advice consistent with this Policy.
4. **PERMIT STREAMLINING:** Private investment in the City's housing stock should be encouraged and the development process be minimally burdensome on individual property owners to comply with City regulations. Minor site or building changes should not necessarily trigger requirements for review by City Boards or Commissions. All Boards, Committees, Commissions and Departments should review local land use regulations and other requirements so that de minimis changes may be approved administratively.

## **VI. IMPLEMENTATION**

The City views this Housing Policy as integral to everyday planning and decision-making practices and processes. To this end:

1. **APPLICATION:** The Planning Department and other relevant departments, agencies or committees shall incorporate this Policy's principles into the City's Master Plan and other appropriate plans, and manuals, checklists, decision trees, rules, regulations, and programs as appropriate, requesting funds through the annual City Budget or City Council when necessary.
2. **REGULATORY AUDIT:** The Planning Department and Department of Public Works shall review the City's Zoning Ordinance, Site Plan Review Regulations, Subdivision Regulations and permitting processes, to ensure that they effectively implement this Policy.
3. **PROFESSIONAL DEVELOPMENT:** When available, the City shall encourage staff professional development and training on best practices in planning, zoning, and principles through attending conferences, classes, seminars and workshops.
4. **COLLABORATION:** The City shall promote project coordination among City departments and agencies in implementing the Housing Policy in order to better use fiscal resources and produce the best results.
5. **MUNICIPAL INVESTMENT AND PUBLIC INFRASTRUCTURE:** The City should support new workforce housing development in designated areas through provision

of capital improvements and services, and proactively submit projects which support these principles to the annual Capital Improvement Plan process.

6. ANNUAL REPORTS: The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy. This policy shall take effect upon passage by the City Council.

**VII. PERFORMANCE MEASURES**

The Housing Policy should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- Reduction in the affordability gap for rental and ownership units relative to income levels in the housing market area. Reduced applications for variances required to build workforce housing
- Increased density in new residential construction or applications for residential construction
- Reduced processing time for applications/permitting for new housing development

Adopted by the Portsmouth City Council on: \_\_\_\_\_.

\_\_\_\_\_  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



ATTACHMENT: MASTER PLAN STRATEGIES

The following housing strategies related to the theme of Diversity are identified in the Master Plan:

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.4 Identify locations and conditions under which live/work units can be safely and appropriately allowed.
  
- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirements and increased maximum heights.
- 3.2.3 Support the activities of housing agencies in the development of affordable housing.
- 3.2.4 Provide incentives for low- to moderate-income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro-units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed-use redevelopment of suitable Portsmouth Housing Authority properties for long-term viability.

## 1. Gateway Zoning District (Lafayette Rd, Route 1 Bypass and Outer Market St.)

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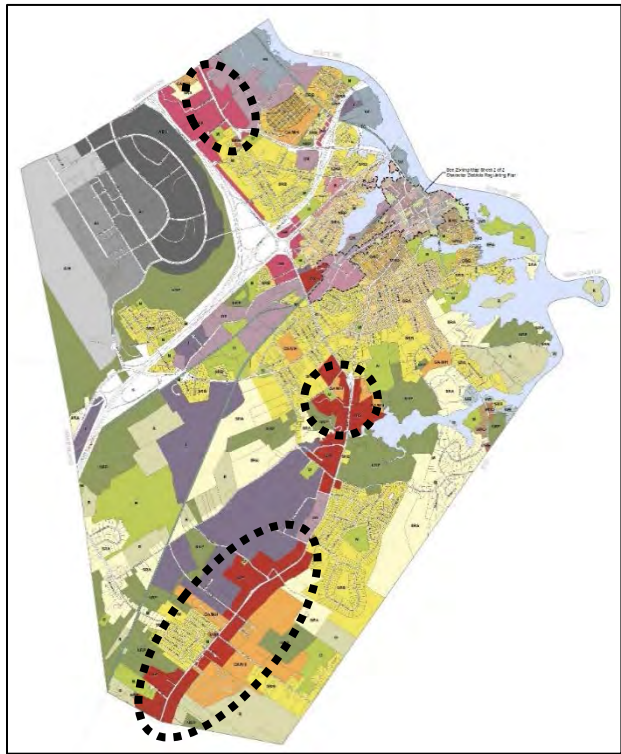
### Locations

The Gateway zoning district consists of the existing zones along much of Lafayette Road and several sites along the Route 1 Bypass, and should include Woodbury Avenue from Market Street to Gosling Road, which is currently zoned General Business.

### Existing Conditions

The Gateway corridors are characterized by auto-dependent commercial development at various scales and on lots of varying depths. These retail strips are interspersed with various forms of residential development, ranging from single-family subdivisions to manufactured housing parks to apartment and condominium developments, but there is little integration of the commercial and residential uses.

The Gateway Planned Development option, created in 2010, was designed to encourage more efficient use of land through higher-density, mixed-use redevelopment of the larger retail parcels, but to date only one project has taken advantage of this option – Southgate Plaza, where a 94-unit residential building is being added to the existing shopping center.



In addition to the residential component added to Southgate Plaza, new stand-alone residential developments are currently being planned for two sites along the corridors. The former medical office at 150 Route 1 Bypass will be replaced by a 30-unit, senior-oriented multifamily building, and a former office building at 3310 Lafayette Road will be converted into a 25-unit development. It is noteworthy that in both cases the proposed residential uses were not permitted by the zoning in effect, and the Zoning Board of Adjustment granted variances to allow the uses. The fact that these applications are a) being proposed and b) receiving approval is evidence of both the demand for residential development and its appropriateness for these areas.

### Development Objectives

In public meetings for the new Master Plan, residents identified the commercial areas alongside existing corridors as places where new housing is desired to transform these areas into more attractive centers of activity. Continuing development or redevelopment of these sites can include the addition of residential uses to existing commercial uses, as is being done at Southgate Plaza, or complete redevelopment of parcels into new residential or mixed-use developments. While a smaller parcel might only be able to support a single-use multifamily development (as is being done in the two projects at 150 Route 1 Bypass and 3510 Lafayette Road), larger sites could include a range of housing choices and commercial uses in a quality human-scaled

environment. These pedestrian-friendly nodes of commercial and residential activity will not only increase the supply of affordable housing, but also make these areas more accessible to the surrounding residential neighborhoods and create attractive destination centers throughout the City.

