

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, FEBRUARY 6, 2017 TIME: 7:00PM

## AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. ACCEPTANCE OF MINUTES – JANUARY 9, 2017 AND JANUARY 23, 2017
  
- VI. PUBLIC COMMENT SESSION
  
- VII. PUBLIC HEARINGS
  - A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE ACQUISITION OF ONE FIRE APPARATUS
  - B. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SIX HUNDRED TEN THOUSAND DOLLARS (\$610,000.00) FOR COSTS RELATED TO IMPROVEMENTS TO FIRE STATION 3
  - C. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.101 – PARKING METERS – DEFINITION
  - D. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 – PARKING METER ZONES – DOWNTOWN HIGH OCCUPANCY ZONE
  - E. ORDINANCE AMENDING CHAPTER 7, ARTICLE 1, SECTION 7.105 – PARKING TO INCLUDE MOBILE PHONE APPLICATIONS AND PARKING METER FEES SHALL BE ENFORCEABLE MONDAY THROUGH SATURDAY, FROM 9:00AM TO 8:00PM
  - F. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.324 – LIMITED PARKING ONE HOUR, SECTION 7.325 – LIMITED PARKING THIRTY MINUTES, SECTION 7.326 – LIMITED PARKING FIFTEEN MINUTES, SECTION 7.327 – LIMITED PARKING TWO HOURS, SECTION 7.328 – LIMITED PARKING THREE HOURS, SECTION 7.328-1 – UTILIZATION OF MULTIPLE PARKING SPACES AND SECTION 7.329 – LIMITED PARKING FOUR HOURS BETWEEN THE HOURS OF 9:00AM AND 8:00PM MONDAY – SATURDAY AND BETWEEN 12:00PM AND 8:00PM SUNDAY, HOLIDAY EXCLUDED
  - G. ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7.406 (A) & (B) TO BE DELETED IN THEIR ENTIRETY

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot
- B. Second reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters - Definition
- C. Second reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Downtown High Occupancy Zone
- D. Second reading of proposed Ordinance amending Chapter 7, Article I, Section 7.105 – Parking to include mobile phone applications and Parking Meter Fees shall be enforceable Monday through Saturday, from 9:00 a.m. to 8:00 p.m.
- E. Second reading of proposed Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours between the hours of 9:00 a.m. and 8:00 p.m. Monday – Saturday and between 12:00 p.m. and 8:00 p.m. Sunday, Holiday Excluded
- F. Second reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 (A) & (B) Parking in Meter Space to be deleted in their entirety
- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Four Hundred Thousand Dollars (\$400,000.00) for the Acquisition of One Fire Apparatus
- H. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Six Hundred Ten Thousand Dollars (\$610,000.00) for Costs Related to Improvements to Fire Station 3

## IX. CONSENT AGENDA

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

- A. Letter from Ashleigh Tucker Pollock, The Music Hall, requesting permission to hold the 26<sup>th</sup> annual Kitchen Tour fundraiser event on Saturday, May 13<sup>th</sup> from 10:00 a.m. to 4:00 p.m. in the Little Harbour neighborhood (***Anticipated action – move to refer to the Acting City Manager with power***)
- B. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival, requesting permission to hold the 18<sup>th</sup> annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 23<sup>rd</sup> and 24<sup>th</sup>, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)

- C. Eversource License Agreement #63-0627 for the following:
- Four (4) replacement poles on Chase Drive
  - One (1) replacement pole at the northeast corner of Michael Succi Drive and Market Street
  - Seven hundred and forty (740) feet of conduit along the northeast side Market Street in the grass behind the sidewalk from the corner of Michael Succi Drive to across from Albacore Park
  - One (1) buried access vault half-way along the conduit
  - One (1) 25kva pad-mount transformer at the end of the conduit across from the Albacore Park
- (Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- D. Eversource License Agreement #63-0621 for the licensing of one (1) replacement pole and push-brace at the southwest corner of Pleasant Street and Junkins Avenue, near the entrance to the Parrott Avenue Parking lot ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- E. Eversource License Agreement #63-0626 for the licensing of one (1) new anchoring pole on the south side of Little Harbor Road, just before the Wentworth Coolidge Mansion driveway ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- F. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to hold the 2017 Bike MS NH Seacoast Escape on Saturday, August 26, 2017 ***(Anticipated action – move to refer to the Acting City Manager with power)***

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

- A. Letter from Attorney Christopher Mulligan, Bosen & Associates, P.L.L.C., Re: Request for Release of Paper Streets Pursuant to RSA 231:51 and 231:52 26 Moffat Street (Tax Map 243, Lot 69)/Swett Avenue (Tax Map 243, Lot 23)
- B. Letter from North Hampton Select Board regarding Public Meetings of the Coakley Landfill Group
- C. Letter from The Residents of Wentworth Senior Living regarding the deteriorated sidewalks on Pleasant Street

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

### **A. ACTING CITY MANAGER**

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

1. Report Back Re: Schiller Station Resolution (*January 23, 2017 City Council Meeting*)
2. Islington Street Utility Lines
3. Report Back Re: Request that the Involuntarily Merged Lots at 70 Sims Avenue be Restore to their Premerger Status
4. Report Back Re: Request that the Involuntarily Merged Lots at 21 Elwyn Avenue be Restored to their Premerger Status
5. Report Back Re: Acceptance of Street Re: New Parking Garage
6. Recommendation Re: Artificial Turf at the Route 33 Athletic Complex

#### **Informational items**

1. Events Listing (*January 23, 2017 City Council Meeting*)
2. Report Back Re: Text Services for Snow Ban Notification (*January 23, 2017 City Council Meeting*)
3. City Council Work Session Re: Capital Improvement Plan
4. Notification Re: City's Tax Office
5. Parrott Avenue Lot Re: Title Restrictions

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

1. \*Environmental Matters – to schedule a work session with town officials of Greenland, North Hampton and Rye about Coakley Landfill concerns; requesting more thorough testing of surface water abutting the Jones Avenue Landfill; asking for data concerning the chemical content of the city weed control program, and alternative options

### **D. COUNCILOR DWYER**

1. Adoption of Prescott Park Master Plan

### **E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the January 5, 2017 meeting (*January 23, 2017 City Council Meeting*)

### **F. COUNCILOR LOWN AND COUNCILOR DENTON**

1. \*Plastic Bag Ordinance (*January 23, 2017 City Council Meeting*)



**G. COUNCILOR SPEAR**

1. \*Motion to Reconsider Veterans Tax Credit Vote

**H. COUNCILOR SPEAR AND COUNCILOR DENTON**

1. \*Request to Schedule Work Session Re: Union Participation in Public Projects

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. Notification that the minutes of the December 15, 2016 meeting of the Planning Board are now available on the City's Website
2. Notification that the minutes of the January 3, 2017 meeting of the Site Review Technical Advisory Committee are now available on the City's Website

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

**NON-PUBLIC SESSION RE: LITIGATION PER RSA 91-A:3,II (e) – 150  
GREENLEAF AVENUE**

MUNICIPAL COMPLEX  
DATE: JANUARY 9, 2016

CONFERENCE ROOM A  
TIME: 5:00PM

A roll call for attendance of City Council members present for the meeting was taken.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer (6:00 p.m.), Lown (6:00 p.m.), Pearson, Spear (6:00 p.m.) Cyr and Denton

**COUNCIL ABSENT:** Councilor Perkins

**STAFF PRESENT:** Nancy Colbert Puff, Acting City Manager, Robert Sullivan, City Attorney, Dianna Fogarty, Human Resources Director; and Kelli L. Barnaby, City Clerk

**OTHERS PRESENT:** Attorney Charles Bauer

**Assistant Mayor Splaine moved to enter into Non-Public Session regarding Litigation Per RSA 91-A:3,II (e) to discuss 150 Greenleaf Avenue and to authorize Mayor Blalock to bring in anyone he feels is necessary. Seconded by Councilor Denton. On a roll call vote 5-0, motion passed. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown and Spear were not present for vote.**

**Assistant Mayor Splaine moved to enter into Non-Meeting with Counsel regarding Strategy or Negotiations with respect to Collective Bargaining – RSA 91-A:2,I (a) – Portsmouth AFSCME 1386 Tentative Agreement following the Non-Public Session. Seconded by Councilor Denton. On a roll call vote 5-0, motion passed. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown and Spear were not present for vote.**

Discussion was held regarding 150 Greenleaf Avenue.

At 5:55p.m., Mayor Blalock closed the Non-Public Session.

**NON-MEETING RE: STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – RSA 91-A:2,I (a) – PORTSMOUTH AFSCME 1386 TENTATIVE AGREEMENT**

MUNICIPAL COMPLEX  
DATE: JANUARY 9, 2016

CONFERENCE ROOM A  
TIME: 6:00PM

A roll call for attendance of City Council members present for the meeting was taken prior to the Non-Public Session.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer (6:00 p.m.), Lown (6:00 p.m.), Pearson, Spear (6:00 p.m.) Cyr and Denton

**COUNCIL ABSENT:** Councilor Perkins

**STAFF PRESENT:** Nancy Colbert Puff, Acting City Manager; Robert Sullivan, City Attorney; Tom Closson, Negotiator; Dianna Fogarty, Human Resources Director; and Kelli L. Barnaby, City Clerk

City Negotiator Closson provided a review of the Portsmouth AFSCME 1386 Tentative Agreement.

At 6:15 p.m., Mayor Blalock closed the Non-Meeting with Counsel.

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**CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JANUARY 9, 2017

PORTSMOUTH, NH  
TIME: 7:00PM

**I. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:15 p.m.

**II. ROLL CALL**

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

**Absent:** Councilor Perkins

### III. INVOCATION

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

### IV. PLEDGE OF ALLEGIANCE

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

#### PRESENTATIONS

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath  
<http://cityofportsmouth.com/finance/CAFR16.pdf>.

Mr. McIntire provided an overview of the CAFR Report and said all books and records were found in good working order and meet general accounting principles. He spoke regarding the city's long term balance sheet. He reported that the unassigned fund balance has increased.

2. Update on 150 Greenleaf Avenue

City Attorney Sullivan informed the City Council that there will be trial commencing on January 23, 2017, regarding Toyota Dealership at 150 Greenleaf Avenue. He provided a brief updated that would be helpful to the Council for a frame of reference. He stated that Attorney Bauer is present this evening and that he would be the lead in the trial. City Attorney Sullivan said there have been terrible allegations made from the podium that are wrong. He spoke to the following three items, first, the sewer line that crosses the Toyota property we want to preserve the rights for the city to use that sewer line, second, the owner should have to live by the same rules as other people and third, in everything we do we try to protect the interests of the taxpayers and residents of the City. He said we have not been able to settle this case because there has never been an amount of money that would be acceptable to the City to bring to the City Council.

Attorney Bauer said that the latest story was wrong and inaccurate information. He said Mr. Boyle was aware that a sewer line crossed the property in the berm. He stated we have a trial coming forward and a jury will decide based on information from the judge. He further stated the City has tried to protect the interests of its residents. He reported the sewer line was approved and granted by the State of New Hampshire Department of Education. Attorney Bauer said the owner wants to put in one to two dealerships in the wetlands as well as a great deal of money. He reported that the City has experts that have stated that the wetlands were naturally occurring.

### 3. Update on Wastewater Treatment Facility and Combined Sewer Overflows

City Engineer Desmarais reported recently we have received complaints regarding combine sewer discharge at South Mill Pond. He spoke to the work conducted by the City to address these matters. He stated that a program has existed for years and continues today. He addressed the two treatment plants the City has, Peirce Island and Pease Treatment with 120 miles of collection system with 20% being combined system. Engineer Desmarais reported there are 20 pumping stations and 3 permitted active CSO's. He said wastewater is collected in a network of underground sewer pipes and at low points, pump stations are needed to lift the sewage to a higher elevation. He further stated that wastewater is treated to reduce pollutants, then discharged to the receiving waters. He reported that the City has spent \$55 million since 1997 on sewer separation solution. He spoke to the long term control plan that was updated in 2010. He said next steps post construction monitoring plan was submitted to the EPA and once we receive comments from the EPA we will need to do updates to the control plan. He said there is a successful CSO's plan and the City continues to move forward with that along with all other projects they are working on.

Don Song Project Manager of Peirce Island Wastewater Treatment Facility Construction reported that construction commenced in September. He spoke to modifications that have been made to the sidewalks and crosswalks along Prescott Park. He said a construction fence has been installed along the pool area near the treatment plant. He addressed the staging area is designated for construction trailers. He said there is also a project sign on the site. Project Manager Song reported on the various public meetings held on the project and stated that there have been no construction related complaints to date. He addressed ongoing mitigation work and permitting and design for parking area expansion. He reported that the snow dump area for the winter has been relocated which will reduce traffic through the south end for downtown load out of snow.

Deputy City Attorney Woodland said a modification of the Consent Decree was approved by the court. She spoke to discussions with the Conservation Law Foundation on how to best utilize the dollars we are required to complete. She reported that the project is on schedule. Deputy City Attorney Woodland spoke to the Clean Water Act complaint filed November 30, 2017 in US District Court. She said the State of New Hampshire has moved to dismiss the complaint.

### **V. ACCEPTANCE OF MINUTES – DECEMBER 19, 2016**

**Councilor Spear moved to approve and accept the minutes of the December 19, 2016 City Council meeting. Seconded by Councilor Cyr and voted.**

## VI. PUBLIC COMMENT SESSION

Roy Helse said the budget needs to be closely monitored. He spoke regarding the continued increase in property values. He stated that businesses and tourists need to pay their share of taxes. He also addressed the salaries of employees and that he feels they're too high.

Sara Smith thanked the City Council for thinking of the future of the Schiller Station. She spoke to the importance of clean air and that we need to look at air pollutants.

Claire Miller, of Boston, MA said she has been working with communities on clean air. She said coal in New Hampshire is over. She urged the City Council to make a statement or voice their opinion on what they want to see done at the Schiller Station. Ms. Miller asked the City Council to act on the resolution as soon as possible because bidding on the Station begins in January and will end in March.

Ralph DiBernardo spoke regarding his objections to developing the Parrott Avenue Parking lot into workforce housing. He said this matter was brought up last year and many people came out to voice their opposition so why is the Council bringing this back. He stated that workforce housing is not an appropriate use for that area. He said the parking lot should remain open.

Christina Dubin spoke in support of the Resolution for the Schiller Station. She stated that we need to start thinking about clean air.

Esther Kennedy spoke regarding combined sewer overflows and asked what the City's plan was for this matter. She stated that Hall Associates also has a lawsuit against the City but the Legal Department has not spoken about the suit.

Susan Paige Trace said she agrees with text messages for snow bans. She said what is more important combined sewer overflows or text messages for snow bans. She stated the residents should be notified of all combined sewer overflows and how long they would last. She stated that the City continues to violate the requirement to notify its residents of combined sewer overflows.

Peter Whelan said 7 million gallons have been dumped into the mill pond since 2012. He stated we designed a plant of 2.1 million gallons of combined sewer overflows in 2016 we have discharged 1.7 million gallons already and that we designed a plant that is too small.

Arthur Clough spoke to the ethics violation of Nick Cracknell and Joseph Almeida. He said Mr. Cracknell provided information to a developer prior to the hearing and something needs to be done about this.



Jane Zill said in 2014 the Piscataqua was declared as an impaired body of water. She said combined sewer overflows will continue. She said the City should be providing a time of when the combined sewer overflows will end.

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

- A. Acceptance of Donation to the Portsmouth Fire Department
- Newburyport Five Cents Savings Bank - \$500.00

**Councilor Lown moved to accept and approve the donation from the Newburyport Five Cents Savings Bank. Seconded by Councilor Spear and voted.**

At 8:55 p.m., Mayor Blalock called a brief recess. Mayor Blalock called the meeting back to order at 9:00 p.m.

**Councilor Denton moved to suspend the rules in order to bring up Item X.C. – Proposed Resolution regarding Schiller Station from concerned citizens. Seconded by Assistant Mayor Splaine and voted.**

- X.C. Proposed Resolution regarding Schiller Station from concerned citizens

**Councilor Spear moved to refer to the Acting City Manager for report back. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine, Councilors Spear and Denton spoke in support of the Resolution. Assistant Mayor Splaine said it is a good piece of land that we could make money off of.

Councilor Dwyer said we don't own the site and don't have direct control. She would like to know the leverage points and at what part in the process would that engagement occur.

**Motion passed.**

**Assistant Mayor Splaine moved to suspend the rules in order to take up Item XI. B.7. – Establish Guidelines for FY18 General Fund Operating Budget. Seconded by Councilor Spear and voted.**

- XI. B.7. Establish Guidelines for FY18 General Fund Operating Budget

**Councilor Spear moved to accept the Joint Budget Committee recommendation of 4% for the Operating Budget for FY18. Seconded by Councilor Cyr.**

Councilor Dwyer said she attended the two Budget Committee meetings and listened to the increases we are expecting in health insurance and retirement and felt that the recommended guideline was too low and should be 4.75%. She said that does not mean that taxes would increase by 4%. She further stated there has been an increase in growth this year and it looks like we will have a banner year with our revenues.

Councilor Lown said he would defer to the Committee's work on this and felt that 4% might be too high.

Councilor Denton asked if 4% was general overall. Councilor Spear said it is for the General Operating budget but not the Non-Operating budget.

Assistant Mayor Splaine said he would vote against the motion because he does not like setting a goal before the all-day budget work session. He stated it removes the innovation as a City. He said this is a cycle where the budget keeps going up and up.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it is helpful to receive a recommendation and to have a sharp edge. He said we need to look at each budget separately and he will be supporting the motion.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said 4% is not an exceptional amount of money.

**On a roll call vote 6-2, motion passed. Councilors Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Dwyer voted opposed.**

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

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

**Assistant Mayor Splaine moved to remove the Ordinance from the table. Seconded by Councilor Dwyer and voted.**

**Assistant Mayor Splaine moved to adopt all those changes shown in the redline version of the taxi ordinance as distributed in the City Council agenda packet for this meeting. Seconded by Councilor Dwyer.**

Assistant Mayor Splaine said he feels that this Ordinance levels the playing field. He said there continues to be concerns regarding the insurance coverage by UBER. Assistant Mayor Splaine said that this will provide competitiveness in the City.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock thanked Deputy City Attorney Woodland for her work on this matter. He feels that this is fair for all concerned. He thanked Assistant Mayor Splaine and Councilor Cyr for their work on this matter and Taxi Chair Peter Bresciano.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr thanked the Committee members for their work on the Transportation Service Commission.

Councilor Dwyer asked through what action the City Council would know that the Commission is disbanded. She asked if the Council needs to take more action. Deputy City Attorney Woodland said that the new Ordinance deletes the former Ordinance and there is no Commission as part of the new Ordinance.

**Motion passed.**

**Councilor Lown move to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 23, 2017 City Council meeting. Seconded by Assistant Mayor Splaine.**

**Assistant Mayor Splaine moved to amend the Ordinance to eliminate Section 7.209 D – Fees and Terms of Licenses and Medallions. Seconded by Councilor Denton.**

Assistant Mayor Splaine said UBER and Lyft has no fee but here we are asking to pay for a medallion.

Councilor Dwyer said she feels the costs are okay and puts a value on operating as a company.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it is a minimal fee and would not dissuade taxi drivers.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**On a 1-7 voice vote motion failed to pass. Assistant Mayor Splaine voted in favor. Councilors Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.**

**Main motion passed.**

Third and final 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 Dwyer moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Lown and voted.**

- B. Third and final 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 Cyr moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Dwyer and voted.**

- C. Third and final 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 Dwyer moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Cyr and voted. Councilor Lown voted opposed.**

- D. Third and final 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 Spear moved to pass third and final reading of the proposed ordinance. Seconded by Councilor Dwyer and voted.**

- E. Third and final 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 Spear moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Dwyer and voted.**

- F. Third and final 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 Spear moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Dwyer and voted.**

- G. Third and final 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 Pearson moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Lown and voted.**

## **IX. CONSENT AGENDA**

- A. Request for License to Install Projecting Sign:

Nancy Morgan owner of Nancy Morgan Art for property located at 238 State 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 projecting sign, for any reason, shall be donated 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. Acceptance-Donation to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00  
***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- C. Letter from Jeanine Sylvester, Runner’s Alley, requesting permission to hold the 20<sup>th</sup> Annual Runner’s Alley/Redhook Brewery Memorial 5k on May 28, 2017 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

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

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

- A. Letter from Attorney William Scott regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 21 Elwyn Avenue *(see attached memorandum from Rick Taintor, Planning Director)*

**Councilor Spear moved to refer to the Planning Board for report back. Seconded by Councilor Lown and voted.**

- B. Letter from Christopher Mulligan regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 70 Sims Avenue

**Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Cyr and voted.**



## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### 1. Update Re: Federal McIntyre Building

Acting City Manager Colbert Puff provided an update on the Federal McIntyre Building. She reported that the GSA's needs have changed now due to reduced space requirements. She further stated the GSA has determined it is no longer cost efficient to construct a new federal facility and instead is pursuing lease options for its existing tenants. She reported that the McIntyre building has been determined, as part of the proposed Portsmouth National Register District, to be eligible for listing on the National Register. Acting City Manager Colbert Puff stated that GSA has suggested the City consider the "Historic Monument" program as a method to acquire the McIntyre Building. She indicated that the Historic Monument program is one way the GSA may transfer property for public uses to state and local agencies, at a discount of up to 100% market value. She explained that the City's primary objectives in pursuing ownership of the property is three-fold:

- To capitalize on the rare opportunity to shape redevelopment of a downtown block in the City's best interests by promoting public/non-profit/commercial use of its ground floor, re-connecting the site with Daniel, Penhallow, and Bow Streets via new pedestrian ways, introduction of open space and public parking uses, and revitalizing the area with new uses;
- To ensure against redevelopment of the site that does not meet the city's economic development goals; and
- To accomplish the above in a fiscally prudent manner, through a public-private partnership.

In addition, submission of a letter of interest is a first step towards achieving this future, with no obligation until an application is submitted. She stated according to its notice, upon receipt the GSA will then notify the City as to the timeframe for submission of a formal application.

**Assistant Mayor Splaine moved to submit the letter of interest under the Historic Monument Program. Seconded by Councilor Pearson.**

Councilor Dwyer said we would not be able to do much with the building but we might be able to work with other parts of the building. She asked about the status of the post office. Acting City Manager Colbert Puff said the post office has no updated information on whether it would remain or leave its location.

Assistant Mayor Splaine said there are excellent possibilities and great things that could be done. He said we could reinstitute the old State House on the site.

Acting City Manager Colbert Puff said we need a development partner.

Councilor Cyr said the alternate path is to pay for the site. Acting City Manager Colbert Puff said any future disposal has to consider the historic value of the site. Councilor Cyr asked if this is similar to the Doble site process. Acting City Manager Colbert Puff stated there are some similarities.

Councilor Lown said he does not see how this could be considered a monument. He said maybe we could lease out part of the building.

Councilor Pearson said beauty is in the eye of the beholder. She stated that younger generations and future generations find this building interesting.

**Motion passed.**

2. Report Back Re: Parking Enforcement Hours and Revenues

Acting City Manager Colbert Puff said Public Works Director Rice is here to speak on options and projected revenues.

Public Works Director Rice spoke to guiding principles for parking revenues generated from the parking fees and that they support operational costs for the Parking & Transportation Division. He said \$2.4 million goes to the general fund and \$3.7 to the Parking & Transportation Division. He spoke to the revenue need drivers:

- New Parking Garage Bond Payments
- Additional Operational Expenses
- Hanover Garage Structural Upgrade and Subsequent Loss of Revenue over Three Years of Construction

He reported on recommended rate changes:

- Increase Hours of Enforcement from 7:00 p.m. to 9:00 p.m.
- Increase Metered Rates by \$0.25
- Increase Garage Hourly Rate by \$0.25
- Recommended Rate Changes are Projected to Result in an Additional \$1.3 Million in Parking Revenue

He asked the City Council to consider:

- Continue \$2.4 Million Revenue Distribution to General Fund
- Establish a Parking Fund Balance up to \$3 million to cover revenue loss during the Hanover Garage three year Rehabilitation Project

- Continue with Parking and Transportation enhancement efforts within revenue constraints

He addressed next steps:

- Change Parking Ordinance to Reflect Recommended Rate Changes
- First Reading of Ordinance January 23, 2017
- Fee Committee Adoption of Proposed Hanover Garage Hourly Rate as part of FY18 Budget

Councilor Spear said part of the concept is pricing for moving away from time limits as we continue to increase the rates we increase the hours over staying in spots, and increase to add an hour.

Public Works Director Rice said we look at redirecting people to another location. He does not believe they are at the point where they can do this at this time.

Councilor Spear said he would like to have staff review the data semi-annually which sets us up in a good place.

**Councilor Lown moved to instruct the City Attorney, pursuant to the Department of Public Works Director's recommendation, to draft an Ordinance, and further, that will reflect increases based on utilization and to refer the recommended garage fee increases to the Fee Committee and authorize the Acting City Manager to bring back the Ordinance for first reading at the January 23, 2017 City Council meeting. Seconded by Councilor Cyr.**

Councilor Dwyer said she is not in favor of increasing parking enforcement to 9:00 p.m.

Councilor Pearson said she does not agree with enforcement to 9:00 p.m. but perhaps to 8:00 p.m. She asked when the construction of High Hanover Parking Garage will take place. Public Works Director said when the new garage goes on line is when the High Hanover Parking Garage construction starts. He said we need to have a location for the 300 spaces that will be moved from the High Hanover location to the new garage.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he feels it is too late at night for enforcement. He does not feel that we should be making that change.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

*Assistant Mayor Splaine moved to table the motion until the next City Council meeting. Motion received no second.*

Acting City Manager Colbert Puff said that we did not intend to come back with rate changes at this meeting. She said we could draft a first reading and come back to the City Council to see if we should try to put some of the discussion in place for the ordinance.

**On a roll call vote 5-3, motion passed. Councilors Lown, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Dwyer and Pearson voted opposed.**

3. Report Back Re: Atlantic Heights Emergency Access

Acting City Manager Colbert Puff reported that the Planning Board is recommending the Council accept an easement from Eversource in order to create a new emergency access route out of the Atlantic Heights neighborhood.

**Councilor Lown moved to accept the recommendation of the Planning Board, as submitted. Seconded by Councilor Spear and voted.**

4. Acceptance of Street Re: New Parking Garage

Acting City Manager Colbert Puff said in connection with the development of the new municipal parking garage, the City will construct a new public street extending from Bridge Street, near the corner of Deer Street, to Rock Street Park. She stated that the new street will serve as legal frontage for a proposed private development opposite the garage by Deer Street Associates. She reported that the new street is not intended to accommodate through traffic at this time, but a connection to the current end of Rock Street is required for emergency access. Acting City Manager Colbert Puff further stated the proposed street design has been reviewed by the Technical Advisory Committee and will be considered by the Planning Board at its meeting on January 19<sup>th</sup>.

**Councilor Lown moved to refer the proposed street construction and acceptance to the Planning Board for a report back. Seconded by Councilor Pearson and voted.**

**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Molly Bolster to the Historic District Commission

The City Council considered the appointment of Molly Bolster which will be voted on at the January 23, 2017 City Council meeting.

2. Appointments to be Voted:
  - 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

**Councilor Dwyer moved to reappoint Philip Cohen to the Economic Development Commission until October 1, 2020; appointment of Sarah LaChance to the Economic Development Commission filling the unexpired term of Stefany Shaheen until October 1, 2017; and appointment of Jane Begala to the Planning Board as an Alternate member filling unexpired term of Jody Record until December 31, 2018. Seconded by Councilor Cyr and voted.**

3. Reappointment to the PDA – John P. Bohenko, City Manager

**Councilor Spear moved to reappoint John P. Bohenko as the City's Representative to the Pease Development Authority for a three year term, January 1, 2017 through January 1, 2020. Seconded by Councilor Cyr and voted.**

4. Acceptance of Resignation from Joseph Almeida, Historic District Commission

**Councilor Spear moved to accept with regret the resignation of Joseph Almeida from the Historic District Commission and that a letter of appreciation for his years of service to the City be sent to him. Seconded by Councilor Cyr and voted.**

Councilor Pearson thanked Mr. Almeida for his years of service to the City and the importance of volunteerism.

5. Acceptance of Resignation from John Ricci, Planning Board effective March 1, 2017

**Councilor Spear moved to accept with regret the resignation of John Ricci from the Planning Board effective March 1, 2017 and that a letter of appreciation for his years of service to the City be sent to him. Seconded by Councilor Cyr and voted.**

6. Board of Ethics Selection Process by Lot

Councilor Cyr was selected by lot as the City Council representative to serve on the Board of Ethics.

**Councilor Lown moved to suspend the rules in order to continue the meeting beyond 10:30 p.m., Seconded by Councilor Cyr and voted. Mayor Blalock voted opposed.**

**C. ASSISTANT MAYOR SPLAINE**

1. Statement Supporting New Hampshire Legislation for Equality of Our Transgender Residents, and Banning So-Called Gay Conversion Therapy for Minors

**Assistant Mayor Splaine moved that the City Council goes on record with the following statement: “the Portsmouth City Council supports New Hampshire Legislation for Equality of our Transgender Residents, and Banning So-Called Gay Conversion Therapy for Minors.” (Also referred to as “prohibiting discrimination based on gender identity;” and “relative to conversion therapy seeking to change a person’s sexual orientation.”). Seconded by Councilor Denton.**

Assistant Mayor Splaine said that these bills will be introduced in the next few weeks. He urged the City Council to support the motion.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would support the motion and is glad that Assistant Mayor Splaine brought this matter forward.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**On a unanimous roll call vote 8-0, motion passed.**

**D. COUNCILOR SPEAR**

1. Request that the Legislative Subcommittee look into the City of Portsmouth taking over its own Pension Program

**Councilor Spear moved that the Legislative Subcommittee look into the City of Portsmouth taking over its own Pension Program. Seconded by Councilor Denton.**

Councilor Spear said the City may be joining with other municipalities in taking over their own pension programs. He spoke to the increase in costs for the retirement plan. He said we currently have no seat at the table and it will cost a great deal of money to take over the pension plans but we are only looking into the matter at this time.



Councilor Dwyer said there have been a number of attempts to do this. She said the State is not in favor of legislation and the numbers just don't work. She stated that we could get the information on this matter from past failed attempts.

Councilor Spear said he favors looking into past information and efforts on this matter and withdrew the motion and Councilor Denton withdrew his second to the motion.

Councilor Spear requested the Acting City Manager to review past information and efforts on this matter.

#### **E. COUNCILOR DENTON**

##### 1. Winter Parking Ban Text Message

**Councilor Denton moved that City Staff report back on sending out a Winter Parking Ban text message to only those that sign up to receive them when Winter Parking Bans go into effect and when they are lifted. Seconded by Assistant Mayor Splaine and voted.**

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

Acting City Manager Colbert Puff announced that Planning Director Rick Taintor will be retiring on April 30, 2017.

Letter from The Jordan Institute regarding Update on NH C-PACE (not on agenda)

Councilor Denton said he would like to refer this letter to the Legislative Subcommittee.

**Councilor Denton moved to refer the letter to the Legislative Subcommittee. Seconded by Councilor Pearson and voted.**

Letter from Mr. Ecker regarding Signage on Truck Traffic on Banfield Road (not on agenda)

Councilor Denton recommended referring Mr. Ecker's letter to the Parking & Traffic Safety Committee for report back on how and when the signage changed.

The City Council agreed to refer the letter to the Parking & Traffic Safety Committee for report back on how and when the signage on truck traffic changed on Banfield Road.

