

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 3, 2017 TIME: 6:30PM

AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NUISANCE COMPLAINT – RSA 91-A:2 I (b)

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

PRESENTATIONS

1. Portsmouth High School Boys Basketball State Champions
2. Poet Laureate
3. One Sky Community Services – Chris Muns, CEO
4. Update on New Website and Rollout of Viewpoint Re: Permits
5. Update on Revaluation

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

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 3, ARTICLE II, SECTION 3.208 – REGULATION OF SINGLE-USE CARRYOUT PLASTIC BAGS
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.704 AND 7.705 TO CLARIFY THE PROHIBITION OF TRUCK TRAFFIC ON BANFIELD ROAD
- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (5,000,000.00) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.208 - Regulation of Single Use Carryout Plastic Bags
- B. Second reading of Proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road
- C. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements *(two-thirds vote required for passage by roll call)*

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Caroline Amport Piper, Friends of the South End requesting permission to hold the annual Fairy House Tour event on Saturday, September 23, 2017 and Sunday, September 24, 2017 from 11:00 a.m. to 3:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- B. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313 requesting permission to hold two boot drives, the first on Saturday, July 8th, and the second on Saturday, August 19th **(Anticipated action – move to refer to the City Manager with power)**
- C. Approval of Pole License Requests:
- License Agreement #63-0634 – Sagamore Road 1 new pole
 - License Agreement #63-0639 – Broad Street 1 new pole
 - License Agreement #63-0644 – Marsh Lane 1 new pole
 - License Agreement #63-0622 – Borthwick Avenue 1 new pole
 - License Agreement #63-0637 – Robert Avenue 1 new pole
 - License Agreement #63-0641 – Maplewood Avenue 1 new pole
 - License Agreement #63-0645 – Spinney Road 1 new pole
 - License Agreement #63-0624 – Central Avenue 1 new pole
 - License Agreement #63-0631 – McKinley Road 1 new pole
 - License Agreement #63-0633 – Sagamore Road 1 new pole
 - License Agreement #63-0632 – Hampshire Road 1 new pole
- (Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold the annual 5K Race on April 8th at 8:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Sister Mary Agnes, St. Charles Children's Home requesting permission to hold the St. Charles 5K Road Race on September 4, 2017 at 9:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- F. Letter from Richard Mason, Seacoast Veterans Count requesting permission to hold the Pack & Boots 5K Road Race on July 4, 2017 at 8:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- G. Letter from Jenelle Dolan, March of Dimes New Hampshire requesting permission to hold the 2017 Seacoast March for Babies on June 17, 2017 **(Anticipated action – move to refer to the City Manager with power)**

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Stephen & Gina Kennedy Re: Food Truck Pilot Program **(Sample motion – move to refer to the Parking & Traffic Safety Committee)**
- B. Letter from Lorena Arnold regarding the Single-Use Plastic Bag Issue

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. New Street Name – “Foundry Place”
2. Request to Transfer Funds Re: 400th Anniversary Trust
3. Request for First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosures
4. Proposed amendment to the City Ordinances, Chapter 10 – Zoning Ordinance, Article 5A – Character-Based Zoning, Section 10.5A46 – Incentive Overlay Districts, to allow excess community space provided by a development to be credited for use in another development in the same Incentive Overlay District
5. Applications for Sidewalk Cafes providing Alcohol Service
 - State Street Saloon
 - Popovers
 - Ri Ra Irish Pub
 - The District
 - Fezziwig's Food & Fountain
6. Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk
 - British Beer Company
 - The BRGR Bar
 - Row 34
7. Draft Complete Street Demonstration Project Policy (Tactical Urbanism Policy)

Informational items

1. Events Listing
2. Report Back Re: Borthwick Forest
3. Household Hazardous Waste Day
4. Downtown Business District Commercial and Residential Collection
5. Backyard Compost Bin Program

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Reappointment of Adrienne Harrison to the Conservation Commission
 - Reappointment of Kate Zamarchi to the Conservation Commission
 - Reappointment of Rick Becksted to the Recreation Board
 - Reappointment of Jacqueline Cali-Pitts to the Recreation Board
 - Reappointment of Lisa Louttit to the Recreation Board

2. *Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization

I propose the Council endorse the formation of a five-member Committee to explore the reuse and revitalization opportunities associated with the City's properties noted above.

Proposed Membership:

2 City Councilors

1 Planning Board Member

1 Historic District Commission Member

1 Economic Development Commission Member

1 Ex-officio Member with Appointment by City Manager for Staff Liaison

The Mayor recommends the Committee's charge be to develop options for future use of City-owned property in these area and report back to the City Council with strategic recommendations as to how the City can best use its property in service of the community. Topics to be covered should address land use, urban design, public infrastructure, and timing. The Committee should make semi-annual reports to the Council until it has reached completion of its charge.

C. ASSISTANT MAYOR SPLAINE

1. Welcoming Cities Resolution

D. COUNCILOR SPEAR

1. *Surface Parking (***Sample motion – move to adopt this policy: The city will seek to eliminate the parking lots on Parrott/Pleasant, Bridge Street, Daniel/State, and the Worth lot, with no net loss of downtown parking, each to be replaced with ideas generated through a community dialogue process***)

E. COUNCILOR DENTON

1. Resolution and Energize 360 Seacoast NH Presentation

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

(There are no items on for this Section of the Agenda)

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



755 Banfield Road Portsmouth, NH 03801 603-436-6111 www.oneskyservices.org

received
1/13/17

January 9, 2017

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

Dear Mayor Blalock:

One Sky Community Services has been bringing valuable assistance and support to those with developmental disabilities and acquired brain disorders for over 33 years. A private 5013C nonprofit organization, we offer a comprehensive array of support services and life-enhancing activities throughout 24 communities on the Seacoast, including Portsmouth. Our sole mission is to enable infants, children, adults, and seniors to grow and enhance their abilities to live as independently as possible, as valued and fully participating members in their community of choice. One Sky facilitates planning, funding, and oversight with available community-based services to help clients expand their opportunities and attain their life goals.

Since its inception, One Sky has already served between 3,000 – 4,000 clients: a huge percentage of that number for the major portion of their lifespan. One Sky works with nearly 1,000 individuals on a yearly basis. At the present time, we are serving 171 families who live in Portsmouth.

It is very important to One Sky to continue to make a concerted effort to reach out to all the communities it serves through the various outlets available to us, to ensure that the people who live in these communities have a better appreciation of what we do and who we serve. One of those avenues is meeting with each of the 24 towns' Board of Selectmen/City Council.

It is my hope that your Council will allow us to be put on your agenda in the very near future so that we may have the opportunity to make a presentation to you and your fellow members of the Council who represent the residents of Portsmouth. Your understanding and awareness could foster invaluable support and guidance through the City's Health and Education Departments.

Thank you so much for your kind consideration of this request. You can contact Billie Tooley, our Director of Development and Outreach to set up a date and time at 603-436-6111 x.115 (b.tooley@oneskyservices.org). Should you have any further questions, please do not hesitate to call me at any time (603-436-6111 x.103).

Sincerely



Chris Muns
CEO


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: March 28, 2017

TO: JOHN BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY AND
JANE FERRINI, ASSISTANT CITY ATTORNEY 

RE: AMENDMENTS TO PLASTIC BAGS ORDINANCE

In the event the City Council wishes to proceed with the Plastic Bag Ordinance, we recommend the following amendments be made at second reading to the version written by the Surfrider Foundation which went to first reading for the reasons set forth below:

- A. Councilor Dwyer expressed concern over the use of the term "Single Use Carry Out Plastic Bags" because public testimony indicated that there are multiple uses for Carry Out Plastic Bags. The term would be amended in the ordinance to "Carry Out Plastic Bags".
- B. Several Councilors noted that the original definition of Retail Establishment by size was unnecessary because it encompassed all Retail Establishments in the City and the ordinance would be so amended.
- C. Language was added to the preamble and ordinance to identify Carry Out Plastic Bags as a source of solid waste to reflect the language in RSA 149-M and the legal opinion provided by the McLane Law Firm.
- D. The ordinance has been amended to use terms defined by the Surfrider Foundation throughout.

In the event the Council proceeds with the Plastic Bag Ordinance at second reading, we recommend the following Motion be adopted:

Proposed Motion: Move to accept all the amendments to the Plastic Bag Ordinance as set forth in the Memorandum from the Legal Department to the City Manager dated March 28, 2017.


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: March 15, 2017

TO: MAYOR BLALOCK AND CITY COUNCIL MEMBERS

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY AND JANE FERRINI, ASSISTANT CITY ATTORNEY 

RE: HOUSE VOTE ON HB 481, RELATIVE TO THE USE OF SMALL CAPACITY, LIGHTWEIGHT PLASTIC BAGS BY RETAILERS

The City Manager has asked that the City Council be updated on the status of HB 481. The bill, which would give municipalities the authority to prohibit the use of small capacity lightweight plastic bags, was before the House Municipal and County Government Committee. The Committee voted the bill Inexpedient to Legislate by a vote of 14-6. The House Municipal and County Government Committee Report stated the following:

Rep. Franklin Sterling for the **Majority** of Municipal and County Government. This bill would give the authority to municipalities to prohibit the use of certain plastic bags within their community. The effect of such legislation is not clear, and potential environmental and economic impacts require further study. The majority of the committee believes that this cure might be more detrimental than the problem, and that the bill should not go forward, **as towns are not now empowered to adopt such a sweeping environmental and economical change. Vote 14-6.** Rep. Clyde Carson for the **Minority** of Municipal and County Government. This bill enables towns to regulate the distribution of certain plastic bags. The minority on the committee believes that towns should be able to adopt ordinances to minimize the impact on the environment from plastic bags in their communities.

The bill went to the House Floor for a vote on March 9, 2017 and was voted Inexpedient to Legislative by a vote of 189 to 147.

This vote is the most recent issue for the Council to consider when it deliberates on whether to bring forward an ordinance that bans plastic bags. By way of background, the first time the Council was asked to consider an ordinance to ban plastic bags, the Legal Department rendered a legal opinion that there was no enabling legislation to support the City enacting such an ordinance. The Legal Department then received a

legal opinion from Michael Quinn from the McLane Firm that opined the City had the authority to adopt a plastic bag ordinance under the purview of solid waste regulation (RSA 149-M) but this legal opinion did not specifically address the issue of enabling legislation. Because of these different legal opinions, the City forwarded its opinion along with Attorney Quinn's opinion to the New Hampshire Municipal Association (NHMA) and asked whether the NHMA had any position on the issue. The NHMA provided its legal analysis, and concluded that although the City:

...might have the authority to adopt the plastic bag ordinance under the purview of solid waste regulation, without a clear source of enabling legislation, we are inclined to conclude that it is more likely the city does not have that authority. Because New Hampshire is not a home rule state, without clear enabling legislation, we err on the conservative side to protect the city against potential litigation or other backlash that may result from potentially ultra vires legislation.

The City then held off moving forward on bring forward an ordinance on banning plastic bags because a Senate bill was introduced in 2016 that would permit towns to regulate plastic bags. Unfortunately that Senate bill was defeated in 2016. The Council then instructed the Legal Department to reach out to the New Hampshire Department of Environmental Services (DES) and the Waste Management Division to ask whether the State believed that City could regulate plastic bags through the solid waste ordinance (RSA 149-M). DES replied that it did "not take a position on this matter" and that "it does not have the legal authority to offer an opinion of the type that you have requested" To eliminate any uncertainty, the Legal Department then discussed with the Attorney General the possibility of filing a declaratory judgement action to determine definitively whether the City had the legal authority to adopt a ban on plastic bags. The State was asked to act as a defendant in the case to seek a judicial resolution of the issue. The State declined.

Due to the fact that there was a difference of opinion on whether enabling legislation exists, and further because there were no legal challenges or clear legislative history from the defeat of the Senate bill in 2016 that the Legal Department could reference to support its opinion, the Legal Department supported the most recent request to bring forward an ordinance to ban plastic bags. However, in light of the recent vote by the House that HB 481 was Inexpedient to Legislate based on the Committee Report that concluded towns "are not now empowered to adopt" legislation, it now appears that the Legal Department's original opinion that no enabling legislation currently exists to ban plastic bags is accurate. As in all questions of statutory interpretation, the issue was to determine the intent of the Legislature. That intent now seems clear.