### **Zoning Recommendations**

- Rezone appropriate sections of Woodbury Avenue from General Business to the Gateway district
- Enhance the existing Gateway zoning to encourage redevelopment in the Gateway district to include residential units, through one or more of the following approaches:
  - Allow multifamily, apartment and condominium development as a principal use in the Gateway district, subject to site design standards
  - Further encourage mixed-use development by requiring mixed use for projects of a certain size, allowing residential use by right with standard zoning requirements, and require projects that are proposed not to be mixed use to obtain a conditional use permit.
  - Provide incentive-based density bonuses for workforce housing throughout this district, similar to the Incentive Overlay Districts in the North End and West End (include affordable housing covenants wherever appropriate).
- Adjust parking requirements and account for shared uses.

Lafayette Road – Wal-Mart / Southgate Plaza



**2017-2023 CIP/  
FUTURE  
AMENITIES**

- Enhance bicycle and pedestrian travel along entire corridor
- US Route 1 New Sidepath Construction – Phase 1 – Andrew Jarvis to Elwyn (\$1.7 million; FY 20-22)
- US Route 1 Crosswalks and Signals (\$745,000; FY 20)

Lafayette Road – Lafayette Plaza (Fresh Market)



## 2017-2023 CIP/ FUTURE AMENITIES

- Develop connections to recreational areas (new rec. facility at Community Campus, Rail Trail)
- Potential future connection to Sagamore Creek land and Urban Forestry Center

Outer Woodbury Avenue – Market Basket Plaza



## 2017-2023 CIP/ FUTURE AMENITIES

- Enhance bicycle and pedestrian travel along Woodbury Avenue
- Gosling Road sidewalks (CDBG)
- Project based infrastructure (sidewalks, street trees, open space/ recreation/ public plazas)

## 2. Mirona Road

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### Location

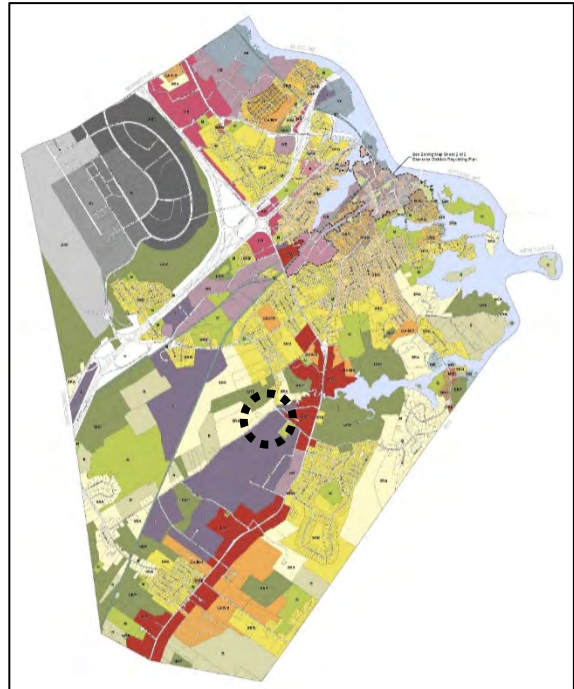
The Mirona Road site is the area zoned Gateway on both side of Mirona Road, between Lafayette Road and the intersection of Peverly Hill Road and Banfield Road. This site is also just south of Sagamore Creek.

### Existing Conditions

Mirona Road is currently zoned Gateway and like much of the district is characterized by auto-dependent commercial development. Mirona Road has a much different feel than major commercial corridors such as Lafayette Road because of the narrower street and relatively lower traffic volumes.

### Development Objectives

There is an opportunity to create a quality human scale residential development with a mixed-use component that provides a range of housing choices, commercial uses and multi-modal transportation. Redevelopment on the north side of the road could take advantage of access to Sagamore Creek and the adjoining wetlands.



### Zoning Recommendations

- Rezone Mirona Road from Gateway to a new district in order to distinguish its character from the rest of the Gateway district.
- Encourage redevelopment to include multifamily residential use, through one or more of the following approaches:
  - Allow multifamily development as a principal use
  - Further encourage mixed-use development (e.g. require mixed use for projects of a certain size; allow use as-of-right with supplemental standards; require non-mixed use projects to obtain a conditional use permit)
  - Provide incentive-based density bonuses for affordable/workforce housing (similar to the Incentive Overlay Districts in the North End and West End – include affordable housing covenants wherever appropriate)
- Adjust parking requirements and account for shared uses

Mirona Road



## 2017-2023 CIP/ FUTURE AMENITIES

- Project based infrastructure (sidewalks, street trees, open space/ recreation/ public plazas)
- Potential future connection to Sagamore Creek land and Urban Forestry Center





### 3. Exit 7 Area (CCC Church to Kearsarge Way)

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#### Location

The Exit 7 area is located on either side of I-95 along the north side of Market Street.

#### Existing Conditions

The area to the east of Exit 7 is currently zoned Single Residence B, but is currently occupied by the CCC Church. Between Kearsarge Way and Exit 7, it is currently zoned General Business, but this area holds several relatively small undeveloped parcels surrounded by paper streets which have not been constructed. Several years ago the property owner obtained approvals to develop a hotel on the site, but those approvals have since expired.

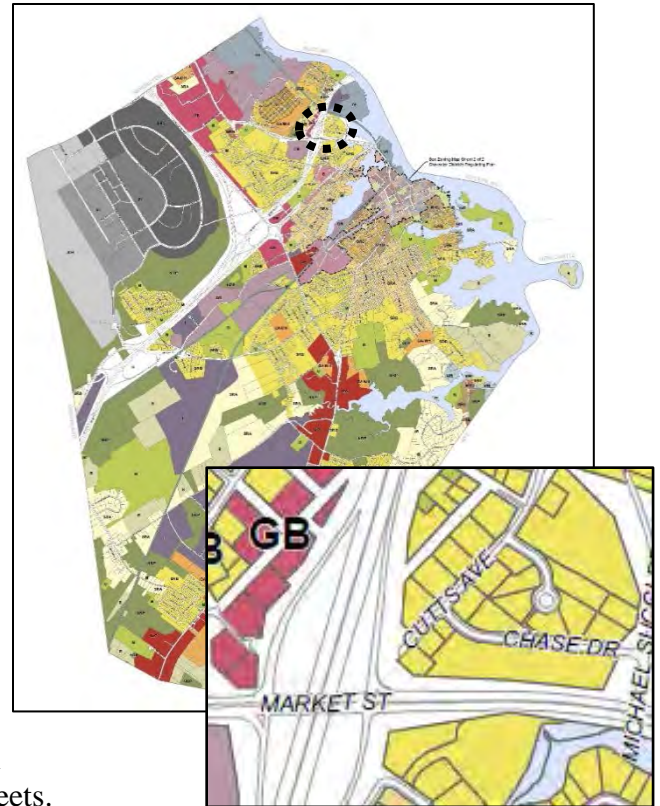
#### Development Objectives

The area along Market Street on either side of Exit 7 offers a lot of potential to create multi-family housing. The current SRB single family residential zoning along this busy corridor is not appropriate along such a busy corridor, nor is the isolated General Business district, largely along undeveloped paper streets.