**XIII. ADJOURNMENT**

**At 11:00 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.**



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

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JANUARY 23, 2017

PORTSMOUTH, NH  
TIME: 7:00PM

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

Mayor Blalock called the meeting to order at 7:15 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**

Mayor Blalock led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

#### 1. Update Re: Parrott Avenue Housing

Nick Cracknell, Planner, spoke regarding the program design and concept of establishing housing at the Parrott Avenue Lot. He said that this is transferrable to other areas of the City. He addressed the 3 goals which are:

- Evaluate the feasibility of constructing rental housing that would be affordable to mid- and entry-level employees of the City
- Preserve the scenic view corridor from Pleasant Street to the South Mill Pond
- Minimize impacts to public parking in the Parrott Avenue Lot

He addressed the conceptual site plan which would be either 32 or 43 units of mixed-income housing. It would be a 4 story / 40 foot building with potential for ground-floor parking. He stated the building footprint would be 8,000 square feet with 20,000 square feet in land area. He reported the building design for 32 units would impact parking by displacement of 50 spaces and 25 on-site spaces to support demand. He further reported that the 43 unit design would impact parking by displacement of 50 spaces and there would be no on-site spaces to support demand. Planner Cracknell addressed the total estimated development costs:

- 32 Units – With Parking - \$8,389,450.00  
30% of Income for Rent  
Monthly Rents:
  - Micro Unit (400 SF) \$1,100.00
  - 1-Bedroom Unit (750 SF) \$1,500
  - 2-Bedroom Unit (900 SF) \$1,800.00**Total Rent Supported Revenue - \$3,750,197.00**  
**Subsidy Needed - \$4,639,253.00**
  
- 43 Units – No Parking - \$8,925,000.00  
30% of Income for Rent  
Monthly Rents:
  - Micro Unit (400 SF) \$1,100.00
  - 1-Bedroom Unit (750 SF) \$1,500
  - 2-Bedroom Unit (900 SF) \$1,800.00**Total Rent Supported Revenue - \$5,013,485.00**  
**Subsidy Needed - \$3,911,515.00**

Councilor Denton asked if the McIntyre Site could be used for this proposal. Acting City Manager Colbert Puff said we would look at that if it is the City's desire. She indicated that these are all preliminary numbers and welcomed input on this presentation. She stated that we have not looked at how and who we would rent out to.

Planner Cracknell said clearly land acquisition is considered. He said interest rates have a big effect and there are permitting costs.

Councilor Perkins spoke regarding the rents and arriving at the costs. Planner Cracknell explained how they arrived at the rents and spoke to the 30% of income for rent. He also spoke to fair market value for rents in the downtown. Councilor Perkins asked about the parking for the units in terms of the zoning ordinance. Planner Cracknell said ½ space is required for micro units and a space for the other units.

Councilor Dwyer asked if any feasibility was done to see if someone is interested in these units at these prices. Planner Cracknell reported that there are 11 studio units in Port Walk that are already rented and the prices are higher.

Councilor Pearson asked Planner Cracknell if they have looked into nose-in parking rather than parallel. Planner Cracknell said that they have not looked at that, but anything is possible.

Councilor Lown stated the assumption for the City would float a 20% bond and the taxpayers would be subsidizing this for the 20 year bond.

Mayor Blalock said if this is determined not to be the right spot if and the Portsmouth Housing Authority had land near there could, we transfer the plan and principles to that. Acting City Manager Colbert Puff said they would need to look into that matter.

## 2. Coakley Landfill

City Attorney Sullivan provided a report back and information on the Coakley Landfill. He introduced Peter Britz, Environmental Planner and Michael Deyling, Senior Project Geologist for CES Inc. who are here to participate in the presentation as well. City Attorney Sullivan reported that Mr. Deyling has been working on super fund sites for the last 25 years. He stated they would speak on the water on the site and contamination that might be in the water. City Attorney Sullivan reported the site was built for \$13,000,000.00 under the watch of the NH DES when problems were found in the 1980's. He stated the site was a gravel mining site and in searching for another use of the property the site was used for the placement of Municipal refuse. He said the site was used for that purpose for 13 years and in the early 1990's we went to refuse disposal at Pease Air Force. He said that Coakley is one of the super fund sites in the United States. He spoke to the remediation stating all refuse was pulled together and lifted up by heavy equipment and was then placed down and covered with a 7 layer roof and designed to prevent any contamination from spreading. City Attorney Sullivan said we now have 25 years of information which has been gathered by the NH DES and the EPA. He spoke to the sampling that has been done on site. He further stated the Coakley Landfill Group has two Consent Decrees that are enforced with the power of federal courts. The group initially consisted of all parties that signed the Consent Decrees. He reported that Seth Jaffrey, City Attorney and Curtis Shipley make up the group and once a month there is a teleconference and the type of work done is the hiring of contractors to conduct the monitoring and the hiring of engineers whose assignment is to implement the Consent Decree. He said decisions operate on a 4 vote decision and a majority vote. He stated the municipalities have 2 votes. He said over the 25 years all decisions have always been made by consensus. He spoke to the amount of funds the group has currently in two accounts; the first account has \$68,856.71 and the second account has \$210,879.15. City Attorney Sullivan explained that the funds are used to pay for the operations of the group. He said if more funds are needed they are raised through assessments.

Mr. Deyling spoke to the hydrologic cycle and stated that groundwater starts as precipitation and floats down the water table and moves from areas of higher levels to low pressure points. He stated the amount of water entering is equal to the amount leaving the system. He said the systems we are speaking of are extremely large about 100,000 gallons per acres. He reported on the 60 wells that were installed in the early 1990's and spoke to the flow of water. He addressed the various testing that were done by the EPA in the 1990's that were organic compounds which have different chemical makeup. Mr. Deyling reported that PFC's are new contaminants brought to the forefront but this does not mean that there are changes at the land fill. He said there is nothing to suggest that something new is happening at the land fill. He further stated there is little opportunity for the water to go outside the water shed. Mr. Deyling said none of the wells have detections for PFC's meaning above and below the standards. He stated there were two wells that had detections with low concentrations for the golf course and a residential neighborhood. He indicated that PFOS it takes very little to get an exceeding number it is a low concentration outside the ground water management zone. He reported that there are very few detections and another round of samples are taking place this week at the residential homes.

City Attorney Sullivan said the request from the Town of Greenland was to extend the water service and it would cost between \$14,000,000.00 to \$19,000,000.00 and the work could be done and would need to be done by the City of Portsmouth.

Assistant Mayor Splaine said the costs would be high that would be paid for and asked what fees would we receive from the supply of water.

City Attorney Sullivan said water quality needs to be studied and science analyzed. He stated the monitoring continues with the consent schedule. He said to get the water to the Town of Greenland the funds would need to be authorized by the City of Portsmouth and perhaps there could be contributions from other sources.

Councilor Lown thanked City Attorney Sullivan, Mr. Deyling and Peter Britz for the Presentation. He said he keeps hearing emerging contaminates but where is the underlining evidence of harm. Mr. Deyling said EPA has a whole body of testing and emerging means there are some health affects but there are studies that say there are affects and others say no. He stated that the EPA is trying to set standards. Councilor Lown said there is no eminent harm to anyone's drinking water and we continue to monitor the wells.

Councilor Perkins asked about wells drawing water. Mr. Deyling said most residential homes have septic systems and there is a natural balance.

Councilor Dwyer asked if you could remove contaminates from a well. She asked with a super fund site, is it the EPA or State that would recommend that the sites have certain land use regulations before developments. Environmental Planner Britz said all things could have land use regulations.

Councilor Spear would like to see the Consent Decree. City Attorney Sullivan said they are on-line at the EPA site. He said the consent decree was approved of by a judge years ago. He asked if there were concerns with surface water. Mr. Deyling said ground water will discharge at low pressure point site and contamination will be found in surface water. He said the EPA does not apply to drinking water standards for surface water. He said there is more sampling scheduled. Councilor Spear said we need to do a much better job of communicating this information.

Councilor Pearson said she is concerned with data on emerging contaminates. Mr. Deyling said they are obligated to comply with standards set from the EPA.

Councilor Cyr asked when can we expect the results and when will they be provided to the City Council. Environmental Planner Britz said they should be provided in the next couple of weeks.

Assistant Mayor Splaine asked at the Jones Avenue land fill and site how would the City get the EPA or DES to get testing done. Environmental Planner Britz said there is annual monitoring of the site now. Assistant Mayor Splaine asked for the Council to see some of the test results.



Councilor Perkins asked if they could get the Participation Agreement for the City Council. City Attorney Sullivan said it would be provided.

**V. ACCEPTANCE OF MINUTES** *(There are no minutes on for acceptance this evening)*

**VI. PUBLIC COMMENT SESSION**

Laura Pantelakos said everything went into the Coakley Landfill and would like the City to set up a meeting with the Town of Greenland Selectmen and look into this matter.

Larry Miller, North Hampton, said the Consent Decree is great reading and held up a copy. He stated that Portsmouth is listed first in the Consent Decree followed by North Hampton. He said North Hampton has no say and would like to see open meetings of the Coakley Land Group to speak and be open to the public.

Robert Landman, Water Commissioner for North Hampton, said there are real problems at the Coakley Landfill. He would like to be part of the Coakley Group.

Rebecca O'Brien spoke in support of a single use plastic bag ordinance. She spoke to the effects of single use plastic bags and urged the City to move forward with an ordinance.

Barbara Bowlus requested that we all refrain from pitting neighborhoods against one another because of this proposal for housing at the Parrott Avenue Lot. She addressed the concerns outlined in the letter from Tom Morgan relative to this matter.

Erika Zollett spoke in favor of a ban on single use plastic bags. She said the number of plastic bags in the ocean and that soon there will be more plastics in the ocean than fish. She urged the City to move forward with an ordinance.

Shaun Rafferty asked if it is legal for the City to subsidize some employees more than others. He spoke against the housing proposal for the Parrott Avenue Lot. He said more housing brings more need for services.

Pat Bagley said that Parrott Avenue lot exists because the City Council in 1947 voted to accept this gifted land from the Langdon family with the restriction that it be kept for public use forever. She said when the Langdon's specified public use forever, that's what they mean. She asked who are we to violate the Langdon's request. She stated the intent to build on Parrott has been ongoing, from a parking garage to a new McIntyre building to affordable housing, all commercial purposes which generate income but deviate from the intended free public use of this space. She asked why the City is not following the Housing Committee's recommendations, none of which were the Parrott lot. Mrs. Bagley said there are more arguments to be made, but the ethics arguments is most relevant. She said local historian, Dennis Robinson, wrote an article called Saving History, Saving Land. She quoted him: "It's often the same people who care about the land who care about the history of the land. There's a lot of crossover in terms of ethics." Save the land and you save the history – and vice versa.

Dick Bagley said Parrott Avenue exists because of the Langdon's. He said the land shall forever be limited in its use to public purpose of the City of Portsmouth and that no buildings shall be erected thereon except in connection with such use and located on the westerly end of the premises. He stated the City accepted the lot on October 8, 1947 with a further restriction "That the City shall not dispose of it for commercial purposes." He said this matter raises concerns of ethics.

Peter Whelan said in 1947 the Langdon family gave the property to the City and it would be left open and not used for commercial use. He said the Housing Committee has had 6 meetings and Parrott Avenue was not discussed so why is it being proposed now.

Attorney John McGee said he is representing 3 families against the development of Parrott Avenue. He said he would take any action required to preserve the gift to accept the land and not for it to be used for commercial purposes. He urged the Council to do the right thing.

Erik Anderson said the City needs to consider the facts with plastic bag use. He said you need to make decision that are based on the discussions.

Jane Zill requested an ordinance to be drafted on the impact of sea level rising regarding combined sewer overflows. She stated we need to consider long term planning and we need to stop continuing to dump raw sewage into the Mill Pond.

Mindi Messmer, said it was stated by State Representative Laura Pantelakos that everything went into the Coakley Landfill and that it was not just a municipal landfill. She said that PFC's in the water are causing cancer clusters and something needs to be done now.

Esther Kennedy said she is concern with her drinking water. She said the City needs to take care of the drinking water and the issues surrounding sewage in the mill pond.

Paige Trace said the Parrott Avenue parking lot is a valuable piece of land. She said this is housing for a few at a cost of many. She also spoke to raw sewage being dumped in the mill pond for 200 years and that it doesn't make it right.

Robin Comstock said there is a desperate need for work force housing in the City. She stated the idea needs to be shared and that the concept should be taken to the next level.

Clare Kittredge said it is a great idea for housing but it is in the wrong place and asked why we are wasting our time on the proposal at the Parrott Avenue lot.

Trevor Emory, Greenland, said the emerging PFC's are dangerous and pose significant risks to humans and many studies show they can lead to cancer.

Maria Emory, Greenland, spoke to a house developed by Mr. Chinburg across the street from her having drinking water put in and funds from the City of Portsmouth were used.

Jillian Lane, Greenland, said we have all the data and information to provide safe drinking water to the Town of Greenland. She stated that this has an effect on pregnant women, breast feeding women and children.

Sherry Hoffman, Greenland, said she feels like she is on ground zero. She said there are 8 houses with 10 children on her street. She stated you heard from the Coakley Group which is one opinion.

Valerie Rochon, Chamber of Commerce, supports affordable housing, but parking cannot be lost as we cannot afford to lose any parking.

Marylou McElwain said the Housing Committee has done a great job and is surprised to see the Parrott Avenue lot come up again as it was not a site recommended by the Housing Committee. She urged the Housing Committee to continue looking for work force and affordable housing.

Adam Ruedig spoke in support of the Parrott Avenue proposal. He said we need to move forward with this and other proposals.

Joel Anderson commended the City Council for addressing the affordable housing issue.

Susan Denenberg spoke against Parrott Avenue housing proposal. She said if this is food for thought it should be put in the garbage can. She stated the City is a coveted place and people want to live here but that does not mean affordable housing should be subsidized.

Brian Kelley thanked the City Council for looking at affordable housing. He said people that would effect this cannot speak on this matter.

Arthur Clough spoke regarding the ethics complaint from Mark Brighton and that it should have been heard by the Ethics Board.

Kim Rogers thanked the City for proposing affordable housing downtown. He asked that the City consider the zoning ordinance and where that effects work force housing and where it is appropriate.

Ania Rogers spoke in favor of the Parrott Avenue proposal and that this could be the starting point for the City.

Ursula Wright, York, Maine said she was the former administrator of the Governor John Langdon House. She provided historic context on the Parrott Avenue site. She read from a letter to John from his daughter Elizabeth stating he always wished a bridge to be built over the pond. She said it is obvious from this letter that the Langdon's owned the whole stretch from the mansion across the pond to the hill and that they loved this land and this vista. She said that is why their descendants wanted to preserve it and give this land to the City of Portsmouth and its citizens, so that they may enjoy the same pleasures for many years to come.

Zelita Morgan requested that the City Council remember that Parrott Avenue was a gift and what message are you giving to any one that wants to give a gift to the City. She said protect the fabric of our City.

Lee Roberts said she supports the individuals that have spoken this evening regarding Parrott Avenue.

At 9:45 p.m., Mayor Blalock declared a brief recess. At 10:00 p.m., Mayor Blalock called the meeting back to order.

**Councilor Spear moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Perkins and voted.**

## **VII. PUBLIC HEARINGS**

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE THE SUM OF UP TO SIXTY FOUR THOUSAND EIGHT HUNDRED (\$64,800.00) DOLLARS FOR NECESSARY EXPENDITURES RELATED TO CONTRACTUAL OBLIGATIONS

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers Mayor Blalock declared the public hearing closed.

- B. RESOLUTION PURSUANT TO RSA 72:39-B THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$40,504.00 FOR A SIGNLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSION OF SOCIAL SECURITY PAYMENT. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers Mayor Blalock declared the public hearing closed.

- C. RESOLUTION PURSUANT TO RSA 72:37-B, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$40,504.00 FOR A SINGLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers Mayor Blalock declared the public hearing closed.

- D. RESOLUTION PURSUANT TO RSA 72:28-B, THE CITY HEREBY ADOPTS THE ALL VETERANS' TAX CREDIT FROM PROPERTY TAX FOR QUALIFIED TAXPAYERS. A PERSON SHALL QUALIFY FOR THE ALL VETERANS' TAX CREDIT IF THE PERSON IS A RESIDENT OF THIS STATE WHO SERVED NOT LESS THAN 90 DAYS ON ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND WAS HONORABLE DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM SERVICE; OR THE SPOUSE OR SURVIVING SPOUSE OF SUCH RESIDENT, PROVIDED THAT TITLE 10 TRAINING FOR ACTIVE DUTY BY A MEMBER OF A NATIONAL GUARD OR RESERVE SHALL BE INCLUDED AS SERVICE UNDER THIS PARAGRAPH; PROVIDED HOWEVER THAT THE PERSON IS NOT ELIGIBLE FOR AN IS NOT RECEIVING A CREDIT UNDER RSA 72:28 OR RSA 72:35

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

Fred Rice, Rye, spoke in support of the Resolution and said the only this this credit does is takes away the time period and eligibility for it. He said there are gaps in between war times and this now allows tax credits to fill in those gaps. He said 60% of communities provide maximum allowance under the current tax credit. Mr. Rice said that this Resolution let's all veterans be treated equally. He indicated that he understands the financial side of this matter but urged the City Council to adopt the Resolution for the maximum allowable credit of \$500.00. He said if you are only going to allow a portion of the credit then don't pass the Resolution this year and review and vote for the Resolution next year when you know its effects on the City.

Richard Gamester said he is not here to speak against the speaker but the word veteran meant a person that served in conflict and that is how it should remain.

Erik Anderson said there are consequences that could result from this and have some financial impacts to the City. He said it will all depend on the number veterans and asked the City Council not to approve the benefit because of the potential financial impact to the City.

With no further speakers, Mayor Blalock declared the public hearing closed.

**Councilor Lown moved to suspend the rules in order to take up Item IX.F. – Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations. Seconded by Councilor Spear and voted.**

**IX.F. – Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations**

**Councilor Spear moved to adopt the Resolution as presented. Seconded by Councilor Lown and voted.**

**Councilor Lown moved to suspend the rules in order to take up Items XII. A.1. – Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association and XII. A.2. – Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME). Seconded by Councilor Spear and voted.**

**XII. A.1. – Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association**

**Councilor Spear moved to approve the contract between the Board of Police Commissioners and the Portsmouth Police Civilian Employees Association to expire on June 30, 2018. Seconded by Councilor Lown and voted.**

**XII. A.2. – Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME)**

**Councilor Spear moved to approve the contract between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) to expire on June 30, 2019. Seconded by Assistant Mayor Splaine and voted.**

**VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Wellness Reward - \$2,000.00

**Councilor Lown moved to accept the Wellness Reward in the amount of \$2,000.00 from the HealthTrust Wellness Program. Seconded by Councilor Spear and voted.**

- B. Acceptance of Donation to the Coalition Legal Fund
- Town of Moultonborough - \$5,000.00

**Councilor Lown moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Spear and voted.**

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters – Definition

**Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Spear and voted. Assistant Mayor Splaine voted opposed.**



- B. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102  
– Parking Meter Zones

**Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Spear.**

Councilor Dwyer asked if the discount applies in other areas. She said we don't have smart phone meters and it seems impractical to pass this ordinance and feels we are doing this prematurely.

Acting City Manager Colbert Puff said during the budget discussion it was indicated that the change is timely at this point.

Public Works Director Rice said this is a matter of getting the budget in place and the meters would be in place by spring.

Councilor Spear said he agrees with the issue and would like staff to be ready for an amendment that the ordinance take effect at the time when the new meters are in place.

**Motion passed. Assistant Mayor Splaine voted opposed.**

- C. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.105  
– Parking

**Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Spear.**

Councilor Dwyer said she will oppose the motion. She said she appreciates we need to have the budget in place but she does not feel we need this extra hour for budgeting.

Councilor Spear said he would like to amend the ordinance at second reading to extend the hours to 10:00 p.m.

Councilor Pearson said 9:00 p.m. is too late and would like to change the time to 8:00 p.m. She said she does not feel comfortable with the meters being extended to 9:00 p.m. at this time.

Councilor Denton said he would rather see the hours to be changed from 9:00 p.m. to 8:00 p.m.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would oppose the motion. He said it is important to expand the hours but feels we need to be clear on it. He said at 7:00 p.m. you can't find a place to park.



Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Spear said if the City Council wants 9:00 p.m. that is what would pass.

**On a roll call vote 2-7, motion failed to pass. Councilors Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Cyr, Denton and Mayor Blalock voted in favor.**

**Councilor Spear moved to amend the Ordinance to change the hours of enforcement from 9:00 a.m. to 8:00 p.m. and to schedule a public hearing and second reading of the Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Dwyer.**

Councilor Lown said that the idea is to price at a point that the City Council gets towards market pricing for parking spaces.

Councilor Perkins said she would rather be conservative in the revenues we project.

**Motion passed, as amended. Assistant Mayor Splaine voted opposed.**

- D. First reading of proposed Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours

**Councilor Spear moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting and further change the hours of enforcement from 9:00 a.m. to 8:00 p.m. Seconded by Councilor Lown.**

Councilor Dwyer said Parking & Traffic Safety Committee is going to look at 15 minute spaces and being so descriptive with the ordinance maybe we should wait until they have had a chance to review the 15 minute spaces.

Councilor Lown said Parking & Traffic Safety Committee is looking at this matter and is waiting for the report back.

**Motion passed. Assistant Mayor Splaine and Councilor Dwyer voted opposed.**

- E. First reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 – Parking In Meter Spaces

**Councilor Spear moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Lown and voted. Assistant Mayor Splaine voted opposed.**

**Councilor Lown moved to suspend the rules in order to take up Item IX. I. Seconded by Councilor Cyr and voted.**

- I. Adoption of Resolution Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorable separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35

Tax Assessor Maurice Lentz explained the Resolution and explained that the current veteran's credit will have an impact on the current tax credit or the City Council could adopt the tax credit the same as the current tax credit or at a lower amount or do nothing at all. She said the numbers provided were high estimates.

Councilor Lown said the revenue loss was \$394,000.00 and this year would be \$455,000.00 and the \$250.00 credit would be revenue neutral.

Councilor Spear said in years past we have had the tax loss for elderly and disabled which was incremental.

Councilor Cyr said Bedford has adopted the All Veterans Tax Credit. He suggested that the City put out a survey on the credit to see how many individuals would qualify. Acting City Manager Colbert Puff said we don't know how this would affect the City and we could learn from other communities by adopting this next year.

Councilor Dwyer reported that at the NHMA meeting no community was adopting this matter this year.

Acting City Manager Colbert Puff said one way to measure would be to reduce the amount to \$250.00 and raise it in other years. She said that this would reduce all the veterans right now.

**Councilor Denton moved to adopt the All Veteran's Tax Credit in the amount of \$500.00. Seconded by Councilor Perkins.**

Councilor Denton said he agrees with the argument made by Mr. Rice and said he does not want to lower it because it would change the credit the veterans currently receive and count on.

Councilor Spear said he feels that we should move forward with the motion. He said a tax credit makes it less burdensome for the veterans.

Councilor Lown said this is an issue of fairness all around. He said he would vote against the motion because he does not want to burden the tax payers and would rather go with the \$250.00 credit.

Councilor Perkins said she agrees with Councilor Denton and we should adopt the \$500.00 credit.

Councilor Pearson asked if there are unintended consequences and how does that affect the tax rate.

Councilor Dwyer said she is concerned that the veteran's tax credit taking that away could cause the loss of people's homes and the amount of displacement is much greater than what we argue about on our tax rate.

Councilor Spear said all veterans should have the same credit.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we should take the wait and see approach here. He does not want a veteran to lose any tax credit.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said he would not take away a tax credit.

Assistant Mayor Splaine said the fairness issue convinced him that they would get to the point of passing this Resolution. He said he would support the motion.

Councilor Dwyer said she feels that this should be a two-thirds vote. City Attorney Sullivan said it does not require a two-thirds vote.

**On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilor Perkins, Spear, Cyr and Denton voted in favor. Councilors Dwyer, Lown, Pearson and Mayor Blalock voted opposed.**

- G. Adoption of Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby

Assistant Mayor Splaine said he would have a conflict of interest in this matter and stepped off the dais.

**Councilor Lown moved to adopt the Resolution for Elderly Exemptions, as submitted. Seconded by Councilor Spear and voted.**

- H. Adoption of Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby

**Assistant Mayor Splaine moved to adopt the Resolution for Disabled Exemptions, as submitted. Seconded by Councilor Spear and voted.**

- J. Third and final reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

**Councilor Lown moved to suspend the rules to allow for an amendment to the Ordinance. Seconded by Councilor Cyr and voted.**

**Councilor Lown moved to amend Section 7.214(A) by placing a period after the word “cost” and striking the remainder of the sentence. Seconded by Councilor Pearson and voted.**

**Assistant Mayor Splaine moved to pass third and final reading, as amended. Seconded by Councilor Lown and voted.**

**X. CONSENT AGENDA**

- A. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the Jingle Bell Run/Walk for Arthritis on Sunday, December 10, 2017  
***(Anticipation action – move to refer to the Acting City Manager with power)***
- B. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to install temporary signage to be located at the Plains and Hislop Park baseball fields during the 2017 baseball season ***(Anticipation action – move to refer to the Acting City Manager with power)***
- C. Letter from Kelly Bosco, Alzheimer’s Association, requesting permission to hold the 2017 Annual Seacoast Walk to End Alzheimer’s on Sunday, September 24, 2017 ***(Anticipation action – move to refer to the Acting City Manager with power)***
- D. Letter from Lennie Mullaney, NH Art Association, requesting permission to hold its annual Wet Paint-out Weekend on Friday – Sunday, July 21-23, 2017  
***(Anticipation action – move to refer to the Acting City Manager with power)***

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

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

- A. Letter from William Scott, Boynton, Waldron, Doleac, Woodman & Scott, P.A. regarding Involuntarily Merged Lots at 630 Middle Road and Sylvester Street

**Councilor Cyr moved to refer to the Planning Board for report back. Seconded by Councilor Dwyer and voted.**

- B. Letter from Doug Roberts, PS21 Portsmouth Smart Growth, requesting the monthly meetings of the Economic Development Commission be broadcast live and archived online

**Assistant Mayor Splaine moved to refer to the acting City Manager for report back. Seconded by Councilor Cyr and voted.**

- C. Letter from Tom Morgan regarding Proposal for Housing at the Parrott Avenue Parking Lot

**Assistant Mayor Splaine moved to accept and place the letter on file. Seconded by Councilor Cyr and voted.**

**XII. REPORTS AND COMMUNICATION FROM CITY OFFICIALS**

**A. ACTING CITY MANAGER**

**Consent Agenda Items**

Councilor Denton requested to remove the Report Back: Schiller Station Resolution from the Acting City Manager's Consent Agenda.

3. Request to Renew the Seacoast Growers' Association (Farmers' Market) Proposed 2017 License Agreement (***Sample motion – move to authorize the Acting City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2017, as presented***)
4. Report Back Re: Public Parking on Private Lots (***Sample motion – move to authorize the Acting City Manager to draft a proposed Ordinance, and further, to bring back for first reading the proposed Ordinance at the February 6, 2017 City Council meeting***)

- 5. Request to Establish Two Public Hearings Re: Proposed Bonding Resolutions:
  - A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000.00) Dollars ***(Sample motion – move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000.00) Dollars at the February 6, 2017 City Council meeting, as presented)***
  - B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000.00) Dollars ***(Sample motion – move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000.00) Dollars at the February 6, 2017 City Council meeting)***

**Councilor Lown moved to adopt the Acting City Manager’s Consent Agenda. Seconded by Councilor Pearson and voted.**

Assistant Mayor Splaine requested to place the balance of the City Council Agenda on the February 6, 2017 meeting Agenda.

**Assistant Mayor Splaine moved to suspend the rules in order to take up Item XII. B.1. – Appointments to be Voted. Seconded by Councilor Dwyer and voted.**

**B. MAYOR BLALOCK**

1. Appointment to be Voted:
  - Appointment of Molly Bolster to the Historic District Commission

**Councilor Lown moved to appoint Molly Bolster to the Historic District Commission until June 1, 2019. Seconded by Councilor Dwyer and voted.**

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Dwyer requested a presentation on what we can control through land use regulation regarding the Schiller Station.

Councilor Perkins said we need to be clear on the PUC document and recommended that the City Council receive that document for their reference and review.

**Assistant Mayor Splaine moved to place the remainder of the Agenda on the February 6, 2017 City Council meeting. Seconded by Councilor Dwyer and voted.**

*The following items will appear on the February 6, 2017 City Council Agenda:*

- *Report Back: Schiller Station Resolution – Acting City Manager’s Item*
- *Parking & Traffic Safety Committee Action Sheet and Minutes of the January 5, 2017 meeting – Councilor Lown’s Item*
- *Plastic Bag Ordinance – Councilor Lown’s and Councilor Denton’s Item*

#### **XIV. ADJOURNMENT**

**At 11:30 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.**



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, February 6, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Four Hundred Thousand Dollars (\$400,000.00) for the Acquisition of One Fire Apparatus. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

FM-00258267

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

**RESOLUTION # – 2017**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR  
NOTES OF UP TO FOUR HUNDRED THOUSAND DOLLARS  
(\$400,000) FOR THE ACQUISITION OF ONE FIRE APPARATUS.**

**BE IT RESOLVED:**

**THAT**, the sum of **Four Hundred Thousand Dollars (\$400,000)** is appropriated for the acquisition of one Fire Apparatus;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Four Hundred Thousand Dollars (\$400,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

**THAT** That this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, MMC/CNHMC  
CITY CLERK**

### VE-FD-03: VEHICLE REPLACEMENT – RESCUE 3

Department	Fire Department
Project Location	Station 3
Project Type	Replacement or Purchase of a Vehicle
Commence FY	2017
Ward	ALL
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible



**Description:** This project continues the CIP Rolling Stock replacement program for large apparatus. This allocation will purchase a new commercial chassis rescue body/ support vehicle to replace the 1987 Chevrolet rescue/ support vehicle. Funds include complete set-up including radio, lettering, striping and equipment.

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

	FY17	FY18	FY19	FY20	FY21	FY22	Totals 17-22	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	100%	\$400,000					\$400,000	\$0	\$400,000
Other	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Totals		\$0	\$0	\$0	\$0	\$0	\$400,000	\$0	\$400,000

LEGAL NOTICE

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

LEGAL NOTICE

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

PW00258376

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

**RESOLUTION # – 2017**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR  
NOTES OF UP TO SIX HUNDRED TEN THOUSAND DOLLARS  
(\$610,000) FOR COSTS RELATED TO IMPROVEMENTS TO  
FIRE STATION 3.**

**BE IT RESOLVED:**

**THAT**, the sum of **Six Hundred Ten Thousand Dollars (\$610,000)** is appropriated for Improvements to Fire Station 3;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Six Hundred Ten Thousand Dollars (\$610,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

**THAT** That this Resolution shall take effect upon its passage.

**APPROVED:**

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**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

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**KELLI BARNABY, MMC/CNHMC  
CITY CLERK**

**BI-FD-01: FIRE STATION THREE RENOVATION**

Department	Fire Department
Project Location	Fire District 3
Project Type	Improvements to Existing Facility
Commence FY	2017
Ward	ALL
Priority	A (need within 0 to 3 years)
Impact on Operating Budget	Minimal



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** This project will replace the 1950's-era fire station to address and improve the following:

- o Mechanical/ electrical/ plumbing systems
- o Physical building deficiencies including apparatus/ equipment storage
- o Regulatory agency deficiencies (ADA, NFPA, FEMA, Local Codes)
- o Work environment, including gender separation

	FY17	FY18	FY19	FY20	FY21	FY22	Totals 17-22	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	100%	\$610,000					\$610,000	\$0	\$610,000
Other	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Totals		\$0	\$0	\$0	\$0	\$0	\$610,000	\$0	\$610,000



# Portsmouth Fire Department

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## *Administration*

**To:** Deputy City Manager Nancy Colbert-Puff

**From:** Fire Chief Steven Achilles

**Date:** 1/12/2017

**Re: Bonding Resolution Considerations**

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The following is a description of a proposed resolution for both the renovations to Fire Station 3 and the purchase of a Rescue / Support Vehicle

*Resolution for a bond authorization of no more than \$1,010,000.00:  
\$610,000.00 for the renovations of Fire Station 3 and no more than  
\$400,000.00 for the purchase of a Rescue / Support Vehicle.*

These projects are identified in the FY17 Capital Improvement Program.

I have met with both Peter Rice and Dan Hartrey regarding a design-build approach to the renovations of Fire Station 3. They have reviewed the scope and cost of the project. There is consensus this is a cost-appropriate and timely project which will improve facility, work environment, and regulatory deficiencies.

The purchase of a Rescue / Support Vehicle is a scaled-back version of a FY 16 proposal to replace the department's 1987 rescue / support vehicle. We anticipate purchasing a unit that is capable of carrying rescue equipment and supplies already owned by the department. Future equipment needs will be planned and purchased accordingly.