Therefore, the Legal Department advises that any ordinance to ban plastic bags be postponed indefinitely awaiting further developments in the Legislature.

cc: Michael Quinn, Esquire

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 3, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 3, Article II, Section 3.208 – Regulation of Single Use Carryout Plastic Bags. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

17AC0270158

ORDINANCE#
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth are hereby amended, by the addition of a new section entitled Chapter 3, Article II, Section 3.208 - **REGULATION OF SINGLE USE CARRYOUT PLASTIC BAGS** which shall read in pertinent part as follows (subsequent to preamble):

PREAMBLE *(Not Part of Ordinance.)*

WHEREAS, a countless amount of single-use carryout plastic bags are distributed by retail establishments in the City each year; and

WHEREAS, most of these single-use carryout bags are made from plastic or other material that does not readily decompose; and

WHEREAS, this ordinance requires stores that decide to make recycled paper carryout bags available to their customers to pass-through the reasonable cost of providing these bags; and

WHEREAS, a minimum cost pass through of \$0.10 per paper bag would cover the reasonable cost to a store of providing the paper bags to its customers; and

WHEREAS, the proceeds from the collection of the paper bag pass-through would be retained by the retailer and this ordinance does not specify how the retailers must expend the monies collected; and

WHEREAS, customers can avoid this cost pass-through by using reusable bags; and

WHEREAS, no portion of the cost pass-through will be provided to the City and consequently, the City will not receive any revenues from the retailers' collection of the paper bag cost pass-through; and

WHEREAS, therefore, the cost pass-through is not a tax or fee to the City; and

WHEREAS, a paper bag cost pass-through is an essential element of the proposed ordinance as it is intended to provide a disincentive to customers to request paper bags

when shopping at regulated stores and to promote a shift towards the use of reusable bags by City consumers; and

WHEREAS, there are several alternatives to single-use carryout plastic bags readily available in the City, including reusable bags produced from sustainable materials; and

WHEREAS, it is the City's desire to lead by example and whenever possible to conserve resources, reduce the amount of greenhouse gas emissions and solid waste, and to protect the public health and welfare including local wildlife, all of which increase the quality of life for the City's residents and visitors.

CHAPTER 3, ARTICLE II, SECTION 3.208 REGULATION OF SINGLE USE CARRYOUT PLASTIC BAGS

A FINDINGS AND PURPOSE

1. The City Council finds and determines that the City is committed to protecting the public health, safety, welfare, and environment, and that in order to meet these goals, it is necessary for the City to promote the public purposes served by this Chapter and adopt the following regulations pursuant to these findings.
2. The City finds that ordinances limiting the use of Single-use Carryout Plastic Bags have been proven to reduce the amount of pollution and improve quality of life for its citizens.
3. The City finds that, except in unusual circumstances, it is feasible and reasonable for parties who provide Single-use Carryout Plastic Bags to easily transition to paper bags and move to a model that charges for paper bag use by consumers.
4. The City recognizes that plastic bags are a public nuisance and affect public health and impact tourism and quality of life to both residents and visitors in the City.

B DEFINITIONS

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section only:

“Customer” means any Person obtaining goods from a Store.

“Nonprofit Charitable Reuser” means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

“Operator” means the person in control of, or having the responsibility for, the operation of a Store, which may include, but not be limited to, the owner of the Store.

“Paper Bag Cost Pass-Through” means the cost which must be collected by retailers from their Customers when providing a Recycled Paper Bag.

“Person” means any natural person, firm, corporation, partnership, or other organization or group however organized.

“Pharmacy” means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold.

“Prepared Food” means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

“Produce Bag” or “Product Bag” means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

“Public Eating Establishments” means a restaurant or take-out food establishment.

“Recycled Paper Bag” means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the word “Recyclable,” the name and location of the manufacturer, and the percentage of post-consumer recycled content. The Recycled Paper Bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004.

“Retail Establishment” means any commercial establishment that sells perishable and nonperishable goods including but not limited to, clothing, food, and personal items directly to the Customer and is located within or doing business within the City. Retail Establishments do not include Public Eating Establishments or Nonprofit Charitable Reusers.

“Reusable Bag” means a bag that has handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

1. Is machine washable or is made of material that can be cleaned or disinfected;
2. Has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet;
3. If made of a plastic, it must be at least two and one-quarter (2.25) mil thick; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags.

“Single-Use Carryout Plastic Bag” means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.

Single-Use Carryout Plastic Bags do not include bags without handles provided to the Customer:

1. To transport produce, bulk food, or meat from a produce, bulk food, or meat department within a Store to the point of sale; or
2. To hold prescription medication dispensed from a Pharmacy; or
3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

“Store” means any of the following Retail Establishments located within the City:

1. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items; or
2. A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to clothing, food, or personal items; or
3. A drug store, Pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods; or
4. A store of less than 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items.

C PROHIBITED CARRYOUT BAGS

1. No Store, to include grocery store or Pharmacy, shall provide a Single-Use Carryout Plastic Bag to a Customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this ordinance.

2. No Person shall distribute a Single-Use Carryout Plastic Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise provided in this Section.

D PERMITTED CARRYOUT BAGS

1. Stores are allowed to distribute only Recycled Paper Bags or Reusable Bags to Customers for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter.
2. A Customer shall be charged a minimum of ten cents (\$.10) for each Recycled Paper Bag provided by the Store (the Paper Bag Cost Pass-Through). The sale of each bag shall be separately itemized on the sale receipt.
3. All Stores must keep records of the total number of Recycled Paper Bags provided, the total amount of monies collected for providing Recycled Paper Bags, and a summary of any efforts the Store has undertaken to promote the use of Reusable Bags by Customers in the prior calendar year. Such records must be made available for the City Manager, or his/her designee, to review within a reasonable period of time upon request. These records may be kept at the retailer's corporate office.
4. Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the Store.

E EXEMPTIONS

1. A Store may provide a Customer participating in *Special Supplement Nutrition Program for Women, Infants, and Children (WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with one (1) or more Recycled Paper Bags or Reusable Bags at no cost.
2. Single-use Carryout Plastic Bags may be distributed to Customers by food providers for the purpose of safeguarding health and safety during the transportation of Prepared Foods, including take-out foods and liquids intended for consumption away from the food provider's premises.

F PENALTIES AND ENFORCEMENT

1. If the Public Works Director, or his/her designee determine that a violation of this Chapter has occurred, he/she will issue a written warning notice to the Operator of a Store and the potential penalties that will apply for future violations
2. Upon a second or subsequent infraction of this ordinance, the person in violation shall be subject to a fine of \$100 per occurrence upon conviction.
3. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this ordinance.

G SEVERABILITY

In the event that any portion of this ordinance is found to be unenforceable for any reason, the remaining provisions shall remain in full force and effect.

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 on the anniversary date 12 months after passage of third reading.

APPROVED

Mayor Jack Blalock

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

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City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VII – TRUCK AND BUS TRAVEL 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 VII: TRUCK AND BUS TRAVEL

Section 7.701: PROHIBITED ON CERTAIN STREETS

Notwithstanding any other provision of this ordinance, no tractor – trailer truck may travel on the following streets at any time for any reason.

1. Maplewood Avenue from Central Avenue to Woodbury Avenue
2. Woodbury Avenue from Dennett Street to Bartlett Street.

Section 7.702: TRUCK TRAFFIC PROHIBITED

It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.704 of this Article.

1. Adams Avenue
2. Banfield Road
3. Broad Street (between South Street and Jones Avenue).
4. Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
5. Cate Street
6. Chestnut Street (from Congress Street to Porter Street)
7. Circuit Road
8. Cleveland Drive
9. Coolidge Drive
10. Dennett Street (Between Bartlett Avenue to Maplewood Avenue)
11. Dwight Avenue
12. Echo Avenue
13. Edgewood Road
14. Farm Lane
15. Fillmore Road
16. F.W. Hartford Drive
17. Garfield Road
18. Granite Street
19. Grant Avenue
20. Greenleaf Avenue (between Peverly Hill Road and the Rt. 1 Bypass)
21. Harding Road
22. Hayes Place

23. Hoover Drive
24. Mangrove Street
25. Maplewood Avenue (from Central Avenue to Woodbury Avenue)
26. McKinley Road
27. Myrtle Avenue (between Dennett St. and the Maine/New Hampshire Interstate so-called)
28. Nixon Park
29. Pickering Street
30. Polk Avenue
31. Profile Avenue
32. Ranger Way
33. Rockhill Avenue
34. Sherburne Road
35. Taft Road
36. Taylor Lane
37. Thornton Street (between Woodbury Avenue and Bartlett Street)
38. T.J. Gamester Avenue
39. Truman Place
40. Van Buren Avenue
41. Wilson Road
42. Woodbury Avenue, between Market Street and Bartlett Street

Section 7.03 BUS TRAFFIC PROHIBITED ON CERTAIN STREETS

Notwithstanding any other provision of this ordinance, no bus may travel on the following streets at any time for any reason.

1. Ceres Street (all public sections).

Section 7.704: ~~LOCAL DELIVERY ROUTES—EXCEPTIONS TO PROHIBITION OF TRUCK TRAFFIC~~

~~A.—The following streets are designated to serve as local delivery routes. Their status is determined based upon: 1) their intersection with a through truck route, 2) their importance in ensuring residential deliveries, 3) their importance in ensuring deliveries to business or industrial uses where no other access is practical.~~

~~Heritage Avenue in its entirety;~~

~~Constitution Avenue in its entirety;~~

~~Banfield Road from intersection of Heritage Avenue to intersection of Peverly Hill Road;~~

~~Peverly Hill Road in its entirety;~~

~~Route 33 at the intersection of Route 33 and Borthwick Ave/Greenland Rd to South St to Lafayette Road;~~

~~South Street from Lafayette Road to Sagamore Avenue;~~

~~Sagamore Avenue from intersection of South Street to City line with Rye;
Wentworth Road in its entirety;~~

~~Lafayette Road from intersection with US Route 1 and US Route 1 ByPass to
Middle St;~~

~~Woodbury Avenue from intersection US I-95 off ramp to intersection with Dennett
St.;~~

~~Dennett Street from Woodbury Avenue to intersection of Bartlett Street;~~

~~Bartlett Street to Islington Street;~~

~~Islington Street in its entirety;~~

~~Daniel Street in its entirety;~~

~~Congress Street in its entirety;~~

~~State Street from intersection of Middle Street to Memorial Bridge;~~

~~Marcy Street in its entirety;~~

~~New Castle Avenue in its entirety;~~

~~Market Street from intersection of Russell Street to Hanover Street;~~

~~Hanover Street from Market Street to Maplewood Avenue;~~

~~Deer Street from Maplewood Avenue to Market Street; and,~~

~~Russell Street in its entirety.~~

The following are exceptions to the prohibition against truck traffic on the streets set forth in Section 7.702:

- A. The operation of trucks upon any street where necessary to the conduct of business at the destination point accessible only through use of streets where truck traffic is prohibited as set forth in Section 7.702.**
- B. Emergency vehicles: The operation of emergency vehicles upon any street in the City.**
- C. Public Utilities, Etc.: The operation of trucks owned or operated by the City, Public Utilities, any contractors, subcontractors or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.**

D. Residential Home Delivery Vehicles: The operation of delivery trucks actually engaged in making residential deliveries.

Section 7.705: ENFORCEMENT

The ~~City Manager~~ **Public Works Department** shall cause those streets which are listed in 7.702 to be posted to give notice that this Ordinance is in effect. Where applicable, the ~~City Manager~~ **Public Works Department** shall coordinate sign posting with the New Hampshire Department of Transportation.

The Chief of Police shall cause enforcement of this Ordinance to occur through local, county and state law enforcement sources.

~~A plan of through truck routes and local delivery routes shall be kept on file at the City Clerk's Office and the Portsmouth Police Department.~~

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:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

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

DATE: February 28, 2017

SUBJECT: Truck Prohibition Ordinance Revision

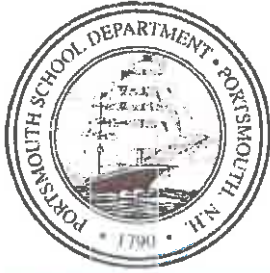
In May 2015, residents of Banfield Road brought to the Parking and Traffic Safety Committee their concerns about the volume of truck traffic on their roadway and truck restriction signs that had gone missing. In the summer of 2015, DPW staff installed Truck Restriction signs in conformance with the current ordinances. After the installation of the signs, another Banfield Road resident and business owner has repeatedly voiced concern that the signs are not in compliance with the intent of the truck restriction ordinance. At their July 7, 2016 meeting, the PTS Committee voted to have City staff review the history and intent of the truck restriction ordinance and report back on recommended changes to the ordinance to clarify where and when trucks are excluded. City staff has worked with the City Clerk as well as the City Attorney to research and understand the history and intent of past changes to the ordinance. The last major changes to the truck restriction ordinances took place in December 1996. Prior to December 1996, trucks were prohibited from the entire length of Banfield Road subject to four exceptions. Trucks were also prohibited from Peverly Hill Road unless starting or ending on Peverly Hill Road, Banfield Road or Greenleaf Avenue.

In December 1996, several sections of the truck restriction ordinance were replaced in their entirety with new sections that designated certain streets as through truck routes, which allowed trucks at all times under all conditions; and a list of streets that allowed trucks only for limited use or local deliveries. Limited use was defined as the four exceptions previously listed in the old ordinance. Local deliveries were defined as a trip that began and ended somewhere in the City. With these changes, Banfield Road was listed as a local delivery route and Peverly Hill Road was included as a through truck route.

In February 1997, the City Council voted to restore the deleted sections of the ordinance, but to delete from those sections any reference to Peverly Hill Road. This change also reinstated the truck prohibition for the entire length of Banfield Road. However, when the old ordinance sections were restored, the old section listing the four exceptions was not restored, and the new section listing the limited use exceptions was deleted. In addition, the new list of local delivery routes was **not** deleted but the definition of a local delivery **was** deleted. The only exceptions in the current

ordinance are for local delivery routes, but the definition of a local delivery is not included. Therefore, as currently written, Banfield Road is listed twice, once as prohibiting all trucks and again as allowing trucks for local deliveries.