Allowing for multi-family housing in this area would serve as a transition between Market Street and the surrounding single family residential area. This is also an opportunity to continue to strengthen the bicycle and pedestrian network along Market Street and create more housing options proximate to the downtown.

#### Zoning Recommendations

- Rezone to new higher-density residential
- Allow mixed-use
- Incentivize affordable housing with density bonuses (include affordable housing covenants wherever appropriate)
- Reduce parking requirements given proximity to downtown



Market Street – Exit 7



## 2017-2023 CIP/ FUTURE AMENITIES

- Market Street Gateway Plan (\$2.1 million; FY 18)

## Event Listing by Date

Starting Date: 12/ 5/2016

Ending Date: 10/31/2017

Start End	Type Description	Location	Requestor	Vote Date
12/11/2016 12/11/2016	ROAD RACE Thomas M. Bringle is the contact for this event. Tel. 603-724-6080 tbringle@arthritis.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation - Jingle	1/25/2016
12/31/2016 12/31/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 4:00 p.m. to Midnight	Downtown - Various Locations throughout Market Squ	First Night - Pro Portsmouth	9/ 6/2016
1/ 1/2017 1/ 1/2017	RACE Michael Rennebu is the contact for this event. Cell #603-969-9783 Race Start: 11:00 a.m. Registration: 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015
3/18/2017 3/18/2017	ROAD RACE Starting at Peirce Island		St. Patrick School - Clover R	11/21/2016
3/26/2017 3/26/2017	ROAD RACE Donald Allison is the contact for this event.	Starts at Traip Academy in Kittery, ME thru town	Eastern States 20 Mile	12/ 5/2016
4/ 8/2017 4/ 8/2017	WALK This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/21/2016
5/ 6/2017 5/ 6/2017	WALK Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	Little Harbour Elementary School	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Pleasant Street - State Street - Market Square	Children's Day - Pro Portsmout	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	Start at Redhook Brewery	American Lung Association	10/ 3/2016
5/13/2017 5/13/2017	RACE Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Strawbery Banke	Susan G. Komen Foundation	8/15/2016
5/28/2017 5/28/2017	FUND Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Portsmouth High School	Education to All Children	12/ 5/2016

## Event Listing by Date

Starting Date: 12/ 5/2016

Ending Date: 10/31/2017

Start End	Type Description	Location	Requestor	Vote Date
6/10/2017 6/10/2017	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	9/ 6/2016
6/10/2017 6/10/2017	ROAD RACE Starts in Market Square Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square		Market Square Road Race - Pro	9/ 6/2016
6/17/2017 6/17/2017	RACE Rain Date of June 18, 2017	Pleasant Street	Big Brothers Big Sisters of Ne	9/19/2016
6/24/2017 6/24/2017	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/ 6/2016
7/ 1/2017 7/ 1/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/ 8/2017 7/ 8/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/15/2017 7/15/2017	BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery.	From Kittery, ME to Route 1B to Rye back to Kitter	Cystic Fibrosis Foundation	11/21/2016
7/15/2017 7/15/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/22/2017 7/22/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2017
7/29/2017 7/29/2017	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
9/17/2017 9/17/2017	RACE Jennie Halstead, Executive Director if the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Brest Cancer Support	12/ 5/2016
9/24/2017 9/25/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: John Bohenko  
City Manager

FROM: Jacob Levenson  
Solid Waste Sustainability Coordinator

DATE: 12/13/16

SUBJECT: LED Streetlight Rebate Funds

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The Department of Public Works (DPW) successfully secured Eversource rebates totaling \$107,425 for the conversion of existing streetlight fixtures to LED lights. With the rebates secured, DPW anticipates a 2.5 year net payback once all streetlights have been converted to LED. By converting streetlights to LED equipment, the City will save \$120,000 in annual cost, 460,000 kWh of annual electricity consumption, and prevent 270 tons of CO<sub>2</sub> emissions per year.

The City has been coordinating with Eversource to identify non-working streetlights and ensure they are repaired. The NHPUC Tariff states that Eversource must perform all maintenance of lighting fixtures. Bulb or driver replacements are included in the monthly rate the City pays Eversource; however, the entire fixture head replacement is a separate additional charge to the City. In preparation of the full LED streetlight conversion, DPW has begun replacing streetlights broken beyond repair with LED fixtures. We have replaced 27 broken cobra head streetlights with new LED cobra heads and installed LED retrofits in 42 unique streetlight fixtures along the Newington Street entrance to Pease International Tradeport. Rebates totaling \$7,425 were secured to repair and/or replace these existing streetlight fixtures with LED lights.

In addition, DPW secured a \$100,000 rebate to convert our existing High Pressure Sodium (HPS) streetlights to LED streetlights. The rebate is made available through Eversource and their Energy Efficiency Incentive program. The City is currently working on replacement of its approximately 1,600 existing streetlights with LED fixtures. These new LED fixtures comply with the recent American Medical Association recommendations on color and intensity.



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: Economic Development Commission **Renewing applicant**

Name: Philip Cohen Telephone: 603 767 1395

Could you be contacted at work?  YES/ NO - If so, telephone# 603 334 6705

Street address: 114 Crescent Way

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): cohen.philip@gmail.com

How long have you been a resident of Portsmouth? 11 years

Occupational background:

Commercial real estate finance with a  
specialty in construction financing. Also  
fine art photographer.

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

Reasons for wishing to continue serving: I would like to continue  
to provide my construction perspective as Portsmouth  
is poised to experience continued growth &  
development in coming years, including new large  
scale projects in the downtown.