We look for your support and guidance regarding this request.

*Department Memorandum*



LEGAL NOTICE

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

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

PA-00258349

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.101, DEFINITIONS, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE I: PARKING METERS**

**Section 7.101: DEFINITION**

The word "vehicle" as used herein shall mean any device by which any person or property may be transported upon a highway except those operated upon rails or tracks.

The word "meter" shall mean any device for buying parking time that displays the length of time for which a vehicle may remain legally parked in a parking space. Such devices include but are not limited to public meters such as a meter at an individual parking space or a central meter, or personal meters such as an in-vehicle meter, coupon or any other metering device **including mobile phone applications**, as shall be approved from time to time by the City Council. The display of the parking time purchased may be on the meter itself, a paper receipt or by other duly authorized means of display.

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.

The 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, February 6, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Downtown High Occupancy Zone. 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, February 6, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Downtown High Occupancy Zone. 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

PW00259354

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102, PARKING METER ZONES, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.102: PARKING METER ZONES**

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

A. DOWNTOWN HIGH OCCUPANCY ZONE:

Parking shall be at the rate of ~~one dollar seventy five centers (\$1.75)~~ **two dollars (\$2.00)** per hour in the following areas. **Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.25 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.**

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

B. Parking in all other parking meter zones shall be at the rate of one dollar ~~twenty-five~~ **fifty** cents (\$1.~~25~~**50**) per hour.

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

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

The ordinance shall take effect upon its passage.

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, February 6, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.105 – Parking to include mobile phone applications and Parking Meter Fees shall be enforceable Monday through Saturday, from 9:00 a.m. to 8:00 p.m. 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, February 6, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.105 – Parking to include mobile phone applications and Parking Meter Fees shall be enforceable Monday through Saturday, from 9:00 a.m. to 8:00 p.m. 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-00258337

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105, PARKING, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.105: PARKING**

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device **including mobile phone applications**, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, **including meter devices defined in Section 7.101**. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or when said parking meter displays a signal showing such illegal parking. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.
- B. Parking meter fees shall be enforceable Monday through Saturday, from 9:00 a.m. to ~~7:00~~**8:00** p.m., and Sunday from 12:00 p.m. to ~~7:00~~**8:00** p.m., holidays excepted.

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.

The ordinance shall take effect upon its passage.

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, February 6, 2017 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 III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours between the hours of 9:00 a.m. and 8:00 p.m. Monday – Saturday and between 12:00 p.m. and 8:00 p.m. Sunday, Holiday excluded. 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, February 6, 2017 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 III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours between the hours of 9:00 a.m. and 8:00 p.m. Monday – Saturday and between 12:00 p.m. and 8:00 p.m. Sunday, Holiday excluded. 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

PH-00258360

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.324, LIMITED PARKING ONE HOUR, 7.325, LIMITED PARKING – THIRTY MINUTES, 7.326, LIMITED PARKING –FIFTEEN MINUTES, 7.327, LIMITED PARKING – TWO HOURS, 7.328, LIMITED PARKING THREE HOURS, 7.329, LIMITED PARKING- FOUR HOURS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.324: LIMITED PARKING - ONE HOUR**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m., Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays not included, on the following streets and locations:
1. Daniel Street: northerly side from a point 106 feet from Bow Street to a point 88 feet east of Penhallow Street.
  2. Daniel Street: southerly side from Wright Avenue to a point 63 feet east of Penhallow Street.
  3. Dennett Street: southerly side from Maplewood Avenue to Myrtle Avenue.
  4. Market Street: westerly side from Bow Street to the southerly side of the small building on the premises of the Moffatt Ladd House.
  5. Market Street: easterly side from Bow Street to the southerly side of the premises known as 171 Market Street.
  6. Pleasant Street: westerly side from State Street to Court Street.
  7. Porter Street: southerly side from Fleet Street to Church Street.
  8. Porter Street: northerly side from Church Street to Pleasant Street.
  9. State Street: southerly side beginning at a point where the westerly boundary of the lot upon which the Internal Revenue Service Building, so called, is located, intersects with said State Street and running in an easterly direction by said side line for a distance of 200 feet.

**Section 7.325: LIMITED PARKING - THIRTY MINUTES**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than thirty minutes at any time between the hours of 9:00 a.m. – ~~7:00~~**8:00**

p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. on Sunday, Holidays not included, on the following streets and locations:

1. Islington Street: Northerly side from the corner of Brewster Street easterly 110'.
2. Islington Street: Northerly side easterly 70' from Dover Street to a point 82' westerly from Salem Street.
3. Islington Street: Northerly side from Pearl Street to Parker Street.

**Section 7.326: LIMITED PARKING - FIFTEEN MINUTES**

A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and ~~7:00~~**8:00** p.m., Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays not included, on the following streets and locations:

1. Bow Street:
  - a. northerly side, first metered space east from Ceres Street
  - b. westerly side, first metered space north from Daniel Street
2. Cabot Street: northeasterly side, from a point which is sixty-five (65) feet northwest from the intersection of Austin Street to a point which is one hundred (100) feet northwest from the intersection of Austin Street.
3. Congress Street:
  - a. southerly side, first two metered spaces west from Fleet Street
  - b. northerly side, first two metered spaces west from High Street
4. Daniel Street:
  - a. northerly side, first three metered spaces west from the parking lot entrance at 80 Daniel Street
  - b. southerly side, first five metered spaces east from Market Square
5. Deer Street: Two space in front of the building located at 28 Deer Street.
6. Hanover Street:
  - a. northerly side, first five spaces east from High Street
  - b. northerly side, two spaces 246 feet west from High Street
  - c. northerly side, first two spaces east from Bridge Street
7. High Street: easterly side, first three spaces north from Congress Street
8. Islington Street:
  - a. southerly side the space in front of 404 Islington Street, no person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time, including Sundays and holidays.

- b. northerly side, the space in front of 371 Islington Street.
- 9. Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street
- 10. Marcy Street: easterly side, the four parking spaces directly in front of 367 Marcy Street (from 8:00 am to 4:00 pm) Monday through Saturday only.
- 11. Market Street: easterly side, third space north from Market Square.
- 12. State Street:
  - a. southerly side, first two metered spaces east from Atkinson Street.
  - b. southerly side, first metered space east from Pleasant Street
- 13. South Street: northerly side, from Mount Vernon Street easterly for a distance of 40 feet.

**Section 7.327: LIMITED PARKING - TWO HOURS**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays excluded, on the following streets and locations:
  - 1. Doris Avenue: both sides.
  - 2. Dunton Street:
  - 3. Greenside Avenue: both sides.
  - 4. Hancock Street:
    - a. northerly side from Marcy Street to Pleasant Street.
    - b. southerly side from Washington Street to Pleasant Street.
  - 5. Islington Street:
    - a. northerly side from Tanner Street to Parker Street
    - b. northerly side from Pearl Street to a point westerly 335'
    - c. northerly side from Cabot Street to a point easterly 515'
  - 6. Madison Avenue: westerly side from State Street to Lovell Street.
  - 7. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.
  - 8. Middle Street: northerly side from Austin Street to Summer Street.

9. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.
10. Sherburne Road: both sides.
11. Summer Street:
  - a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.
  - b. southwesterly side between Chatham Street and Austin Street.
12. Sutton Street: both sides.
13. Witmer Avenue: both sides.

**Section 7.328: LIMITED PARKING – THREE HOURS:**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays excluded, on the following streets and locations:
1. Bow Street:
    - a. both sides from Penhallow Street to Chapel Street.
    - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.
  2. Bridge Street: both sides from Hanover Street to Deer Street.
  3. Ceres Street: land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.
  4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.
  5. Church Street: easterly side, two spaces 26 feet south of State Street.
  6. Congress Street:
    - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.
    - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.
  7. Court Place: east side from Court Street to State Street.

8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.
9. Daniel Street:
  - a. north side from Piscataqua River to Market Street.
  - b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.
10. Deer Street: all except for two spaces in front of 28 Deer Street.
11. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.
12. High Street:
  - a. easterly side, first two metered spaces south of Ladd Street
  - b. east side from Hanover Street to Deer Street.
  - c. west side, first two metered spaces north of Hanover Street
13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.
14. Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street
15. Market Square:
16. Market Street:
  - a. westerly side from Market Square to Bow Street, except for the first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.
  - b. easterly side from Daniel Street to Deer Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).
  - c. both sides from Deer Street to Russell Street.
17. Penhallow Street:
  - a. westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.
  - b. easterly side between Daniel Street and Bow Street.
18. Pleasant Street:
  - a. easterly side from #15 Pleasant Street to State Street.
  - b. westerly side from southerly end of the North Church to State Street.
19. State Street:

- a. northerly side from Middle Street 250 feet westerly.
- b. northerly side from Middle Street to Marcy Street.
- c. southerly side from Middle Street to Marcy Street.

20. Washington Street: northerly side between State Street and Court Street

**Section 7.328-1: UTILIZATION OF MULTIPLE PARKING SPACES:**

No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.

**Section 7.329: LIMITED PARKING – FOUR HOURS**

No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than four hours at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday. Holidays excluded, on the following streets and locations:

1. Bridge Street: southerly side from Islington Street to Hanover Street.
2. Deer Street: both sides between Russell Street and Maplewood Avenue.
3. Russell Street: entire length, both sides.
4. Livermore Street: westerly side, entire length.

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.

The ordinance shall take effect upon its passage.

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, February 6, 2017 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 IV, Section 7.406 (A) & (B) to be deleted in their entirety. 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, February 6, 2017 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 IV, Section 7.406 (A) & (B) to be deleted in their entirety. 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

PM00258364

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IV, Section 7.406, PARKING IN METER SPACES of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

~~Section 7.406: — PARKING IN METER SPACE~~

~~A. — When any vehicle shall be parked in a metered parking space the owner or operator of the vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately pay the required fee. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated parking fee area to fail or neglect to pay the required fee. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parked if it remains in said space beyond the legal parking limit. — It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this Section.~~

~~In any fee parking area within the limits of the City of Portsmouth the same shall be on all days, except Sundays and holidays, during the following hours:~~

~~A. — Monday through Saturday 9:00 a.m. to 7:00 p.m.~~

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.

The ordinance shall take effect upon its passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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

**SYNOPSIS (Not Part of Ordinance):** The language in Section 7.406 is deleted as it is duplicative due to similar language which exists in Section 7.105 A and B.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.115 – SIGN PERMIT REQUIRED FOR PRIVATE PARKING LOT of the Ordinances of the City of Portsmouth be amended as follows:

Section 7.115           SIGN PERMIT REQUIRED FOR PRIVATE PARKING LOT

A business that provides public parking on a private lot will not be permitted unless the owner receives a sign permit from the Department of Public Works. The sign permit will be approved by the Department of Public Works if the sign complies with the following requirements:

A.     SIGN REQUIREMENTS:

1.     The Department of Public Works shall review the location of the sign prior to the sign being erected;
2.     The sign shall be located at the entrance to the private lot;
3.     The sign shall not be permanently affixed to a structure or the land;
4.     Specific standards regarding sign dimensions and the style, color and size of lettering will be determined by the Department of Public Works;
5.     The sign shall state that the private lot is not owned, operated or maintained by the City and the City does not provide for parking enforcement;
6.     The sign permit will be issued only for private lots that are in compliance with all municipal land use regulations; and
7.     Any owner of a private lot used for public parking who has not obtained a sign permit or whose sign does not comply with the criteria set forth above shall have their sign permit revoked and be subject to a fine of \$100 per day.

## B. INFORMATION REQUIRED FOR SIGN PERMIT APPLICATION

The Department of Public Works shall require the following information on its sign permit application:

1. Identity of property owner, including address and telephone number for contact person for business hours and 24 hour emergency contact;
2. Identity of operator of private parking lot, including address and telephone number for contact person for business hours and 24 hour emergency contact;
3. Description of parking services provided, including hours of operation, parking rates charged and description of private parking enforcement methods; and
4. Owner and operator must provide updated information in A – C above to the Department of Public Works and failure to do so will result in the revocation of the sign permit and a fine of \$100 per day.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

To Whom it May Concern;

The Music Hall is pleased to present our 26th annual Kitchen Tour fundraiser event on **Saturday, May 13th from 10:00a-4:00p** in the Little Harbour neighborhood of Portsmouth. Twelve homes will be featured on this tour (addresses are listed below) with a predicted 1,000 guests walking from home to home via foot. Tour guests are encouraged to use public parking spaces and there will also be spaces reserved in advance for guests at The Little Harbour School per our agreement with the Portsmouth School Department.

In anticipation for this event, and since we have two homes located on Ridges Court, I would like to request the closure of Ridges Court on this date from 9:00a-4:00p with barricades placed at the New Castle Ave. end of the street. This measure is taken out of courtesy of the residents of Ridges Court to try and eliminate vehicle traffic with the exception of vehicles belonging to the residents.

Once permission is obtained from the City, I will send letters to the residents of Ridges Court notifying them of this closure.

Participating homes for Kitchen Tour 2017:

Address
186 Miller Ave.
49 Ridges Ct.
86 Ridges Ct.
54 Lincoln Ave.
143 Brackett Rd.
47 Elwyn Ave.
46 Sherburne Ave
58 Pleasant Point Dr.
31 Pleasant Point Dr.
5 Pleasant Point Dr.
59 New Castle Ave.
37 South St.

If you have any questions or concerns please do not hesitate to contact me. Please also let me know if I should reach out to another department who may have additional questions on tour logistics, questions, etc. For example, I would be happy to also reach out to the Police Department with information regarding the day of the tour if suggested.

Thank you for your time and consideration.

Best,  
Ashleigh

**Ashleigh Tucker Pollock**  
Special Events Manager & Retail Coordinator

The Music Hall  
15 Columbus Street  
Provincetown, MA 01901  
(508) 766-2362  
[www.themusichall.org](http://www.themusichall.org)

January 23, 2017

John Bohenko, City Manager  
CC: Jack Blalock, Mayor

City of Portsmouth  
1 Junkins Ave  
Portsmouth, NH 03801



Re: Updated Request Letter. Portsmouth Maritime Folk Festival, September 23-24, 2017

Dear Sirs,

On behalf of the Portsmouth Maritime Folk Festival (PMFF), a New Hampshire Non Profit Corporation, I am requesting permission to hold the 18th Annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 23rd and 24th, 2017. This free and open-to-the-public event will be modeled after those of the past 17 years which have been hailed as a success by the community. Shanty singing, musical talks on sailing history, and storytelling, celebrate Portsmouth's maritime tradition.

Our only request of the City of Portsmouth is the closing of 3 parking spaces on Pleasant Street, immediately in front of Breaking New Grounds and the RiRa Pub (22 Market Square) – all day, until 6PM on Sunday September 24<sup>th</sup>. This helps us manage the noise and commotion that a number of loud motorcycles would usually present in those parking spaces.

We ask the City to place 7 barricades (disassembled) on the curb by Saturday evening, September 23rd. We assemble the barricades and place them with our own "No Parking" signs early Sunday morning.

Our schedule is as follows:

**Saturday, September 23rd:**

10 -11 AM

Shanty singers call the festival to a start in the public sidewalk area facing 22Market Square. This is outside the RiRa Pub which welcomes our presence. We do not impede or endanger the regular pedestrian traffic. Singers stroll to various locations on Congress Street to announce the weekend festivities—singing on the sidewalk at Popovers, Celtic Crossing, Friendly Toast, Portsmouth Athenaeum, and Commercial Alley.

Noon - 2 PM

Performances at Moffat Ladd Warehouse, John Paul Jones House, Anchor Line and Discover Portsmouth Center.

2:30 -4:30 PM

Shanty Singing at the Press Room Pub, 77 Daniel Street and RiRa Pub, 22 Market Square.



7 - 10 PM

Evening Concert at Sanborn Hall (First United Methodist Church) on Miller Ave.

**Sunday, September 24th:**

1 - 4:30 PM

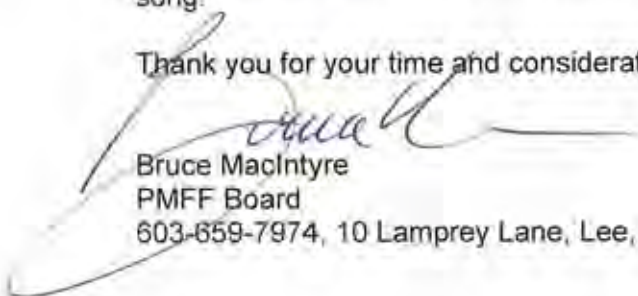
Cameo concerts and shanty singing at The Portsmouth Athenaeum, Oppenheimer, Book and Bar, Anchor Line, and RiRa Pub (outside on the sidewalk facing the pub, weather permitting).

5:00PM-- Festival Close.

The performers gather outside RiRa Pub, 22 Market Square, for a few last rousing shanties to officially close the festival.

We sincerely hope that our plans meet with the approval of the City Council, and further invite the members of the Council to come and join us for a weekend of maritime history, tradition and song.

Thank you for your time and consideration,



Bruce MacIntyre  
PMFF Board  
603-659-7974, 10 Lamprey Lane, Lee, NH 03861

City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** Nancy Colbert Puff, Deputy City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** January 18, 2017  
**SUBJECT:** Eversource License Agreement 63-0627

---

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0627.

This request is to license the following:

- Four (4) replacement poles on Chase Drive
- One (1) replacement pole at the northeast corner of Michael Succi Drive and Market Street
- Seven hundred and forty (740) feet of conduit along the northeast side Market Street in the grass behind the sidewalk from the corner of Michael Succi Drive to across from Albacore Park
- One (1) buried access vault half-way along the conduit
- One (1) 25kva pad-mount transformer at the end of the conduit across from the Albacore Park

This work is necessary to bring power from Chase Drive to this area on Market Street across from the Albacore Park for the new traffic signal and street lights included in the Market Street Gateway Project. I have reviewed the locations of these proposed installations and have determined that they pose no impacts to existing City infrastructure, sight distances or other City interests. The Public Works Department recommends approval of this license. Attached is the plan and photos showing the locations of the proposed installations.

Please call with any questions you may have.

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

September 30, 2016

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0627 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service Company of New Hampshire, dba Eversource Energy  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: [lisa-marie.pinkes@nu.com](mailto:lisa-marie.pinkes@nu.com)

Enclosure(s)



**PETITION AND POLE LICENSE  
PETITION**

Manchester, New Hampshire

September 30, 2016

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License five ( 5) pole(s), 505/6B, 505/6C, 505/6D, 505/6E, 505/6F on Chase Street in the City of Portsmouth.

**PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY**

BY: *Lisa-Marie Pinkes*  
Lisa-Marie Pinkes, PSNH CO Support / Licensing

**LICENSE**

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

**ORDERED**

This 30th day of September, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE No. 63-0627, dated 9/29/2014, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

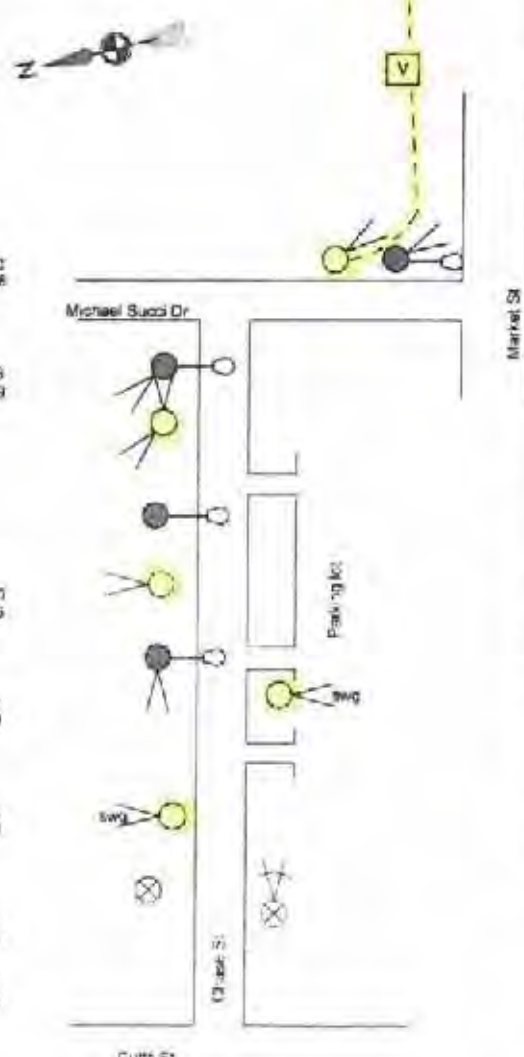
Town Clerk

# POLE LOCATION PLAN

## EVERSOURCE

DATE	09/29/2014	LICENSE NO.	63-0627
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	Chase Street	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	2399089
PSNH ENGINEER:	Jim Osburn	WORK FINANCIAL #	9P420706
TELCO ENGINEER:		TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/C	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL												
505/6FT1										370'		install 25kva pad	
505/6FV1										370'		customer installed vault	
505/6F 339/25B		45/2								215'		inst 100% Lts pole/anc rmv pole, anc & light	M
505/6E 339/25A		40/2								225'		inst 100% Lts pole/anc rmv pole/anc chg lite to a 100 s/e	M
339/25A1	269/5-3L											rmv pole & light	
505/6D 339/25A2	269/5-4L	40/2								225'		inst 100% Lts pole/anc rmv pole, anc & light	M
505/6C		40/2								200'		inst 100% Lts pole/anc	M
505/6B		40/2								115'		inst 100% Lts pole/anc	M
505/6A1	128C/ 1-1L											reference pole	
505/6A	1280/1											reference pole	





ADDENDUM PER RSA 231:163

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

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

**Approved by City Council:**

POLE #:  
505/6B

NO  
PARKING  
BETWEEN  
SIGNS





POLE #:  
505/6C





POLE #:  
505/6D





POLE #:  
505/6E





POLE #:  
505/6F





# Underground Power Extension Market Street

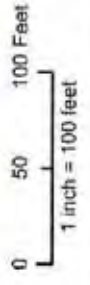


DROP FROM  
POLE HERE

VAULT

TRANSFORMER

The City of Portsmouth provides these Geographic Information System maps and data as a public information service. Every reasonable effort has been made to assure the accuracy of these maps and associated data. The maps and data being provided herein are intended for informational purposes only. No guarantee is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.





City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** Nancy Colbert Puff, Deputy City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** January 31, 2017  
**SUBJECT:** Eversource License Agreement 63-0621

---

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0621.

This request is to license one (1) replacement pole and push-brace at the southwest corner of Pleasant Street and Junkins Ave, near the entrance to the Parrott Avenue Parking Lot. This work was requested by DPW, to move the main pole to the back of the curb and out of the middle of the sidewalk.

I have reviewed the location of this installation, and determined that it poses no impact to existing infrastructure, sight distances, or other City interests. The Public Works Department recommends approval of this license.

Attached is a picture of this pole. Please call with any questions you may have.

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

SEP 22 2016

September 19, 2016

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0621 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service Company of New Hampshire, dba Eversource Energy  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)



**PETITION AND POLE LICENSE  
PETITION**

Manchester, New Hampshire

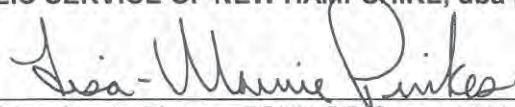
September 19, 2016

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one ( 1 ) pole(s), 65/6PB on Pleasant Street in the City of Portsmouth.

**PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY**

BY:   
Lisa-Marie Pinkes, PSNH CO Support / Licensing

**LICENSE**

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

**ORDERED**

This 19th day of September, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE No. 63-0621, dated 9/19/2016, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Town Clerk

# POLE LOCATION PLAN

## EVERSOURCE

DATE 09/19/2016

MUNICIPALITY: Portsmouth

STREET / ROAD: Pleasant Street

PSNH OFFICE: Portsmouth

PSNH ENGINEER: Richard St Cyr

TELCO ENGINEER: \_\_\_\_\_

LICENSE NO. 63-0621

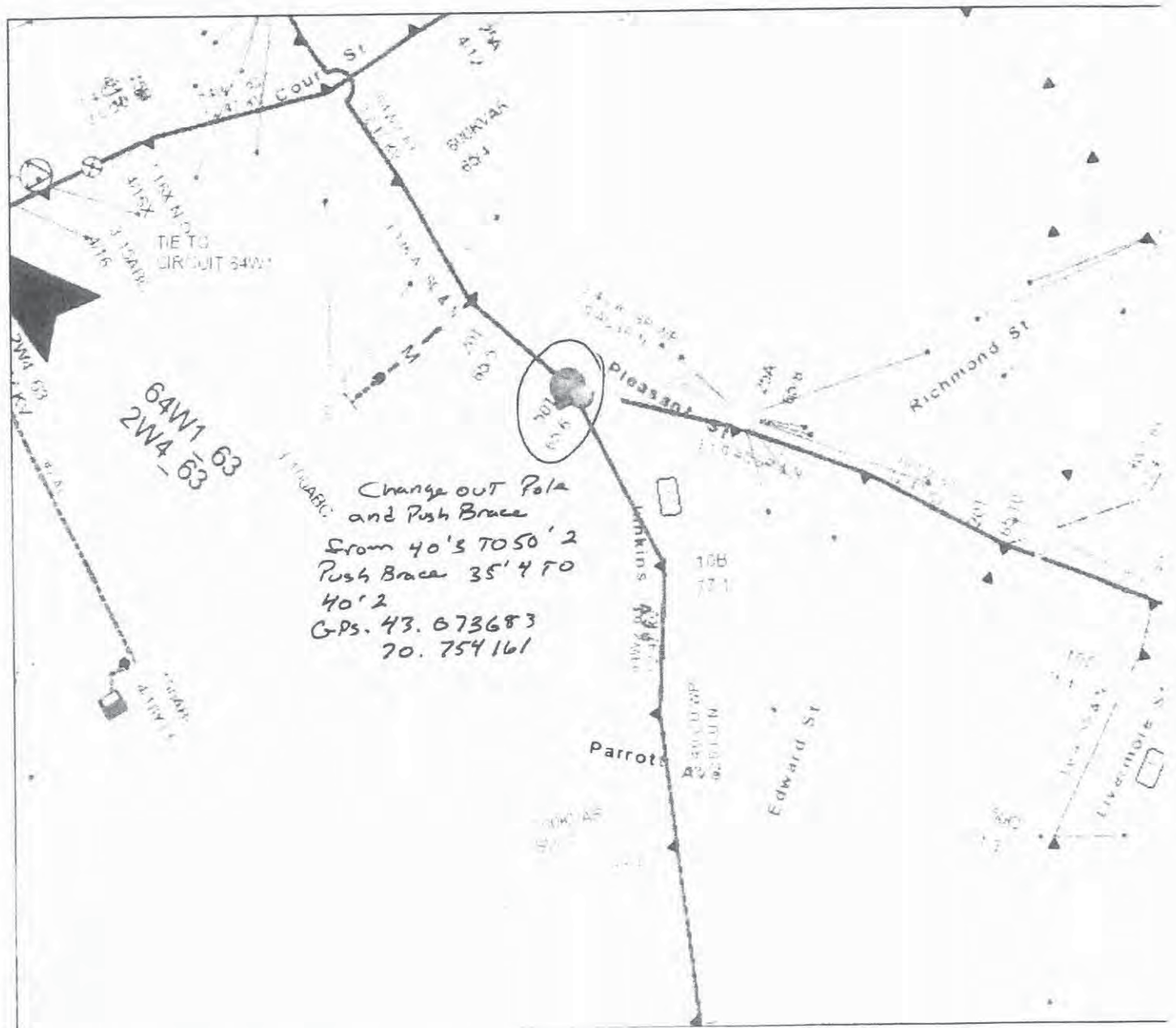
STATE HWY. DIV. NO. 6

STATE LICENSE NO. \_\_\_\_\_

WORK REQUEST# 2582815

WORK FINANCIAL # 9P520664

TELCO PROJECT # \_\_\_\_\_





ADDENDUM PER RSA 231:163

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

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

**Approved by City Council:**





City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** Nancy Colbert Puff, Deputy City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** January 31, 2017  
**SUBJECT:** Eversource License Agreement 63-0626

---

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0626.

This request is to license one (1) new anchoring pole on the south side of Little Harbor Road, just before the Wentworth Coolidge Mansion driveway.

I have reviewed the location of this installation, and determined that it poses no impact to existing infrastructure, sight distances, or other City interests. The Public Works Department recommends approval of this license.

Attached is a picture of this pole. Please call with any questions you may have.

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

September 27, 2016

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0626 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service Company of New Hampshire, dba Eversource Energy  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)



**PETITION AND POLE LICENSE  
PETITION**

Manchester, New Hampshire

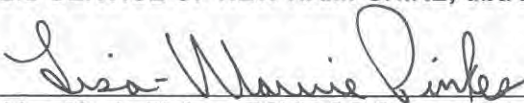
September 27, 2016

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one ( 1) pole(s), 140/33S on Little Harbor Road in the City of Portsmouth.

**PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY**

BY:   
Lisa-Marie Pinkes, PSNH CO Support / Licensing

**LICENSE**

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

**ORDERED**

This 27th day of September, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE No. 63-0626, dated 1/21/2016, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Town Clerk





ADDENDUM PER RSA 231:163

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

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

**Approved by City Council:**

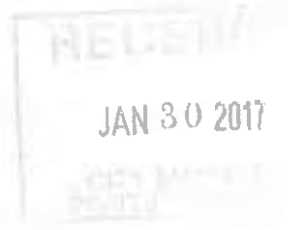








**National  
Multiple Sclerosis  
Society  
Greater  
New England  
Chapter**



January 24, 2017

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

Dear Mr. Bohenko:

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years.

I have begun planning for the 2017 Bike MS NH Seacoast Escape. This year's date is set for Saturday, August 26<sup>th</sup>. The purpose of this letter is to ask for permission to use roads within Portsmouth and to inform you of the route through the city of Portsmouth. I have enclosed written riding directions for you. Our first cyclist (of approximately 250) should enter Portsmouth at 10:30am, and the last cyclist should depart at 1:00 PM.

Our routes feature safety stops every 10-15 miles, so that our cyclists remain hydrated and nourished. All cyclists agree to follow rules of the road, and are directed to ride single file. We issue one warning to cyclists not following the rules of the road. On the next infraction, we pull them from the ride and require they ride to the finish in one of our safety vehicles.

We mark our route with small cardboard signs attached to utility poles or stakes. We will begin marking the route on August 24th. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

Please let me know if you have any questions about the ride and our route. I can be reached at 781-693-5154.

Sincerely,

Emily Christian  
Logistics Manager  
781-693-5154  
[Emily.christian@nmss.org](mailto:Emily.christian@nmss.org)

The National Multiple Sclerosis Society, Greater New England Chapter has informed the City of Portsmouth City Manager of its intent to hold a charity bicycle ride on town roads through Portsmouth on Saturday, August 26, 2017.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

For the City of Portsmouth City Manager

Please return this form in an enclosed envelope, email or fax to 781-890-2089.