To remedy this confusing situation, City staff recommends that the current Section 7.704 Local Delivery Routes be deleted, and the old Section 7.703 Exceptions be restored. This will clarify which streets are prohibited to trucks, and the exceptions that are allowed. This would have the effect of prohibiting trucks on the entire length of Banfield Road subject to the four exceptions previously mentioned. No other streets would be affected, as no other street in the local delivery route listing is also listed in the prohibited street listing.



PORTSMOUTH SCHOOL DEPARTMENT

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC
SUPERINTENDENT OF SCHOOLS

GEORGE SHEA
ASSISTANT SUPERINTENDENT

STEPHEN T. BARTLETT
BUSINESS ADMINISTRATOR

MAR 13 2017

March 13, 2017

Portsmouth City Hall
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Attention: Mr. John P. Bohenko, City Manager

Subject: Elementary School Upgrades

Dear John,

The Portsmouth School Board's Elementary Facilities Committee has reviewed the plans and scope for Phase 1 of the facility improvements at Dondero School scheduled to begin this summer. These plans include asbestos removal, sprinkler system installation, energy efficiency upgrades, and other system upgrades and classroom improvements. Much like the work at Little Harbour School, this renovation will take place in two phases, primarily during the summer of 2017 and the summer of 2018.

The School Board is requesting approval from the City Council for the \$5,000,000 scheduled for FY 18 in the Capital Improvement Plan. I would be happy to provide any other information necessary to complete this request. We thank you and the City Council, in advance, for your support of this capital project.

Sincerely,

Stephen Zdravec, Superintendent

Cc: Ms. Judie Belanger, Finance Director
Mr. Stephen Bartlett, Business Administrator

"THE PURPOSE OF THE PORTSMOUTH SCHOOLS IS TO EDUCATE ALL STUDENTS BY CHALLENGING THEM TO BECOME THINKING, RESPONSIBLE, CONTRIBUTING CITIZENS WHO CONTINUE TO LEARN THROUGHOUT THEIR LIVES."

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 3, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 3, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

REC-2/0167

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

RESOLUTION # – 2017

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to **Five Million Dollars (\$5,000,000)** is appropriated for Elementary School Facility Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Five Million Dollars (\$5,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

THAT, this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

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

March 19, 2017

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



Dear John,

On behalf of the Friends of the South End and the annual Fairy House Tour event, I am seeking the City's permission to host this event on Saturday, Sept. 23, 2017 and Sunday, Sept. 24, 2017 from 11:00-3:00 pm both days, as well as to help clear the area from conflicting events.

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

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

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

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

Caroline Amport Piper
2017 Event Coordinator
caroline@canoeharbor.com
(603) 686-4338

Cc: David Moore, Assistant City Manager
Esther Kennedy, FOSE Co-President
Mary Thomas, FOSE Co-President



PORTSMOUTH PROFESSIONAL FIRE FIGHTERS

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1313

P.O. BOX 207 • PORTSMOUTH, NH 03802-0207

TEL: 603-427-1515

portcityfire.com

received
3/22/17

March 12, 2017

Mayor Jack Blalock and City Council
Portsmouth City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Honorable Mayor Blalock and members of the City Council:

The International Association of Firefighters (IAFF) is the largest contributor to the Muscular Dystrophy Association (MDA) nationwide. The Portsmouth Professional Firefighters Local 1313 membership are proud members of the IAFF and have annually supported the MDA with their fundraising efforts for many years. Last year the members of Local 1313 raised over \$9,000 through our Fill-the-Boot campaign.

The Fill-the-Boot Drive is a voluntary "toll booth", which has been traditionally located at Market Square. During the event, firefighters collect donations for the MDA from passing motorists and pedestrians. Our Fill-the-Boot campaign has been so successful in the past because of the support of the City Council.

Once again, we are asking for the City Council to support our efforts in assisting the MDA. We respectfully request permission to hold two boot drives this year, the first on Saturday, July 8th, and the second on Saturday, August 19th. We would collect donations between the hours of 8am to 4 pm. We would like to continue to utilize the Market Square location as it has been very successful for us in the past.

The Portsmouth Professional Firefighters began its fundraising efforts for MDA over 15 years ago. Each year the money collected has benefited afflicted children from Portsmouth, the surrounding seacoast, and across the State of New Hampshire. This year our goal is to raise \$10,000 for this worthy cause, and with the City Council's support we believe we can achieve this.

The Portsmouth Professional Firefighters look forward to working with you on this, and would like to thank you for your continued support in our efforts to help the MDA. If there are any questions or concerns, please feel free to contact Firefighter Jim O'Brien at 603-380-5343.

Sincerely,

Allan Scholtz, Secretary
Portsmouth Professional Firefighters Local 1313

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0634

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0634.

This request is to license one (1) new pole on Sagamore Road in front of Sagamore Court Apartments.

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

October 20, 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 three copies of PSNH Petition and Pole License number 63-0634 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

October 11, 2016

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 136/28 located on Sagamore Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Jane Mellan

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 11st day of October, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0634, dated 1/14/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the City 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:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0639

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0639.

This request is to license one (1) new pole on Broad Street in front of #124.

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

142

October 26, 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 63-0639 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

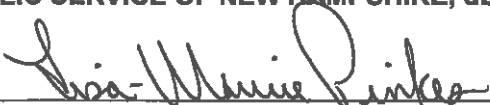
October 26, 2016

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), 94/8 on Broad 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 26th day of October, 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. 63-0639, dated 1/12/2016, 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:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0644

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0644.

This request is to license one (1) new pole on the west side of Marsh Lane, approximately 90 feet from Maplewood Avenue.

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.

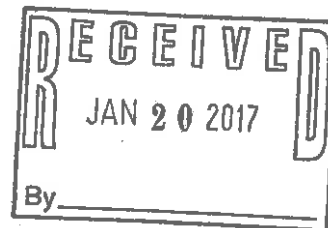
Attached is a picture of this pole. Please call with any questions you may have.

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

A handwritten signature in blue ink, appearing to be "RFR", is located to the right of the cc list.

January 17, 2017

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 63-0644 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

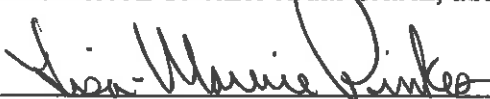
January 17, 2017

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), 641/2 on Marsh Lane 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 17th day of January, 2017, 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. 63-0644, dated 1/12/2017, 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 01/12/2017

MUNICIPALITY: Portsmouth

STREET / ROAD: Marsh Lane

PSNH OFFICE: Portsmouth

PSNH ENGINEER: Nick Kosko

TELCO ENGINEER: _____

LICENSE NO. 63-0644

STATE HWY. DIV. NO. 6

STATE LICENSE NO. _____

WORK REQUEST# 2695577

WORK FINANCIAL # 9P620159

TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL		REMOVE		REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL			POLE	PB										
<u>641</u> 2		50-2	LTS											Inst LTS Pole 43.08024, -70.76679 Remove Steel Pole	M
<u>641</u> 1		50-2	LTS									45	To	Inst new LTS riser pole 641/2 43.08035, -70.76663	R
<u>6412</u> 1		50-2	LTS									18	To	Inst new LTS pole 641/1 43.08037, -70.76659	R
<u>642</u> 1												18	To	Ref Pole 6412/1	R

ADDENDUM PER RSA 231:163

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

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

Approved by City Council:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0622

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0622.

This request is to license one (1) new pole on the north side of Borthwick Avenue, near the electric substation.

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

A handwritten signature in blue ink, likely belonging to Peter Rice, P.E., is located to the right of the cc list.

October 5, 2016

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

OCT 18 2016

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 three copies of PSNH Petition and Pole License number 63-0622 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 EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 3101X1/1Y located on Borthwick Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Jane Miller

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 19th day of September, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0622, dated 9/19/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town Clerk

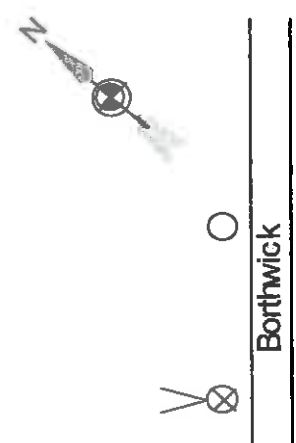
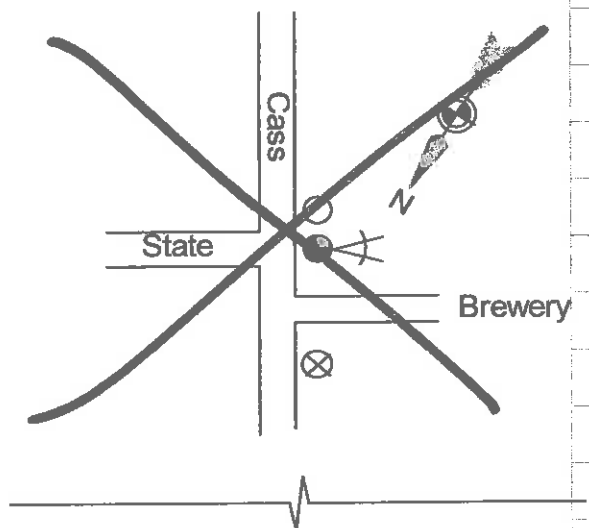
POLE LOCATION PLAN

EVERSOURCE and

Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE

DATE	<u>09/19/2016</u>	LICENSE NO.	<u>63-0622</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Borthwick Avenue</u>	STATE LICENSE NO.	
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2640070</u>
PSNH ENGINEER:	<u>Nick Kosko</u>	WORK FINANCIAL #	<u>9P521011</u>
TELCO ENGINEER:	<u>Kevin Mackenzie</u>	TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE	REMOVE PB	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL												
<u>100</u> 6	<u>102</u> 10	45-2 35-4	JO									Inst/Rmv JO pole 43.070511, -70.768617 <i>Lic. #1106</i>	M
<u>100</u> 5												Ref pole	M
<u>3101X1</u> 1Y	<u>7809</u> 2.5	45-2	JO									Inst new JO pole 43.0661, 70.7855	M
<u>3101X1</u> 1	<u>7809</u> 2											Ref 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:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0637

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0637.

This request is to license one (1) new pole on Robert Avenue across from Ricci Avenue.

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

A handwritten signature in blue ink, appearing to be "PR", is located to the right of the cc list.

November 4, 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 three copies of PSNH Petition and Pole License number 63-0637 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

October 25, 2016

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 309/2 located on Robert Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Jane Melita

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 25th day of October, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0637, dated 10/25/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town Clerk