OVER  
➔

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


The Housing Partnership, Treasurer  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) Katny Hayes, 325 State St, Portsmouth (603) 334-6723  
Name, address, telephone number
- 2) Marty Chapman, 767 Islington St, Portsmouth (603) 431-3620  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

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

Signature:  Date: 12/1/2016

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 10/1/2020  
 Annual Number of Meetings: 9 (2015) Number of Meetings Absent: 3  
 Date of Original Appointment: 5/2/11

**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**

# Philip Case Cohen

114 Crescent Way  
Portsmouth, NH 03801  
603.767.1395  
cohen.philip@gmail.com

**OBJECTIVE:** Leverage my solid foundation of analytical skills in real estate and financial analysis alongside my communication and project management abilities to contribute to the development of a commercial real estate portfolio.

**PROFILE:** Highly motivated individual with extensive team interaction experience. Adept in communication skills relevant to achieving established goals with attention to detail. Committed to community involvement and development with respect to social, business and artistic aspects.

**EDUCATION:** **Peter T. Paul College of Business and Economics, University of New Hampshire, Durham, NH**  
8/04 – 12/05 Master's in Business Administration with an option in Finance, GPA 3.67

5/04 **College of Engineering and Physical Sciences, University of New Hampshire, Durham, NH**  
Bachelor of Science, Interdisciplinary Mathematics: Economics Option, Minor in Business Administration

**COURSES:** Financial Management, Quantitative Business Analysis, Technology and Operations Management, Strategic Management and Decision Making, Financial Accounting, Managerial Accounting, Advanced Zoning and Land Use, Construction Law Seminar.

Analytical Ultracentrifuge Commercialization Project (Professor Thomas Laue, Center to Advance Molecular Interaction Science): Market Assessment and Assistance Developing Business Plan.

**AWARDS:** People's United Bank CEO's Leadership Award 2014; Selected as recipient of Graduate Assistantship from the Peter T. Paul College MBA Class of '06; Selected as recipient of UNH Men's Crew Morris Darling Award in '05; Finalist Men's Heavyweight Varsity 8+, New England Rowing Championships; '05 Finalist Men's Novice 8+, '02 ECAC National Invitational Rowing Championships; Gold Medal Men's Novice Eight (8+), '02 New England Rowing Championships.

**EXPERIENCE:** **People's United Bank, Portsmouth, NH**

3/07 – Present *Senior Vice President/Commercial Real Estate Lender* – Primary responsibilities include developing sales leads, structuring commercial real estate loans, managing the internal commercial loan approval process, presentation for approvals at Loan Committee, maintenance of \$230+ million dollar commercial loan portfolio, and expansion of Borrowers' relationships with the Bank.

4/06 – 3/07 *Portfolio Manager/Commercial Lender* – Responsibilities include the maintenance of the existing loan diary documenting and analyzing current business performance of customers, obtaining relevant information from prospective clients and compiling a proposal, direct business customer liaison for Account Manager.

8/05 – 4/06 *Analyst, Credit Administration* – Analyze and prepare reports for existing and prospective commercial loan clients of the bank. Loan recommendations are formulated based on several analyses including market, collateral, financial, guarantor, as well as risks and mitigates.

6/09 – Present **The Daily Portsmouth**

*Founder/Principal Photographer* – Established a small business via a website with daily photographic updates featuring life in the Seacoast of New Hampshire. Built strong following and brand awareness since inception while highlighting the beauty and opportunities that New Hampshire's seacoast has to offer. Featured in various local and national publications and in ad campaigns for the State of New Hampshire's Department of Travel & Tourism and the Portsmouth Chamber of Commerce's Guide to the Seacoast.

5/04 – 10/06 **Great Bay Rowing, Durham, NH**

*Head Coach* – Coach for the Master's program; responsible for scheduling, teaching, and physical training of athletes ranging in ages from 30 to 60. Main focus during 2006 was training Masters women for FISA World Masters competition, Finalist in event. Assumed Head coach duties in August '05, served as assistant coach in previous summers.

9/05 – 12/05 **Course Instructor, ADMN 400, Whittemore School of Business and Economics**

*Recitation Section Instructor* – Led students in discussions and analysis each week for Ross Gittel's Introduction to Business Course at the University of New Hampshire. Responsibilities included all grading and direct interaction with students in designated section each week; served as teacher, facilitator and mentor.



# Philip Case Cohen

114 Crescent Way  
Portsmouth, NH 03801  
603.767.1395  
cohen.philip@gmail.com

- ACTIVITIES:** **City of Portsmouth Economic Development Commission**  
5/11 – Present *Commissioner* - The EDC's function is to develop economic development policies, goals and objectives as an advisory commission to the Portsmouth City Council. EDC members include the City Manager, the Mayor and residents who represent the local business community.
- 4/09 – Present **The Housing Partnership**  
*Treasurer, Board of Directors; Member, Property Development Committee* – Attend monthly board meetings to discuss the Organization's ongoing performance as measured against the mission. Be a regional advocate for affordable housing and provide financing guidance as a commercial real estate lender. Attend monthly property development committee meetings to identify and vet potential projects.
- 6/09 – 6/11 **Atlantic Heights Area Neighborhood Association**  
*Co-Chairperson* – Serve as a sounding board and advocate for residents as well as a liaison with the City. Coordinate regular neighborhood meetings and events; ensure the integrity of the neighborhood is upheld and the by-laws of the Association are followed when hosting meetings and when interacting with external organizations/individuals.
- 9/08 – 12/10 **Catapult Seacoast**  
*Treasurer; Member, Board of Directors* – Serve to enhance the Seacoast Community through development of young professionals within the region, encourage community involvement, and provide opportunities for personal and professional enrichment through quality programming and networking opportunities.
- 9/08 – 9/12 **Friends of UNH Rowing**  
*Treasurer; Founding Member, Board of Directors* – As a Founding Board Member, help to create an alumni database of rowers and supporters in order to develop and leverage a fundraising network to grow the UNH rowing program. As Treasurer, responsibilities include developing a 5-year capital expenditure plan to ensure that the team's equipment is safe and as technologically advanced as funding allows.
- 
- 1/08 – 6/08 **Leadership Seacoast**  
*Class of 2008* – Selected for the Class of 2008 as regional banking representative from New Hampshire's Seacoast. The mission of Leadership Seacoast is to positively impact the communities of the Seacoast area by developing a base of effective, knowledgeable, and engaged leaders through exploration of community issues, effective leadership practices, and opportunities for personal involvement.
- 9/01 – 5/05 **University of New Hampshire Men's Crew, Durham, NH**  
*Co-Captain 2003-2005* – Leadership development as senior team member. Team involvement demands responsibilities involving detailed technical mastery, rigorous physical training six days a week, and highly aggressive varsity level team competition.
- TECHNICAL:** Skilled in MS Excel, Word, PowerPoint, Internet Explorer, Moody's KMV Financial Analyst



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: EDC Initial applicant

Name: Sarah E LaChance Telephone: 603-682-4830

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

Street address: 316 COOLIDGE DR

Mailing address (if different): —

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

How long have you been a resident of Portsmouth? 17 Years

Occupational background:

18+ Years experience in the tech industry - Currently Senior Operations and Delivery Mgr at IBM. Previous positions at Bricsnet, LLC and Newmarket International.