2017 Bike MS NH Seacoast Escape - 25 mile

NET CONTROL - 978-888-3363

Miles	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		<b>Caution: Narrow wooden bridge</b>	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	<b>Sharp R</b>	onto Bay Road	0.40	
6.10	<b>BL</b>	to stay on Bay Road	7.00	Durham
13.10	<b>BR</b>	onto Route 108	0.30	
13.40		<b>REST STOP -- Durham Town Offices - Route 108</b>		
13.40	<b>BR</b>	out of rest stop <b>ROUTE SPLITS</b>	0.10	
13.50	L	at stop sign to continue on Route 108	1.30	Newmarket
14.80	R	Bennet Rd	1.60	
		<b>Caution: Narrow wooden bridge</b>		
16.40	L	Packers Falls	2.00	
		<b>Caution: Look right</b>		
18.40	R	S. Main St	0.50	
18.90	L	Grant	1.10	
20.00	L	Ash Swamp	2.00	
22.00	L	Ash Swamp	0.10	
22.10	R	Rt. 108 South	1.30	
23.40	L	Squamscott Road	1.10	Stratham
24.50	L	Onto Route 33/Portsmouth Ave.	0.60	
25.1	R	Finish Chute	0.00	
	<b>FINISH</b>	<b>Finish Line - Congratulations! You made it!</b>		
<b>Route closes at 4:00PM</b>				

L=Left, R=Right, X=Cross, S=Straight, B=Bear, @=at

2017 Bike MS NH Seacoast Escape - 60 mile

NET CONTROL - 978-888-3363

Miles	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		<b>Caution: Narrow wooden bridge</b>	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	Sharp R	onto Bay Road	0.40	
6.10	BL	to stay on Bay Road	7.00	Durham
13.10	BR	onto Route 108	0.30	
13.40		<b>REST STOP -- Durham Town Offices --Route 108</b>		
13.40	BR	out of rest stopn <b>ROUTE SPLITS</b>	0.10	
13.50	R	at traffic light to continue on Route 108	0.60	
14.10		pass under Route 4	2.30	Madbury
16.40	S	through light	1.00	Dover
17.40	S	through light on Route 108 <b>Caution: busy area</b>	0.10	
17.50	S	through 2 lights, passing under Spaulding Turnpike	0.30	
17.80	BL	to stay on Route 108	0.40	
18.20	S	through light, continue on Route 108	0.30	
18.50	BR	at traffic light, following signs for Routes 4,9 and 108	0.10	
18.60	BL	staying on path for Routes 4,9 and 108	0.10	
18.70	R	onto Portland Avenue	0.10	
18.80	BR	onto unmarked Cocheco Street (towards water)	0.30	
19.10	S	through stop sign	0.40	
19.50	BR	at yield sign onto Gulf Road	1.80	
21.30	X	bridge over water	1.20	Eliot, ME
22.50	R	at light onto Route 236 South	0.40	
22.90	R	onto Route 103 South	1.50	
24.40	R	onto River Road	2.90	
27.30	BR	at yield sign onto Old Road	0.70	
28.00	S	after stop sign onto Route 103 East	0.30	
28.30		<b>REST STOP -- Eliot Elementary School - 1298 State Road</b>		
28.30	L	out of rest stop, staying on Route 103	0.10	
29.35	R	staying on Route 103 East	0.90	
30.25	S	through yellow blinking light	1.70	Kittery, ME
31.95		Pass under I-95	0.30	
32.25	R	staying on Route 103 East	0.40	
32.65	L	onto Government Street	0.10	
32.75	BR	up hill on Government Street	0.20	
32.95	R	onto Route 1 South	0.10	
33.05		Cross bridge back to New Hampshire (stay on sidewalk)	0.50	Portsmouth
33.55	R	onto Harbour Place which becomes State Street	0.10	
33.65		<b>*Follow signs for Strawberry Banke*</b>		
33.45	L	onto Marcy Street	0.30	
33.75	L	onto Route 1B South	1.50	
35.25		<b>Caution: crossing bridge</b>		

L=Left, R=Right, X=Cross, S=Straight, B=Bear. @=at

2017 Bike MS NH Seacoast Escape - 60 mile

NET CONTROL - 978-888-3363

Miles	Direction	Description	Go	Town:
35.25		<b>Caution: crossing bridge</b>		Newcastle
35.25	<b>BL</b>	to stay on Route 1B South	1.60	Rye
36.85		Walk bike over bridge on wooden walkway	1.10	Portsmouth
37.95	<b>L</b>	at stop sign onto Route 1A South	0.50	
38.45	<b>L</b>	at rotary to stay on Route 1A South	1.80	
40.25		<b>REST STOP - Odiorne State Park -- Route 1A</b>		
40.25	<b>L</b>	out of rest stop, pass Rye Harbor St.Park	7.50	North Hampton
47.75	<b>R</b>	onto Route 111	3.20	
51.85	<b>S</b>	thru traffic light, continue onto Route 111	0.50	
52.35	<b>L</b>	at stop sign	0.10	
52.45	<b>R</b>	at stop sign onto Route 151N	0.10	
52.55	<b>L</b>	onto Walnut Ave.	1.70	
54.25	<b>R</b>	onto Lovering Road	1.40	
55.65	<b>L</b>	onto Post Road	0.10	
55.75	<b>L</b>	onto Winnicut Road	1.70	Stratham
57.45	<b>X</b>	Union Road	2.20	
59.65	<b>R</b>	Onto Route 33/Portsmouth Ave.	1.00	
60.65	<b>S</b>	through stop light	0.30	
60.95	<b>R</b>	into Stratham Hill Park	0.00	
	<b>FINISH</b>	<b>Finish Line - Congratulations! You made it!</b>		
<b>Route closes at 4:00PM</b>				



**BOSEN & ASSOCIATES, P.L.L.C.**  
**ATTORNEYS AT LAW**

**John K. Bosen**  
Admitted in NH & MA

**Christopher P. Mulligan**  
Admitted in NH & ME

**Albert Hansen**  
Admitted in NH, MA & MI

**David M. Howard**  
Admitted in NH

**Molly C. Ferrara**  
Admitted in NH

January 25, 2017

VIA HAND DELIVERY

Jack Blalock, Mayor  
Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801



**RE: Request for Release of Paper Streets Pursuant to RSA 231:51 and :52  
26 Moffat Street (Tax Map 243, Lot 69)/Swett Ave (Tax Map 243, Lot 23)**

Dear Mr. Mayor:

This office represents the interest of J. Bradley and Sarah Honeyman, owners of the above referenced property. Please consider this a formal petition for the release to my clients of all right, title and interest, if any, the City has in the paper streets known as "Moffat Street" and "Woodworth Avenue" to the centerline of each where they abut my clients' property, pursuant RSA 231:51 and :52.

The Honeymans acquired the above referenced lots in 2007 by deed which references a certain subdivision plan, D-30480. I enclose copies of the Honeymans' deed, the recorded subdivision plan, and the current tax map. See Exhibits A, B and C. As you can see, a portion of Moffat Street was constructed as a cul-de-sac with its eastern terminus at 26 Moffat Street, where the Honeymans live with their two young boys. This occurred sometime after the subdivision approval and remains so today.

The plan and tax map show Moffat Street as extending further beyond the cul-de-sac, and beyond the Honeymans' property, all the way to the Chase Home parcel. This extension of Moffat Street has never existed on the ground. The plan and map also show Woodworth Avenue extending along the entirety of the eastern boundary of Lot 69, and also abutting 160.09 feet of the western boundary of Lot 23. Similarly, Woodworth Avenue has never existed on the ground south of the paper portion of Moffat Street, and in fact, its actual southern terminus is well north of it. The current GoogleMaps aerial photograph of the neighborhood in question is enclosed as Exhibit D.

Moffat Street and Woodworth Avenue trace their genesis to a subdivision of land recorded at the Rockingham County Registry of Deeds in 1902 as "Prospect Park." I enclose copies of the plans as recorded as Exhibit E. As these paper streets were dedicated to public use more than one hundred years ago and have not been opened, built, or used for public travel where they abut the Honeymans' property since that time, they should be released from public servitude pursuant to RSA 231:51. They are not needed for public travel. RSA 231:52.

Jack Blalock, Mayor  
January 25, 2017  
Page Two

Permitting the physical extension of Moffat Street beyond the existing approved cul-de-sac would be at the least imprudent from an urban planning and design perspective, as it would render the cul-de-sac superfluous, but it would also have a very deleterious effect on the Honeymans' home, which is sited very close to the paper portion of Moffat Street.

Therefore, pursuant to the above referenced statutes, I formally request that the City release to the Honeymans any and all of its right, title and interest in and to the centerline of the paper streets Moffat Street and Woodworth Avenue where they abut the Honeymans' lots.

I respectfully request that this matter be added to the agenda of the next City Council meeting. Thank you for your attention and please contact me if you have any questions or require additional information.

Sincerely,



Christopher P. Mulligan

CPM/mcc

Enclosures

cc: J. Bradley and Sarah Honeyman (w/ enclosures)

0337  
**MAIL TO**  
 Heritage Title Services, LLC.  
 402 The Hill, Deer Street  
 Portsmouth, NH 03801  
 603-431-8233  
 603-431-5481 fax

**STATE OF NEW HAMPSH**

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER

7 THOUSAND 1 HUNDRED AND 85 DOLLARS

05 1007 \$7185.00

VOID IF WATERED



027318

2007 MAY 10 PM 12:03

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS**, that **WE, DENISE BLOOM**, a single person of 287 Dennett Street, City of Portsmouth and County of Rockingham, and State of New Hampshire and **GUY BELLIVEAU**, a single person of 26 Moffat Street, City of Portsmouth, County of Rockingham and State of New Hampshire,

**FOR CONSIDERATION PAID**, grant to **J. BRADLEY HONEYMAN and SARAH HONEYMAN**, husband and wife of 56A Marston Street, City of Portsmouth, County of Rockingham and State of New Hampshire, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**

**WITH WARRANTY COVENANTS**, the following described parcels of land:

Two certain parcels of land, with the buildings thereon, located off Peverly Hill Road on a certain right-of-way, known as Moffat Street in the City of Portsmouth, County of Rockingham and State of New Hampshire as shown on a subdivision plan of land entitled "Subdivision of Land, Tax Map 43, Lots 54 and 23, Peverly Hill Road, Portsmouth, NH" prepared by Maguire Group, Inc., dated January 4, 2001, last revised April 2, 2002 and recorded in the Rockingham County Registry of Deeds as Plan D-30480, being more particularly bounded and described as follows:

Parcel B, Lot 3:

A certain parcel of land, located on Moffat Street in Portsmouth, County of Rockingham and State of New Hampshire, being Lot 3 and being more particularly bounded and described as follows:

Beginning at a point on the Northwesterly corner of the herein described premises and the northerly terminus of Moffat Street, so-called, and running N 70 degrees 54' 45" E along land of the City of Portsmouth, known as Moffat Street, a paper street, for a distance of 128.59 feet to an iron pipe at Woodworth Avenue, a paper street; thence turning and running southerly along said Woodworth Avenue, a paper street, S 19 degrees 06' 18" E for a distance of 239.26 feet to point; thence continuing along said paper street S 19 degrees 06' 18" E for a distance of 203.46 feet, to a point at land now or formerly of Susan W. Chamberlin and Albert E. Scherr, IV; thence turning and running along land of said Chamberlin and Scherr land, and other land now or formerly of



Adam L. Sargent and Gretchen M. Lantz, S 70 degrees 09' 00" W a distance of 137.81 feet, to a point thence turning and running N 19 degrees 06' 18" W along the easterly sideline of Lot 2, for a distance of 357 feet, more or less, to a point at the southeasterly terminus of Moffat Street, so-called; thence turning by an arc of a curve to the left, said arc having a radius of 60.00 for a distance of 100.00 feet, to the point of beginning.

Also conveyed herewith is a right pass and repass over the right-of-way, shown as Moffat Street, on the recorded Subdivision Plan, until such time as said Moffat Street is accepted by the City of Portsmouth as a public street.

Lot 3 is subject to a Sewer easement in favor of the City of Portsmouth, said easement being recorded at said Registry in Book 2033, Page 12

Lot 3 is also subject to a Sewer easement granted by Sierra Construction, LLC to 248 Peverly Hill Condominium Association dated November 21, 2003, said easement being recorded in said Registry at Book 4205, Page 1841.

Meaning and intending to convey Lot 3 on the above described plan containing 59,492 square feet or 1.36 acres.

**Parcel C, Lot 3:**

A certain parcel of land, located off Peverly Hill Road in Portsmouth, County of Rockingham and State of New Hampshire, being shown on said Subdivision Plan as Map 43, Lot 23 and being more particularly bounded and described as follows:

Beginning at a point on the northwesterly corner of the herein described premises and the southeasterly corner of land now or formerly of Colman C. Garland, thence running N 69 degrees 37' 39" E along the southerly sideline of land now or formerly of Robert J. LaFolia Revocable Trust for a distance of 86.00 feet, to a point; thence turning and running S 19 degrees 07' 29" E along the westerly sideline of Swett Avenue, a paper street, for a distance of 160.01 feet, to a point; thence turning and running along land now or formerly of the Rober LaFolla Revocable Trust, S 69 degrees 37' 39" W for a distance of 86.00 feet to a point; thence turning and running along land of said LaFolla Revocable Trust, S 19 degrees 06' 18" E, for a distance of 80.87 feet to a point; thence turning and running S 70 degrees 09' 00" W for a distance of 86.04 feet to a point at Woodworth Avenue, a paper street; thence turning and running N 19 degrees 06' 18" W along said paper street, a distance of 160.09 feet to a point; thence turning and running N 69 degrees 37' 39" E for a distance of 86.00 feet to a point; thence turning and running N 19 degrees 06' 18" W for a distance of 80.00 feet to the point of beginning.

Also meaning and intending to convey Map 43, Lot 23 on the within described plan containing 27,563 square feet or 0.63 acres.

The within conveyed two parcels of land are subject to any and all restrictions,




conditions, and easements as are noted on the herein referenced Subdivision Plan.

Meaning and intending to describe and convey the same premises conveyed to Denise Bloom and Guy Belliveau by Warranty Deed of Timothy R. Potvin and Amy M. Potvin dated April 3, 2006 as recorded in the Rockingham County Registry of Deeds in Book 4650, Page 1948.

We release all rights of homestead in said property and release all rights and other interests in said property.

WITNESS our hands this 9<sup>th</sup> day of May, 2007.

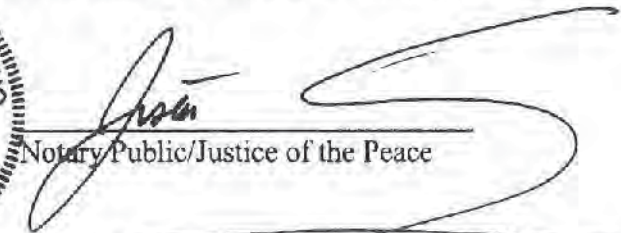
  
Denise Bloom

  
Guy Belliveau

State of New Hampshire  
Rockingham, ss

Personally appeared on this 9th day of May, 2007, the above named Denise Bloom, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledge that she executed the same for the purposes therein contained.

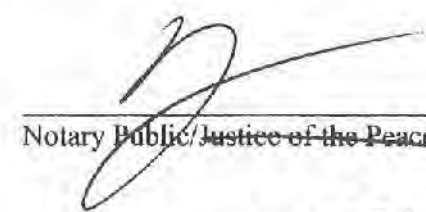


  
Notary Public/Justice of the Peace

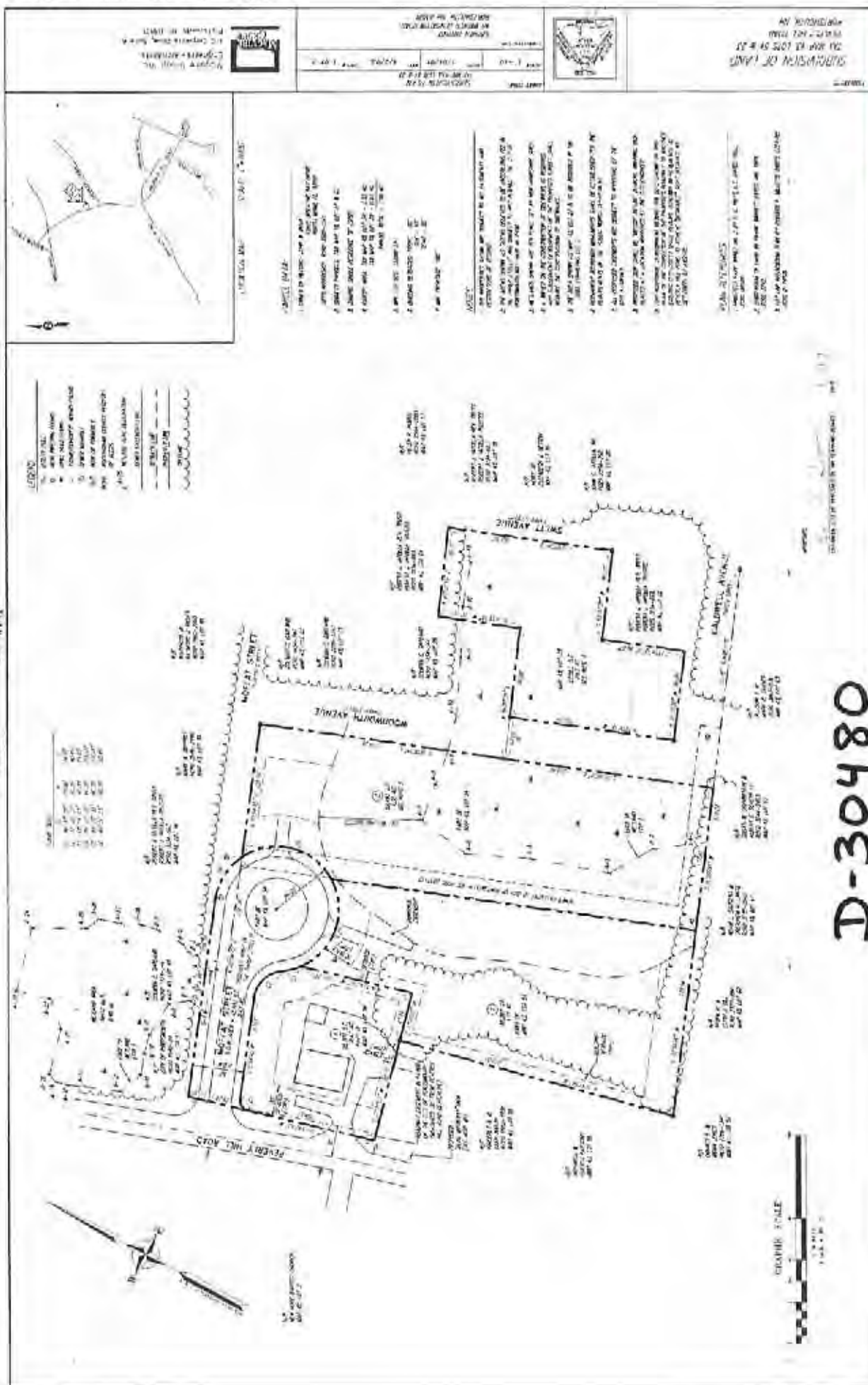
State of New Hampshire  
Rockingham, ss

Personally appeared on this 9th day of May, 2007, the above named Guy Belliveau, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purposes therein contained.



  
Notary Public/Justice of the Peace

ROBERT H. ZIRKLE JR., Notary Public  
My Commission Expires February 9, 2010



D-30480

EXHIBIT B

DEPARTMENT OF LAND AND NATURAL RESOURCES



STATE OF MARYLAND



DEPARTMENT OF LAND AND NATURAL RESOURCES







Google Maps 85 Woodworth Ave



Imagery ©2017 Google, Map data ©2017 Google 100 ft



85 Woodworth Ave  
Portsmouth, NH 03801







0019 Sheet 10F2 0013

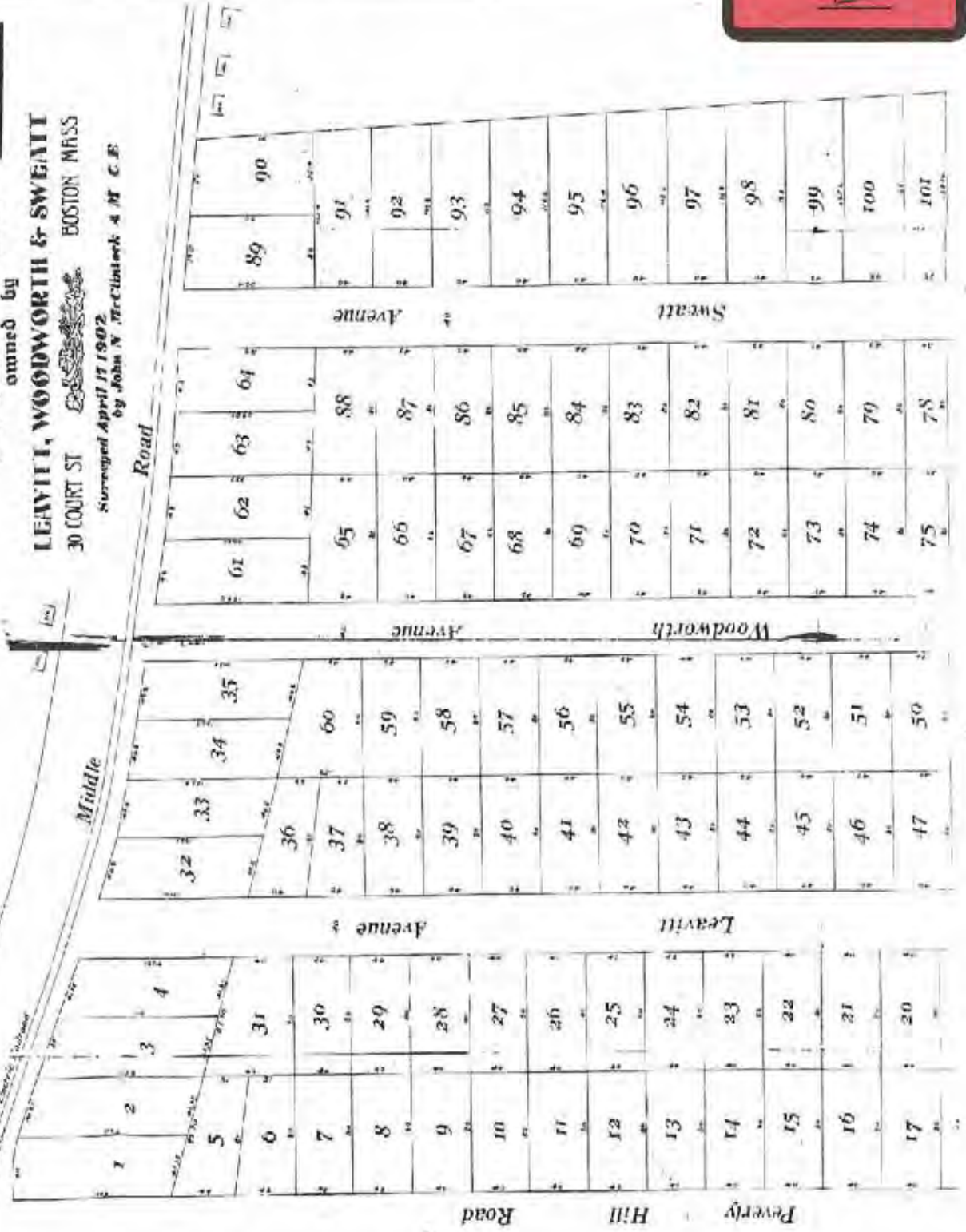
# Prospect Park

PORTSMOUTH N.H.  
owned by

LEAVITT, WOODWORTH & SWEATT  
30 COURT ST BOSTON MASS

Surveyed April 17 1902  
by John N. McCluskey & H. C. E.

The Plains



# PORTSMOUTH N H

owned by  
**LEAVITT, WOODWORTH & SWEATT**  
30 COURT ST BOSTON MASS

Surveyed April 17 1902  
by John N. McClintock A M C E



Scale, 30ft. to an inch.

Sheet 2 of 2  
00113

Drawn by John N. McClintock A M C E Boston Mass

Avenue

McClintock



00109  
00109



Prospect Park Annex No. 2

Portsmouth, N. H.

— owned by —

Leavitt Woodworth and Sweett

30 Court St, Boston, Mass.

Scale, 30 ft. = 1 inch

Surveyed June 1910, by F.C. Hoyt, C.E.





McClintock Avenue

Leavitt Avenue

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Woodworth Avenue

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Sweatt Avenue

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Moffatt Street

Prospect Park Finney  
 Boston, N. H.  
 owned by  
 Leavitt Woodworth and Sweatt  
 100 Park St Boston, Mass  
 100 Park St Boston, Mass  
 100 Park St Boston, Mass



Reverly Hill Road

North Hampton Select Board  
Jim Maggiore, Chair  
Larry Miller, Vice Chair  
Rick Stanton, Member



Municipal Offices  
233 Atlantic Avenue  
North Hampton, NH 03862  
papple@northhampton-nh.gov  
Tel: (603) 964-8087  
Fax: (603) 964-1514

received  
1/30/17

January 25, 2017

The Hon. Jack Blalock, Mayor  
CITY OF PORTSMOUTH  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801

RE: Public Meetings of the Coakley Landfill Group

Dear Mayor Blalock:

As you heard during City Attorney Sullivan's presentation to the City Council on Monday evening, the Coakley Landfill Group ("CLG") consists of the municipalities, generators and haulers named in the "Superfund" litigation. North Hampton is one of those municipalities. The City of Portsmouth has represented the municipalities in the Group's Executive Committee since its inception.

As a matter of record, North Hampton has not been consulted regarding any deliberations or decisions made by the Coakley Landfill Group within no less than 5 years. We have had no voice in its activities. Statements to the contrary are false. The technical presentation made the Portsmouth City Council on Monday included nothing with which we were consulted. If the Coakley Landfill was in Portsmouth, the question and deliberation of whose citizen's would be expected to drink the water would be short work.

The issue of clean water for the people of the Seacoast is not going away. For too long, the Group's activities have been conducted behind closed doors, precluding the other constituent municipalities and citizens at large an opportunity to meaningfully participate and learn about the issues that surround the Coakley Landfill.

We request that the City of Portsmouth, in its capacity as the municipalities' representative on the CLG, act as follows:

1. Publish notices of CLG meetings consisting of:
  - a. The time, place and location of said meetings; and,
  - b. An agenda of issues to be discussed; and,




- c. The identity of all participants in the meeting so noticed; and,
2. Open the CLG meetings to any interested person; and,
3. Provide any interested person the opportunity to speak during a CLG meeting and to ask questions of any person participating on behalf of the CLG; and,
4. Publish on the City's website minutes of the meetings that identify decisions taken, motions made, the people who attended and provide a general discussion of subjects discussed.


We urge you to take these steps immediately.

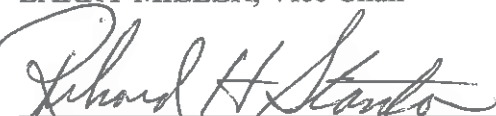
We urge you to publicize your decision on these matters and to ensure that members of the public are fully informed regarding the same.

Respectfully,

NORTH HAMPTON SELECT BOARD

  
\_\_\_\_\_  
JIM MAGGIORE, Chair

  
\_\_\_\_\_  
LARRY MILLER, Vice Chair

  
\_\_\_\_\_  
RICK STANTON, Member

Copies: Nancy Colbert Puff, Acting City Manager  
Robert Sullivan, Esquire, City Attorney  
Paul L. Apple, North Hampton Town Administrator



received  
1/30/17  
January 18, 2017

Mayor Jack Blalock  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor Blalock,

We, the residents of Wentworth Senior Living, would like to call your attention to the brick and cobblestone sidewalks on Pleasant Street that run from the intersection with Marcy Street all the way up to the intersection with Court Street. These sidewalks have deteriorated significantly over the past several years and are now to the point where we believe they are unsafe.

Many of us who are currently living at Wentworth have been residents of the City of Portsmouth for much of our lives and we still enjoy our occasional walks to town just as we always have. Our average age as a group now exceeds 90 years and navigating the bumps, roots, and frequent puddles is making these walks dangerous. It is not only for us that we bring this to your attention as we frequently see young families pushing carriages down the street and walkers and joggers choosing the road over the sidewalks and, we assume, all for the same reasons stated above.

As Wentworth Senior Living strives to help seniors live better lives longer, it seems only right that the opportunity to enjoy life and stay fit by walking be a top priority. We feel privileged to be living in such a beautiful setting in the historic South End of Portsmouth and would greatly appreciate anything you can do to help us and our neighbors to enjoy it to the fullest.

Thank you very much for listening.

Sincerely,

The Residents of Wentworth Senior Living

cc: John Bohenko, City Manager

cc: William Henson, Wentworth Senior Living CEO

# Residents of Wentworth Senior Living

Lorraine A. Hebert	Joyette Faulkner
Ellen Shea	Lucille Crompton
Susan Lund	x
Mary C. Honigan	William O'Brien
Barbara Spentzer	Barbara Rottini
Simone Gignac	Mary Blasdel
Carol Thuclea	Janet McLaughlin
V. Poulin	Bea Randall
Errolyn Winger	Margaret Little
Sarah Hamill	Frank Meiter
Frank J. Bergotte	Low Skopel
Robert Woodman	Yona Lang
Rachel P. Soper	Kellie Hamels
Peggy Fischer	Helen Miller
Virginia H. Estroo	Shirley Chandler
Peta Gagnon	Olga Beth J. Brown
Richard B. Day	Ed Roscott
Jeanette J. Sheridan	Ellie Taylor
Jerome Becken	
Marie Macdonald	
Mary C. Peters	
Babara Reinherd	
Doris M. Clark (CLARK)	
Arthur	

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** February 2, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** Nancy Colbert Puff, Acting City Manager *NCp*  
**Re:** Acting City Manager's Comments on February 6, 2017 City Council Agenda

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

1. **First Reading of Proposed Ordinance Amendments.**

- 1.1. **First Reading of Proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot.** Under Section VIII of the Agenda, [attached is a proposed ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot](#) that addresses private companies that provide public parking on private lots requested by the City Council at its January 23, 2017 meeting.

The main purpose of the ordinance is to require proper signage which will advise the public that the management, fee structure and parking enforcement for these private lots are the sole responsibility of the owner/operator, not the City. The permit application requires that the Department of Public Works receive the following information: 24 hour emergency contact, the fees charged, and private enforcement mechanisms used by these owner/operators. The City Council has authority to regulate parking within the City limits and the signage required by this ordinance falls within that authority.

*I recommend that the City Council move to pass first reading and schedule public hearing and second reading of the proposed ordinance at the February 21, 2017 City Council meeting. Action on this item should take place under Section VIII of the Agenda.*

2. **Public Hearing/Adoption of Proposed Resolutions.**

2.1 **Public Hearing/Adoption of Two Proposed Bonding Resolutions for the Acquisition of One Fire Apparatus; Improvements to Fire Station 3.** As a result of the January 23, 2017 City Council meeting, under Section VII of the Agenda, are the attached two proposed Bonding Resolutions as outlined below. [Attached is a letter from Fire Chief Steve Achilles and two corresponding CIP element sheets regarding this matter.](#) Chief Achilles will make a presentation regarding this matter.

- A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars. This item has been identified in the FY 17-22 Capital Improvement Plan. The Fire Chief would like to receive authorization to start the process to acquire a new commercial chassis rescue/support vehicle. Complete set-up of the vehicle would be included in the funding to include radio, lettering, striping and equipment.

*Move to adopt the Bonding Resolution for One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars, as presented. Action on this item should take place under Section VIII of the Agenda.*

- B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars. This item has been identified in the FY 17-22 Capital Improvement Plan. The Fire Chief met with Public Works staff regarding a design-build approach to the renovations. The project will improve the facility, work environment, and regulatory deficiencies.

*Move to adopt the Bonding Resolution for Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars, as presented. Action on this item should take place under Section VIII of the Agenda.*

3. **Public Hearing/Second Reading of Proposed Ordinance Amendments.**

3.1 **Public Hearing/Second Reading of Proposed Ordinances to Amend Chapter 7, Article I, Sections 7.101 Parking Meters and 7.102 Parking Meter Zones, 7.105 Parking; Article III, Sections – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours; Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours; Article IV, Section 7.406 Parking and Meter Spaces.** As a result of the January 23, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed five ordinances](#) intended to implement the amendments to the Parking Ordinance regarding parking rates and hours of operation requested by the City Council at its January 9, 2017



meeting. In addition to these proposed ordinance changes, Parking and Transportation Division Staff is working with our parking consultant to develop alternative variable rate structures based on real-time parking utilization.

Currently parking utilization data is collected three times per year during the spring and fall seasons and once during peak summer use and extrapolated to reflect annual utilization. The alternative approach being reviewed will be based on data collected from on-street meters, pay and display meters as well as by the Garage pay kiosks. Staff will present the findings of this alternative rate approach upon completion which is anticipated late spring of 2017.

The proposed ordinance changes presented here are consistent with the City Council's Adopted 2012 Parking Guiding Principles to improve parking utilization and will raise necessary revenues to support operation of the City's Parking and Transportation Division.

In response to City Council input, the Ordinance has been amended from first reading to extend enforcement from 7:00 p.m. to 8:00 p.m. This will ensure some turnover through peak demand for restaurants.