POLE LOCATION PLAN

EVERSOURCE and

Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE

DATE 10/25/2016

MUNICIPALITY: Portsmouth

STREET / ROAD: Robert Avenue

PSNH OFFICE: Portsmouth

PSNH ENGINEER: Mary Jo Hanson

TELCO ENGINEER: Joe Considine

LICENSE NO. 63-0637

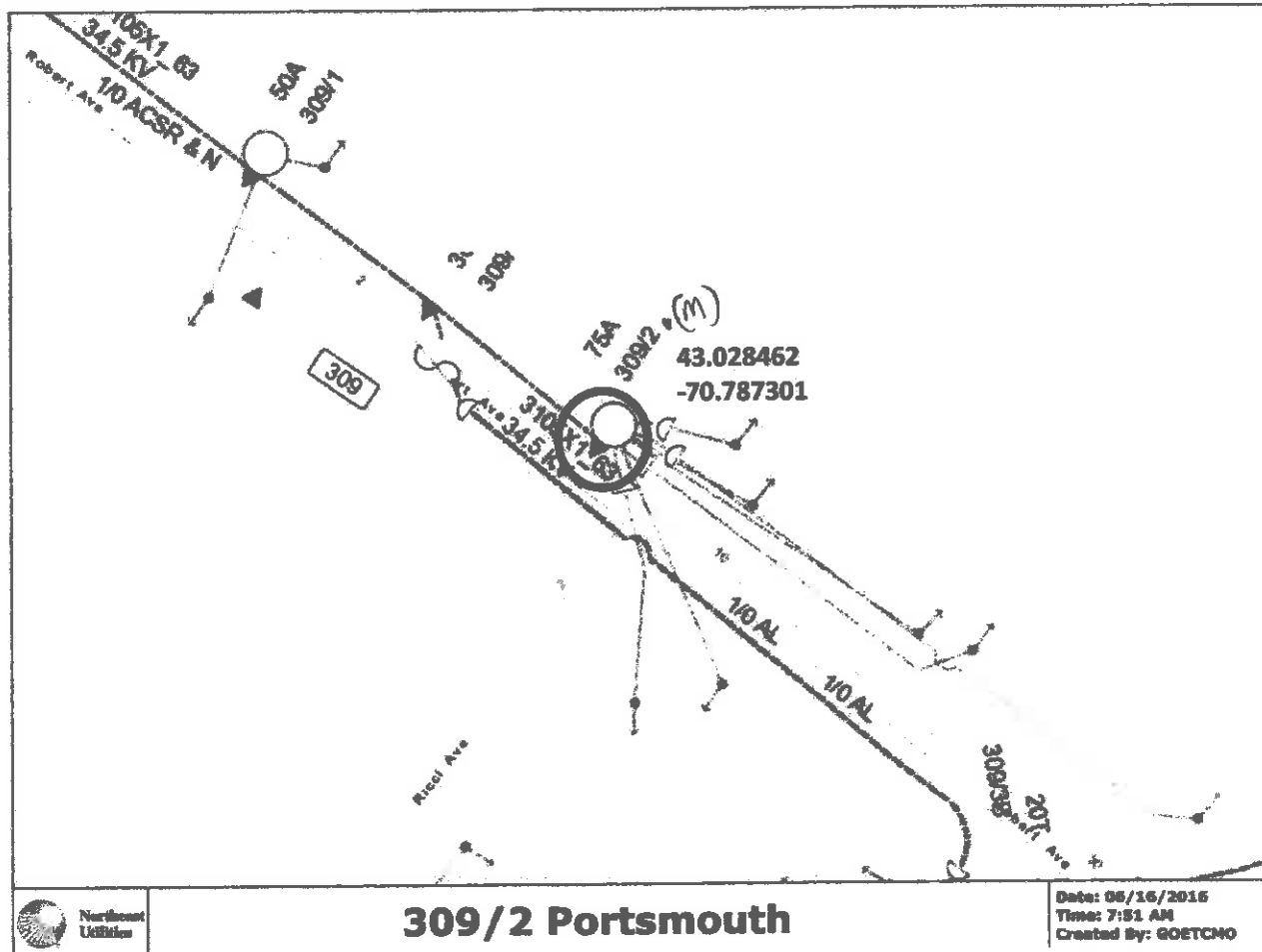
STATE HWY. DIV. NO. 6

STATE LICENSE NO. _____

WORK REQUEST# 2745107

WORK FINANCIAL # 9P620450

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: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0641

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0641.

This request is to license one (1) new pole on the south side of Maplewood Avenue, in front of the electric substation.

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

A handwritten signature in blue ink, appearing to be 'MR', is located to the right of the 'cc:' list.

November 10, 2016

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

NOV 16 2016

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 three copies of PSNH Petition and Pole License number 63-0641 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

October 28, 2016

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 32/12 located on Maplewood Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Jane Mella

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 28th day of October, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0641, dated 3/14/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town Clerk

POLE LOCATION PLAN

EVERSOURCE and

Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE

DATE 03/14/2016

LICENSE NO. 63-0641

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Maplewood Avenue

STATE LICENSE NO. _____

PSNH OFFICE: Portsmouth

WORK REQUEST# 2632277

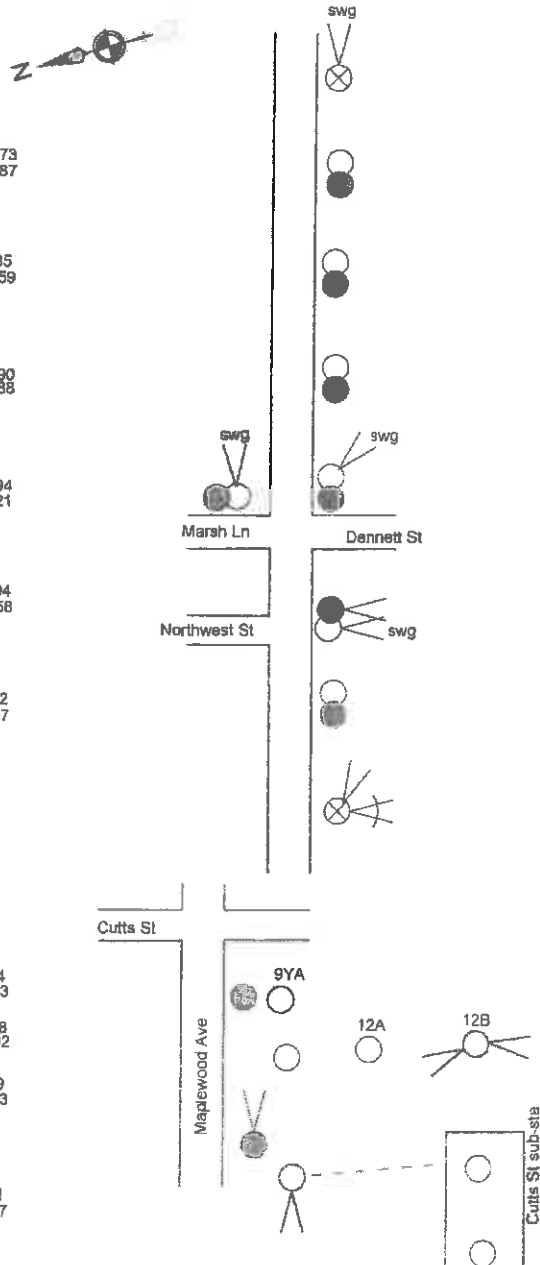
PSNH ENGINEER: Jim Osburn

WORK FINANCIAL # 9P620158

TELCO ENGINEER: Joe Considine

TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/O	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL												
32A/13	263/16												
32A/14	263/17 ✓	50/2		43 07973 -70 76587						110'		inst/rmv JO pole	
32A/15	263/19 ✓	50/2		43 07985 -70 76559						100'		inst/rmv JO pole	
32A/16	118/ 1-1R	50/2		43 07990 -70 76588						95'		inst/rmv JO pole	
32/1A	263/21S ✓	50/2											
32/1	263/ 21-1L ✓	55/1		43 07994 -70 76721						75'		inst/rmv JO pole	
32/2	N/A	50/2		43 08004 -70 76758						110'		inst/rmv Lts pole/anc	
32/3	266/1 ✓	50/2		43 08022 -70 76787						120'		inst/rmv JO pole	
32/4	266/.5 ✓									80'		reference pole	
32/9YA	103/1 ✓	50/2										inst/rmv JO pole	
32/12B	N/A	45/2		43 08074 -70 77193						40'		inst Lts pole/anc	P
32/12A	N/A	45/2		43 08078 -70 77192						25'		inst Lts pole install switch	P
32/12		50/2		43 08089 -70 77193						80'		install JO pole	M
32/12Y	103/2 ✓	50/2		43 08091 -70 77217						68'		inst/rmv JO pole/Lts anc <i>Lic # 1105</i>	M



ADDENDUM PER RSA 231:163

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

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

Approved by City Council:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0645

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0645.

This request is to license one (1) new pole on the southeast corner of Spinney Road and the new Sanderson Fields subdivision road.

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

February 2, 2017

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 three copies of PSNH Petition and Pole License number 63-0645 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

January 18, 2017

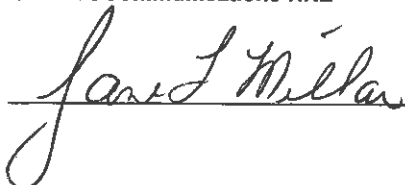
To the City Council of the City of Portsmouth New Hampshire.

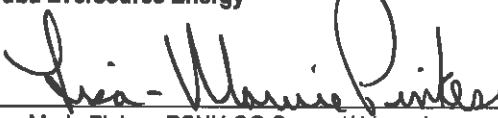
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices 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), 108/12A located on Spinney Road in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: 

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 18th day of January, 2017, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0645, dated 1/18/2017, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the City 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:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0624

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0624.

This request is to license one (1) new pole on the west side of Central Avenue, about halfway between Beechwood Street and Ashland Street.

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

October 5, 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 three copies of PSNH Petition and Pole License number 63-0624 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 EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 504/6 located on Central Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Jane Miller

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 27th day of September, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0624, dated 1/20/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the City 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:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0631

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0631.

This request is to license one (1) new pole in front of #295 McKinley Road.

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

October 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 three copies of PSNH Petition and Pole License number 63-0631 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

October 6, 2016

Manchester, New Hampshire

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 232/12 located on McKinley Road in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Jane Millar

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 6th day of October, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0631, dated 1/13/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

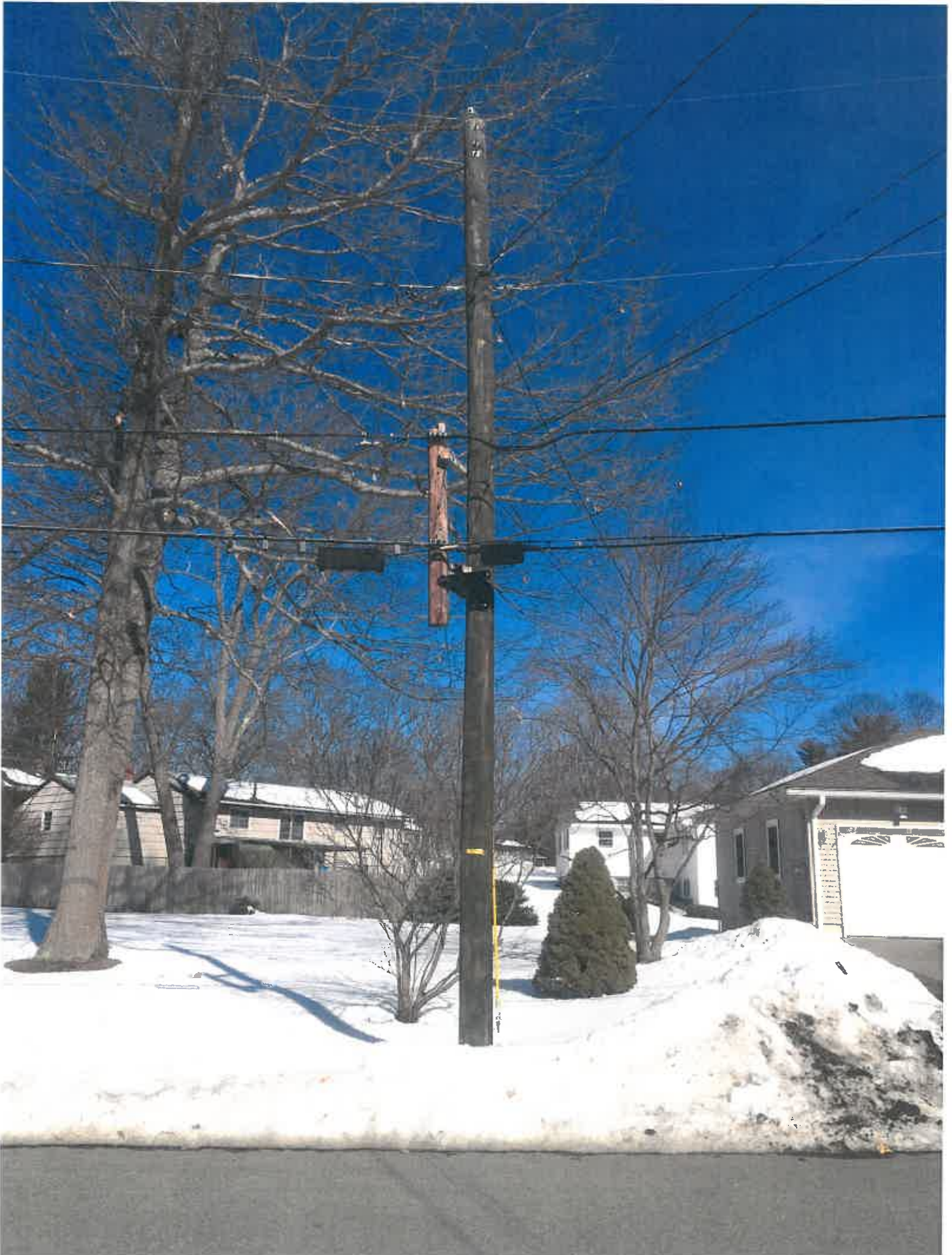
ATTEST: _____
Town Clerk

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:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0633

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0633.

This request is to license one (1) new pole on Sagamore Road in front of #469 Sagamore Road.

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

A handwritten signature in blue ink, appearing to be "RM", is located to the right of the cc list.

October 20, 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 three copies of PSNH Petition and Pole License number 63-0633 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

October 11, 2016

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request 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), 136/26 located on Sagamore Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: 

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 11st day of October, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0633, dated 1/13/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

Town Clerk

POLE LOCATION PLAN

EVERSOURCE and

Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE

DATE	<u>01/13/2016</u>	LICENSE NO.	<u>63-0633</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Sagamore Avenue</u>	STATE LICENSE NO.	
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2538134</u>
PSNH ENGINEER:	<u>Mary Jo Hanson</u>	WORK FINANCIAL #	<u>9P520601</u>
TELCO ENGINEER:	<u>Joe Considine</u>	TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL		REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL			POLE	PB									
													541 Sagamore Ave.	



43.05986
-070.75369

Little Harbor Rd.

Sagamore Ave.

inst/rmv JO pole m

136/26 59/25 45/2

ADDENDUM PER RSA 231:163

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

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

Approved by City Council:



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator
DATE: February 28, 2017
SUBJECT: Eversource License Agreement 63-0632

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0632.