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

In my work, I have opportunity to work with businesses and municipalities to understand and address business needs. I've been involved in the tech industry locally and have seen it grow to be a large contributor to the culture + economy of the City - I want to support that.



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

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

Reasons for wishing to serve: I have a deep interest and drive in growing a climate within our city that is supportive of local business. It's vital that our city serves not just as a destination for visitors, but a place where residents and area entrepreneurs can grow and start businesses and develop opportunities.

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

IBM Corporate Service Corps, Ward 4 Ballot Clerk, Portsmouth Halloween Parade, Portsmouth Listens, other volunteer work

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

- 1) Joshua Cyr, 990 Maplewood Avenue, 802-222-0667  
Name, address, telephone number
- 2) Kathleen Soldati, Discover Portsmouth, 10 Middle St, 603-436-8433  
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: Dec 7, 2016

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

# Sarah Lachance

316 Coolidge Drive, Portsmouth, NH 603.682.4830 [selachance@gmail.com](mailto:selachance@gmail.com)

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## *Experience*

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**International Business Machines** **Jun 2000-present**  
**Senior Operations and Delivery Manager, IBM Connections Cloud (Feb 2016-present)**

- Leads global operations team for messaging service in distributed worldwide data centers. Define and execute process, compliance and change control policies to prioritize, communicate and react to changing and challenging business requirements. Focus on progressive software delivery to manage risk, and continuous integration via Scrum/ Agile project and development management.
  - Leads cross-team project to develop, implement and iterate on automated remediation of OS Patching and ITCS104 compliance requirements
  - Improves team and organizational efficiency through enablement, training, elimination and outsourcing of work to other teams
  - Leads and sets of cross-team technical resources in real-time to address and reduce client impact during service issues and outages

**Senior Development Manager, IBM Connections Cloud** **Oct 2014 - Feb 2016**

- Managed Administration Client and Messaging Development teams to improve availability and resiliency of product capabilities.
  - Piloted and drove small cloud mail migration project (100 mailboxes) within development organization to identify and prove out migration issues
  - Prioritized, managed and drove work to support IBM initiative to move from pilot to migration of 500,000 mailboxes into cloud messaging offering

**Program Manager, SmartCloud Notes** **Dec 2011-Oct 2014**

- Managed integration points and cross-project requirements for IBM's premier cloud-based messaging offering. Responsibilities include collaboration with development, product management, support and executive leadership across the integrated Social Business software portfolio.
  - Moved IBM project "Hawthorn" which enabled Microsoft Outlook client use against a Domino Mail Server from prototype to fully staffed, funded, operational, agile offering. Work included development, offering, project and program management.

**Development Manager, IBM Collaboration Solutions Client Software** **Jun 2004-Dec 2011**

- Led development for several desktop client software offerings. Scheduled and managed work and global personnel to exceed client and business requirements.
  - Drove virtualization support and requirements for IBM Notes Client
  - Led development team who ported IBM Notes Client code to an Eclipse-based client on the Mac platform. 90,000 IBMers are now able to use Mac as a platform due in large part to this work.
  - Managed Apple Development program access and relationship for IBM Software Group.
  - Led IBM bring-up team for "Hannover," which ported the IBM Notes Client C Code to the Eclipse platform.

**Development Manager, IBM Collaboration Solutions Enterprise Integration** Jun 2002-Jun 2004

- Managed Development, Test and Level 3 Support Operations for IBM's Enterprise Integration Offering. This product ran as an add-in to Domino on Linux, Windows and the IBMi platform, and integrated with multiple RDBMS and FSCM providers (PeopleSoft, SAP).
  - Led beta and early adoption programs for new releases of Lotus Enterprise Integration releases, IBM Virtual Documents and IBM DECS (Domino Enterprise Connections Solutions).

**Escalation Support, IBM Collaboration Solutions Enterprise Integration** Jun 2000-Jun 2002

- Software Development Level 3 support for Enterprise Integration offerings across multiple platforms and RDBMS systems. Worked closely with clients to troubleshoot and identify issues, and with development to provide timely fixes.
  - Led IBM Division in creation and documentation of knowledge via Technotes

**Bricsnet LLC** Aug 1999-Jun 2000

- **Software Testing and Support** Numerous roles in construction project management software firm. Responsibilities included software support, writing product documentation, software testing, and product marketing.

**Newmarket International** Aug 1998-Aug 1999

- **Technical Support Representative.** Provided technical support for hospitality management software suite. Responsibilities included software product troubleshooting, database management and on-site support for new product versions and installations.

*Education*

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**University of New Hampshire** 2006-2009

Coursework in pursuit of Masters of Arts in English Literature.

**Bowdoin College** 1994-1998

A.B. in English Literature with a concentration in Film Studies. Graduated summa cum laude.

*Additional Experience and Awards*

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IBM Top Talent. Acceptance to IBM Corporate Service Corps (Class of 2017). Lab Advocate for IBM CIO Office. IBM Management Certification. Founder of IBM Massachusetts New Hire Network for 0-5 Year Employees. Division University Hiring Focal

*Skills and Interests*

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Agile Project Management. Scrum Software Development. DevOps Principles. Continuous Delivery / Integration Development. Software Project Management. IBM Connections, Rational Team Concert. UNIX, SQL, RDBMS management (MS-SQL Server, IBM DB2, Oracle). Public Speaking, Technical Presentation and Publication. Mentoring and Networking for Early Career Technical Professionals. Cooking. Sewing.