Also, some general housekeeping measures have been addressed in the amended ordinances.

We have labeled the ordinances A-E for organizational purposes. A synopsis of what each of the ordinances seeks to accomplish is as follows:

- A. Article I, Section 7.101 – PARKING METERS - DEFINITIONS  
If adopted this ordinance would include mobile phone applications in the definition of “meter.”
- B. Article I, Section 7.102 PARKING METER ZONES  
If adopted, this ordinance would increase the parking rate for all Downtown High Occupancy Zones to \$2.00 per hour, increase the parking rate for all other Occupancy Zones to \$1.50 per hour and create an EasyPark residency discount.
- C. Article I, Section 7.105 PARKING  
If adopted, this ordinance would extend parking meter fees until 8:00 p.m.
- D. Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking Four Hours.  
If adopted, this ordinance would extend parking meter fees until 8:00 p.m.

- E. Article IV, Section 7.406 PARKING IN METER SPACES  
If adopted, this section would be deleted in its entirety as duplicative.

*I recommend the City Council move the following motions:*

- A. *Move to pass second reading and schedule third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.101- PARKING METERS - DEFINITIONS at the February 21, 2017 City Council meeting.*
- B. *Move to pass second reading and schedule third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.102 PARKING METER ZONES at the February 21, 2017 City Council meeting.*
- C. *Move to pass second reading and schedule third and final reading of the proposed Ordinance amendment to Chapter 7, Article I Section 7.105 PARKING at the February 21, 2017 City Council meeting.*
- D. *Move to pass second reading and schedule a third and final reading of the proposed Ordinance amendment to Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking Four Hours at the February 21, 2017 City Council meeting.*
- E. *Move to pass second reading and schedule third and final reading of the proposed Ordinance amendment to Chapter 7, Article IV, Section 7.406 PARKING IN METER SPACES at the February 21, 2017 City Council meeting.*

*Action on this item should take place under Section VIII of the Agenda.*

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

1. **Report Back Re: Schiller Station Resolution (January 23, 2017 City Council Meeting).** As you will recall at the January 9, 2017 City Council meeting, several concerned citizens brought to the City Council's attention a resolution relative to Schiller Station ([see attached](#)). The City Council was asked by the citizens to adopt the resolution. The City Council voted to refer this matter to the Acting City Manager for report back to the City Council. Staff recommends a different course of action after the bidding process is complete rather than adoption of the proposed resolution.

[Attached is a further report back](#) from Deputy City Attorney Suzanne Woodland on the resolution relative to the Schiller Station that several concerned citizens brought to the City Council's attention at its meeting.

The auction of Schiller Station is part of a highly regulated public auction process involving energy-generating assets across the State of New Hampshire. This process is being overseen by the Public Utilities Commission (PUC) which has the principal goal in this proceeding of protecting the economic interests of Eversource's (PSNH's) electricity customers by maximizing the return on the investments. The Office of the Consumer Advocate, the Conservation Law Foundation and other parties have participated for years in the regulatory proceedings leading up to and including this current auction effort. The City has never been a party to this specialized, regulatory docket and becoming a party or otherwise weighing in at this late date could have unintended negative or harmful consequences for the bidding process and future sale.

The most recent PUC order on the complex, multi-phased bidding process can be found here:

[https://www.puc.nh.gov/Regulatory/Docketbk/2016/16-817/ORDERS/16-817\\_2016-11-10\\_ORDER\\_25967.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2016/16-817/ORDERS/16-817_2016-11-10_ORDER_25967.PDF)

Within this Order, the PUC grants authority for the removal of Schiller Station's mercury boilers to facilitate the sale of the property. The selection criteria for Round 1 of the bidding is described in that Order as follows: "Criteria include: bid price relative to other bidders, assets included in the bid, ability to finance, commitment to the transaction, reputation in the market, and ability to support Round 2 due diligence." Such criteria reflect the intention to obtain qualified buyers for the property to protect the interests of ratepayers.

Although the City staff does not recommend adopting the resolution, staff points out that any new use/redevelopment of the Schiller Station property will require local land use approvals. In addition, once the auction is complete, staff can reach out to the successful bidder and share its concerns and preferences relative to the reuse.

On Monday evening, Deputy City Attorney Suzanne Woodland will be present to explain the (PUC) docket in more detail. Planning Director Rick Taintor will be present to describe land use regulations in what is currently zoned Waterfront Industrial District.

*I recommend the City Council move to instruct the City Manager to reach out to the successful bidder regarding reuse of the Schiller Station and environmental concerns expressed in the citizens' submitted resolution.*

2. **Islington Street Utility Lines.** Department of Public Works staff will make a brief presentation to the City Council on the current status of the Islington Street corridor design project. Staff will also present information on the tasks required to bury overhead utility lines along the corridor. As shown in the [attached memorandum](#), based on initial information provided by the project consultants from other similar projects in the area, the cost to bury the overhead utilities would add an additional \$1M to the design costs, and an additional \$4.6M to \$7.6M in construction costs. In addition to the cost, it would likely be necessary to obtain easements from landowners to locate transformers, control cabinets and other items on the ground, as there is little city land available for these items in the corridor. Due to these high costs and logistical hurdles, staff recommends that burying of the overhead utilities not be included in the project, and will seek an endorsement of this recommendation from the City Council.

*I recommend the City Council move to endorse moving forward with design and bidding without inclusion of underground utilities along the Islington Street corridor.*

3. **Report Back Re: Request that the Involuntarily Merged Lots at 70 Sims Avenue be Restored to their Premerger Status.** As you will recall at the January 9<sup>th</sup> City Council meeting the Council referred the aforementioned request to the Planning Board for report back to the City Council. [Attached is a letter from Attorney Christopher P. Mulligan on behalf of his client, Mark G. Broderick and Emily Spencer](#), requesting that the City Council restore two lots at 70 Sims Avenue to their premerger status pursuant to RSA 674:39-aa ([see attached](#)). Also, [attached is a memorandum from Rick Taintor, Planning Director](#), which further explains the history regarding this lot.

As stated in the memorandum, with no further information, it appears that the proper action by the City Council is to restore the parcel to its premerger status as three lots, i.e., Lots 55, 64 and 65 as shown on the 1918 plan of Daniels Park.

At its meeting on January 19, 2017, the Planning Board voted to recommend to the City Council that the parcel at 70 Sims Avenue be restored to its premerger status as three lots, and municipal zoning and tax maps be updated to identify the premerger status of the three lots as shown on the 1918 plan recorded at the Rockingham County Registry of Deeds.

*I recommend the City Council move to accept the Planning Board's recommendation, as presented.*

4. **Report Back Re: Request that the Involuntarily Merged Lots at 21 Elwyn Avenue be Restored to their Premerger Status.** As you will recall at the January 9<sup>th</sup> City Council meeting, the Council referred the aforementioned request to the Planning Board for report back to the City Council. [Attached is a letter from Attorney William G. Scott on behalf of his client, Arlene F. Beatty and the Arlene F. Beatty Trust](#), requesting that the City Council restore two lots at 21 Elwyn Avenue to their premerger status pursuant to RSA 674:39-aa



(see attached). Also, attached is a memorandum from Rick Taintor, Planning Director, which further explains the zoning issues regarding this lot.

At its meeting on January 19, 2017, the Planning Board voted to recommend to the City Council that the parcel at 21 Elwyn Avenue be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as shown on the 1899 plan recorded at the Rockingham County Registry of Deeds.

*I recommend the City Council move to accept the Planning Board's recommendation, as presented.*

5. **Report Back Re: Acceptance of Street Re: New Parking Garage.** Attached is a memorandum from Planning Director Rick Taintor regarding the proposed construction and acceptance of a public way between Bridge Street and Rock Street as part of the municipal parking garage project. In accordance with City Ordinance, Chapter 11, Article VI, at the January 9<sup>th</sup> City Council meeting, the Council referred this matter to the Planning Board for report back prior to the City Council taking final action regarding this matter.

In addition, due to concerns about through traffic potentially impacting residential neighborhoods, the new street is not intended to accommodate through traffic at this time, but a connection to the current end of Rock Street is provided for emergency access.

At its meeting on January 19, 2017, the Planning Board voted “to recommend that the City construct the proposed new street as shown on the Deer Street Parking Garage site plans dated January 11, 2017 (including any revisions that may be approved by the Planning Board through the Site Plan Review process), and to recommend that the new street be dedicated and accepted as a City street upon completion of construction in accordance with the approved plans.”

*I recommend the City Council move to accept the aforementioned recommendation of the Planning Board as part of the municipal parking garage project.*

6. **Recommendation Re: Artificial Turf at the Route 33 Recreation Field.** Staff will provide a report back to City Council concerning the evaluation of using crumb rubber in-fill as part of the new artificial turf field at the old Stump Dump off of Route 33. In-fill material is integral to an artificial turf field and the type of in-fill can impact the performance of the field and safety of the players using the field. Crumb rubber has been the dominate in-fill material used in artificial fields because its performance is similar to natural grass fields and its ease of maintenance. Our high school football field has crumb rubber in-fill.

Given the concerns raised as to the safety of crumb rubber infill, our field design consultant, Weston and Sampson Engineers performed a detailed review of the available science to confirm crumb rubber is an acceptable in-fill material for this project and to propose a potential alternative in-fill material if it is decided not to use crumb rubber. The

evaluation reviewed 14 in-fill alternatives including coconut shells and other natural alternatives. [See attached memorandum from Weston & Sampson.](#)

The findings of this evaluation were presented to the City's Recreation Board at its January 18, 2017 meeting ([see attached memo from Public Works Director Peter Rice](#)) during which the Recreation Board voted to endorse the findings of the evaluation. In summary, the reports and studies by leading experts determined crumb rubber in-fill is safe for children and adults and is not associated with elevated health risks. In addition, our consultant recommended EDPM as an alternative in-fill material if it was decided not to use crumb rubber. EDPM is used in children's playground mats and has similar performance characteristics to crumb rubber.

Further, for your information, I have [attached various news articles](#), as well as a copy of the [Washington State Synthetic Turf Cancer OE Ratio 2017 Chart](#) supporting our recommendation.

Staff recommends the City Council endorse the recommendation of the Recreation Board which include using crumb rubber as in-fill as part of the base bid with an alternative in-fill bid item EDPM.

*I recommend the City Council move to accept the Recreation Board's recommendation to include crumb rubber in-fill as the base bid with EDPM as an alternative in-fill bid item at the Route 33 Recreation Field.*

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

1. **Events Listing (January 23, 2017 City Council Meeting)**. For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on January 23, 2017. In addition, this can be found on the City's website.
2. **Report Back Re: Text Services for Snow Ban Notification (January 23, 2017 City Council Meeting)**. As requested at the January 9, 2017 City Council meeting, [attached is a memorandum from Public Works Director Peter Rice](#) regarding text services for snow ban notification. We are now in the final testing stage of implementing CodeRED text and e-mail notifications and will be publicizing this new service shortly.
3. **City Council Work Session Re: Capital Improvement Plan**. For your information, [attached is an Agenda for the City Council Work Session on Monday, February 13, 2017](#), regarding the Capital Improvement Plan (CIP). Please bring your CIP document with you to the Work Session. The CIP is also posted on the City's website. In addition, just a reminder that the CIP Public Hearing will be held on Tuesday, February 21, 2017.

4. **Notification Re: City's Tax Office.** The City's Tax Office will be unable to process any motor vehicle transactions on **Friday, February 17, 2017, through Tuesday, February 21, 2017,** due to the State's implementation of a new computer system (VISION) within the NH Department of Safety, Division of Motor Vehicles. The Tax Office will be open for other transactions during normal business hours on these business days and will resume processing motor vehicle transactions on Wednesday, February 22, 2017. A state-wide press release is being issued by the NH Department of Safety alerting the general public to this interruption in service and urging people to schedule their motor vehicle transactions on alternative days in February. We will be posting this information on the City's website and including it in the City's Newsletter, as well as posting signs at City Hall.
  
5. **Parrott Avenue Lot Re: Title Restrictions.** For your information, [attached is a memorandum from City Attorney Robert Sullivan](#), dated February 24, 2010, regarding Parrott Avenue Lot title restrictions.

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: February 1, 2017

TO: NANCY COLBERT PUFF, DEPUTY CITY MANAGER

FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY *SNW*

RE: FURTHER REPORT ON SCHILLER STATION SALE

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This memorandum serves as a further report back on the resolution relative to Schiller Station that several concerned citizens brought to the City Council's attention at its meeting of January 9, 2017.

As mentioned previously, the auction of Schiller Station is part of a highly regulated public auction process involving energy generating assets across the State of New Hampshire. Divestiture of these assets arises from State legislative efforts that began in 1996 to restructure the electricity market. As is commonly known, and recently reported in the local news, New Hampshire has some of the highest rates for electricity in the country. The legislature has found that divestiture of PSNH's generation plants is in the public interest. (RSA 369-B:3-a, I(2015)).

This divestiture process is being overseen by the Public Utilities Commission (PUC) which is an independent state body that has regulatory authority over utility providers such as Eversource (PSNH). The Office of the Consumer Advocate, who represents the interests of residential rate payers has been a party to the various proceedings along with environmental groups (the Conservation Law Foundation and the Sierra Club), the State Office of Energy and Planning, the IBEW, and two state senators (Bradley and Feltes). Various energy providers and interests in addition to Eversource/PSNH have also participated, along with the municipalities of Berlin and Gorham.

The auction effort arises out of settlement agreements in 2015 and 2016 approved by the PUC pursuant to an express statutory directive in RSA 369-B:3-a, II. As part of those agreements, the following conditions (simplified) are imposed on the sale of the assets:

- (1) Power-generating assets must remain operational for at least 18 months after the close of the sale;
- (2) Certain collective-bargaining agreements must remain in place for at least 2 years after the close of the sale; and
- (3) Eversource will participate this month in an annual auction process that takes place in the energy markets to ensure adequate future energy capacity – this participation typically results in contractual commitments to supply energy three years out.



As a consequence, Schiller Station is likely to continue to operate in its current form for at least several years. In addition, Schiller Station is unlikely to be sold independently of other Eversource assets. Likely bidders are those that will be seeking to acquire multiple assets within the Eversource portfolio given the existing operational interrelationships among the various assets. The PUC will look to that bidder or collection of bidders that will maximize the value of the entire Eversource energy-generating portfolio.

City staff recommends against the adoption of the proposed resolution because the only effect the resolution may have is to dissuade a potential bidder or to lower the price offered by a potential bidder. The resolution will serve only as a signal that Portsmouth is perhaps not a business friendly environment for continued operation of the asset as required by the existing PUC Orders. A lower price for the Eversource assets not only negatively impacts electric ratepayers but also could result in a diminishment of the taxes that the City collects from the Schiller Station property. The resolution will not impact any of the sale conditions outlined above.

Certainly over the course of next several years as the energy markets continue to change and the terms of the sale are fulfilled and no longer become an impediment to reuse, a potential future owner may determine that Schiller Station is best transformed into a different use. The time to weigh in on future uses is not now.

As a final note, the bidding process is currently on hold because of an appeal to the Supreme Court of one the recent PUC orders relative to certain elements of the bidding process.

cc: Rick Taintor, Planning Director,  
Peter Britz, Environmental Planner

Proposed Resolution:

A Resolution by the Portsmouth City Council regarding Schiller Station

WHEREAS, the operation of coal fired power plants has an ongoing negative impact on air quality; Schiller Station emits mercury, particulate matter (soot), sulfur dioxide and nitrogen oxide; and<sup>12</sup>

WHEREAS, mercury is toxic to the central and peripheral nervous systems, particulate matter can impact the heart and lungs, sulfur dioxide and nitrogen oxide can impact the lungs. NOx gases react to form smog and acid rain as well as being central to the formation of fine particles (PM) and ground level ozone, both of which are associated with adverse health effects; and

WHEREAS, when possible we desire to protect our residents, families and elders from asthma triggers, toxins and cancer risks; and

WHEREAS, we decided as a community with the completion of the 2005 Master Plan to become more sustainable and ecologically friendly in order to safeguard its future. The City Council voted unanimously to declare Portsmouth an Eco-Municipality in 2007 and signed a resolution which fully acknowledges Portsmouth's commitment and desire to become more sustainable; and

WHEREAS, the draft Master Plan "Portsmouth 2015" states our city has embraced tourism, the arts, and technology and that due to density future growth in Portsmouth will need to come from redevelopment of existing commercial and industrial areas that public or private developers can repurpose and rebuild with more density; and<sup>3</sup>

WHEREAS, Schiller Station's coal fired units are old; they were installed between 1947 and 1957 and

WHEREAS, older as well as newer coal-fired power plants, like Schiller Station, have been losing market share and revenue in the New England electricity market to the point that many plant owners have suffered large financial losses, written off billions in value and/or have retired coal-fired power plants; and

WHEREAS, Schiller Station is up for auction and potential bidders will look to our city leaders for guidance.

Now therefore, be it hereby RESOLVED BY THE PORTSMOUTH CITY COUNCIL:

1. The City calls upon potential bidders to phase out the coal-fired electricity generation at Schiller Station at the earliest possible date;
2. The City calls upon potential bidders to not repower Schiller Station with a carbon, methane or trash based fuel.
3. The City Encourages potential bidders who will consider repowering the site with renewable energy and/or mixed use that will bring jobs and economic development.
4. The City Clerk Is Authorized And Directed To Provide Copies Of This Resolution To Our City's State And Federal Elected Officials , The Public Utilities Commission, and PSNH.

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<sup>1</sup>

[https://oaspub.epa.gov/enviro/P2\\_EF\\_Query.p2\\_report?FacilityId=03801PBLCSGOSLI&ChemicalId=N458&ReportingYear=2014&CtrlNum=&Opt=0](https://oaspub.epa.gov/enviro/P2_EF_Query.p2_report?FacilityId=03801PBLCSGOSLI&ChemicalId=N458&ReportingYear=2014&CtrlNum=&Opt=0)

<sup>4</sup> <https://ghgdata.epa.gov/ghgp/service/facilityDetail/2015?id=1000730&ds=E&et=&popup=true>

<sup>3</sup> [http://planportsmouth.com/masterplan/160526\\_Draft%20Master%20Plan.pdf](http://planportsmouth.com/masterplan/160526_Draft%20Master%20Plan.pdf)

# City of Portsmouth

Department of Public Works



## MEMORANDUM

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TO: Nancy Colbert Puff, Deputy City Manager

FROM: Eric B. Eby, P.E., Parking and Transportation Engineer *EE*

DATE: February 2, 2017

SUBJECT: Cost To Bury Overhead Utilities along Islington Street Corridor

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As part of the Islington Street corridor improvement project design effort, the City's consultants were tasked with determining the feasibility and approximate costs of relocating overhead utility lines (electric, telephone, cable, fire alarm, etc.) under the roadway from Maplewood Avenue to Spinney Road. Attached is a memo from Underwood Engineers, the utilities consultant for the project. The memo outlines the anticipated magnitude of costs for burying overhead utilities along the Islington Street corridor at \$4.6M to \$7.6M, based on similar work in Newmarket. While the burying of overhead utilities is feasible, a full utility design and the project bid as an alternate is required to determine an actual construction cost. The additional cost for the utility design would be approximately \$1M.

The utility design would include a considerable amount of coordination and investigation for each property that is currently connected to the overhead utilities. The majority of the design effort would be performed by Underwood, who would need to identify conduit and equipment corridors, secure easements and/or land acquisitions where necessary to locate transformers and control cabinets, develop opinions of costs, and coordinate work, meetings and document preparation with each utility company. Eversource and Fairpoint would also have to provide the City with their preliminary schematics of conduits, transformers, control cabinets, and installation of conductors and other similar items. It would likely be necessary to hire an electrician to go house to house to document the existing overhead utility connections, identify tie-in locations and code issues and to provide a better estimate for work needed at each building.


As a comparison, the current cost of the preliminary Islington Street corridor design is \$500,000, with a rough construction cost estimate of \$8M - \$10M. Adding the extra work of burying the overhead utilities could increase the costs of the project in the range of 50 to 100 percent. Given the significant additional cost, staff does not recommend pursuing this alternative.



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# MEMORANDUM

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**TO:** Nancy Colbert Puff, Deputy City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** January 30, 2017  
**RE:** City Council Referral – Request that the involuntarily merged lots at 70 Sims Avenue be restored to their premerger status

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At its meeting on January 9, 2017, the City Council considered a request from Attorney Christopher P. Mulligan on behalf of Mark G. Broderick and Emily Spencer requesting that the City Council restore two lots at 70 Sims Avenue to their premerger status pursuant to RSA 674:39-aa. The Council voted to refer the request to the Planning Board for a report.

## Description

The subject parcel (Assessors Map 233 Lot 76) is located at the corner of Sims Avenue and Fletcher Street and is approximately 17,910 sq. ft. in area. Attached are two plans generated from the City's geographical information system showing the parcel and neighborhood: an orthophoto overlaid with parcel boundaries, and a plan showing building footprints and parcel boundaries. On both plans a dashed line indicates the approximate location of a premerger lot line which is understood to be the line that the owners are requesting be reinstated.

According to the descriptions in deeds going back to at least 1935, the subject parcel is comprised of two original lots: a 50' x 100' lot at the corner of Sims Avenue and Fletcher Street, and a larger lot (100' x approximately 130') fronting on Fletcher Street. According to a letter from the owners' attorney to the City Council, no owner in the chain of title ever voluntarily merged the two lots, and therefore the lots were involuntarily merged by the City. The owners now request that the Council restore the merged lots to their premerger status as authorized by RSA 674:39-aa.

## Zoning

The subject parcel is in the Single Residence B zoning district, which requires a minimum lot area of 15,000 sq. ft. and continuous street frontage of 100 feet. Because this zoning was applied to the neighborhood after it was fully developed, most lots in the area do not conform to the zoning requirements, typically having between 10,000 and 15,000 sq. ft. of lot area. While the subject lot does comply with the area and frontage requirements, the premerger lots do not, and will require zoning relief for any type of development if they are separated.



### History

The original parcels are shown on a subdivision plan titled "Daniels Park", prepared for Belmont Realty Company in June 1918 and recorded at the Rockingham County Registry of Deeds (attached). Lots on the Daniels Park plan were originally around 5,000 sq. ft. in area (50 feet wide by 100 feet deep), but most of the original lots have been combined into parcels of either 10,000 or 15,000 sq. ft. The only remaining 5,000 sq. ft. parcel is the one at 74 Sims Avenue, abutting the subject parcel.

An aspect of this request that is different from all other requests for restoration of involuntarily merged lots is that the City acquired the parcel(s) in 1935 through a tax collector's sale, and conveyed it in 1947. However, the 1935 tax deed lists three lots on the Daniels Park plan (lots 55, 64 and 65) while the 1947 deed only conveys two of those lots (lots 55 and 64). It does not seem likely that the City would have merged lots 64 and 65 during the 13 years that it had ownership of the three lots, and the metes and bounds description of the combined lot only appeared in deeds subsequent to the 1947 sale. Because lots 55 and 64 were separated by lot 65, it is possible that the 1947 deed, and all subsequent deeds, were in error, and should have referred to all three original lots rather than just two of them.

With no further information, it appears that the proper action by the City Council is to restore the parcel to its premerger status as three lots, i.e., Lots 55, 64 and 65 as shown on the 1918 plan of Daniels Park.

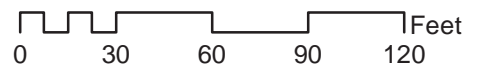
### Planning Department Recommendation

At its meeting on January 19, 2017, the Planning Board voted to recommend to the City Council that the parcel at 70 Sims Avenue be restored to its premerger status as three lots, and municipal zoning and tax maps be updated to identify the premerger status of the three lots as shown on the 1918 plan recorded at the Rockingham County Registry of Deeds.



70 Sims Avenue

1

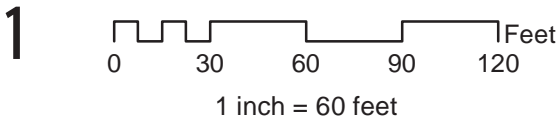


1 inch = 60 feet



Riverbrook  
Condominiums

70 Sims Avenue





70 Sims Avenue – Google StreetView Images

View from Sims Avenue, with Fletcher Street on right



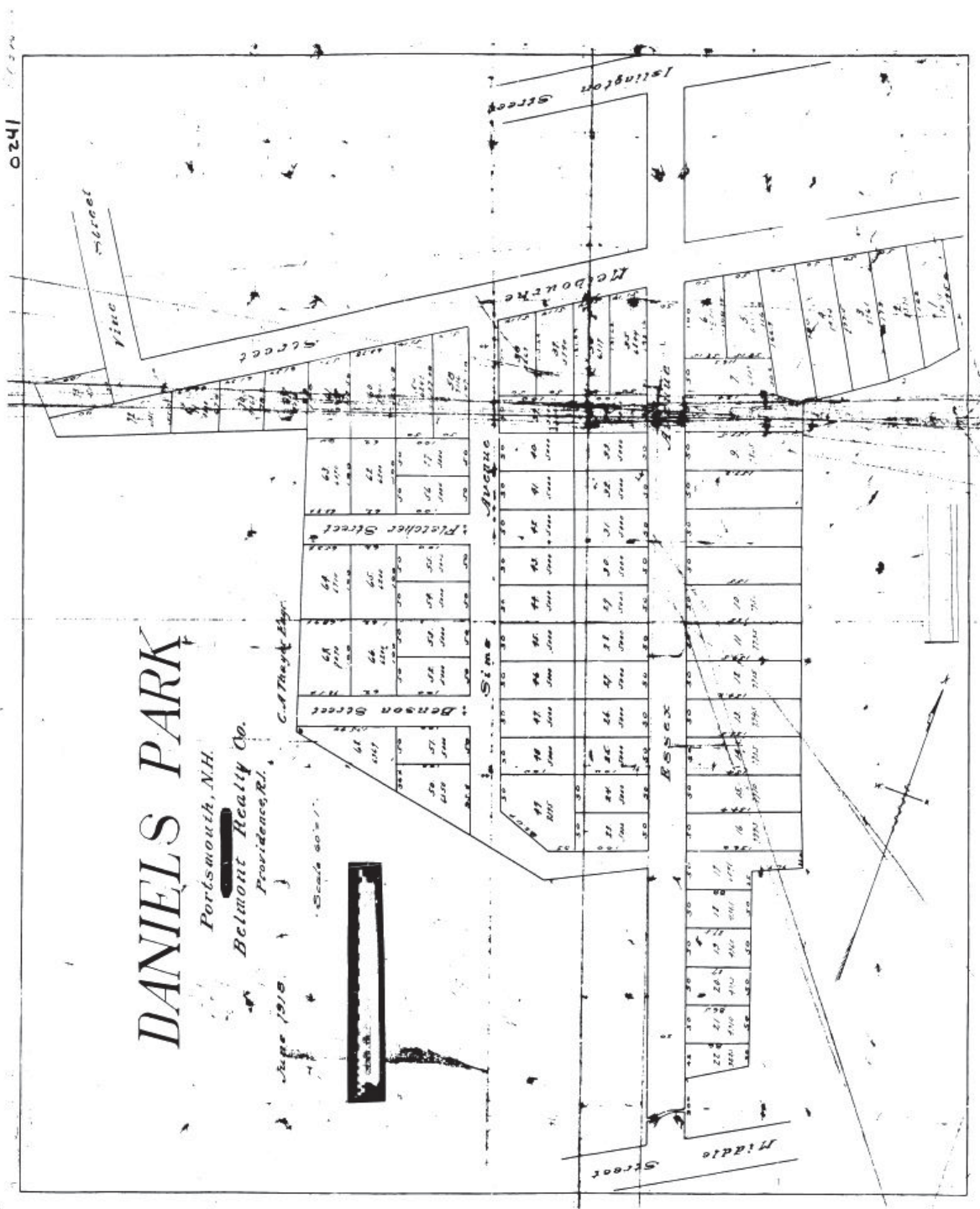
View of rear of property from end of Fletcher Street



(Image capture: September 2011)



1918 Plan of Daniels Park



1420

# TITLE LXIV PLANNING AND ZONING

## CHAPTER 674

### LOCAL LAND USE PLANNING AND REGULATORY POWERS

#### Regulation of Subdivision of Land

##### Section 674:39-aa

###### **674:39-aa Restoration of Involuntarily Merged Lots. –**

I. In this section:

(a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.

(b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.

(c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

(a) The request is submitted to the governing body prior to December 31, 2021.

(b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

**Source.** 2011, 206:4, eff. July 24, 2011. 2016, 327:2, eff. Aug. 23, 2016.

# BOSEN & ASSOCIATES, P.L.L.C.

## ATTORNEYS AT LAW

December 29, 2016

received  
12/29/16

Jack Blalock, Mayor  
Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

**John K. Bosen**  
Admitted in NH & MA

**Christopher P. Mulligan**  
Admitted in NH & ME

**Albert Hansen**  
Admitted in NH, MA & ME

**David M. Howard**  
Admitted in NH

**Molly C. Ferrara**  
Admitted in NH

**RE: Request for Restoration of Involuntarily Merged Lots  
Pursuant to RSA 674:39-aa  
70 Sims Ave / Tax Map 233, Lot 76**

Dear Mr. Mayor:

This office represents the interest of Mark G. Broderick and Emily Spencer, owners of the above referenced property. Please consider this a formal request for the restoration of two involuntarily merged lots to their premerger status, pursuant under RSA 674:39-aa.

The City Assessor's present records indicate that Map 233, Lot 76 is a single lot measuring .41 acres, located at 70 Sims Avenue, at the intersection of Sims Avenue and Fletcher Street. See Exhibits A and B. There are actually two separate lots, one measuring approximately 5000 square feet, and the other measuring approximately 12,910 square feet, which have been involuntarily merged. I enclose the tax cards for each parcel from 1972 (Exhibits C and D), which identify the separate lots as Map 58, Lots 55 and 64 respectively. The City's tax assessment data dating back to 1951 consistently treat these as two separate lots. See Exhibits E and F.

Former Lot 55 is the lot which contains the existing single family dwelling located at 70 Sims Avenue. Former Lot 64 is the lot to the rear of the house lot on Fletcher Street. The City's tax records indicate that these were billed as two separate lots at least until 1972. Sometime thereafter, the City involuntarily merged the two lots.

I have enclosed a copy of the deed into Mr. Broderick and Ms. Spencer (Exhibit G). The legal description contained therein is consistent with the deed into Regina A. Birt in 1952 (Exhibit H) with a metes and bounds description for the outside perimeter of the entire property, and not calling out the individual lots. This description of the entirety was carried forward to the Broderick/Spencer deed.<sup>1</sup>

<sup>1</sup> Prior to the Birt deed, the property was conveyed by deeds with reference only to the Tax Map and Lot numbers. It is noted that the Broderick/Spencer deed references a third lot, lot 65. This reference was carried forward from at least 1934 when it appears in a City Tax Collector's deed. See Exhibit I. That deed is clear that the entirety consists of 17,910 square feet, which is the sum of former Lots 55 and 64, per Exhibits E and F. See also Exhibit A. No independent information regarding former Lot 65 has been obtained by the applicants and this application only seeks to restore the 1972 lot division.

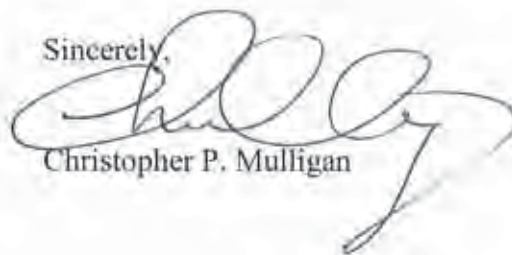


Jack Blalock, Mayor  
December 29, 2016  
Page Two

No owner in the chain of title voluntarily merged these lots. The use of a legal description that encompasses the entirety rather than calling out the individual lots is not legally sufficient to effect a voluntary merger of the lots. *See Roberts v. Windham*, 165 NH 186, 192 (2013) (holding that the conveyance of multiple lots as one tract in a single deed does not support a finding of a voluntary merger). Therefore, pursuant to RSA 674:39-aa, I formally request that the lots be restored to their premerger status, and all zoning and tax maps be updated to identify the premerger boundaries of those lots.

I respectfully request that this matter be added to the agenda of the next City Council meeting. Thank you for your attention and please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Mulligan", written in a cursive style. The signature is positioned above the printed name "Christopher P. Mulligan".