This request is to license one (1) new pole on Hampshire Road at the property line between #26 and #30.

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

148

October 18, 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 three copies of PSNH Petition and Pole License number 63-0632 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

October 6, 2016


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

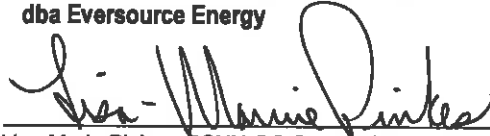
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices 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), 259/2A located on Hampshire Road in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: 

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 6th day of October, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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 and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0632, dated 1/13/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the City 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:





MAR 23 2017

RW Robert L. Sutherland Jr. Sec
St. John's Lodge No 1 F. & A. M.
280 Bayside Rd
Greenland, NH 03840-2162

March 23, 2017
To: The City Manager
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mr. Bohenko

The Worshipful Master of St. John's Lodge No. 1 Wor. Bro Floyd Caron request that we be allowed to hold our annual 5K again this year on April 8 at 8 AM using the same route as last year. We will have the usual insurance that is required and look forward to your response.

The funds from this year's race will be going to the Seacoast Food Pantry and other local charities .

Sincerely,

Robert L. Sutherland, Jr.

RW Robert L. Sutherland, Jr.
Sectary: rlsjr42@comcast.net
280 Bayside Rd
Greenland, NH 03840-2162
630-828-5246



Run with the Cause

ST. CHARLES CHILDREN'S HOME 5K
P. O. Box 1705 • Rochester, NH 03866

MAR 23 2017

March 21, 2017

John Bohenko
City Manager
1 Junkins Ave
Portsmouth, NH 03801

Dear Mr. Bohenko:

The 21st Annual St. Charles 5K held on Labor Day at the Pease International Tradeport, would like to ask your permission once again to hold the St. Charles 5K Road Race at Pease International Tradeport on September 4, 2017 at 9:00 a.m.

As in the past, we will communicate and obtain the required insurance for the City of Portsmouth, as well as Martin's Point Healthcare and the Pease Development Authority. We also will be hiring the Portsmouth Police department to provide coverage and secure an EMT to cover medical needs. Our large pool of volunteers will make sure the event runs smoothly and that the area is left spotlessly clean by 1:00 PM.

Thank you for your time and attention toward making this a safe and successful event.

Sincerely,

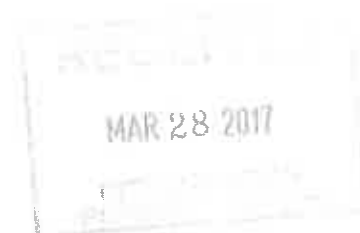
Sister Mary Agnes, DMML, MBA
Administrator



Richard A. Mason, Logistic Chair
2016 Veterans Count 5K Road Race
3 Suzanne Drive, Portsmouth, New Hampshire 03801
Rmason55@comcast.net cell: 603-396-8604

March 28, 2016

Mr. John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801



Dear Mr. Bohenko:

Veterans Count is seeking the appropriate approvals for our Pack & Boots 5K Road Race sponsored by the Seacoast Veterans Count, an affiliate of Easter Seals-NH. We offer the following information, just as we have for the past two years...hard to believe this is our 4th annual road race!

- DATE/TIME:** July 4, 2016 with an 8:00 am start followed at 9:30 am with the 1-mile Pack & Boots race restricted to the immediate area of Strawberry Banke (times may be earlier).
- LOCATION:** The location will be the same as the Seacoast Rotary's Turkey Trot (Thanksgiving Day) which begins at Pierce Island, Marcy Street, South Street, Lafayette Road, Middle Street, Court Street and ending on Marcy Street near the Mombo Restaurant parking lot. The Seacoast Rotary has volunteered to assist us with the logistics as they have utilized this race route and venue for six previous years.
- ATTENDEES:** We are hoping for about 300 runners in the 5K and possibly 75 in the follow-up Pack & Boots race.
- TIMEFRAME:** We anticipate being cleaned and off premises at 11:00 am.
- FOOD:** As in the past we will have donated off-site prepared food, we will seek the appropriate permits and information.
- SANITATION:** We will have the appropriate number of porta-potties on site, working with the Portsmouth Health Officials.
- POLICE:** We will work with the Portsmouth Police Department to have details as required as we have previously.
- PHOTOGRAPHY:** We are looking into a photographer that has capability of photographing from a drone. Are there rule pertaining to this use of a drone?

Once again much of the information listed is a repeat of both previous years so we will be working again with the City to make this as seamless as possible.

I am available at the above contact information for further questions or if you wish me to attend a logistics meeting with the City Officials.

Thanks!

A handwritten signature in black ink that reads "Richard A. Mason". The signature is written in a cursive, slightly slanted style.

Richard Mason

CC: Greg Whalen
David Hampson

march of dimes



March of Dimes Foundation
New England Chapter

New Hampshire Division
25 Lowell Street, Suite 304
Manchester, NH 03101
Telephone (603) 228-0317
Nh634@marchofdimes.com

marchofdimes.com/newhampshire

March 29, 2017

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

Dear Mayor Blalock & City Council Members,

I am the Development Manager for the March of Dimes New Hampshire Division and am writing to you to request your permission to host our **2017 Seacoast March for Babies in Portsmouth on June 17, 2017**. March for Babies is a walk-a-thon event that raises money to support the mission of the March of Dimes, to improve the health of babies by preventing birth defects, premature birth, and infant mortality.

This event will be held at Strawberry Banke in Portsmouth on Saturday, June 17, 2017 from 8:00am to 12:00pm, and we currently expect approximately 250 people to join us as we walk to improve the health of all babies.

A request for certificate of insurance has been requested and will be forwarded to you upon receipt. Enclosed for your review is the anticipated the walk directions/map. Thank you for your consideration of a permit for this event.

If you have any questions or concerns please feel free to contact me at 978-729-5849 or jdolan@marchofdimes.com.

For Healthy Babies,

Jenelle Dolan
Development Manager

March for Babies Seacoast Walker Route

Starting at Peirce Island,
Take a left onto Marcy Street,
Veer right onto South Street,
Follow South Street,
Take a right on Middle Street,
Take a right at the Baptist Church,
Turn right onto Court Street.

At the end of Court Street turn right onto Marcy Street.
Continue walking across the bridge and the finish will be at Peirce Island

Gilley's Diner
175 Fleet Street
Portsmouth, NH 03801



March 17, 2017

Dear Portsmouth City Council Members,

We have become aware of the food truck pilot program that you recently approved and sent to the Parking and Traffic Safety Committee for consideration on April 6, 2017. We have many concerns regarding this pilot program that we would like to address.

Our business relies on the summer months to recoup the reduction in revenue during the winter months. 58% of our income is earned May – October. 30% of our daily business is earned in the hours of 12am-2am. The season and timeframe of the pilot program has the potential to directly affect our livelihood.

The proposed areas the trucks would be permitted to park are Hanover St., Fleet St., Worth Parking Lot, Haven Court and the loading zone on High St. Many of the established restaurants including ours are in very close proximity to these areas. Cities like Washington DC, Chicago and Las Vegas have ordinances that require food trucks be a certain number of feet away, as much as 500 feet, from any brick and mortar restaurant.

It was stated during the meeting that “There aren’t that many (food) options late night on the weekends.” There are over 12 restaurants open until 12, 1 or 2am weekly/weekends. (Coat of Arms, British Beer Co., Friendly Toast, Thirsty Moose Taphouse, Ri Ra, Portsmouth Brewery, Dolphin Striker, Rusty Hammer, Portsmouth Book and Bar, State Street Saloon, River House, The Press Room and Gilley’s) We would not be the only restaurant that would be impacted by the Food Truck pilot program.

There are over 50+ restaurants in the city of Portsmouth. These restaurants pay taxes, employ locals and contribute to the city’s economics, drawing people into the city. We have to be compliant regarding safety, approved equipment and restroom requirements. In addition, there is the expense of marketing for a brick and mortar that can be extensive in comparison to a food truck. They can just drive to another spot if business is slow. The National Restaurant Association stated that food trucks grossed \$700 million dollars in sales in 2013. They stated some advantages were less equipment needed, mobility and lower operating costs.

The food trucks will take up parking spaces that as you know are in high demand. They could potentially draw customers out of restaurants and bars earlier than last call resulting in lost revenue. The food trucks will have generators running causing noise and emissions into the city. There will most likely be large crowds gathering on the sidewalks which may result in the need for more city resources such as police officers.

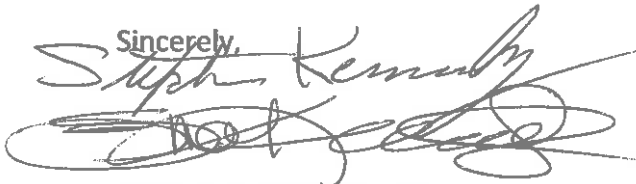
We have no problem with competition. We have held our own since 1912 with the addition of many new and terrific restaurants over the years. The difference between our fellow restaurants and the food trucks is that we are competing on a level playing field. We all have the same requirements to meet and taxes to pay. We are a community and we think a very important asset to the city.

Food trucks have their place as an option some consumers want but the placement of them needs careful thought. Why cause a negative financial impact to established restaurants that contribute so much to the city? Why not place the food trucks in areas of the city where food options are scarce? If the idea is to place them near the center of the city where people gather because of the many restaurants already there, it seems the only one who would benefit would be the food trucks.

We understand that bringing in food trucks is additional revenue to the city. But at what cost to those of us that rely on each and every customer that walks through the door. A summer of lost revenue could severely impact our restaurant.

We hope that you will consider our thoughts and consider giving our fellow restaurant owners the opportunity to share their input on this matter before making the final decision on the Food Truck Pilot program.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen & Gina Kennedy". The signature is written in a cursive, flowing style with some overlapping loops.

Stephen & Gina Kennedy

CC: Council Members – Mr. Blalock, Mr. Splaine, Ms. Perkins, Ms. Dwyer, Mr. Lown, Ms. Pearson, Mr. Spear, Mr. Cyr, Mr. Denton

Council Members,


Please stop meddling in
the, erroneously called, re-use
plastic bag issue. There are
many uses for one.

I'm educating the public
how to dispose of them, many
grocery stores provide bins.

Thank you
Tazpayer Lorena Amador

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 30, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on April 3, 2017 City Council Agenda

6:30 p.m. – Non-meeting in accordance with RSA 91-A:2 I (b) regarding a nuisance complaint.

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

Presentations:

1. **Portsmouth High School Boys Basketball State Champions.** On Monday evening, Mayor Jack Blalock will recognize the Portsmouth High School Boys Basketball State Champions.
2. **Poet Laureate.** Susan Kaufman will make the announcement to present the new Poet Laureate.
3. **One Sky Community Services.** Chris Muns, CEO of One Sky Community Services will make a presentation to City Council on Monday evening regarding the organization's support services to Seacoast communities. [See attached letter.](#)
4. **Update on New City Website and Rollout of Viewpoint Re: Permits.** Public Information Officer Brenna Woodman and Information Technology Manager Alan Brady will make a presentation to the City Council regarding the New City Website.

Deputy City Manager Nancy Colbert Puff will make a presentation to the City Council regarding the City's rollout of Viewpoint a new electronic program for inspection permits.
5. **Update Re: Revaluation.** City Assessor Rosann Maurice-Lentz will make a presentation regarding the difference between a statistical and a regular revaluation.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing/Second Reading of Proposed Ordinance Amendments.

1.1 Public Hearing/Second Reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.208, Regulation of Single-use Carryout Plastic Bags.

As a result of the March 20th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed ordinance amending Chapter 3, Article II Section 3.208, Regulation of Single-use Carryout Plastic Bags](#). If the City Council wishes to proceed with the Plastic Bag Ordinance, City Attorney Robert Sullivan has opined the City Council consider amendments to the proposed Ordinance ([see attached memorandum](#)).

The proposed Ordinance which was substantially drafted by the Surfrider Foundation-New Hampshire Chapter. It has been subject to minimal modifications of form by the City Legal Department in order that the Surfrider ordinance would be consistent with existing City ordinances. In addition, the City Legal Department has inserted a severability provision into the ordinance so that if a court should find any section of the ordinance to be unenforceable, the remaining provisions would still have full force and effect.

In addition, I have [attached a memorandum from City Attorney Robert Sullivan and Assistant City Attorney Jane Ferrini](#) regarding House Vote on HB 481, Relative to the Use of Small Capacity, Lightweight Plastic Bags by Retailers. Their memorandum outlines concerns relative to the adoption of this Ordinance at this time. They are recommending that the Ordinance to ban plastic bags be postponed indefinitely awaiting further developments in the Legislature.

If the City Council wishes to move forward with the proposed Ordinance, the following motion is recommended:

Move to accept all the amendments to the Plastic Bag Ordinance as set forth in the Memorandum from the Legal Department to the City Manager dated March 28, 2017, and further, to pass second reading and schedule a third and final reading of the proposed Ordinance at the April 17, 2017 City Council meeting.