# 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: Planning Board Initial applicant

Name: Jane Begala Telephone: 413-374-4458

Could you be contacted at work? YES/NO If so, telephone # N/A June

Street address: 669 Greenland Rd., Portsmouth, NH 03801

Mailing address (if different): same as above

Email address (for clerk's office communication): jbegala@usa.net

How long have you been a resident of Portsmouth? \_\_\_\_\_

Occupational background:

*- Please see attached Word document  
for complete application -*

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

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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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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) \_\_\_\_\_  
Name, address, telephone number

2) \_\_\_\_\_  
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: Jose E. Regala Date: Dec. 5, 2016

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**

**Committee:** Planning Board (Alternate)

**Name:** Jane E. Begala

**Tel:** 413-374-4458 (IPhone)

**Could you be contacted at work?** N/A

**Street Address:** 669 Greenland Road, Portsmouth, NH 03801

**Mailing Address:** Same as above

**Email Address:** [jbegala@usa.net](mailto:jbegala@usa.net)

**How long have you been a resident of Portsmouth?** I have been a resident full time since 2013 but maintained constant connection to Portsmouth, my hometown, throughout my life, as my mother and father lived here for over 40 years.

I grew up in Portsmouth, attended grade school, middle school, and high school, and remained a resident when I attended/graduated from UNH. When I worked overseas for the US government (USAID), I also voted as a resident of Portsmouth.

**Occupational background:**

As Senior Technical Manager, I worked in the non-profit and private sectors to plan and implement national and local health and community development programs funded by the US government (USAID), or by UNICEF. I have graduate degrees in epidemiology/public health (MSPH, UCLA) and business (MBA, Brandeis University), and planned, guided, and evaluated national and community responses to HIV/AIDS, women and children, and other disadvantaged groups living in poverty. I have worked with multiple sectors – including ministries of the interior, policy and community planning, health, and social services to develop a full range of service systems to help orphans and vulnerable children.

I am currently a real estate agent with Bean Group/Portsmouth, have a NH realtor's license, and am studying for my Maine license.

**List experience you have in respect to this Board/Commission:**

- I have decades of experience leading groups in strategic planning and then implementing programs (often in the millions of dollars) and evaluating them; these groups include planners at the city, regional, and national/international levels
- I have deep and lifetime knowledge of Portsmouth
- I have in depth experience reviewing contracts and grants and ensuring that they are in compliance with government standards and regulations

**Have you contacted the Chair of the Board/Commission to determine the time commitment involved?**

Yes, I contacted Mr. Ricci and it is my understanding that as a new member (or alternate), I may have 5 hours of preparatory work/background reading. For each (monthly) meeting of approximately 3 hours there will also be additional preparatory reading. He explained that occasionally there are additional work sessions or spillover of topics from one of the Thursday evening meetings into the following week. I embrace the opportunity to put in time during a substantial learning curve.

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

Yes



**Reasons for wishing to serve:**

While I have been participating in local community groups and Portsmouth's 10-year strategic planning (see below), I would like to more significantly contribute to the city and seacoast area I love, the only place that has felt like "home". I would like to apply my education and experience to helping Portsmouth grow while preserving its history so that resident citizens may have a deep understanding of living in a place alive with historical significance. And I would like to carefully plan Portsmouth's future land use while improving neighborhood character and quality of life.

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

I have participated in:

- PS21 envisioning; Portsmouth Listens citizen groups helping to strategize Portsmouth's next 10 year plan;
- the West End Dialogue (and the "urban tacticalism" day);
- attended CNC, the Citywide Neighborhood Committee; and
- participated in the Portsmouth Library's "World Affairs: U.S. Foreign Policy" series in 2016

**Two character references:**

- 1) Linda Preble McVay  
42 Hunking Street, Portsmouth, NH 04801  
Home: 603-430-9888  
Cell: 603-988/9755  
[Lprebl@comcast.net](mailto:Lprebl@comcast.net)
- 2) Deborah Joyce  
34 Hampshire Rd., Portsmouth, NH 03801  
Tel: 603-433-0142

Signature (original form also signed):



Date:

*Dec. 5, 2016*

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



# 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: Sustainable Practices Blue Ribbon Initial applicant

Name: Tracey Cameron Telephone: 603-490-5751

Could you be contacted at work?  YES  NO If so, telephone # 603-881-2691

Street address: 609 State St. #6 Portsmouth

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): smithcam@aol.com

How long have you been a resident of Portsmouth? 6 years - part-time

Occupational background:

see attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

see attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

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

Reasons for wishing to serve: \_\_\_\_\_

see attached

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) Tracy Peirce Noble Island, Portsmouth 603-828-5549  
Name, address, telephone number

2) Sally Juozokas 45D Government St. Kittery Me  
Name, address, telephone number 603-553-9333

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: Tracy A. Curran Date: 11/20/16

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

6/27/2012

73) Nancy Taylor New Boston, NH 603-315-9070

Tracey Smith Cameron  
609 State Street #6  
Portsmouth, NH 03801  
[smithcam@aol.com](mailto:smithcam@aol.com)  
603-490-5751

### Appointment Application

#### Occupational background:

I have worked at Fidelity for 11 years, the past 6 of those years as an Investment Proxy Research Analyst. I vote shares for the Fidelity funds and regularly engage with corporate leaders on corporate governance topics such as executive compensation and sustainability as it relates to business strategy. I cover firms in the utility, energy, materials and real estate sectors. Prior to that I worked in education, teaching HS and middle school math.

#### Please list experience you have in respect to this commission:

I have taken five classes at the Harvard Extension Sustainability and Environmental Management program: Energy & the Environment, Global Climate Change: The Science, Social Impact, and Diplomacy of a World Environmental Crisis, Corporate Sustainability Strategy, Energy and Carbon in the New Economy and currently Water Resources Policy and Watershed Management. Conferences include the *UC Berkeley Sustainability Conference* and the *United Nations and Ceres Summit on Climate Change*.

#### Reasons for wishing to serve:

I was moved by the impact that mayors had in the signing of the Paris COP 21 agreement. Cities are where real change can happen in addressing climate change resiliency and is an opportunity to nurture richer communities. Portsmouth is a vibrant and thoughtful community which can be a leader for the region in setting an example of how a community can come together and thrive in addressing climate change. I recently attended the NH Sustainable Energy Association conference and learned that the town of Bedford (where I also am a property owner) received a large grant (~350K) from the NH Renewable Energy Fund which enabled the town to upgrade a system for the library from a conventional heating and cooling system to a geothermal system. I would like to see more of these funds go to places like Portsmouth with a diverse and broad population mix.