Christopher P. Mulligan

CPM/

Enclosures

cc: Mark G. Broderick and Emily Spencer (w/ enclosures)



# 70 SIMS AVE



**Location** 70 SIMS AVE

**Mblu** 0233/ 0076/ 0000/ /

**Acct#** 30442

**Owner** BRODERICK MARK G

**Assessment** \$327,300

**Appraisal** \$327,300

**PID** 30442

**Building Count** 1

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$139,200	\$188,100	\$327,300

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$139,200	\$188,100	\$327,300

## Owner of Record

**Owner** BRODERICK MARK G  
**Co-Owner** SPENCER EMILY  
**Address** 70 SIMS AVE  
 PORTSMOUTH, NH 03801

**Sale Price** \$330,000  
**Certificate**  
**Book & Page** 5710/0076  
**Sale Date** 04/29/2016

## Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
BRODERICK MARK G	\$330,000		5710/0076	04/29/2016
STELLMACH JEROME	\$111,200		2996/1587	07/16/1993

## Building Information

**Building 1 : Section 1**

**Year Built:** 1959  
**Living Area:** 1,638  
**Replacement Cost:** \$178,398  
**Building Percent Good:** 78  
**Replacement Cost Less Depreciation:** \$139,200

Building Attributes	
Field	Description
Style	Cape Cod
Model	Residential
Grade:	C
Stories:	1.75
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Inlaid Sht Gds
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	7
Bath Style:	Avg Quality
WB Fireplaces	1
Extra Openings	0
Metal Fireplaces	0
Extra Openings	0

**Building Photo**

Building Photo (<http://images.vgsi.com/photos/PortsmouthNHPhotos/\93\00\50\88.jpg>)

**Building Layout**



Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,026	1,026
TQS	Three Quarter Story	816	612
UBM	Basement, Unfinished	1,026	0
WDK	Deck, Wood	144	0
		3,012	1,638

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 1010  
**Description** SINGLE FAM MDL-01  
**Zone** SRB  
**Neighborhood** 123  
**Alt Land Appr Category** No

**Land Line Valuation**

**Size (Acres)** 0.41  
**Frontage**  
**Depth**  
**Assessed Value** \$188,100  
**Appraised Value** \$188,100

**Outbuildings**

Outbuildings	Legend
No Data for Outbuildings	

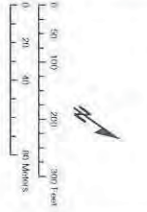
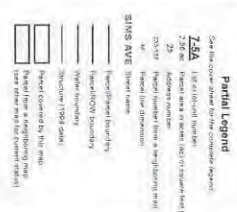
**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2015	\$139,200	\$188,100	\$327,300
2014	\$130,600	\$173,400	\$304,000
2013	\$130,600	\$173,400	\$304,000

Assessment			
Valuation Year	Improvements	Land	Total
2015	\$139,200	\$188,100	\$327,300
2014	\$130,600	\$173,400	\$304,000
2013	\$130,600	\$173,400	\$304,000

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**Neerby Tax Maps**

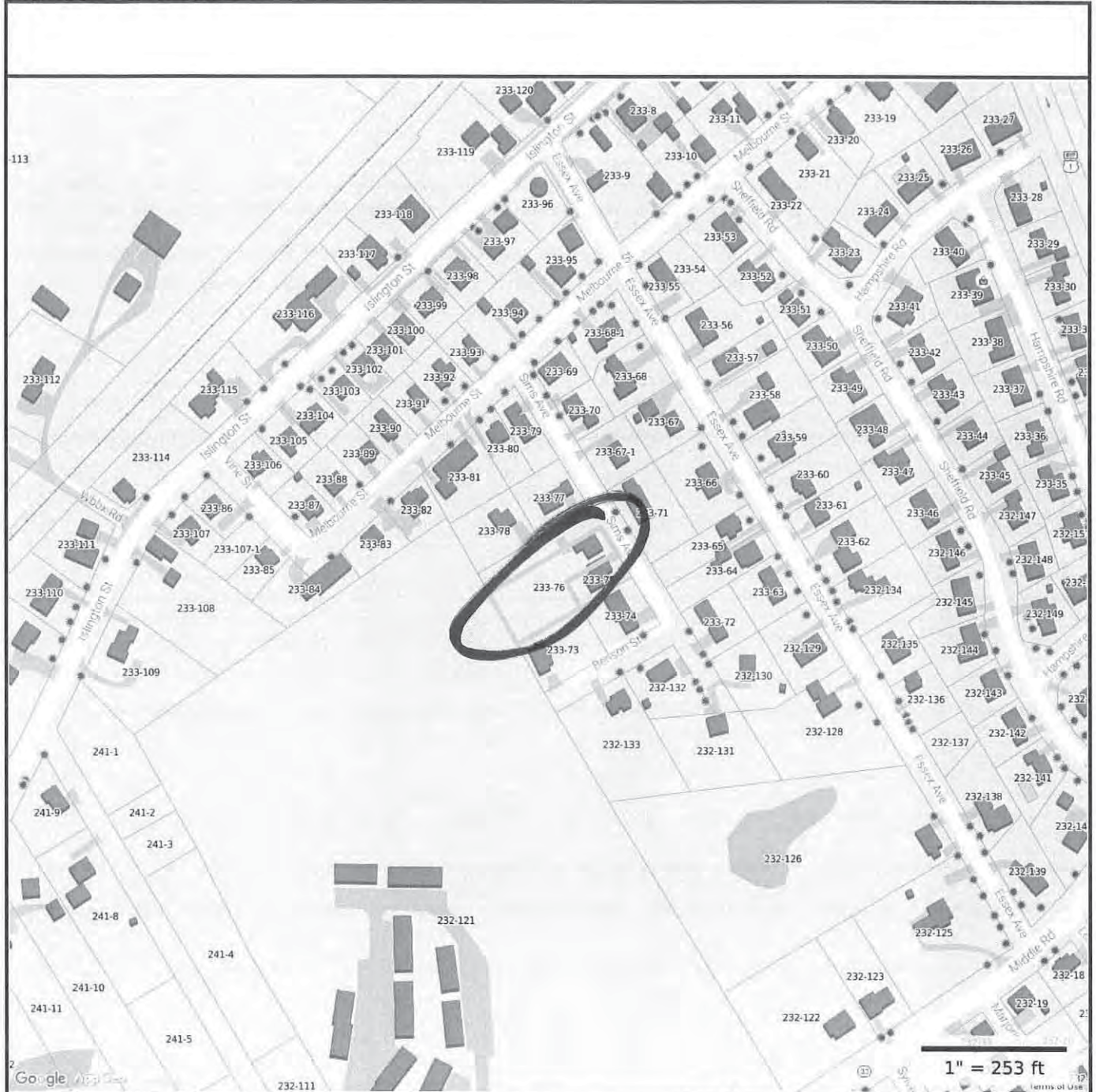
This map is for assessment purposes only. It is not intended for legal description or construction purposes. Parcels are mapped as of April 1, 2015. The map is based on the most current available information. Should you have any questions or need more information, please contact the assessor's office. Address numbers shown on this map may not represent actual or legal addresses.



**Map Location**

Portsmouth, New Hampshire  
2015  
**Tax Map 233**





**Property Information**

**Property ID** 0233-0076-0000  
**Location** 70 SIMS AVE  
**Owner** BRODERICK MARK G



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2015  
Properties updated 12/01/2016



UWES COMPLETE 11/17

PROPERTY/OWNER		PROPERTY LOCATION		SIDE		LOCATION CODE		PLAN LOT	
DAME/BURLEIGH C & WINIFRED C		70 SIMS AVE		W		/ / / /		058 055 /	
70 SIMS AVE		CITY OF PORTSMOUTH N.H.		TYPE		PROJECT		K33 076	
PORTSMOUTH		JOHN B. PETTY CAE, ASSESSOR		RESD		31001		1 OF 1	
NH 03801		RECORD OF TRANSFER		DATE		BOOK		AMOUNT	
		1 CROWLEY/STEPHEN C		92156		1421		002	
		2							
		3							
		4							
		5							
		6							
		7							

*M/c For 1973 5-23-73 Na  
check 1974*

*LISTER NOTES  
1-BUILT BY OWNER  
Dw26 Complete  
Checked 9/17/75*



LAND FACTORS		LAND IMPROVEMENTS				SUMMARY	
TOPOGRAPHY-1	LEVEL	LOCATION	GOOD	DEPR	VALUE	EQ	ASSESSMENT
IMPROVEMENTS-1	C WATER	DRAINAGE	GOOD				3300
-2	SEWER	ZONING	02				19000
-3	ELEC	NEIGHBORHOOD	STATIC				22300
-4	GAS	SOIL-1	SANDY				
STREET/RD-1	IMPROVE	-2	LOAM				

ACREAGE COMPUTATION						LOT COMPUTATION	
TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
1H-Lot 33 A	.110	10000	3300		3300	100	3300
2							
3							
4							
5							
6							
ACREAGE TOTAL					3300	100	3300

LOT COMPUTATION							
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL
1							
2							
3							
4							
DEPRECIATION					CORNER	EQ	ASSESSMENT
TOTAL					VALUE	EQ	ASSESSMENT
LOT TOTAL							

19		19		19		19	
LAND	BLDG	LAND	BLDG	LAND	BLDG	LAND	BLDG
3300	19000	3300	20000	3300	20000	3300	20000
22300		25300		25300		25300	
TOTAL		TOTAL		TOTAL		TOTAL	



CONTROL NO. 190  
 STRUCTURE VALUE  
 STRUCTURAL ELEMENTS  
 PRICE

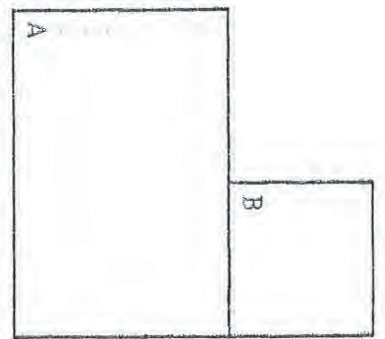
BASE. A CAPE COD  
 FOUNDATION SHGLE CONG WALLS 816SF  
 EXT WALLS SHGLE CONG WOODD  
 INSULATION BLANKET  
 ROOF GABLE FULL ASPH SHG FLOOR  
 BASEMENT FULL CONCRETE  
 FLOORS 1 HARDWD  
 INT FIN. 1 DRY W COND G  
 LAYOUT 1-4-2-2  
 ROOMS FULL AT STAIR FULL FLR  
 ATTIC FULL STAIR  
 HEAT. 1 W AIR-CD STAIRS 1  
 FIREPLACES BATH 1 SINK 1  
 PLUMBING BATH 1 W-CLOSET 1  
 TILE BATH 2 30 LIN FL- PLS  
 DORMERS 1  
 SEG. B U-BSMT, ADD 225SF

ITEM	1	2	3	4	5	6
PIER FOUND						
WALL FOUND						
SKIDS						
SGLE SDG						
DBL SDG						
SHING WALLS						
CONC BLOCK						
BRICK						
STONE						
FLOOR						
INT FINISH						
PLUMB						
ELEC						
SIZE						
AREA						
OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	
DWLG 1 FAM	1.0S FR B A	3	1959	NO	G	
SUB TOTAL						23575
REPLACEMENT VALUE						23575

14000  
290

825  
2970

SCALE = 20 FT./IN.



A 24-34-24-34  
 B 04 1.0 FRAM 2 15-15-15-15

DIMENSIONS

FUNC DEPR INCOMPLETE

PHYS DEPR	PHYSICAL VALUE	FUNC DEPR	ACTUAL VALUE	EQ	ASSESSMENT	SALE PRICE	DATE MO/YR
15	20039	5	19937	100	19900	10/18/71	1502
			20039		20000		
BUILDING TOTAL						19937	100
						19900	
						X SIGNED	2735



PROPERTY OWNER: DAME/BURLEIGH C & WINIFRED C  
 70 SIMS AVE  
 PORTSMOUTH NH 03801  
 PROPERTY LOCATION: (70) SIMS AVE Fletcher St.  
 SIDE: W  
 LOCATION CODE: / / / /  
 CONTROL NO: / / / /  
 PLAN LOT: 058.064 R33 076 11  
 CARD: 1 OF 1

CITY OF PORTSMOUTH N.H.  
 JOHN B. PETTY CAE, ASSESSOR  
 RECORD OF TRANSFER  
 TYPE: RESD  
 PROJECT: 31001  
 BOOK: 1421  
 PAGE: 002  
 DATE: 92156  
 AMOUNT: 1907058006400  
 MORTGAGE



LAND FACTORS		LAND IMPROVEMENTS				SUMMARY	
TOPOGRAPHY	LEVEL	LOCATION	DEPR	VALUE	EQ	ASSESSMENT	
1	CROWLEY/STEPHEN C	GOOD	25	2025	100	2000	19 72
2		GOOD	50				LAND BLDGS
3		02					TOTAL
4		STATIC					2000
5		SANDY					2000
6		LOAM					
7							
ACREAGE COMPUTATION		ACREAGE COMPUTATION				ACREAGE COMPUTATION	
1	H-Lot	54 A	2	2025	100	2000	19
2	REAR	2	20	20	100		LAND BLDGS
3							TOTAL
4							2000
5							
6							
ACREAGE TOTAL		ACREAGE TOTAL		ACREAGE TOTAL		ACREAGE TOTAL	
		.300		2045		2000	

LOT COMPUTATION				ACREAGE COMPUTATION			
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL
1							
2							
3							
4							
LOT TOTAL				LOT TOTAL			



CONTROL NO. STRUCTURE VALUE STRUCTURAL ELEMENTS PRICE

190  
7058006400

OUT BUILDINGS

ITEM	1	2	3	4	5	6
PIER FOUND						
WALL FOUND						
SKIDS						
SGLE SDG						
DBL SDG						
SHING WALLS						
CONC BLOCK						
BRICK						
STONE						
FLOOR						
INT FINISH						
PLUMB						
ELEC						

SIZE

AREA

OCCUPANCY CONSTRUCTION CLASS AGE REMOD COND

REPLACEMENT VALUE

PHYS DEPR

PHYSICAL VALUE

FUNC ,DEPR

ACTUAL VALUE

EQ

ASSESSMENT

SALE PRICE

DATE MO/YR

SUB TOTAL FACTOR

SEG TYPE STOR CONS CLASS

DIMENSIONS

LISTED DATE LISTER

SIGNATURE REVIEW

0 LAND 2735



Acct. P1098

PROPERTY ASSESSMENT RECORD, - CITY OF PORTSMOUTH, N. H.

PLAN	58	LOT	55
ADDRESS	Sims Ave West		

EXHIBIT

E

RECORD OF OWNERSHIP		DATE OF TRANSFER	SALE PRICE IF KNOWN	ASSESSMENT RECORD		
1951				LAND	BLDG.	TOTAL
1952				LAND	BLDG.	TOTAL
1953				LAND	BLDG.	TOTAL

1597  
59  
57  
59  
60

5,000	110				
50					

*WATER HOUSE*

Burleigh C. & Winifred C. Dame	1421/002	9/21/56	1.65-S	35.00	55.50	90.50
Stephen C. Greeley	1247/32	6/3/52	XX			
Regina H. Birt		1-20-48	55.50			

RURAL PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY				OWNERS PREVIOUS TO 1951	
TOPOGRAPHY	LEVEL	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES ASSESSMENTS
SOIL TYPE	LOAM	TILLABLE					
LAND CLASS	GOOD	PASTURE					
DRAINAGE	GOOD	WOODED					
WATER SUPPLY	GOOD	WASTE LAND					
FENCES	GOOD	TOTAL ACREAGE			75.0	Cornelius Hobbs	12-31-47
ELECTRICITY	YES	TOTAL VALUE LAND				City Parks	10/1/47
TELEPHONE	YES	TOTAL VALUE BUILDINGS				DeRosier & Darles	1918-1925
ROAD	PAVED	TOTAL VALUE LAND & BUILDINGS				AW Bates	1968
REMARKS		* Approx 2000 in 58 - 1/2 completed -					

URBAN PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY				
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
LEVEL	WATER					
HIGH	SEWER					
LOW	GAS					
ROLLING	ELECTRICITY					
SWAMPY	ALL UTILITIES					
STREET						
PAVED	IMPROVING					
SEMI-IMPROVED	STATIC					
DIRT	DECLINING					
SIDEWALK						
TOTAL VALUE LAND						300
TOTAL VALUE BUILDINGS						4900
TOTAL VALUE LAND & BUILDINGS						5200 + 10% = 5720



RECORD OF BUILDINGS

C.D.M. House - 151,000

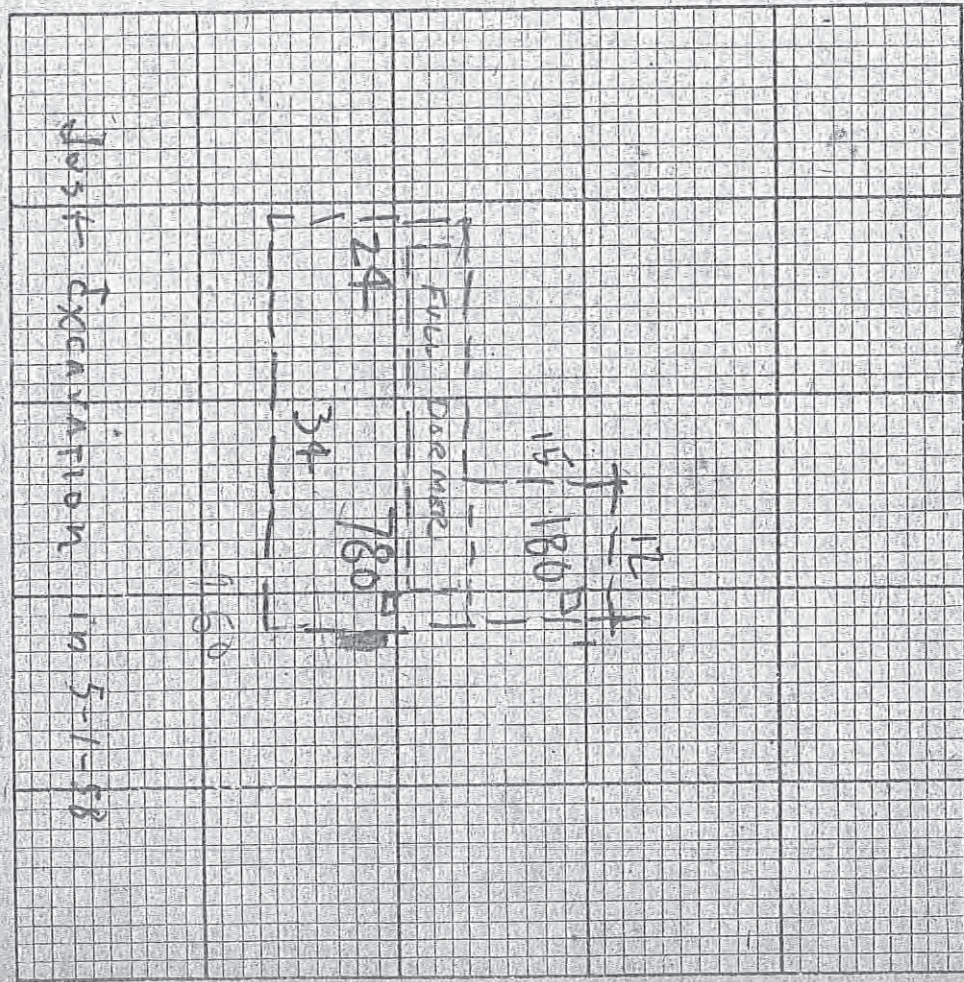
NOTES—SPECIAL EQUIPMENT

OCCUPANCY		FLOORS			
		B	1	2	3
SINGLE FAMILY	✓				
TWO FAMILY					
APARTMENT					
STORE					
THEATRE					
HOTEL					
OFFICES					
WAREHOUSE					
COMM. GARAGE					
GAS STATION					
FOUNDATION		INTERIOR FINISH			
CONCRETE	✓				
CONCRETE BLOCK					
BRICK OR STONE					
PIERS					
CELLAR AREA FULL					
NO. CELLAR	1/2				
	3/4				
EXTERIOR WALLS		HEATING			
CLASBOARDS					
WIDE SIDING					
DROP SIDING					
NO. SHEATHING					
WOOD SHINGLES	✓				
ASBES. SHINGLES					
STUCCO ON FRAME					
STUCCO ON TILE					
BRICK VENEER					
BRICK ON TILE					
SOLID BRICK					
STONE VENEER					
CONG. OR CIND. BL.					
TERRA COTTA		PIPELESS FURNACE			
MTR. LITE					
PLATE GLASS					
INSULATION					
WEATHERSTRIP					
ROOFING		HOT AIR FURNACE			
ASPH. SHINGLES	✓				
WOOD SHINGLES					
ASBES. SHINGLES					
SLATE					
TILE					
METAL					
COMPOSITION					
ROLL ROOFING					
INSULATION					

UNIT	COMPUTATIONS	1901
1ST 900 S.F.	@ 4	3600
2ND 2ND S.F.	@	900
2ND 2ND S.F.	@	900
RECREAT. ROOM		
FINISHED ATTIC		
FIREPLACE		
HEATING		
PIPELESS FURNACE		
HOT AIR FURNACE		
FORCED AIR FURN.		
STEAM		
HOT WAT. OR YARD		
NO HEATING		
GAS BURNER		
OIL BURNER		
STOVE		
PLUMBING		
BATHROOM		
TOILET ROOM		
WATER CLOSET		
KITCHEN SINK		
STD. WAT. HEAT		
AUTO. WAT. HEAT		
ELECT. WAT. SVST		
LAUNDRY TUBS		
NO PLUMBING		
TILING		
BATH FL. & WCOT.		
TOILET FL. & WCOT.		
LIGHTING		
ELECTRIC		
NO LIGHTING		
NO. OF ROOMS		
BSMT.		
1ST	6	
2ND		
3RD		

DATE	LISTED	MEAS.	AREA	PRICED	AGE	DATE REMOD.	COND.	REPL. VAL.	PHYS. DEPR.	PHYS. VALUE	FUNCT. DEPR.	SOUND VALUE
				19				41				
				TOTAL VALUE BUILDINGS								
				TOTAL VALUE BUILDINGS	19							

SUMMARY OF BUILDINGS









RECORD OF BUILDINGS

NOTES—SPECIAL EQUIPMENT:

CONSTRUCTION		FLOORS			
OCCUPANCY		B	1	2	3
SINGLE FAMILY	CEMENT				
TWO FAMILY	EARTH				
APARTMENT	PINE				
STORE	HARDWOOD				
THEATRE					
HOTEL					
OFFICES					
WAREHOUSE	ATTIC FL. & STRS.				
COMM. GARAGE					
GAS STATION					

FOUNDATION	INTERIOR FINISH			
	B	1	2	3
CONCRETE	PINE			
CONCRETE BLOCK	HARDWOOD			
BRICK OR STONE	PLASTER			
PIERS	UNFINISHED			
CELLAR AREA FULL	METAL CLG.			
NO. CELLAR				
EXTERIOR WALLS				

EXTERIOR WALLS	HEATING	
CLAPBOARDS	PIPELESS FURNACE	
WIDE SIDING	HOT AIR FURNACE	
DROP SIDING	FORCED AIR FURN.	
NO SHEATHING	STEAM	
WOOD SHINGLES	HOT WAT. OR VAPOR	
ASBES. SHINGLES	NO HEATING	
STUCCO ON FRAME		
STUCCO ON TILE		
BRICK VENEER	GAS BURNER	
BRICK ON TILE	OIL BURNER	
SOLID BRICK	STOVE	
STONE VENEER	PLUMBING	
CONG. OR CIND. BL.	BATHROOM	
	TOILET ROOM	
	WATER CLOSET	
	KITCHEN SINK	
	STD. WAT. HEAT	
	AUTO. WAT. HEAT	
	ELECT. WAT. SYST	
	LAUNDRY TUBS	
	NO PLUMBING	

ROOFING	TILING	
ASPH. SHINGLES		
WOOD SHINGLES	BATH FL. & WCOT.	
ASBES. SHINGLES	TOILET FL. & WCOT.	
SLATE		
TILE	LIGHTING	
METAL	ELECTRIC	
COMPOSITION	NO LIGHTING	
ROLL ROOFING	NO. OF ROOMS	
	BGMT. 1ST	2ND
	3RD	

	UNIT	COMPUTATIONS	
			1951
	1ST.	5 F.	@
	2ND	5 F.	@
	3RD	5 F.	@
ADDITIONS			
BASEMENT			
WALLS			
ROOF			
FLOORS			
ATTIC			
FINISH			
FIREPLACE			
HEATING			
PLUMBING			
TILING			
TOTAL			
FACTOR			
-REPL. VAL.			

OCCUPANCY	TYPE	GRADE	AGE	DATE REMOD.	COND.	REPL. VAL.	PAYS DEPR.	PAYS. VALUE	FUNCT. DEPR.	SOUND VALUE
			19							

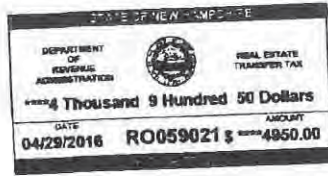
SUMMARY OF BUILDINGS										

DATE LISTED MEAS. AREA PRICED 19 TOTAL VALUE BUILDINGS 19 TOTAL VALUE BUILDINGS



BK 5710 PG 0076

Return to  
~~MAIL TO~~  
Mark G. Broderick  
and Emily Spencer  
~~70 Sims Avenue~~  
~~Portsmouth, NH 03801~~



016784

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **JEROME STELLMACH**, Single, of 70 Sims Avenue, Portsmouth, NH 03801 and **GEORGIANA M. GEWLAS (F/K/A GEORGIANA STELLMACH)**, Single, of 1169 N. Burluson Blvd., Ste 107 #155, Burluson TX 76028

for consideration paid grants to **MARK G. BRODERICK**, single, of 30 Lyons Drive, Westwood, MA 02090 and **EMILY SPENCER**, single, of 30 Lyons Drive, Westwood, MA 02090, as joint tenants with rights of survivorship,

with WARRANTY COVENANTS:

Three certain tracts or parcels of land, with the buildings thereon, situate in Portsmouth, County of Rockingham, State of New Hampshire, as follows:

Lots No. 55, 65 and 64 on Plan 58 in Plans in Appraisers' Office, City Hall, Portsmouth, New Hampshire.

Said Premises being more particularly bounded and described as follows:

Beginning on the Southerly side of Sims Avenue in said Portsmouth, at land of John Rooney, thence running Westerly by Sims Avenue fifty (50) feet to Fletcher Street; thence turning and running Southerly by Fletcher Street two hundred twenty seven and three tenths (227.3) feet to land of Rose Akerman et al; thence turning and running Easterly by said Akerman land one hundred (100) feet to land of Rachael Bloomquist; thence turning and running Northerly by said Bloomquist land one hundred thirty and seven tenths (130.7) feet to land of John Rooney; thence turning and running Westerly by said Rooney land fifty (50) feet; thence turning and running still by said Rooney land Northerly one hundred (100) feet to the point of beginning.

2016 APR 29 AM 11:35

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

BK 5710 PG 0077

Meaning and intending to describe and convey the same premises as conveyed to Jerome Stellmach and Georgiana Stellmach by Warranty Deed of David B. Galvin dated July 16, 1993 and recorded in Book 2996, Page 1587 of the Rockingham County Registry of Deeds.

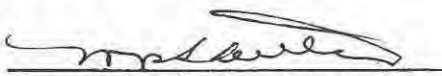
We, the grantors hereby release all rights of homestead in the above described premises.

Executed this 28th day of April, 2016.

  
Jerome Stellmach

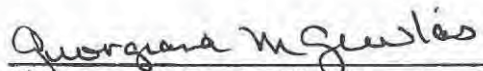
State of New Hampshire  
County of Rockingham

Then personally appeared before me on this 28th day of April, 2016, the said Jerome Stellmach and acknowledged the foregoing to be his voluntary act and deed.

  
Notary Public/Justice of the Peace  
Commission expiration:

Executed this 25<sup>th</sup> day of April, 2016.



  
Georgiana M. Gewlas (f/k/a Georgiana Stellmach)



State of Texas

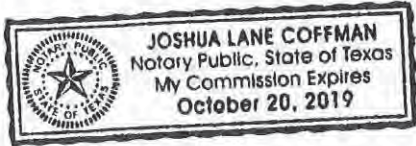
County of Tarrant

April 25, 2016

Georgiana M.  
~~Stellmach~~ f/k/a

Then personally appeared before me on this 25 day of April, 2016 the above said Georgiana Stellmach and acknowledged the foregoing to be her voluntary act and deed.

JLC  
Notary Public/Justice of the Peace  
Commission expiration:



15

EXHIBIT  
H

1247 032

# Know all men by these presents

that I, Regina A. Birt, of Portsmouth in the County of Rockingham and State of New Hampshire

for and in consideration of the sum of -- One Dollar and other valuable considerations --  
to me in hand, before the delivery hereof, well and truly paid by Stephen C. Crowley of said  
Portsmouth

the receipt whereof I do hereby acknowledge, have given, granted, bargained, sold, and by  
these presents do give, grant, bargain, sell, alien, encoff, convey and confirm unto the said  
Stephen C. Crowley and his heirs and assigns forever

All my right, title, and interest in and to the following described real  
estate:

Lots No. 55 and 64 on Plan 58 in Plans in Appraisers' Office, City Hall,  
Portsmouth, New Hampshire.

Being the same premises conveyed to me by deed of Cornelius Hobbs, dated  
January 15, 1948, and recorded in Rockingham Registry of Deeds, Book 1080, Page  
64.

Said premises being more particularly bounded and described as follows:  
Beginning on the Southerly side of Sims Avenue in said Portsmouth, at land of  
John Rooney, thence running Westerly by Sims Avenue fifty (50) feet to Fletcher  
Street; thence turning and running Southerly by Fletcher Street two hundred  
twenty seven and three tenths (227.3) feet to land of Rosa Kerman et. al.;  
thence turning and running Easterly by said Kerman land one hundred (100) feet  
to land of Raphael Blomquist; thence turning and running Northerly by said  
Blomquist land one hundred thirty and seven tenths (130.7) feet to land of John  
Rooney; thence turning and running Westerly by said Rooney land fifty (50) feet;  
thence turning and running still by said Rooney land Northerly one hundred (100)  
feet to the point of beginning.

Del.  
C. Giff

US Res  
stamp  
#110

106


110



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# M E M O R A N D U M

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**TO:** Nancy Colbert Puff, Deputy City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** January 30, 2017  
**RE:** City Council Referral – Request that the involuntarily merged lots at 21 Elwyn Avenue be restored to their premerger status

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At its meeting on January 9, 2017, the City Council considered a request from Attorney William G. Scott on behalf of Arlene F. Beatty and the Arlene F. Beatty Trust requesting that the City Council restore two lots at 21 Elwyn Avenue to their premerger status pursuant to RSA 674:39-aa. The Council voted to refer the request to the Planning Board for a report.

## Description

The parcel at 21 Elwyn Avenue (Assessors Map 113, Lot 28) is comprised of two lots shown on the attached plan compiled from an 1899 survey and recorded at the Rockingham County Registry of Deeds. In his letter to the City Council, the owners' attorney stated that no owner in the chain of title ever voluntarily merged the two lots, and that therefore the lots were involuntarily merged by the City.

As shown on the 1899 plan, the two original lots that comprise the current parcel were each 50 feet wide by 100 feet deep, like the other lots in the block bounded by Elwyn Ave., Rockland St., Kent St. and Lincoln Ave. While the two lots at the corner of Lincoln and Kent were ultimately developed in a different orientation, the subject lot is the only one in the block that has been merged to be a "double" lot of 100 feet by 100 feet. An existing single-family dwelling, garage and shed have a total footprint of 1,526 sq. ft., thus occupying 15.3 percent of the total lot area.

Also attached are two plans generated from the City's geographical information system: an orthophoto overlaid with parcel boundaries, and a plan showing building footprints and the approximate location of the premerger lot line (blue dashed line). As this second plan shows, both the existing dwelling and the shed are very close to the boundary separating the two premerger lots, and the dwelling may even be situated across the former property line. However, it is important to note that due to the different ways in which different layers have been created for the GIS, there could be up to 3-4 feet difference in the relationship between the building layer and the parcel layer.