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

- 1.2 **Public Hearing/Second Reading of a Proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road.** As a result of the March 20, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance](#) amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road with recommended changes. At the February 2, 2017 Parking and Traffic Safety Committee meeting, there was a vote to amend Chapter 7, Article VII, by deleting the current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions. [Attached is a memorandum from Eric Eby, Parking and Transportation Engineer](#), regarding this matter.

Eric Eby will give a presentation on Monday evening regarding this matter.

I recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinance at the April 17, 2017 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Public Hearing Re: Bonding Resolution.**

- 2.1 **Public Hearing of Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Million (\$5,000,000) Dollars for costs related to Elementary School Facility Improvements.** As a result of the March 20th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing the [attached](#) proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million (\$5,000,000) Dollars for costs related to Elementary School Facility Improvements.

[Attached is a letter from Superintendent Steve Zadravec](#) requesting that the City Council approve the authorization to bond up to Five Million (\$5,000,000) Dollars for the Phase I improvements to Dondero School. This item has been identified in the FY2018 Capital Improvement Plan. Superintendent Zadravec would like to receive authorization on this expenditure in order to begin construction this summer while the students are on break. This is similar to the way Phase II Little Harbour School Improvements project took place and has seemed to work out very well.

I recommend the City Council move to adopt the Resolution authorizing a Bond Issue and/or Notes of to Five Million (\$5,000,000) Dollars for costs related to Elementary School Facility Improvements. (Two-thirds vote is required as well as a roll call vote.) Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **New Street Name – “Foundry Place”.** The City Ordinances, Chapter 11, Article V, Section 11.501, provide that “the naming of all public streets and rights of way which are to receive or have received legal status by acceptance shall be subject to approval by the Planning Board.” As part of the municipal parking garage project, the City plans to construct a new public street between Bridge Street and Rock Street, and the City Council voted on February 6, 2017, to dedicate and accept the new street upon completion of construction. On March 16, 2017, the Planning Board considered several names suggested by the Parking Garage Building Committee, and voted to name the new street “Foundry Place.”

I recommend the City Council move to accept the recommendation of the Planning Board, as presented.

2. **Request to Transfer Funds Re: 400th Anniversary Trust.** There remains a residual balance of \$4,050.29 from donations received in preparation for the City’s 375th celebration in 1998. This balance has remained on the City’s books with the intent to be used for the next celebration.

I recommend that the City Council move to transfer the remaining balance from the City’s 375th Celebration account to the Portsmouth 400th Anniversary Trust.

3. **Request for First Reading of Proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosures.** As recommended by the City Council and Councilor Josh Denton at the March 20th City Council meeting, I am bringing back a request to schedule a first reading of the proposed Financial Disclosure Ordinance at the April 17th City Council meeting. Councilor Denton and City Attorney Robert Sullivan have been working on the [attached](#) proposed Ordinance.

I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance at the April 17, 2017 City Council meeting.

4. **Proposed amendment to the City Ordinances, Chapter 10 – Zoning Ordinance, Article 5A – Character-Based Zoning, Section 10.5A46 – Incentive Overlay Districts to allow excess community space provided by a development to be credited for use in another development in the same Incentive Overlay District.** [Attached](#) is a memorandum from Planning Director Rick Taintor along with a proposed zoning amendment to allow “banking” of community space in incentive overlay districts. As described in the memorandum, the proposed amendment is developed specifically to address the planned Vaughan Street hotel project and waterfront park, but could also be used for other projects in the North End and West End Incentive Overlay Districts. The recommendation is to refer this matter to the Planning Board. If the Planning Board

completes its review at its April 20, 2017 meeting, the amendment could then be placed on the City Council’s May 1, 2017 agenda for first reading.

I recommend the City Council move to refer this matter to the Planning Board for report back to the City Council.

5. **Applications for Sidewalk Cafés providing Alcohol Service.** In 2012, the City Council adopted City Council Policy 2012-02 titled “Policy Regarding Use of City Property for Sidewalk Café’s providing Alcohol Service” amended February 21, 2017. For your information, a copy of this policy is provided under the City Council Policies’ section located in the back of your binder. This policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. The policy outlines the criteria for both the application and the operations of the sidewalk cafés and calls for a 6 month term, typically running from mid-April through mid-October.

Last year, four Area Service Agreements were issued for public sidewalk occupancy. To date, we have received five applications for State Street Saloon, Popovers, Ri-Ra Irish Pub, Fezziwig’s Food & Fountain (new this year) and The District. Staff representatives from Police, Fire, Public Works, Inspections, Health, and Code Enforcement have reviewed these applications, found the applications complete, and recommend issuance of the Area Service Agreements in accordance with City Council Policy 2012-02.

The fee for the use of the public “Area” subject to the Area Service Agreement is \$10.00 per square foot, with a minimum season’s fee of \$2,000 and no proration of the fee. The Agreements may be suspended at the sole discretion of the City on an administrative basis and revoked in their entirety by vote of the City Council. Hours of operation are until 10:30 p.m. Monday through Saturday and until 10:30 p.m. on Sunday, with no smoking allowed in the “Area” at any time. Use of the “Area” may be precluded, modified or made subject to special conditions to accommodate municipal events. Each sidewalk café area will be separated from the public pedestrian space by a black decorative metal fence.

The table below summarizes applications received to date and associated fees:

Establishment	Location	Area	Fee
State Street Saloon	268 State Street	340	\$3,400
Popovers	8 Congress St	723	\$7,230
Ri Ra Irish Pub	22 Market Square	508	\$5,080
The District	103 Congress	467	\$4,670
Fezziwig’s Food & Fountain	112 State Street	120	\$2,000

- a) **Application for Sidewalk Café providing Alcohol Service from State Street Saloon.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for State Street Saloon for the 2017 season. Staff has reviewed State Street Saloon’s application and recommends its approval as presented. Please note that the “Area” to be used by State Street Saloon, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application involves:

5 4-top tables
1 2-top table
22 chairs
Area: 340 square feet
Area Service Fee: \$3,400

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02.

- b) **Application for Sidewalk Café providing Alcohol Service from Popovers on the Square.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for Popovers on the Square for the 2017 season. Staff has reviewed Popovers’ application and recommends its approval as presented. Please note that the “Area” to be used by Popovers on the Square, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application involves:

10 4-top tables
1 2-top table
1 outside container full enclosed for garbage and recycling
38 chairs
Area: 723 square feet
Area Service Fee: \$7,230

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02.

- c) **Application for Sidewalk Café providing Alcohol Service from Ri Ra Irish Pub.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for RiRa Irish Pub for the 2017 season. Staff has reviewed RiRa Irish Pub’s application and recommends its approval as presented. Please note that the “Area” to be used by RiRa Irish Pub, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application involves:

7 4-top tables
48 chairs
Area: 508 square feet
Area Service Fee: \$5,080

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with RiRa Irish Pub for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02.

- d) **Application for Sidewalk Café providing Alcohol Service from The District.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for The District located at 103 Daniel Street for the 2017 season. Staff has reviewed The District’s application and recommends its approval as presented. Please note that the “Area” to be used by The District, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application involves:

17 top tables
35 chairs
Area: 467 square feet
Area Service Fee: \$4,670

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with The District for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02.

- e) **Application for Sidewalk Café providing Alcohol Service from Fezziwig’s Food and Fountain.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for Fezziwig’s Food & Fountain located at 112 State Street for the 2017 season. Staff has reviewed Fezziwig’s Food & Fountain’s application and recommends its approval as presented. Please note that the “Area” to be used by Fezziwig’s Food and Fountain, along with a table-chair layout, is included as an attachment to the Agreement. This application involves:

3top tables
8chairs
Area: 120 square feet
Area Service Fee: \$2,000 (minimum)

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with Fezziwig’s Food & Fountain for outdoor Alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02.

6. **Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk.** The City has received 3 applications for sidewalk cafes that are proposed for the private sidewalk that runs along Portwalk Way. While these proposed locations are completely contained on private property, they are adjacent to the sidewalk area that the City has an easement over. The operation of these areas requires review for health and life-safety compliance and it was therefore determined that the City should review and issue a license for the operation. Because the operation occurs on private property and not on City property, as the other Sidewalk Café licenses, there is no associated fee with this action.

a) **Application for Sidewalk Café providing Alcohol Service from British Beer Company.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for British Beer Company located at 2 Portwalk Place for the 2017 season. Staff has reviewed the British Beer Company's application and recommends its approval as presented. Please note that the "Area" to be used by British Beer Company, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application includes:

3 4-top tables
6 2-top tables
24 chairs
Area: 882 square feet

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with British Beer Company for outdoor alcohol service for the 2017 season subject to City operating conditions contained in Council Policy No. 2012-02.

b) **Application for Sidewalk Café providing Alcohol Service from The BRGR Bar.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for The BRGR Bar located at 34 Portwalk Place for the 2017 season. Staff has reviewed The BRGR Bar's application and recommends its approval as presented. Please note that the "Area" to be used by The BRGR Bar, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application includes:

4 top tables
4 2 top tables
40 chairs
Area: 440 square feet

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with The BRGR Bar Company for outdoor alcohol service for the 2017 season subject to City operating conditions contained in Council Policy No. 2012-02.

- c) **Application for Sidewalk Café providing Alcohol Service from Row 34.** I am bringing forward for City Council action the [attached Area Service Agreement](#) for Row 34 located at 5 Portwalk Place for the 2017 season. Staff has reviewed Row 34’s application and recommends its approval as presented. Please note that the “Area” to be used by Row 34, along with a table-chair layout, is included as an [attachment to the Agreement](#). This application includes:

4 4 top tables
4 2 top tables
20 chairs
Area: 290 square feet

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with The Row 34 for outdoor alcohol service for the 2017 season subject to City operating conditions contained in Council Policy No. 2012-02.

7. **Draft Complete Street Demonstration Project Policy (Tactical Urbanism Policy).** Last spring and summer, the City partnered with PS21 on the Islington Street Lab project, which temporarily transformed a section of the Islington Street corridor where residents and business owners had expressed concern about traffic speeds and pedestrian comfort and safety. Under the guidance of the consultant Mike Lydon with the firm Street Plans, the demonstration project’s temporary streetscape changes included creating crosswalk markings, on-street parking and café seating, and decorative elements (banners, signs and landscaping). PS21 hired Mike Lydon with the firm Street Plans to guide the planning and implementation of the project. Subsequent to this project, PS21 requested that the City consider adopting a policy and process that would provide for community-led temporary demonstration projects within public rights of way. The [attached draft policy](#) is based on a similar policy adopted in Burlington, VT. This policy would be used in conjunction with the City’s Neighborhood Traffic Calming Program and would enable neighborhood groups to initiate a temporary demonstration project in support of the City’s Complete Street and Walk/Bike Friendly Community Policies.

I recommend the City Council move to authorize the City Manager to bring back the proposed Policy for action at the April 17, 2017 City Council meeting.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 20, 2017. In addition, this can be found on the City’s website.

2. **Report Back Re: Borthwick Forest.** Attached is a brief report with exhibits describing the context and history of development proposals for the area variously referred to as “Islington Woods,” “Borthwick Village” and “Borthwick Forest.”

3. **Household Hazardous Waste Day.** This year will mark the 21st year in which Portsmouth has conducted household hazardous waste collection event. We continue to provide this biannual collection service with the aid of grant money from the NH Department of Environmental Services Household Hazardous Waste Program. Our spring event will take place from 8 am to noon on April 29, 2017 and a fall event will be scheduled in October 2017. Nearby communities of Greenland and Newington will also participate in our spring collection event at no cost to the City. The collection location is at the Public Work’s Vehicle Maintenance Facility on 680 Peverly Hill Road.

According to the NH Department of Environmental Services the average household throws 15.5 lbs. of hazardous material into the trash each year. Household hazardous materials are disposed of in other ways too. Certain products, such as used oil, are frequently poured down storm drains and many products end up going down the sink drain to septic systems or sewers. The City sees the household hazardous waste collection events as an outreach/education opportunity to help protect our environment.

The City has contracted with Clean Ventures LLC to collect the hazardous waste material. Clean Ventures will be responsible for supplying appropriate hazardous waste containers, collecting the waste from participating community residents, supplying qualified personnel, personal protective equipment, setting up and sorting hazardous materials within an area that is adequately controlled with spill contaminant provisions, and to provide documented transportation and disposal of hazardous waste. More information can be found at:

<http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>.

4. **Downtown Business District Commercial and Residential Collection.** On October 17, 2016, the City Council approved an update to the City’s Solid Waste Ordinance Section 3.201 to better accommodate the Downtown Business District curbside collection times and update the ordinance language to reflect current practice and industry standards. This ordinance update will change the downtown residential pick up time from Monday evening to Tuesday morning. Commercial collection in the Downtown Business District will remain Monday evenings.

Previously, with pickup for both groups occurring on Monday evenings, problems occurred with refuse being put out on the streets in the morning before work when pickup did not occur until the evening. During a windy or hot day, this led to messes and odors within the downtown district. Due to complaints of trash remaining on sidewalks all day prior to its collection in the downtown business district, adjustment of collection times were made. These changes were based on public input via surveys and public meetings.

City Council approved the amendments to the ordinance, allowing Public Works to set new trash collection times and enforce the ordinance requirements more rigorously.