#### Organizations, groups and other committees:

No recent significant participations.

# STEFANY SHAHEEN

September 2, 2016

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

Dear John,

As we discussed and you helped to make happen with a letter of recommendation, I was recently accepted into a Master's program at the Massachusetts Institute of Technology. Unfortunately, the class schedule interferes with the meeting times for the Economic Development Commission. Given the fact that this means I will be unable to attend meetings on a regular basis; I am no longer able to serve on the Commission.

Of course, I welcome the chance to work with you and Nancy to brainstorm people who might be interested in filling this vacancy. In the meantime, I look forward to continue serving on the Prescott Parking Working Group, McIntyre Working Group, and ATSDR Community Advisory Panel.

Thank you for the opportunity to help advance the economic health and wellbeing of our community.

Sincerely,  
Stefany

To: Portsmouth City Councilors  
From: Jim Splaine, Portsmouth resident

**At 50 Years:  
Remembering Portsmouth's North End**

I have a yellowing index card, which has been on a wall in every place I have lived for the past 50 years. It says simply, "July 11, 1966, Monday. Tonight, at about 10:00, the City Council passed urban renewal. That's it...11:27, July 11, 1966."

That evening, I attended my first Portsmouth City Council meeting. I was 18 at the time, and sat through a long public hearing in the auditorium of Portsmouth Junior High School. The room was wall-to-wall full, and among other speakers, my Mom and Dad joined others in presenting a petition of some 500 residents opposing an urban renewal project in our North End, where we and about 300 families lived.

Walking home after that vote along with many of our neighbors, I saw my Dad cry for the first time ever. He was a strong man, in his prime of a 30 year lobster fishing, union organizing, and painting contractor career. As we returned to our three story home on the corner of Deer and Bridge Streets where my family lived for over 30 years, we realized it would soon be torn down.

A small parking lot for the VFW, 6 trees, and a dumpster has stood in the exact spot of our home ever since. You can see it today.

To this day, I believe that City Council vote was the low point of the history of our community during the past half century. The majority of a group of nine people decided to throw nearly 1,000 people out of their homes because they deemed it a "slum" in need of clearance and replacement. The lives and dreams of many of Portsmouth's citizens -- some of them lifelong residents -- were devastated.

That Council meeting, the tone of what was said as people described the neighborhood I had grown up in as a slum, and the disregard for the lower-income of our community that would soon flatten our neighborhood, has remained with me ever since. In the place we had called "home" for so long, we were not welcomed. We were not needed.

Fifty years ago this week, sitting in our second-floor apartment living room with a Christmas tree in the corner, my family thought that might be our last Christmas there. As it turned out, the bulldozers didn't arrive for another three years so we had time to see what had been described by some city leaders as a slum become a decaying neighborhood of long goodbyes as people gradually moved away and succumbed to the eminent domain process.

And soon, this large neighborhood community that was once a busy part of our Downtown -- bordering Bridge Street to Market Street, Deer to Congress, and the areas off Maplewood and Market Street Extension -- was gone forever. It was once a vibrant, diverse neighborhood that had barber shops, television repairs shops, a supermarket, key-making shop, small grocery stores, a junk yard, a garage, an elementary school, and hundreds of families where people enjoyed their lives, lived rather happily, and enjoyed bringing up their kids.

And a neighborhood that had great diversity, as Italians, French, Canadians, Irish, Scottish, Asians, Germans, Greeks, and those of Indian, Hispanic, Native-American and African-American heritage, among many others, found ways to live together. Usually without locking their doors. A real melting-pot of America.

Some people ask me why I'm so skeptical of government. That's why. Too often, acting as the collective "we," though not always having all of us in mind, government can be very abusive. Sometimes it does great things, but as citizens, having some skepticism toward our government on the national, state, and local levels, can we wise. We have to watch what it does, always.

In the next several months, from time to time at City Council meetings I'm planning to discuss what I consider are some of the lessons of the North End Urban Renewal Project of 50 years ago, and how we can learn from them. I won't take up much time from Council meetings -- most of what I say will be in writing -- but I ask those who are interested in learning a little about our past from someone who lived through it to read, to hear, to think, and, perhaps, to ask and to respond.

This process will lead up to a proposal I will make in late Spring to recognize and offer our respect and appreciation of the great diversity of that area, so that we will always remember what we could have done better for the people of Portsmouth. Remembering our past might contribute to positive discussions and decisions for our future, and how we can continue to develop and grow in ways which includes a greater economic and social diversity for our tomorrows.

For upcoming Council meetings, I will offer more of my memories, and I will include those from others who have shared theirs. There are many memories of Portsmouth's past, and mine are not the only ones, and might not be the best ones -- but I think you'll enjoy hearing them. I ask that others who lived in the North End prior to urban renewal, or who have first-hand knowledge of the area from those days of long ago, share their stories with me so that I may pass them on.

Thank You.

## ACTION ITEMS

### **PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – December 1, 2016

City Hall – Eileen Dondero Foley Council Chambers

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MEMBERS PRESENT: Brad Lown, Chairman; Nancy Colbert Puff, Deputy City Manager; Peter Rice, Public Works Director; James Heinz, Deputy Fire Chief; Members; Ted Gray, Ronald Cypher, Harold Whitehouse, Shari Donnermeyer; Mary Lou McElwain, Alternate Member

ALSO PRESENT: Eric Eby, Parking and Transportation Engineer  
Joey Giordano, Parking Manager  
Juliet Walker, Assistant Planning Director

MEMBER ABSENT: Frank Warchol, Police Captain

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**Action Items requiring an immediate ordinance during the next Council meeting:**  
None

**Temporary Action Items requiring an ordinance during the annual omnibus:**  
None

1. Accepted and placed on file the November 3, 2016 meeting minutes.
2. Accepted and placed on file the Financial Report dated December 2016.
3. Public Comment – Two Speakers: Paula Anne Chalfin and Shane McCarthy
4. (VI.A.) **Action Item:** Request for traffic signal at the intersection of Middle Street and Union Street, by Paula Anne Chalfin – **VOTED for staff to conduct a traffic analysis and report back at the January meeting.**
5. (VII.A.) **Action Item:** Thornton Street at Burkitt Street, request for 4-way STOP sign control, by Christian Shore neighborhood petition – **VOTED for staff to conduct a traffic analysis of the area and report back at the January meeting.**