## Zoning Issues

The subject parcel is in the General Residence A zoning district, which requires a minimum lot area of 7,500 sq. ft. and continuous street frontage of 100 feet. Because



this zoning was applied to the neighborhood after it was fully developed, most lots in the area do not conform to the zoning requirements, typically having around 5,000 sq. ft. of lot area and 50 feet of frontage. While the subject lot does comply with the area and frontage requirements, the two premerger lots do not, and would require zoning relief if they were separated.

If City Council grants the request to separate the existing lot into the two original lots, the vacant lot will require variances for lot area and frontage in order to construct a dwelling. In addition, the lot with the existing dwelling will become nonconforming with respect to zoning standards for minimum lot area and side yard setback, so any exterior change to the structure will require the owner to obtain variances. Furthermore, depending on where the existing dwelling and shed lie in relation to the previous lot line, the division may also require an easement to allow such structures to remain on the adjacent lot. Such variances and easement would normally be required by the Planning Board if the lots were divided through the subdivision process; however, since the request is to divide lots in accordance with RSA 674:39-11, staff has no authority to require a lot survey or to ensure that all these zoning details are addressed.

#### Planning Department Recommendation

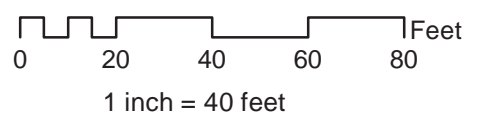
At its meeting on January 19, 2017, the Planning Board voted to recommend to the City Council that the parcel at 21 Elwyn Avenue be restored to its premerger status as two lots, and that municipal zoning and tax maps be updated to identify the premerger status of the lots as shown on the 1899 plan recorded at the Rockingham County Registry of Deeds.



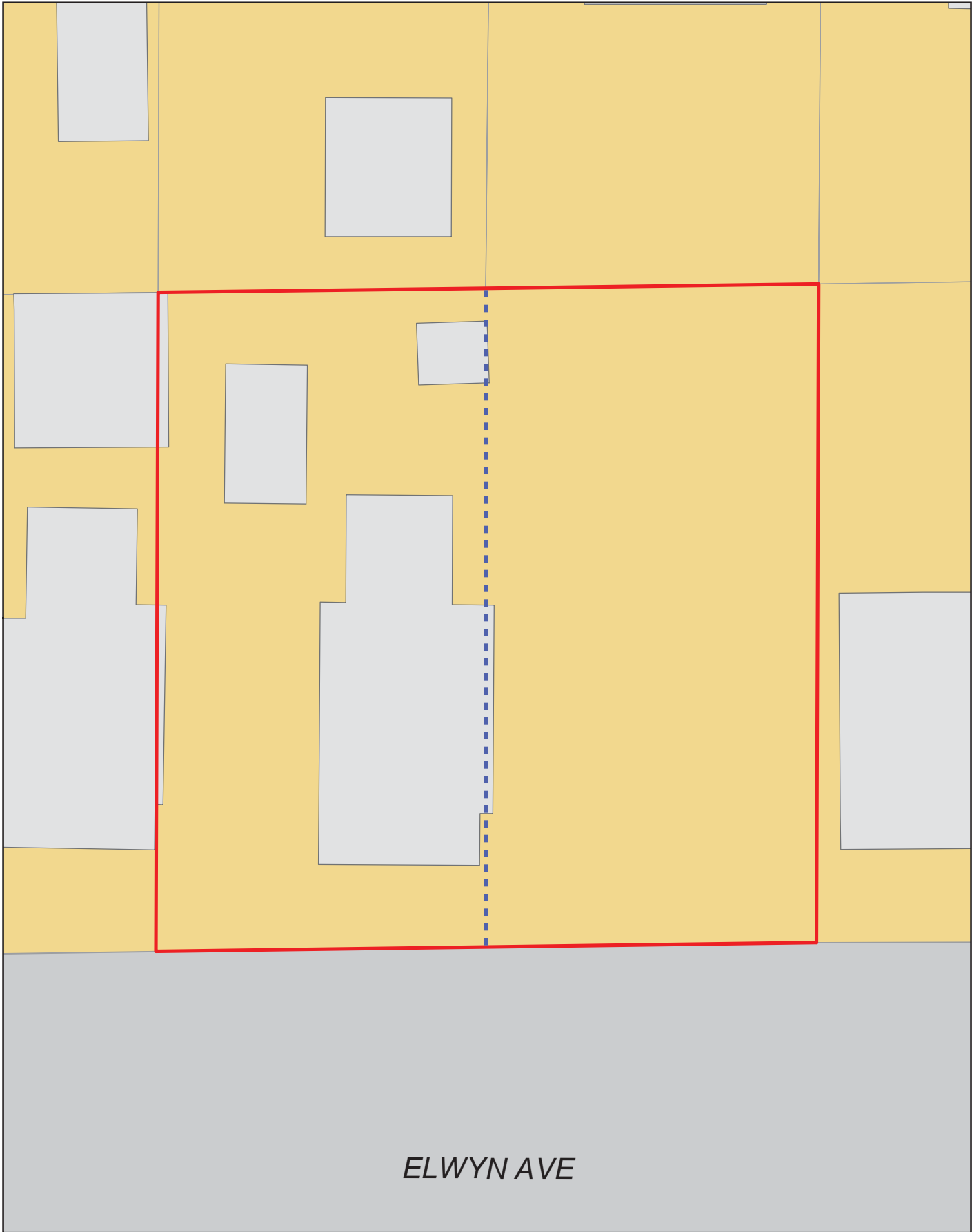




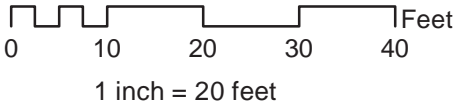
21 Elwyn Avenue







21 Elwyn Avenue



# TITLE LXIV PLANNING AND ZONING

## CHAPTER 674

### LOCAL LAND USE PLANNING AND REGULATORY POWERS

#### Regulation of Subdivision of Land

##### Section 674:39-aa

###### **674:39-aa Restoration of Involuntarily Merged Lots. –**

I. In this section:

(a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.

(b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.

(c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

(a) The request is submitted to the governing body prior to December 31, 2021.

(b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

**Source.** 2011, 206:4, eff. July 24, 2011. 2016, 327:2, eff. Aug. 23, 2016.

LAW OFFICES

**BOYNTON WALDRON DOLEAC  
WOODMAN & SCOTT, P.A.**

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FRANCIS X. QUINN, JR.\*  
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JEREMY R. WALDRON  
(1931 - 2012)  
WYMAN F. BOYNTON  
(1908 - 1999)  
CHARLES A. GRIFFIN  
OF COUNSEL

received  
12/12/16

December 8, 2016

\*NEW MEMBER OF AMERICAN  
BAR ASSOCIATION OF MASSACHUSETTS P.A.  
AND MEMBER OF LEGISLATIVE BAR

Honorable Mayor Blalock and Members of the City Council  
City Hall  
1 Jenkins Avenue  
Portsmouth, NH 03801

**RE: Restoration of involuntarily merged lots – RSA 674:39-aa  
21 Elwyn Avenue, Portsmouth**

Dear Honorable Mayor Blalock and Counsel Members:

I represent Arlene F. Beatty, both individually and as Trustee of the Arlene F. Beatty Trust, owner of 21 Elwyn Avenue in Portsmouth. This property is shown on Assessors Map 113 as Block 28, Lot 0000. The same Assessors Map indicates that the property consists of 0.23 acres. There are two lots (Lots 45 and 47) that comprise 21 Elwyn Avenue.

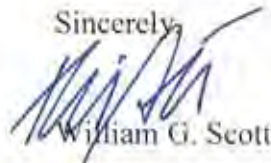
This existing lot consists of two separate lots on the 1899 plan, and neither the current owner nor any predecessor in title ever voluntarily merged the two lots. Of note, Arlene Beatty and her family have owned this property since the 1950s. These two lots were involuntarily merged by the City.

In accordance with RSA 674:39-aa, we respectfully request that the Council restore the two lots to their original pre-merger status.

We have enclosed a copy of the current deed and applicable plan that is on record with the Registry of Deeds.

We look forward to your response to this request. Thank you.

Sincerely,

  
William G. Scott

Enclosures  
cc: Arlene Beatty



THIS IS A CONFIRMATORY DEED  
KNOW ALL MEN BY THESE PRESENTS BK 3460PG0776

THAT I, ARLENE FLORENCE BEATTY, unmarried, of 21 Elwyn Avenue, Portsmouth, N.H. 03801

for consideration paid, grant to ARLENE F. BEATTY as TRUSTEE of the ARLENE F. BEATTY TRUST, under agreement dated December 2, 1999, of 21 Elwyn Avenue, Portsmouth, Rockingham County, State of New Hampshire 03801 with WARRANTY COVENANTS

A certain lot or parcel of land situated in said Portsmouth and being on the Easterly side of Elwyn Avenue and being Lot Nos. 45 and 47 on "Plan of a Lot of Land owned by Alfred L. Elwyn, Portsmouth, New Hampshire compiled from a survey made 1899 by A. C. Hoyt, C.E., Scale 100 feet to an inch, W. H. Whitney, 15 Court Square, Boston, Mass., August, 1899," recorded in Rockingham County Registry of Deeds, Book 567, Page 481, bounded and described as follows:

Northerly by Lot No. 43 on said plan one hundred (100) feet; Easterly by Lot Nos. 46 and 48 one hundred (100) feet; Southerly by Lot No. 49 one hundred (100) feet; Westerly by Elwyn Avenue one hundred (100) feet.

This deed is upon the express condition and part consideration that said grantees, their heirs and assigns, shall not erect nor cause nor permit to be erected upon said premises any buildings or structure within the distance of fifteen (15) feet from the street lines thereof, nor any building other than dwelling houses or buildings in the nature of dwelling houses and the necessary outbuildings therefor.

Being the same premises conveyed by Edith M. Dawson to William E. and Florence M. Beatty by deed dated February 24, 1959 and recorded in Rockingham County Registry of Deeds in Book 1496, Page 435. The said William E. Beatty having died on August 30, 1965, in said Portsmouth, and the said Florence M. Beatty having died on August 19, 1971 leaving the foregoing real estate to Arlene Florence Beatty and Eleanor Shirley Beatty by her will. See Rockingham County Probate Docket No. 50337, Estate of Florence M. Beatty.

Being the same premises conveyed to the Grantor and her sister, Eleanor Shirley Beatty as joint tenants with rights of survivorship and not as tenants in common, by deed recorded Book 2099, Page 453. The said Eleanor Shirley Beatty having died at Portsmouth, New Hampshire on February 14, 1997. See affidavit of the Grantor recorded herewith.

This is a CONFIRMATORY DEED, given to confirm a prior deed between the same parties recorded in Book 3441, Page 956.

Witness my hand and seal this 9<sup>th</sup> day of March, 2000.

WITNESS:

David Sanderson

Arlene Florence Beatty  
Arlene Florence Beatty

STATE OF NEW HAMPSHIRE  
County of Rockingham, ss.

March 9<sup>th</sup>, 2000.

On this the 9<sup>th</sup> day of March, 2000, before me, the undersigned officer, personally appeared Arlene Florence Beatty known to me (or satisfactorily proven) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged that she executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal

David Sanderson

Notary Public  
My Commission Expires:

DAVID SANDERSON, NOTARY PUBLIC  
My Commission Expires May 18, 2008



DAVID SANDERSON, NOTARY PUBLIC  
My Commission Expires May 18, 2008

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ROCKINGHAM COUNTY  
REGISTRY OF DEEDS



00176



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# M E M O R A N D U M

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**TO:** Nancy Colbert Puff, Deputy City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** January 30, 2017  
**RE:** City Council Referral – Proposed Construction and Acceptance of a  
Public Way Between Bridge Street and Rock Street

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As part of the municipal parking garage project, the City plans to construct a new public street from Bridge Street to the intersection of Rock Street and Sudbury Street. Attached are a plan showing the proposed right of way and street alignment, and a second exhibit showing the proposed right of way in relation to surrounding development.

In addition to providing needed access to the garage, the new street will serve as legal frontage for a proposed development by Deer Street Associates opposite the garage. Because of concerns about through traffic potentially impacting residential neighborhoods, the new street is not intended to accommodate through traffic at this time, but a connection to the current end of Rock Street is provided for emergency access. Through the site plan review process for the municipal parking garage, the proposed street design has been reviewed by the Technical Advisory Committee and has been approved by the Planning Board.

Under the City Ordinance, Chapter 11, Article VI, before the City Council takes final action on “any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way” the matter must be referred to the Planning Board in writing for a report thereon. At its meeting on January 9, 2017, the City Council voted to make this referral as required by the Ordinance.

At its meeting on January 19, 2017, the Planning Board voted “to recommend that the City construct the proposed new street as shown on the Deer Street Parking Garage site plans dated January 11, 2017 (including any revisions that may be approved by the Planning Board through the Site Plan Review process), and to recommend that the new street be dedicated and accepted as a City street upon completion of construction in accordance with the approved plans.”







**NOTES:**  
 1) THE PURPOSE OF THIS PLAN IS TO SHOW A  
 PROPOSED RIGHT-OF-WAY IN THE CITY OF PORTSMOUTH.

**CITY  
 RIGHT-OF-WAY  
 PORTSMOUTH, N.H.**

NO.	ISSUED FOR COMMENT	DATE
0		1/4/17

NO.	DESCRIPTION	DATE

SCALE: 1" = 50'  
 JANUARY 2017

**PROPOSED  
 RIGHT-OF-WAY EXHIBIT**



# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: Nancy Colbert-Puff, Deputy City Manager

FROM: Peter Rice, Director of Public Works

DATE: January 19, 2017

SUBJECT: Route 33 Recreation Field

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As you may recall, at the November 10, 2016 Recreation Board meeting the Recreation Board received public comment concerning the safety of using crumb rubber in-fill as part of the new artificial turf field at the old Stump Dump off of Route 33.

In-fill material is integral to an artificial turf field and the type of in-fill can impact the performance of the field and safety of the players using the field. Crumb rubber has been the dominate in-fill material used in artificial fields because its performance is similar to natural grass fields and its ease of maintenance. Our high school football field has crumb rubber in-fill.

Recently there has been concern over the safety of this type of in-fill resulting in the development of alternative in-fill materials. Given these concerns our consultant Weston and Sampson Engineers performed a detailed review of the available science to confirm crumb rubber is an acceptable in-fill material for this project and to propose a potential alternative in-fill material if it is decided not to use crumb rubber.

The findings of this evaluation were presented to the City's Recreation Board at its January 18, 2017 meeting (see attached memo). In summary, the reports and studies by leading experts determined crumb rubber in-fill is safe for children and adults and is not associated with elevated health risks. In addition, our consultant recommended EDPM as an alternative in-fill material if it is decided not to use crumb rubber. EDPM is used in children's playground mats and has similar performance characteristics to crumb rubber.

The recreational field design is underway and is anticipated to be bid for construction in late March. The bid documents will include crumb rubber in-fill as the base bid with EDPM as an alternative in-fill bid item.



## M E M O R A N D U M

**TO:** Peter Rice, Dan Hartrey

**FROM:** Michael Moonan

**DATE:** November 30, 2016

**SUBJECT:** Route 33 Recreation Field Project - Response to concerns regarding Synthetic Turf Infills

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Weston & Sampson acknowledges the concerns regarding the proposed crumb rubber infill for the new synthetic turf field at the Route 33 site. These concerns are warranted given the recent media exposure regarding crumb rubber infill. During the upcoming bidding process we and the city have decided to obtain bids for the projects using a crumb rubber/sand blend infill as a base bid and an alternative infill as a bid alternate.

We have reviewed alternative infills and are proposing the use of EPDM infill as an alternate to crumb rubber. This infill provides the same performance characteristics as crumb rubber and can be installed with the same system. Any material used in recreational playing field construction, whether it is organic or synthetic requires testing to ensure its safety. EPDM is a “raw” material but still would need to be tested.

As mentioned in our prior memo many studies from third party agencies, Universities and scientific labs have been conducted. These studies tested crumb rubber and compared them to the very stringent EN 71-3 European Union Toy Standards, U.S. ASTM toy standard, EPA standards for soils and California’s Proposition 65 which protects state drinking water from chemical contaminants. According to these studies properly specified, clean and tested crumb rubber from a reputable source is considered safe for consumer use. These are the same standards we will use to measure any alternative infill also. All of these standards are higher than those used for native soil in natural turf athletic fields and home landscapes.

We will also continue to monitor the anticipated report from the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Consumer Product Safety Commission (CPSC) multi-agency action plan to study key environmental human health questions related to crumb rubber infill expected to be released within the next few months. The results of this study will help guide the city with its decision on this matter.

Organic infills have been considered for the project however they have their drawbacks. Some are imported from foreign countries that do not have as stringent pesticide regulations as the United States and have been found to have high levels of pesticide that have been banned in the US. This material would also need to be provided by a reputable manufacturer and tested for undesirable chemicals. The material also requires a shock pad under the turf, higher levels of maintenance and watering in order to provide the required performance.

Other communities have had similar concerns over crumb rubber infill, the following two examples are quotes from independent reviews of the material.

**From the State of Connecticut Department of Public Health letter to Local Health Departments and Districts, January 20, 2015:**

*“Various media outlets have continued to run this story and a number of local health departments have inquired as to its validity. Since many Connecticut towns have installed or are considering artificial turf fields an elevated cancer risk would be an important consideration. However, this news story is still based upon very preliminary information and does not change CTDPH’s position that outdoor artificial turf fields do not represent an elevated health risk.”*

*The Connecticut Department of Public Health has evaluated the potential exposures and risks from athletic use of artificial turf fields. Our study of 5 fields in Connecticut in 2010-2011 was a comprehensive investigation of releases from the fields during active play. This study was conducted as a joint project with CT DEEP and the University of CT Health Center and was peer-reviewed by the Connecticut Academy of Science and Engineering. Our study did not find a large amount of vapor or particle release from the fields confirming prior reports from Europe and the US. We put these exposures into a public health context by performing a risk assessment. Our risk assessment did not find elevated cancer risk. These results have been published as a set of 3 articles in a peer review journal and are available on the DPH artificial turf webpage (<http://www.ct.gov/dph/cwp/view.asp?a=3140&q=464068>).”*

**Town of Lynnfield, Massachusetts Field Study Committee after reviewing proposed crumb rubber for their High School athletic fields:**

*“The Field Study Committee for the Town of Lynnfield spent over two and one half years exploring the complex issues of field availability and usability in our community. The committee spent hundreds of hours in meetings and thousands of hours researching artificial turf fields and what the best solution would be for the Town of Lynnfield.”*

*The members of this committee are all parents and we are all coaches who have children that have previously played on artificial turf fields and will be playing on the new fields. We spent a significant amount of time examining the alleged hazards of these fields including*

*the safety of the field surface, the toxicity of the chemicals that are contained and emitted from these fields, the problem of field contamination from potential health and environmental effects. It was the conclusion of the committee that based on all available data (and there is a lot of data available) these artificial turf surfaces are safe for children of all ages.*

*As part of our research we relied upon studies that were funded by the Synthetic Turf Council, FIFA (the governing body for soccer in the world), and other organizations from around the world that had produced extensive information regarding artificial turf fields and the use of crumb rubber as infill material. However, the most credible studies that we explored were those conducted by government organizations and academic institutions. We gave them great credence because they are independent organizations without any predisposition or agenda in their research. In addition, in most cases these organizations are specifically tasked with the protection of health and safety for their particular entity or their research was specifically designed to measure all sides of this issue without a political agenda.”*

It is our belief, based on all of the information we could locate that these fields are considered safe by leading experts for children and adults. All of the information that is published on this subject and contains supporting statistical or chemical analysis reaches the same conclusion. That position was summarized best in the documentation by the Connecticut Department of Public Health when they stated: “The use of outdoor and indoor artificial turf fields is not associated with elevated health risks.”

Attachment 1 - The EPA has developed a [Tire Crumb and Synthetic Turf Field Literature and Report List \(Nov. 2015\)](#). It is an extensive, although not exhaustive, survey of the literature from the past 12 years.



## ATTACHMENT 1 - Tire Crumb and Synthetic Turf Field Literature and Report List as of Nov. 2015 from the EPA.

*The views expressed in all these studies and reports do not necessarily reflect the views or policies of the US Environmental Protection Agency. The purpose of this list is to provide the public with a list of studies and reports that have addressed the topic of tire crumb, it may not be fully up-to-date or comprehensive. Links are provided when available.*

- [Leaching of DOC, DN and Inorganic Constituents from Scrap Tires](#)  
Selbes M., Yilmaz O., Khan A.A., Karanfil T. (2015). Chemosphere. 139:617-23.
- [Environmental and Health Impacts of Artificial Turf: A Review](#)  
Cheng H., Hu Y., Reinhard M. (2014). Environ Sci Technol. 48(4):2114-29.
- [Environmental Sanitary Risk Analysis Procedure Applied to Artificial Turf Sports Fields](#)  
Ruffino et al. (2013). Environ Sci Pollut Res Int.
- [New Approach to the Ecotoxicological Risk Assessment of Artificial Outdoor Sporting Grounds](#)  
Krüger O., Kalbe U., Richter E., Egeler P., Römbke J., Berger W. (2013). Environ Pollut. 175:69-74.
- [Artificial Turf Football Fields: Environmental and Mutagenicity Assessment](#)  
Schilirò T., Traversi D., Degan R., Pignata C., Alessandria L., Scozia D., Bono R., Gilli G. (2013). Arch Environ Contam Toxicol. 64(1):1-11.
- [Bioaccessibility and Risk Exposure to Metals and SVOCs in Artificial Turf Field Fill Materials and Fibers](#)  
Pavilonis B.T., Weisel C.P., Buckley B., Lioy P.J. (2013). Risk Anal.
- [Review of the Human Health & Ecological Safety of Exposure to Recycled Tire Rubber Found at Playgrounds and Synthetic Turf Fields Exit](#)  
Cardno Chem Risk. (2013). Prepared for: Rubber Manufacturers Association, Washington, DC.
- [Health Risk Assessment of Lead Ingestion Exposure by Particle Sizes in Crumb Rubber on Artificial Turf Considering Bioavailability](#)  
Kim S., Yan J.Y., Kim H.H., Yeo I.Y., Shin D.C., Lim Y.W. (2012). Environ Health Toxicol. 27:e2012005.
- [Zinc Leaching from Tire Crumb Rubber](#)  
Rhodes E.P., Ren Z., Mays D.C. (2012). Environ Sci Technol. 46(23):12856-63.
- [Comparison of Batch and Column Tests for the Elution of Artificial Turf System Components](#)  
Krüger O., Kalbe U., Berger W., Nordhauß K., Christoph G., Walzel H.P. (2012). Environ Sci Technol. 46(24):13085-92

- [Design of a New Test Chamber for Evaluation of the Toxicity of Rubber Infill](#)  
Gomes JF, Mota HI, Bordado JC, Baião M, Sarmento GM, Fernandes J, Pampulim VM, Custódio ML, Veloso I. (2011). Toxicol Mech Methods. 21(8):622-7
- [An Evaluation of Potential Exposure to Lead and Other Metals as the Result of Aerosolized Particulate Matter from Artificial Turf Playing Fields](#)  
Shalat, S.L. (2011). Submitted to the New Jersey Department of Environmental Protection
- [Artificial-Turf Playing Fields: Contents of Metals, PAHs, PCBs, PCDDs and PCDFs, Inhalation Exposure to PAHs and Related Preliminary Risk Assessment](#)  
Menichini et al. (2011). Sci Total Environ. 409(23):4950-7.
- [Human Health Risk Assessment of Synthetic Turf Fields Based Upon Investigation of Five Fields in Connecticut](#)  
Ginsberg et al. (2011). J Toxicol Environ Health A. 74(17):1150-74.
- [Synthetic Turf Field Investigation in Connecticut](#)  
Simcox et al. (2011). J Toxicol Environ Health A. 74(17):1133-49.
- [Benzothiazole Toxicity Assessment in Support of Synthetic Turf Field Human Health Risk Assessment Exit](#)  
Ginsberg et al. (2011). J Toxicol Environ Health A. 74(17):1175-83.
- [Hydroxypyrene in Urine of Football Players After Playing on Artificial Sports Fields with Tire Crumb Infill](#)  
Van Rooij and Jongeneelen. (2010). Int Arch Occup Environ Health. 83(1):105-10.
- [Risk Assessment of Artificial Turf Fields](#)  
Connecticut Department of Energy & Environmental Protection. (2010). Connecticut Departments of Public Health and Environmental Protection and the Connecticut Agricultural Research Station.
- [Toxicological Assessment of Coated Versus Uncoated Rubber Granulates Obtained from Used Tires for Use in Sport Facilities](#)  
Gomes et al. (2010). J Air Waste Manag Assoc. 60(6):741-6.
- [Characterization of Substances Released from Crumb Rubber Material Used on Artificial Turf Fields](#)  
Li et al. (2010). Chemosphere. 80(3):279-85.
- [Evaluating and Regulating Lead in Synthetic Turf](#)  
Gregory Van Ulirsch, Kevin Gleason, Shawn Gerstenberger, Daphne B. Moffett, Glenn Pulliam, Tariq Ahmed, Jerald Fagliano. (2010). Environ Health Perspect. 118(10): 1345–1349.
- [Safety Study of Artificial Turf Containing Crumb Rubber Infill Made from Recycled Tires: Measurements of Chemicals and Particulates in the Air, Bacteria in the Turf, and Skin](#)

[Abrasions Caused by Contact with the Surface](#)

California Office of Environmental Health Hazard Assessment. (2010). Prepared for the California Department of Resources Recycling and Recovery.

- [An Assessment of Chemical Leaching, Releases to Air and Temperature at Crumb-Rubber Infilled Synthetic Turf Fields](#)  
Lim L., Walker R. (2009). New York State Department of Environmental Conservation, New York State Department of Health.
- [A Scoping-Level Field Monitoring Study of Synthetic Turf Fields and Playgrounds](#)  
Highsmith R., Thomas K.W., Williams R.W. (2009). EPA/600/R-09/135. National Exposure Research Laboratory, U.S. Environmental Protection Agency.
- [Air Quality Survey of Synthetic Turf Fields Containing Crumb Rubber Infill](#)  
Vetrano, K.M., Ritter G. (2009). Prepared by TRC for the New York City Department of Mental Health and Hygiene, New York, NY.
- [New Jersey Investigation of Artificial Turf and Human Health Concerns Exit](#)  
New Jersey Department of Health and Senior Services. (2008). Fact Sheet. Consumer and Environmental Health Services. Epidemiology, Environmental and Occupational Health. Trenton, NJ.
- [A Review of the Potential Health and Safety Risks from Synthetic Turf Fields Containing Crumb Rubber Infill](#)  
Denly E., Rutkowski K., Vetrano K.M. (2008). Prepared by TRC for the New York City Department of Mental Health and Hygiene, New York, NY.
- [Synthetic Turf: Health Debate Takes Root](#)  
Claudio L. (2008). Environ Health Perspect 116(3): A116–A122.
- [Artificial Turf: Safe or Out on Ball Fields Around the World](#)  
Lioy P., Weisel C. (2008). Editorial. J of Expos Anal Environ Epidem. 18:533-534
- [Hazardous Chemicals in Synthetic Turf Materials and their Bioaccessibility in Digestive Fluids](#)  
Zhang et al. (2008). J Expo Sci Environ Epidemiol. 18(6):600-7.
- [Mapping, Emissions and Environmental and Health Assessment of Chemical Substances in Artificial Turf Exit](#)  
Nilsson N.H., Malmgren-Hansen B., Thomsen U.S. (2008). Danish Ministry of the Environment, Environmental Protection Agency.
- [Evaluation of Health Effects of Recycled Waste Tires in Playgrounds and Track Products](#)  
California Office of Environmental Health Hazard Assessment. (2007). Prepared for the California Integrated Waste Management Board.



- [Examination of Crumb Rubber Produced from Recycled Tires](#)  
Incorvia Mattina M.J., Isleyen M., Berger W., Ozdemir S. (2007). The Connecticut Agricultural Research Station, New Haven, CT.
- [Artificial Turf: Exposures to Ground-Up Rubber Tires - Athletic Fields - Playgrounds - Gardening Mulch](#)  
Environment & Human Health Inc. (2007).
- [Environmental and Health Evaluation of the Use of Elastomer Granulates \(Virgin and from Used Tyres\) as Filling in Third-Generation Artificial Turf](#) [Exit](#)  
Moretto. (2007). France, ALIAPUR in partnership with Fieldturf Tarkett and the ADEME (Environmental French Agency).
- [Preliminary Assessment of the Toxicity from Exposure to Crumb Rubber: Its Use in Playgrounds and Artificial Turf Playing Fields](#) [Exit](#)  
LeDoux T. (2007). Division of Science, Research and Technology. New Jersey Department of Environmental Protection.
- [A Case Study of Tire Crumb Use on Playgrounds: Risk Analysis and Communication When Major Clinical Knowledge Gaps Exists](#)  
Anderson et al. (2006). Environ Health Perspect.114(1):1-3.
- [A Survey of Microbial Populations in Infilled Synthetic Turf Fields](#) [Exit](#)  
McNitt A.S., Petrunak D., Serensits T. (2006). Penn State University, College of Agricultural Sciences, Department of Plant Science.
- [Artificial Turf Pitches: An Assessment of Health Risks for Football Players and the Environment](#) [Exit](#)  
Norwegian Institute of Public Health and the Radium Hospital. (2006). Norwegian Institute of Public Health and the Radium Hospital, Oslo, Norway.
- [Measurement of Air Pollution in Indoor Artificial Turf Halls](#) [Exit](#)  
Dye C., Bjerke A, Schmidbauer N., Mano S. (2006). Norwegian Pollution Control Authority/Norwegian Institute for Air Research, State Programme for Pollution Monitoring.
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Birkholz et al. (2003). J Air Waste Manag, 53:903-07.

Associated Press

[Review: No indication crumb-rubber playfields cause cancer](#)

1/18/17

Health officials in Washington state say there's no indication synthetic turf playfields made of recycled rubber cause cancer in young people.

The Department of Health issued a report Wednesday that said if the crumb-rubber fields did so, there would be a lot more ill soccer players in Washington.

A University of Washington women's soccer coach, Amy Griffin, raised concerns after learning of several goalies who developed blood cancers. She eventually compiled a list of 53 soccer players who had developed cancer since the mid-1990s.

The review suggested soccer players actually get cancer less than the general population. Dr. Cathy Wasserman, a state epidemiologist, says if people are worried about exposure to carcinogenic chemicals from the rubber pellets, they can wash their hands or shower after playing.

The federal Centers for Disease Control and Environmental Protection Agency are also studying the fields' safety.

###

HeraldNet (Washington)

[State-led study finds no connection between crumb rubber, cancer](#)

SHARON SALYER

1/19/17

There's no evidence that playing on crumb rubber sports fields has caused soccer players to get cancer, state health officials said Wednesday — a finding that's unlikely to settle the ongoing controversy over the safety artificial turf fields.

"We're recommending that people who enjoy soccer continue to play soccer regardless of the type of surface," said Cathy Wasserman, state epidemiologist for noninfectious disease for the state Department of Health.

Health officials acknowledged that a study they conducted about the issue was limited in scope. "Our investigation is one piece," Wasserman said. It was a comparison of cancer rates among soccer players with cancer rates among people in the same age group in Washington.

A separate national study is now under way looking at issues such as the toxicity of crumb rubber and exposure to it, she said. The state agency will continue to monitor studies on the safety of the fields, Wasserman said.

In the meantime, "we're not seeing the crumb rubber is causing a public health concern," said Lauren Jenks, who directs the state health department's office of environmental public health sciences.

"It's reasonable to install crumb rubber fields," she said.

It is an issue that has drawn angst in Edmonds and other communities in the region in recent years.

The padding in the crumb rubber fields is made from ground-up used tires. Opponents of crumb rubber sports fields point to a list of hazardous chemicals in tires, including heavy metals and substances linked to cancer.