Beginning on May 1, 2017, Public Works will start to collect residents' trash and recycling within the Downtown Business District on Tuesday mornings. Public Works crews will continue to collect trash and recycling from commercial establishments within the defined Downtown Business District Monday evenings at 4pm. There is no change to the current collection time for businesses and commercial properties are asked to keep sidewalks clear of trash and recycling until 2pm. By collecting downtown residents' trash on Tuesday morning, trash collection will be more organized and streets will be left cleaner throughout the day. All properties utilizing the City's collection service are limited to 300 U.S. gallons of solid waste per week.

5. **Backyard Compost Bin Program.** In our continued effort to preserve our resources and reduce pollution, the Department of Public Works (DPW) is exploring initiatives within the regular operating budget to offer residents more opportunities to sustainably manage food waste material. At the beginning of FY17, a food waste drop off location was added at the DPW Recycling Center for residents to bring their food waste to be collected for composting. The food waste drop off program helps provide an outlet to Portsmouth residents in more urban areas who wish to compost their food waste and do not have adequate outdoor space to do so themselves.

In addition to the food waste drop off program, DPW will be purchasing backyard compost bins to sell to residents at a 50% discount. Providing discounted compost bins to residents will encourage homeowners to start or continue their own backyard composting efforts and further reduce food waste going to the landfill.

The Earth Machine compost bin will be made available to residents for \$50 while supplies last, normally a \$100 retail value. Earth Machines are made of at least 50% post-consumer recycled polyethylene, come with a ten year warranty and provide a large 80 gallon capacity. Residents will be able to purchase the compost bins at Public Works and we anticipate the bins will be made available sometime in the middle of May.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX, Section 1.902: - ELECTION CANDIDATE CONFLICT OF INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURES

- A. Required Disclosure: Any candidate running for City Council, School Board, Police or Fire Commissions receiving a monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year must report the name of the individual, address, amount, and date of contribution. The report must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which that person is a candidate for any of the foregoing offices. Any contributions which would otherwise require reporting under this ordinance received within the seven days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two weeks following the election.
- B. **Group Political Contributions: Any candidate subject to the requirement to file a financial disclosure shall also file a voluntary Group Political Contribution form with the City Clerk for every entity other than a natural person which contributes ninety-nine (\$99) or more in money, property or services to that candidate (a Qualifying Group). The Group Political Contribution forms shall be filed no later than seven (7) days prior to any election at which that person is a candidate and shall be supplemented with a final report or reports no later than two weeks following the election.**

The Group Political Contributions form shall:

- 1. Be prepared by the City Clerk;**
- 2. Be filed with respect to every qualifying Group; and**
- 3. Request each Qualifying Group on a voluntary basis to list by name the sources of the funds, property or services used to make the contributions to the candidate.**

It shall be the obligation of the candidate to request each Qualifying Group to fill out the form and to file the returned form, or a statement indicating why a form is not being filed, for each Qualifying Group with the City Clerk.

BC. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.

CD. Public Records: All election candidate financial disclosures **and Group Political Contribution forms** shall be public records.

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

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

This ordinance shall take effect upon passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: March 28, 2017
RE: Proposed Zoning Ordinance amendment to allow excess community space provided by a development in an Incentive Overlay District to be credited for use in another development in the same Incentive Overlay District

Attached is a proposed amendment to the Zoning Ordinance relating to zoning incentives in the North End and West End Incentive Overlay Districts. Proposed developments in these zoning overlay districts are eligible to build with greater building footprint (coverage) or height, or with reduced off-street parking, in return for providing either workforce housing or community space (which must be in the form of specific types itemized in the ordinance, such as parks, plazas, greenways, etc.). The proposed amendment creates a process for “banking” the community space incentives, in order to allow community spaces to be created before a specific development project has been identified. The proposed amendment has been drafted to address a specific development proposal and a planned City open space project, but it also has broader potential applicability in the North End and West End.

Background – Proposed Vaughan Street Hotel and Waterfront Park

Cathartes is proposing to develop a new hotel at 215 and 299 Vaughan Street, two parcels that are currently occupied by Sanel Auto Parts and a municipal parking lot. Cathartes also owns an adjacent parcel that extends behind 3S Artspace to North Mill Pond. In order to gain additional building footprint area for the planned hotel, Cathartes proposes to develop the land on North Mill Pond into a public waterfront park, employing an existing provision at Section 10.5A43.43 of the Zoning Ordinance.

The site of the proposed waterfront park is part of the North Mill Pond Path, a multi-use path that the Planning Department has proposed for connecting Market Street to Maplewood Avenue, with an eventual extension down to Bartlett Street. The portion of the North Mill Pond Path between Market Street and Maplewood Avenue is also shown in the North End Vision Plan prepared by TPUDC, and is identified in the Capital Improvement Plan for funding in Fiscal Year 2018. Cathartes’ proposed project, which includes the central portion of the path, is thus timely and would help the City to create this important amenity at lower public cost than without the developer’s involvement.

Under the applicable provision of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow an increase in building footprint from 30,000 to 40,000 square feet if at least 30% of the total property area is assigned and improved as community space. The proposed waterfront park has a total area of 43,326 square feet (0.99 acre), which is significantly more area than is needed to provide the building footprint incentive for the proposed hotel. While Cathartes is willing to work with the City to move the North Mill Pond Path project forward,

the developer does not want to give up the additional incentive potential that the excess land could provide for a future development. Thus, the developer and the City have a common interest in creating a mechanism to allow the transfer of land for public use to be credited to a future development project.

The attached exhibit shows relevant excerpts of the North End Vision Plan and the North Mill Pond Path concept plan, along with two renderings of Cathartes' proposed community space. One of the renderings shows the full waterfront park development if banking of the incentives is allowed, and the other shows the portion of the park that would support the incentives for only the current hotel proposal on Vaughan Street.

Proposed Amendment

To address both the City's interests and Cathartes' concerns, City staff have drafted the attached Zoning Ordinance amendment to allow property owners to allow a contribution of community space to be credited toward a future development project that is as yet unidentified and could be carried out either by Cathartes or by another landowner in the area. The proposed amendment includes the following provisions:

- If authorized by a conditional use permit from the Planning Board, a developer may convey land to the City for community space and credit that land toward incentives for a future development project in the same overlay district.
- If the developer conveys the land without creating an improved community space (such as a park, plaza, greenway, etc.), the City may build the community space and charge the cost back to the future development project.
- The terms of the conditional use permit will be enshrined in an agreement between the developer and the Planning Department (similar to the agreements that are executed for any approved site plan or subdivision).

While the proposed amendment has been developed in order to allow a specific City project to be funded in part by a specific private development proposal, staff believe that it could have broader applications in the future. During the discussions about the character-based zoning for the West End, some residents raised concerns that the community space provisions could result in the creation of small unconnected green spaces on a project-by-project basis, but there was no mechanism allow multiple landowners to work together to provide larger, more meaningful public spaces. Given the right circumstances, the transferable development rights created by the proposed amendment could be that mechanism, facilitating the eventual creation of a neighborhood park or plaza for the West End.

North Mill Pond Path and Park

North End Vision Plan



North Mill Pond Path Concept



Cathartes Community Space – Full Development With Banking



Cathartes Community Space – First Phase Without Banking



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5A – Character-Based Zoning, Section 10.5A46 – Incentive Overlay Districts, be amended by inserting the following new Section 10.5A46.23:

- 10.5A46.23 When a proposed **development** in an Incentive Overlay District includes **community space** in excess of the amount required to support a proposed incentive under Section 10.5A43.43 or Sections 10.5A46.10 through 10.5A46.22, the Planning Board may grant a conditional use permit to allow the excess **community space** to be credited to the developer or its assigns for use in another **development** in the same Incentive Overlay District.
- (1) The conditional use permit shall specify the total amount of **community space** provided, the portion of such **community space** to be credited toward incentives in the proposed **development**, and the amount of excess **community space** that may be credited toward a future project in accordance with the standards set forth in Section 10.5A43.43 or Sections 10.5A46.10 through 10.5A46.22.
 - (2) The conditional use permit may allow for conveyance to the City of unimproved land in lieu of **community space** that conforms to the types shown in Figure 10.5A45.10.
 - (a) In order for a future **development** to receive incentive credit for the unimproved land, the future developer will be required to improve the land to be a conforming **community space** as determined by the Planning Board at the time of site plan approval, except as provided in (b) below.
 - (b) At any time after receiving title to such unimproved land, the City may, at its option, improve such land to be a conforming **community space**. If the City exercises this option, in order for a future **development** to receive the incentive credit, the future developer shall pay to the City an amount representing the cost to the City of carrying out the improvements that were required to improve the land to be a conforming community space.
 - (3) The terms of the conditional use permit shall be documented in a Prospective Development Incentive Agreement (PDIA) to be

entered into between the developer and the Planning Department. The maximum term of a PDIA shall not exceed fifteen (15) years, following which the rights to any unused incentive shall become null and void.

- (4) The only effect of a conditional use permit and PDIA under this section shall be to increase the allowable **building footprint** or **building height**, or to reduce the required **off-street parking**, in accordance with Section 10.5A43.43 or Sections 10.5A46.10 through 10.5A46.22.
- (5) The granting of a conditional use permit and the execution of a PDIA under this Section 10.5A46.23 shall not be deemed to supersede or waive any of the other provisions of this Article 5A or other applicable provisions of this Ordinance, nor shall such approval be considered to represent the granting of land use approval for any future **development**.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name ROGER'S CAFE, INC. d/b/a State Street Salon
 Restaurant Address 268 STATE STREET, PORTSMOUTH, NEW HAMPSHIRE 03801
 Applicant Name ELI SOKORELIS Phone # 603-430-9322
 Applicant Address 268 STATE STREET, Portsmouth NH 03801
 Applicant E-mail janosp.loring@gmail.com
 Proposed Café Area (square feet) ~~302~~ 292 26 FEET
 Number of tables 6 Number of seats 22

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> curb lines | <input type="checkbox"/> tree grates | <input type="checkbox"/> licensed A-frame signs |
| <input type="checkbox"/> light poles | <input type="checkbox"/> manhole covers | <input type="checkbox"/> adjacent on-street parking and loading zones |
| <input type="checkbox"/> bike racks | <input type="checkbox"/> meters | <input type="checkbox"/> adjacent accessible sidewalk curb cuts |
| <input type="checkbox"/> street trees | | |


2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- | | |
|--|--|
| <input type="checkbox"/> enclosure system | <input type="checkbox"/> lighting |
| <input type="checkbox"/> tables and chairs | <input type="checkbox"/> trash receptacles |

NOTE: The proposed sidewalk café must comply with the attached design standards.

SIGNATURE:  DATE: 3/10/2017

PRINT NAME: _____ TITLE: _____

**Roger's Café, Inc.
d/b/a State Street Saloon
268 State Street
Portsmouth, New Hampshire 03801**

March 7, 2017

Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Application to Utilize City Property to Operate a Sidewalk Cafe

To the Portsmouth City Council:

Please accept this correspondence as my application to utilize City of Portsmouth property for a sidewalk café with alcohol service.

In support of this application I have attached the following documents:

- (a) A dimensioned site plan depicting the conditions now existing in front of my restaurant which is located at 268 State Street, Portsmouth, New Hampshire;
- (b) A dimensioned site plan documenting the planned use of the site;
- (c) The contract issued by GC/AAA Fence Company to fabricate the enclosure; and
- (d) A detail drawing depicting the "look" of the enclosure.

The lighting for the proposed use is pre-existing and is located behind the canopy which is attached along the length of the front of the State Street Saloon. There will be no trash receptacles within the proposed sidewalk café in that all trash will be disposed of in the same receptacles now used for the existing restaurant. As you are aware, I received a license to operate a sidewalk café for the 2014 season. The tables and chairs utilized for the 2014 season are the same tables and chairs which would be utilized for the proposed sidewalk café. By way of information, the tables stand 28.5 inches tall. The table tops are 30 inches square. The chairs are 34 inches tall, 18 inches deep and 22 inches wide. The enclosure system was fabricated for the 2013 season by GC/AAA Fence Company of Dover, New Hampshire and was approved by the City of Portsmouth. It would be my intention to utilize the same enclosure system in the same location as it was placed last year. I have attached a copy of the contract issued by GC/AAA Fences to construct the enclosure. As indicated, the enclosure is described

Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801
Page Two

as a Black Regis Ornamental Fence. The enclosure was fabricated as a "free standing" structure whereby the free standing posts have aluminum plates attached to the bottom to create a stable platform. The enclosure is attached to the building by way of four end posts that do not have the aforementioned aluminum plates. The enclosure is 38 ½ inches tall. The free standing posts are 2 ½" by 2 ½". The pickets are ¾ inches by ¾ inches. The top and bottom rails are 1 ¼" by 1 ¼". I have also enclosed herein a detail drawing depicting the "look" of the completed enclosure.

In closing I would like to express my gratitude to the City Council for granting me approval for a license to operate a sidewalk café for the 2016 season. It was a pleasure to maintain the sidewalk café for my regular customers and for the many individuals who chose to visit the City of Portsmouth. I would greatly appreciate the opportunity to maintain the sidewalk café for the 2017 season.