6. Adjournment – At 8:28 a.m., **voted** to adjourn.

Respectfully submitted by:  
Amy Chastain  
Secretary to the Committee



## MEETING MINUTES

### **PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – December 1, 2016  
City Hall – Eileen Dondero Foley Council Chambers

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#### I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

#### II. ROLL CALL:

##### **Members Present:**

Chairman, Brad Lown  
Deputy City Manager, Nancy Colbert Puff  
Public Works Director, Peter Rice  
Deputy Fire Chief, James Heinz  
Member, Ted Gray  
Member, Ronald Cypher  
Member, Harold Whitehouse  
Member, Shari Donnermeyer  
Alternate Member, Mary Lou McElwain

##### **Staff Advisors Present:**

Parking and Transportation Engineer, Eric Eby  
Parking Manager, Joey Giordano  
Assistant Planning Director, Juliet Walker

##### **Absent:**

Police Captain, Frank Warchol

#### III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse motioned to accept the November 3, 2016 meeting minutes. Ted Gray seconded. **Motion passed 7-0.** Deputy Fire Chief Heinz was not present for vote.

#### IV. FINANCIAL REPORT:

Ron Cypher motioned to accept the financial report dated December 2016. Harold Whitehouse seconded. **Motion passed 8-0.**

V. PUBLIC COMMENT:

Paula Anne Chalfin spoke regarding the request for a traffic signal at the intersection of Middle Street and Union Street (agenda item VI.A.). She presented a document of her talking points to the Committee. She discussed the following points: an accident that damaged her home and property in August 2016, excessive traffic speeds, limited sight lines, numerous collisions from 2000 to 2016. She requested a traffic signal at the intersection and speed limit reduction.

Shane McCarthy spoke on behalf of the Christian Shore Neighborhood in Ward 1. They are requesting a 4-way STOP sign be installed at the intersection of Burkitt Street and Thornton Street (action item VII.A.). He presented a letter to the Committee from a neighbor requesting to be added to the petition. He discussed the following issues: limited sight lines, pedestrian safety, Thornton Street being used as a short cut to avoid traffic and stop signs on neighboring streets, and driver confusion at the intersection. He requested a 4-way STOP sign be installed.

VI. NEW BUSINESS:

A. Request for traffic signal at the intersection of Middle Street and Union Street, by Paula Anne Chalfin - Eric Eby requested additional time to do a traffic analysis and review traffic signal warrants. He stated he would investigate the sight line issues and review the Middle Street bike lane project. He informed the Committee that the New Hampshire Department of Transportation (NHDOT) would need to review and approve a new traffic signal.

Harold Whitehouse requested the action item be expedited. Ron Cypher recounted an accident involving the Portsmouth Fire Chief in the area. Public Works Director Rice reminded the Committee that traffic signal approval and installation would be lengthy, expensive and require budgeting. He stated the Middle Street bike lane project would improve the area. Deputy Fire Chief Heinz stated traffic signal preemption for emergency vehicles would be required on the signal. Mary Lou McElwain requested speeding and enforcement be addressed.

The Committee thanked Ms. Chalfin for being present.

Shari Donnermeyer motioned to have staff conduct a traffic analysis and report back at the January meeting. Ted Gray seconded. **Vote 8-0, staff to conduct a traffic analysis and report back at the January meeting.**

Paula Anne Chalfin expressed concern for pedestrian safety at the intersection of Miller and Middle because the No Turn on Red signs have been removed.

B. Thornton Street at Burkitt Street, request for 4-way STOP sign control, by Christian Shore neighborhood petition - Eric Eby stated this action item was addressed under Old Business because a similar request for a 4-way STOP sign was made last year. He stated as a result of that request, the No Parking signs at the corners were moved to increase sight lines at the intersection. He stated he would be reviewing the traffic volumes, speeds and turning movements at the intersection, and the warrants for 4-way STOP signs. Eric Eby stated he would report back on a recommendation.

Ron Cypher asked if the warrants for a 4-way STOP sign were met last year. Eric Eby stated that traffic volumes were not collected last year and that only the No Parking signs were moved.

Public Works Director Rice discussed the neighborhood traffic calming process.

Harold Whitehouse requested a site visit be conducted for the January meeting.

Public Works Director Rice motioned to suspend the rules to allow for public comment. Harold Whitehouse seconded. **Vote 8-0, to suspend rules to allow for public comment.**

Shane McCarthy stated he supported the current on-street parking. He stated this request has been presented multiple times and the petitioners want a speedy resolution. He stated he believes this intersection warrants a 4-way STOP sign because it is similar to Stark and Thornton.

The Committee thanked Mr. McCarthy for presenting on behalf of the neighborhood.

Public Works Director Rice recommended staff review the area for equally beneficial alternatives.

Shari Donnermeyer motioned to have staff conduct a traffic analysis of the area and report back at the January meeting. Harold Whitehouse seconded. **Vote 8-0, staff to conduct a traffic analysis of the area and report back at the January meeting.**

Ron Cypher asked Eric Eby to explain the warrants of a 4-way STOP sign. Eric Eby stated the warrants include, but are not limited to: traffic volumes of 200 – 300 vehicles an hour on each roadway at the intersection, approximately equal vehicular volumes on similar street types, crash experience and sight lines. He stated the warrants are outlined in the Manual on Uniform Traffic Control Devices (MUTCD) by the U.S. Department of Transportation Federal Highway Administration.

#### VII. MISCELLANEOUS:

Harold Whitehouse asked if the motorcycle parking spaces in front of Breaking New Grounds on Market Street would be changed back to vehicle parking. Eric Eby stated the pilot program ended on November 30<sup>th</sup> and the pavement markings would be removed. The space would revert back to one vehicle parking space.

Harold Whitehouse asked for a report back on the Islington Street (White Heron) temporary crosswalk project as noted in the August 4, 2016 meeting minutes. Eric Eby stated he is reviewing the video data collected during the pilot project and would be reporting the findings to the Committee soon.

#### VIII. ADJOURNMENT – At 8:28 a.m., voted to adjourn.

Respectfully submitted by:  
Amy Chastain  
Secretary of the Committee