The state health department decided to undertake its study after Amy Griffin, a University of Washington soccer coach, compiled a list of 53 people who played on the artificial turf and who were later diagnosed with cancer, such as leukemia, non-Hodgkin's and Hodgkin's lymphoma.

The state study examined a subset of this group, 27 people between 6 to 24 years old who were diagnosed with cancer during the years 2002 to 2015.

One of the cases was that of Austen Everett, who trained with Griffin, the UW soccer coach. Everett was a goalkeeper for Seattle's Bishop Blanchet High School and played on teams at the University of



California Santa Barbara and the University of Miami in Florida. She was diagnosed with non-Hodgkins lymphoma as a college junior in 2008. She died four years later when she was 25.

On Tuesday evening, state health officials met with some of the families involved in the study, including Everett's mother, June Leahy, of Seattle, to present their findings.

Leahy said she has always believed that crumb rubber played a role in her daughter's cancer and the results of the study didn't change that.

"To say I am disappointed is an understatement," she said. "We're all hopeful that the tire crumb will get the intense scrutiny it deserves."

That would include examining the material content and toxins in the crumb rubber; how the materials break down; the particles and dust created by the fields; the gasses created by crumb rubber; ingestion of the tiny rubber particles and skin contact, she said.

"Those are the issues that should have been included in a study like this," Leahy said.

A national investigation of the possible health effects of playing on crumb rubber fields is now under way, conducted by the federal Environmental Protection Agency, the Centers for Disease Control and Prevention and the Consumer Product Safety Commission. An update on the study was posted in December, but it said a final conclusion won't be reached until later this year.

The first synthetic turf fields were installed in the 1960s. Currently, there are up to 13,000 synthetic turf sports fields nationally, with 1,200 to 1,500 new installations each year, according to the December report.

State health officials said that precautions that have been advised in the past when playing on crumb rubber fields should continue to minimize potential exposure to the field's chemicals.

They include: always washing hands after playing on the field and before eating; taking off shoes, sports equipment and uniforms outside or in the garage to prevent tracking crumb rubber into the house; showering after play; quickly cleaning any cuts or scrapes to help prevent infection and not swallowing any bits of crumb rubber they come into contact with during play.

In Snohomish County, opposition to crumb rubber athletic fields has been greatest in Edmonds. It was triggered by a \$4.2 million Edmonds School District project to construct two synthetic turf athletic fields at the former Woodway High School. The fields opened in the fall of 2015.

A few months later, the Edmonds City Council approved a ban on the installation of synthetic turf play fields made from crumb rubber on any publicly owned athletic field until July 11. The action covers school district-owned properties.

###

Seattle Times (Washington)

[Are crumb-rubber fields safe? Report of blood cancer for soccer players led to investigation](#)

Matt Pentz

1/18/17

A Washington State Department of Health investigation has found that artificial-crumb-rubber fields are not causing increased rates of cancer in local soccer players, officials announced Wednesday.

The issue was brought to light in 2009 by University of Washington associate women's soccer coach Amy Griffin, who became concerned when several goalkeepers developed blood cancers at around the same time. Griffin compiled a list of players with cancer, a number that had grown to 53 people by 2016.

But the study, which was limited to people meeting the case definition between 2002 and 2015 — the former being the year these types of artificial turf fields began popping up in the state — found that exposure did not pose a higher risk.

"As a result of our investigation, we found that the number of players ... was less than expected, given rates of cancer given Washington residents of similar ages," said Dr. Cathy Wasserman, state epidemiologist for noninfectious conditions.

The investigation also ruled out that any one position on the field is at higher risk. There was a specific concern about goalkeepers, given how often they come in direct contact with the surface of the playing field, but neither people with a history of playing soccer nor goalkeepers specifically had an increased rate of cancer diagnoses.

There were a handful of caveats.

Wasserman was quick to acknowledge that the study was merely a first step, an investigation rather than a formal study. The scope was limited to whether this specific group of soccer players was displaying higher rates of cancer than those expected in the general population.

The study did not include any testing of soccer fields, and the results could not rule out with 100 percent certainty that certain chemicals within synthetic turf can cause cancer. Gaps remain in understanding the chemicals, their toxicity and concerns about the dosages.

"Yes, there are gaps in our knowledge," Wasserman said. "We have to make recommendations based on the knowledge today."

Added Lauren Jenks, the director of office of environmental public health sciences: "'Not appearing to cause cancer' is not the same thing as 'entirely safe.'"

The report offered a handful of tips for parents to reduce kids' exposure to the chemicals within crumb rubber:

- Wash hands after playing on the field and before eating.
- Take off cleats, sports equipment and soiled uniforms outside or in the garage to prevent tracking crumb rubber in the house.
- Shower after play and quickly clean any cuts or scrapes to help prevent infection.
- Athletes who accidentally get crumb rubber in their mouths should not swallow it.

Due to the results of the study, the state's recommendation is that parents should be aware of the issue but not concerned.

"What is different as a result of this study is a little bit more reassurance," Jenks said. "There are still limitations, but based on what we know, if you enjoy playing soccer, you should keep playing soccer."

The state does not plan to continue investigating this matter, though it is supportive of ongoing studies elsewhere in the country.

"We do support those other efforts, and we will be following their results," Wasserman said.

###

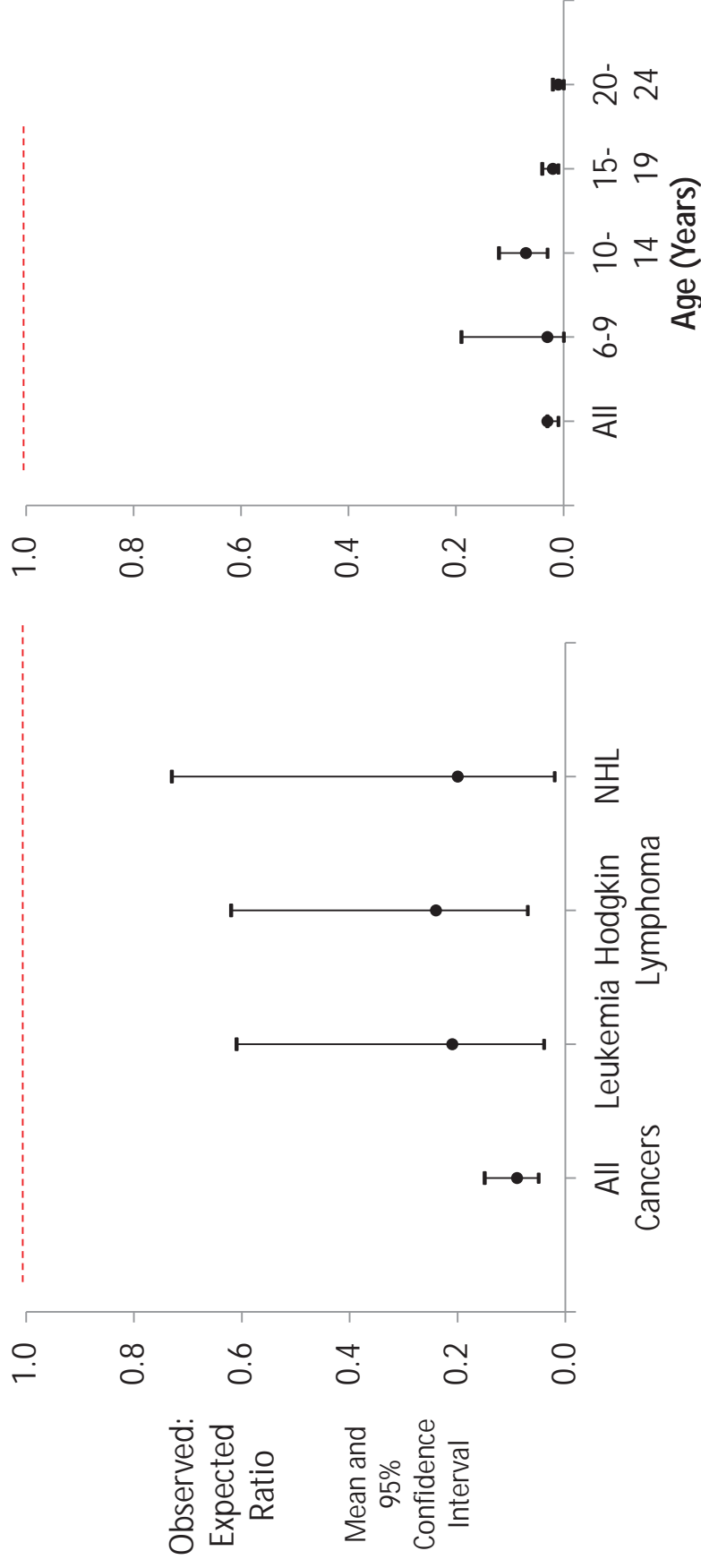


# Investigation of Reported Cancer in Soccer Players in Washington State - January 2017

<http://www.doh.wa.gov/CommunityandEnvironment/Schools/EnvironmentalHealth/SyntheticTurf>

Washington state **goalkeepers** diagnosed with leukemia or lymphoma during 2002-2015 at age 10-24

All Washington state soccer players diagnosed with leukemia or lymphoma during 2002-2015 at age 6-24



“We conclude that the number of cancer cases ... is much less than was expected to occur among soccer players in Washington”

Run: 2/02/17  
11:46AM

## Event Listing by Date

Page: 1

Starting Date: 1/23/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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	Starts at Traip Academy in Kittery, ME thru town Donald Allison is the contact for this event.	Eastern States 20 Mile	12/ 5/2016
4/ 8/2017 4/ 8/2017	WALK	Little Harbour School This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	National Multiple Sclerosis So	11/21/2016
5/ 6/2017 5/ 6/2017	WALK	Little Harbour Elementary School Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS	Pleasant Street - State Street - Market Square Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Children's Day - Pro Portsmouth	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE	Start at Redhook Brewery Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	American Lung Association	10/ 3/2016
5/13/2017 5/13/2017	RACE	Strawbery Banke Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Susan G. Komen Foundation	8/15/2016
5/28/2017 5/28/2017	FUND	Portsmouth High School Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Education to All Children	12/ 5/2016
5/28/2017 5/28/2017	ROAD RACE	Redhook Brewery - Pease Tradeport	Runner's Alley	12/19/2016
6/10/2017 6/10/2017	FESTIVAL	Market Square Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	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	Pleasant Street Rain Date of June 18, 2017	Big Brothers Big Sisters of Ne	9/19/2016

## Event Listing by Date

Starting Date: 1/23/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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
7/21/2017 7/23/2017	ART EXH Lennie Mullaney is the contact for this event. This is the annual Wet Paint-out Weekend. The event takes place throughout greater Portsmouth Artists register at NHAA.	Throughout the City	NH Art Association	1/23/2017
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
9/24/2017 9/24/2017	WALK Kelly Bosco is the contact for this event. Tel. (603) 606-6590 ext. 2151 kbosco@alz.org	Little Harbour School	Alzheimer's Association	1/23/2017



Run: 2/02/17  
11:46AM

## Event Listing by Date

Page: 3

Starting Date: 1/23/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
12/10/2017 12/10/2017	RACE Thomas M. Bringle, Director of Development is the contact for this event. Tel. (603) 724-6080 or tbringle@arthritis.org	Little Harbour School	Arthritis Foundation	1/23/2017

City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

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TO: Nancy Colbert-Puff, Deputy City Manager

FROM: Peter Rice, Director of Public Works

DATE: January 18, 2017

SUBJECT: Text Services for Snow Ban Notification

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At its January 9, 2017 meeting, City Council requested a report back from Staff on the ability to provide a Winter Parking Ban text message to residents who would like one. Working with the IT Staff we have reviewed two systems that are used for bulk texting. One is CodeRed and another is Nixle. CodeRed is currently being used by our Police and Fire and may have the ability to add additional notifications. We are meeting with Police to discuss the possibility of using the CodeRed system in conjunction with Police and Fire. Nixle is being used in Londonderry, Merrimack, Milford and Bedford, New Hampshire.

Both systems provide similar functions allowing residents to sign up for text messages about specific alerts. Residents could opt in for a specific type of message or all messages created by the participating City Departments. The sign up would be accessed via the City's web site.

We anticipate completing our review and making a decision by the end of January with implementation completed by mid-February.



## CITY OF PORTSMOUTH

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 431-2000

### CITY COUNCIL WORK SESSION

**DATE:** MONDAY, FEBRUARY 13, 2017  
**LOCATION:** CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
**TIME:** 6:30 PM  
**SUBJECT:** CAPITAL IMPROVEMENT PLAN

## **A G E N D A**

- I. Call to Order – Jack Blalock, Mayor
- II. Introduction – Nancy Colbert Puff, Acting City Manager
- III. Review of Projects FY18 – FY23
- IV. Questions and Discussion
- V. Adjournment

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

**NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED:** If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.

*Please Bring your CIP Document*



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: February 24, 2010  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: PARROTT AVENUE LOT



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At the City Council Meeting of February 16, 2010 Councilor Kennedy requested an update on any title restrictions which might apply with respect to development of the Parrott Avenue lot. This memorandum will respond to that inquiry.

In 1999 in connection with the examination of potential sites for a new City library the City's title to the Parrott Avenue parking lot was searched. At that time it was determined that when the City acquired the lot from the Cathedral Church of St. John the Divine in 1947 there was a restriction in the deed at Book 1093, Page 65 in the Rockingham County Registry of Deeds which reads as follows:

"This conveyance is made upon the condition that it shall ever be limited in its use to public purposes of the City of Portsmouth and that no building shall be erected thereon except in connection with such use and located on the Westerly end of the premises."

Our records to indicate that on January 11, 1947 a brick universalist church building located on that lot burned to the ground. When the City acquired the property from the Church the foregoing restriction was placed into the deed.<sup>1</sup>

Under instruction from the Office of the City Manager in 1999 the City's Legal Department was assigned to determine if title to the Parrott Avenue lot could be cleared of the restriction. Further research put us in contact with the Cathedral Church of St.

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<sup>1</sup> Additionally, tax maps show a right-of-way located along the side of the lot adjacent to Citizen's Bank. However, there is no deed reference to that right-of-way and it does not appear to be a title restriction.

John the Divine in the City and Diocese of New York, which was the holder of the restriction as of 1999. After some discussion the Cathedral Church determined that it had no further interest in the lot or the restriction. The Church then executed and delivered to the City a Release Deed which was recorded in the Rockingham County Registry of Deeds on February 14, 2000. The recording of the Release Deed had the effect of eliminating the restriction on the Parrott Avenue lot. A copy of the recorded Release Deed is attached hereto.

It is not believed that there are currently any deed restrictions on the City's use of the lot.

attachment

RELEASE DEED

The CATHEDRAL CHURCH OF ST. JOHN THE DIVINE IN THE CITY AND DIOCESE OF NEW YORK, 1047 Amsterdam Avenue, in the City, County and State of New York

for consideration paid, grants and releases to THE CITY OF PORTSMOUTH, a municipality with principal place of business located at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire

all of its remaining right, title and interest in certain property located in the vicinity of Pleasant Street and Parrott Avenue in the City of Portsmouth, County of Rockingham and State of New Hampshire previously conveyed by the Cathedral Church of St. John the Divine to the City of Portsmouth by deed recorded in the Rockingham County Registry of Deeds at Volume 1093, Page 64. in particular, but without limitation, the Cathedral Church of St. John the Divine expressly releases the City of Portsmouth from a provision in that deed which reads as follows:

"This conveyance is made upon the condition that it shall forever be limited in its use to public purposes of the City of Portsmouth and that no buildings shall be erected thereon except in connection with such use and located on the westerly end of the premises".

By execution of this deed the Cathedral Church of St. John the Divine means and intends to convey any remaining right, title and interest which it may have in the property which it conveyed to the City by deed dated the 26<sup>th</sup> day of November 1947 and received and recorded in the Rockingham County Registry of Deeds on January 20, 1948 as referenced above at Volume 1093, Page 64.

IN WITNESS WHEREOF, the Cathedral Church of St. John the Divine has set its hand and seal this 9<sup>th</sup> day of FEBRUARY, 2000.

CATHEDRAL CHURCH OF ST. JOHN THE DIVINE IN THE CITY AND DIOCESE OF NEW YORK

By: [Signature]  
Stephen Facey  
Executive Vice President  
Executed pursuant to vote of the Board of Trustees of the Cathedral Church of St. John the Divine in the City and Diocese of New York taken on November 17, 2000.  
1999

[Signature]  
Witness

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

0007317

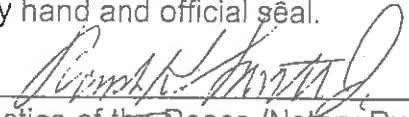
2000 FEB 14 AM 8:03



STATE OF NEW YORK  
COUNTY OF NEW YORK

On this 9<sup>th</sup> day of FEBRUARY, 2000, before me,  
RALPH K. SMITH, JR., the undersigned officer, personally  
appeared STEPHEN FACEY, who acknowledged himself to be the  
EXECUTIVE VICE PRESIDENT, of THE CATHEDRAL CHURCH OF ST.  
JOHN THE DIVINE IN THE CITY AND DIOCESE OF NEW YORK, and that he,  
as such EXECUTIVE VICE PRESIDENT, being authorized to execute the  
document by vote of the Board of Trustees of the Cathedral Church of St. John  
the Divine has executed the foregoing instrument for the purposes therein  
contained.

In witness whereof I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Justice of the Peace / Notary Public  
My commission expires: \_\_\_\_\_



RALPH K. SMITH, JR.  
Notary Public, State of New York  
No. 90-8741450, Qualified in Nassau County  
Cert. filed in New York County  
Commission Expires ~~June 30, 19~~  
Aug. 31, 2001

Councilor Dwyer Item #1

Adoption of Prescott Park Master Plan

Please click link below for Contract contents:

<http://cityofportsmouth.com/ppmp/PrescottParkMasterPlan-Final.pdf>

## **ACTION ITEMS**

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

8:00 A.M. – January 5, 2017  
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; Frank Warchol, Police Captain 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

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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:**

**Action Item: VIII.D** – To restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass.

1. Brad Lown voted Chairman for the calendar year 2017.
2. Ted Gray voted Vice-Chairman for the calendar year 2017.
3. Accepted and placed on file the December 1, 2016 meeting minutes.
4. Accepted and placed on file the financial report dated January 2017.
5. Public Comment: Five Speakers: Wes Tator, Rick Becksted, Ramona Charland, Roland Cote, Paula Anne Chalfin
6. (VII.A.) **Action Item:** Request for two 15-minute parking spaces near Optima Bank & Trust at 143 Daniel Street, and removal of 15 minute space on Bow Street. – **VOTED to direct staff to conduct a comprehensive review of the 15-minute parking spaces in the downtown and report back at the February meeting.**



7. (VII.B.) **Action Item:** Request for one 15-minute parking space near Profile Coffee Bar at 15 Portwalk Place. – **VOTED to direct staff to report back at the February meeting.**
8. (VIII.A.) **Action Item:** Report back on request for traffic signal at intersection of Middle Street and Union – **VOTED staff to research interim measures regarding parking and sight line issues prior to the implementation of the bicycle lane project.**
9. (VIII.B.) **Action Item:** Report back on request for 4-way STOP sign control at Thornton Street and Burkitt Street. – **VOTED to approve an All-Way STOP at the intersection of Thornton Street and Burkitt Street.**
10. (VIII.C.) **Action Item:** Report back on request for one-way flow on Meeting House Hill Road. – **VOTED to maintain the current two-way traffic flow pattern on Meeting House Hill Road.**
11. (VIII.D.) **Action Item:** Report back on request for truck restriction on Greenleaf Avenue between Lafayette Road and Route 1 Bypass. – **VOTED to restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass.**
12. Public Comment: Three Speakers: Rick Becksted and Wes Tator.  
Rick Chellman made a presentation. **VOTED staff to report back on recommendations presented by Mr. Chellman at a later date.**
13. Miscellaneous: Quarterly Accident Report for 09/28/2016 to 12/28/2016
14. Adjournment – At 9:15 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. – January 5, 2017  
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  
Police Captain, Frank Warchol  
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

#### III. SELECTION OF COMMITTEE CHAIRMAN:

Ronald Cypher motioned to nominate Brad Lown as Chairman for the calendar year 2017. Deputy City Manager Nancy Colbert Puff seconded. **Motion passed 9-0.**

Harold Whitehouse motioned to nominate Ted Gray as Vice-Chairman for the calendar year 2017. Public Works Director Rice seconded. **Motion passed 9-0.**

#### IV. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse motioned to accept the December 1, 2016 meeting minutes. Public Works Director Rice seconded. **Motion passed 9-0.**

V. FINANCIAL REPORT:

Harold Whitehouse motioned to accept the financial report dated January 2017.  
Ronald Cypher seconded. **Motion passed 9-0.**

VI. PUBLIC COMMENT:

Wes Tator supported the 15-minute parking space on Portwalk Place. He said after talking to residents on Middle Street, many were not aware of the Middle Street / Lafayette Road Bicycle Lane project. He expressed support for the project, but does not believe the general public is aware of the project scope.

Rick Becksted attended the Tuesday site visits with the Committee. He supported the 15-minute parking spaces being proposed (agenda items VII.A. and VII.B.). He complimented Eric Eby for purchasing the four radar speed feedback signs and requested more signs be purchased. He also noted specific locations for installation.

Ramona Charland spoke about the need for a traffic signal at the intersection of Middle Street and Union Street. She recounted historical accidents and expressed concern for homeowner and pedestrian safety.

Roland Cote requested the No Parking Here to Corner signs on the southbound side of Middle Street be moved several car lengths down the street to improve visibility at the intersection of Union Street.

Paula Anne Chalfin spoke regarding the request for a traffic signal at the intersection of Middle Street and Union Street (agenda item VIII.A.). She addressed the staff memorandum in the packet and disagreed with the findings and recommendations. She stated opposition to the Middle Street / Lafayette Road Bicycle Lane project due to safety concerns.

VII. NEW BUSINESS:

A. Request for two 15-minute parking spaces near Optima Bank & Trust at 143 Daniel Street, and removal of 15-minute space on Bow Street. Pamela Morrison, Director at Optima Bank & Trust, stated patrons visit the bank for short durations and the two 15-minute parking spaces would meet the need for short-term parking. Eric Eby stated he would like the opportunity to do a comprehensive review of all 15-minute parking spaces in the downtown and report back next month.

Harold Whitehouse motioned to direct staff to conduct a comprehensive review of the 15-minute parking spaces in the downtown and report back at the February meeting. Deputy City Manager, Nancy Colbert Puff, seconded. **Vote 9-0, to direct staff to conduct a comprehensive review of the 15-minute parking spaces in the downtown and report back at the February meeting.**



B. Request for one 15-minute parking space near Profile Coffee Bar at 15 Portwalk Place.

Eric Eby stated the Committee conducted a site visit on Tuesday, January 3, 2017. He stated he would like additional time to review this request in conjunction with Action Item VII.A regarding 15-minute parking spaces.

Public Works Director Rice motioned to direct staff to report back at the February meeting. Ronald Cypher seconded. **Vote 9-0, to direct staff to report back at the February meeting.**

Public Works Director Rice informed the Committee that Parking Manager Giordano has been working on replacing existing meters with new technology. It allows the time on the meters to be altered based upon demand or time of day. Public Works Director Rice thanked Parking Manager Giordano for his work on this project, and Mr. Becksted for his comment regarding the appropriateness of 15-minute parking meters.

VIII. OLD BUSINESS:

A. Report back on request for traffic signal at intersection of Middle Street and Union Street.

Eric Eby informed the Committee that a traffic study was conducted last month. The traffic counters were collecting data for over a week in order to get accurate counts on traffic volumes. He stated the volume of traffic on the side streets was too low to meet the minimum volume thresholds for a traffic signal at Middle Street and Union Street. He addressed the question posed during public comment regarding how a traffic signal can increase the number of accidents when it is not warranted at an intersection.

Eric Eby stated the average speed of traffic on Middle Street was recorded at 25 mph. This is below the posted speed limit of 30 mph. A review of the traffic volume data indicated that while Middle Street carries over 10,000 vehicles per day and 3.5 million vehicles per year, the number of crashes was below the minimum number to warrant a traffic signal. Five crashes per year would be required to warrant a traffic signal based on crash history.

Mr. Eby stated that sight lines at the intersection are problematic. However, the proposed bicycle lane project would eliminate parking on the inbound side of Middle Street. This improvement would provide sight lines for the east leg of Union Street that exceed the minimum requirements. He stated based on an analysis of the data, a traffic signal is not warranted or recommended at the intersection. However, he recommended the implementation of the bicycle lane project, which would improve the intersection.

Harold Whitehouse asked about the bike lane location. Eric Eby confirmed that a designated marked bike lane would extend from Highland Street to Portsmouth High School on Middle Street. Mr. Whitehouse requested the action item be studied again and requested a report back at the next meeting. He stated he would like the parking restriction distance to be greater than the current City Ordinance definition.

Mary Lou McElwain stated that sight lines from many side streets along Middle Street are limited due to vehicles parked on Middle Street, sometimes less than 20 feet from the intersection, and that enforcement should focus on this issue. Eric Eby stated that as part of the bicycle lane project, many of the parking issues would be addressed and project implementation would be in 2017.

Harold Whitehouse motioned to direct staff to report back. Public Works Director Rice seconded and amended the motion to direct staff to research interim measures regarding parking and sight line issues prior to the implementation of the bicycle lane project. **Vote 9-0, staff to research interim measures regarding parking and sight line issues prior to the implementation of the bicycle lane project.**

B. Report back on request for 4-way STOP sign control at Thornton Street and Burkitt Street. Harold Whitehouse stated the Committee conducted a site visit on Tuesday, January 3, 2017. He informed the public that site visits are conducted in order to preview the action item presented at the meeting. He stated all final decisions are made at the Parking and Traffic Safety Committee meetings and not at site visits.

Harold Whitehouse motioned to approve an All-Way STOP at Thornton Street and Burkitt Street intersection. Ted Gray seconded.

Eric Eby informed the Committee of the warrants that justified the All-Way STOP at the intersection. He conducted traffic counts, collected vehicle speed data and measured sight lines at the intersection. The warrants applicable to this intersection are: the volumes were approximately equal on all four legs; both streets have the same characteristics, and sight lines are limited at the intersection. He stated the average speed of traffic on Thornton Street was recorded at 20 mph, but sight lines are inadequate due to the on-street parking.

**Vote 9-0, to approve an All-Way STOP at the intersection of Thornton Street and Burkitt Street.**

C. Report back on request for one-way flow on Meeting House Hill Road. Eric Eby reported that traffic counts were conducted on the street and there were approximately 60 vehicles per day, which is a very low volume of traffic. He stated a majority of the traffic was coming and going to Portsmouth Public Media, which is located in the old South End Meeting House. He stated a majority of the vehicles used the angled parking spaces over the course of a day. Only four of them backed in to the spaces. He recommended that the current two-way traffic flow pattern remain in place due to the low traffic volume and narrow width of the roadway.

Harold Whitehouse motioned that the current two-way traffic flow pattern on Meeting House Hill Road remain in place. Ron Cypher seconded. **Vote 9-0, to maintain the current two-way traffic flow pattern on Meeting House Hill Road.**

D. Report back on request for truck restriction on Greenleaf Avenue between Lafayette Road and Route 1 Bypass. Eric Eby stated the action item was presented by a citizen living on Greenleaf Avenue near Lafayette Road. He conducted traffic counts, collected vehicle speed and classification data. Data revealed that truck traffic volume was about 2 percent of the total traffic. Although it does not represent an unusually high volume, it is significant. He stated with the improved and signalized intersection of Lafayette Road and Route 1 Bypass, all trucks can make all turns at that location, so a truck restriction on Greenleaf Avenue is feasible and recommended.

Eric Eby informed the Committee that the City is also planning to improve and signalize the intersection of Lafayette Road and Andrew Jarvis Drive at the High School entrance. He stated these roadway and intersection improvements would allow traffic to travel to and from Lafayette Road and the High School safely and efficiently without the use of Greenleaf Avenue. Mr. Eby also stated that the Committee should give future consideration to the long-term configuration of Greenleaf Avenue, especially where it intersects with Lafayette Road. He stated with the current and future improvements at nearby intersections, real opportunities exist for making Greenleaf Avenue a much less traveled roadway, more in keeping with its residential character.

Harold Whitehouse asked when the Lafayette Road and Andrew Jarvis Drive project would be constructed. Public Works Director Rice stated easements were being obtained from abutters, and the project design is almost complete. He stated the project is part of the Capital Improvement Plan. Once funding is allocated by the City Council, construction could possibly begin in the summer of 2018.

Mary Lou McElwain stated the intersection of Greenleaf Avenue and Lafayette Road was probably the most dangerous in the City due to trucks turning at the intersection. She asked what truck size would be restricted. Eric Eby stated the City Ordinance prohibits any truck with a box, body, or platform of over 12 feet in length from using the street, if the restriction was approved.

Ted Gray expressed support for the newly improved and signalized intersection of Lafayette Road and Route 1 Bypass.

Ted Gray motioned to restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass. Deputy City Manager, Nancy Colbert Puff, seconded.

Deputy Fire Chief Heinz commented that the Fire Department uses Greenleaf Avenue regularly and requested to be involved in all future discussions regarding the roadway.

**Vote 9-0, to restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass.**



IX. PUBLIC COMMENT:

Rick Becksted asked if there would be a time limit on the use of bike lanes on Middle Street. He expressed concern for residential parking and would like the bike lanes to have designated hours of use.

Rick Chellman, resident, licensed traffic engineer and author, presented to the Committee on new parking patterns, urban street design, and traffic calming elements in the downtown. He provided specific examples where pavement restriping could create additional parking. He stated if travel space was changed to parking space, the effect would have a traffic calming measure.

Deputy Fire Chief Heinz thanked Mr. Chellman for the presentation and mentioned the items they have been able to agree upon regarding this topic. He specifically asked if it is unreasonable to expect fire trucks to be able to travel on all city streets all the time. Mr. Chellman stated that it is not necessarily appropriate for fire trucks to be able to gain access to all roadways all the time. Deputy Fire Chief Heinz and Mr. Chellman discussed State Street. Fire trucks cannot gain access to an event due to traffic congestion caused by the vertical lift on the Memorial Bridge.

Mary Lou McElwain asked about the process when a presentation is made during public comment. Chairman Lown stated he asked Mr. Chellman to present during public comment and asked if a member would like to make a motion for staff to report back on Mr. Chellman's ideas and recommendations.

Shari Donnermeyer motioned to have staff report back on recommendations presented by Mr. Chellman. Ted Gray seconded.

Harold Whitehouse expressed concern for safety and supported Deputy Fire Chief Heinz comments. Public Works Director Rice stated that several of the proposals presented were previously discussed. They were determined to be not viable. However, he stated some do have merit and would be revisited when staff time allows. He complimented Eric Eby, Parking and Transportation Engineer, for his excellent work on meeting Committee deadlines. He reminded the Committee that Mr. Eby has additional responsibilities beyond supporting PTS and that it may take longer than a month to complete the evaluations.

**Voted 9-0, staff to report back on recommendations presented by Mr. Chellman at a later date.**

Wes Tator asked Eric Eby the cost of a traffic signal. Eric Eby stated it would cost approximately \$250,000. Mr. Tator asked why PTS meetings are held in the early morning. Chairman Lown stated it has historically been held at 8:00 AM. Mr. Tator suggested staff meet with residents regarding issue items before distributing a recommendation. He requested a plan be developed regarding Mr. Chellman's ideas and allow public comment.

X. MISCELLANEOUS:

Quarterly Accident Report for 09/28/2016 to 12/28/2016.

Police Captain Warchol provided an overview of the report and reported that the number of accidents was relatively low based on the volume of vehicle traffic in the downtown.

Public Works Director Rice addressed Mr. Tator's comment about providing public comment opportunities, addressing Mr. Chellman's recommendations. Mr. Rice stated meetings and forums were held regarding Mr. Chellman's recommendations. Committee votes are made not to pursue some of them because of concerns relative to the Fire Department.

Harold Whitehouse requested Chairman Lown, in his report to the City Council, discuss a policy regarding reflective gear for pedestrians. Mr. Whitehouse recommended the policy include a requirement that reflective gear be worn by runners or pedestrians outside the Central Business District after sunset.

XI. ADJOURNMENT – At 9:15 a.m., **voted** to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary of the Committee