Please note that I am available to discuss this application with the City of Portsmouth at the convenience of the City Council.

Thank you for your time and consideration in this matter.

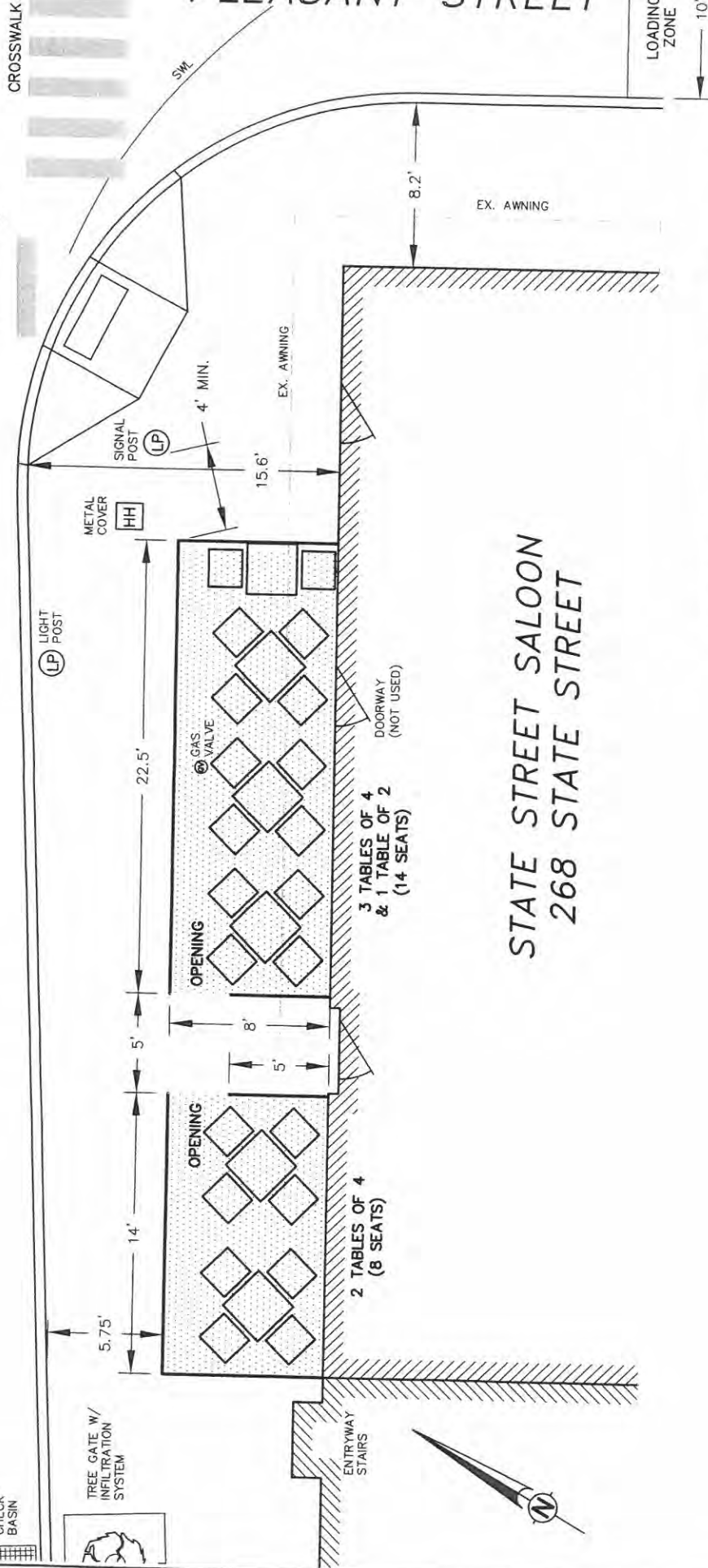
Very truly yours,


Eli Sokorehs

enc.
cc: file

STATE STREET

PLEASANT STREET



STATE STREET SALOON
268 STATE STREET

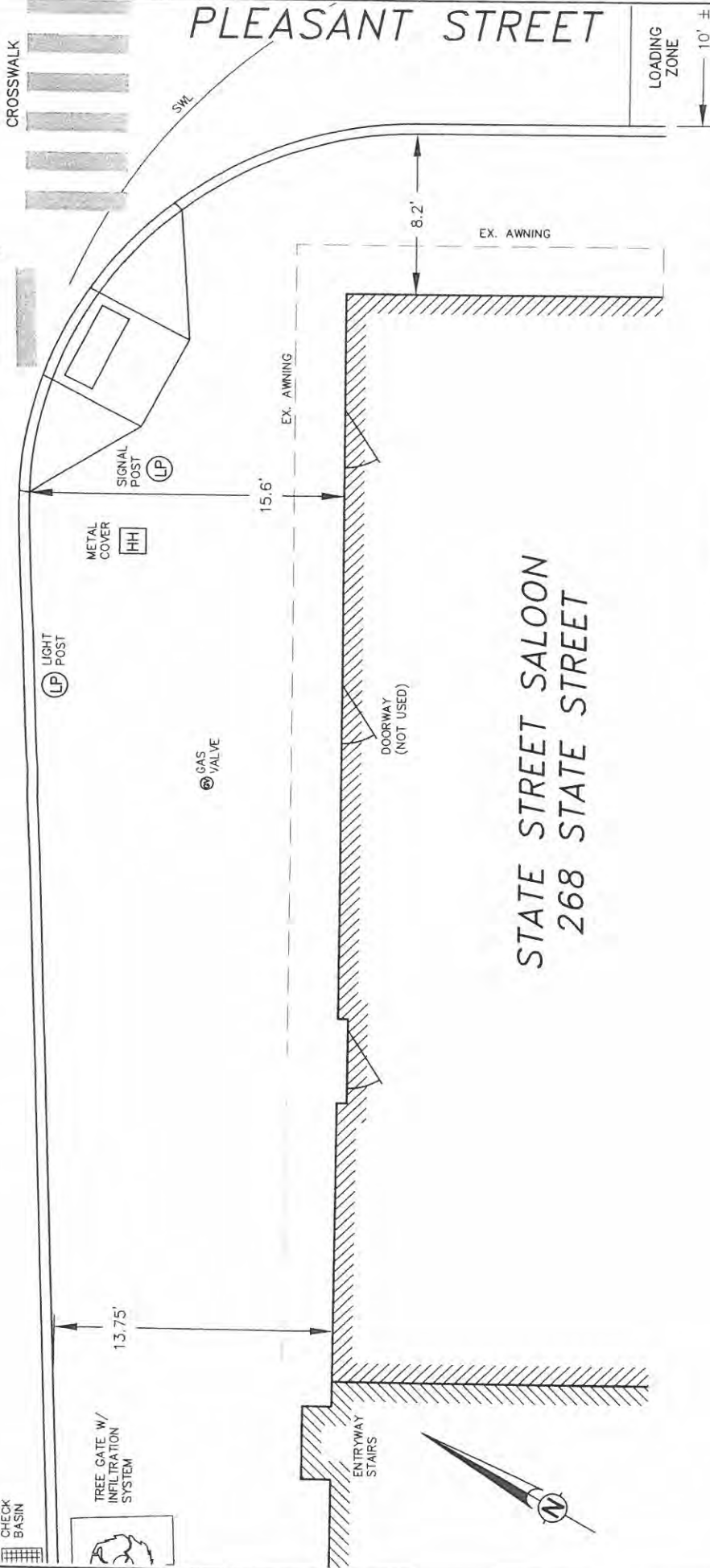
 ALTUS ENGINEERING, INC. 133 COURT STREET PORTSMOUTH, NH 03801 PHONE: (603) 433-2335		DATE: 3/28/12 SCALE: 1" = 5' DRAWING NUMBER: C-2	REV: 0	DRAWING REFERENCE: 4428SITE.DWG
JOB NAME: STATE STREET SALOON		TITLE: OUTDOOR SEATING PLAN		



P4428

STATE STREET

PLEASANT STREET

STATE STREET SALOON
268 STATE STREET



 <p>ALTUS ENGINEERING, INC.</p> <p>133 COUNTRY STREET PORTSMOUTH, NH 03801 PHONE: (603) 435-2335</p>		DATE: 3/28/12 SCALE: 1" = 5' DRAWING NUMBER: C-7	REV:  TITLE: EXISTING CONDITIONS PLAN	DRAWING REFERENCE: 4428SITE.DWG
JOB NAME: STATE STREET SALOON		P4428		



GC/AAA FENCE COMPANY 254 DURHAM ROAD
DOVER, NH 03828 603-742-8833

PROPOSAL/CONTRACT

Customer Information:

STATE STREET SALOON
268 STATE ST.
PORTSMOUTH, NH 03801
ATTN: ELI

Job Information:

OUTSIDE CAFE AREA

Furnish & Install

72' OF 3' HIGH REGIS ORNAMENTAL
BLACK ALUMINUM FENCE ON
SIDEWALK AS SPECIFIED. ALL
FREESTANDING POSTS WILL HAVE AN
ALUMINUM PLATE WELDED FOR
STABILITY. PANELS TO BE ATTACHED
TO POSTS WITH BRACKETS & BOLTS. 4
END POSTS WITHOUT PLATES TO BE
ATTACHED TO BUILDING FOR
STABILITY.
REGIS 4220 3' HIGH FENCE
LIMITED LIFETIME WARRANTY

COST BREAKDOWN:

MATERIAL COST:
9 ALUM. PLATES
LABOR
ADD 2 PLATES
CUSTOM HEIGHT

TOTAL:
COMP \$\$\$:

TOTAL DUE:

GC/AAA FENCE COMPANY agrees to guarantee above fence to be free from defects in materials and workmanship for three years.

GC/AAA FENCE COMPANY shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. GC/AAA FENCE COMPANY will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstances does GC/AAA FENCE COMPANY assume any responsibility concerning property lines or in any guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

GC/AAA FENCE COMPANY will assume the responsibility for having underground public utilities located and marked. However, GC/AAA FENCE COMPANY assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for any damage caused by directing GC/AAA FENCE COMPANY to dig in the immediate vicinity of known utilities.

The final billing will be based on the actual footage of fencing built and the work performed. Partial billing for materials delivered to the jobsite and work completed may be sent at weekly intervals.

*Adjustments for materials used on this job and adjustments for labor will be charged or credited at the currently established rates. Additional charges for any extra work not covered in this contract that was requested by the customer will also be added. The full amount of this contract along with any additional charges will become payable upon completion of all work whether or not it has been invoiced.

A finance charge of 1 1/2% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after completion of any work invoiced. All materials will remain the property of GC/AAA FENCE COMPANY until all invoices pertaining to this job are paid in full. The customer agrees to pay all interest and any costs incurred in the collection of this debt.

CONTRACT PRICE IS VALID FOR 14 DAYS.

Approved & Accepted for Customer:

Eli Salim
Customer

Date

Sign and Return to GC/AAA FENCE COMPANY:

Gordon Clark
Salesperson

5-15-12

Date

Contract Amount:

Down Payment:

Balance Due:



GC/AAA FENCE COMPANY 391 DURHAM ROAD
DOVER, NH 03820 603-742-0833

PROPOSAL/CONTRACT

Customer Information:

STATE STREET SALOON
288 STATE ST.
PORTSMOUTH, NH 02801
ATTN: ELI

Job Information:

OUTSIDE CAFE AREA

Furnish & Install

72' OF 3' HIGH REGIS ORNAMENTAL
BLACK ALUMINUM FENCE ON
SIDEWALK AS SPECIFIED. ALL
FREESTANDING POSTS WILL HAVE AN
ALUMINUM PLATE WELDED FOR
STABILITY. PANELS TO BE ATTACHED
TO POSTS WITH BRACKETS & BOLTS. 4
END POSTS WITHOUT PLATES TO BE
ATTACHED TO BUILDING FOR
STABILITY.
REGIS 4220 3' HIGH FENCE
LIMITED LIFETIME WARRANTY

COST BREAKDOWN:

MATERIAL COST:
9 ALUM. PLATES
LABOR
ADD 2 PLATES
CUSTOM HEIGHT

TOTAL:
COMP \$\$\$:

TOTAL DUE:

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Approved & Accepted for Customer:

Eli Salim
Customer

Date

Sign and Return to GC/AAA FENCE COMPANY:

Gordon Clark
Salesperson

5-15-12

Date

Contract Amount:

Down Payment:

Balance Due:



City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
(603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
City of Portsmouth
Planning Department
1 Junkins Avenue
Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name Popovers on the Square
Restaurant Address 8 Congress St. Portsmouth, NH 03801
Applicant Name John Tinios Phone # (603) 926-9657
Applicant Address PO Box 1259 Hampton, NH 03843
Applicant E-mail Kmaloney@tinioshospitality.com
Proposed Café Area (square feet) 570
Number of tables 10 Number of seats 38

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> curb lines | <input type="checkbox"/> tree grates | <input type="checkbox"/> licensed A-frame signs |
| <input type="checkbox"/> light poles | <input type="checkbox"/> manhole covers | <input type="checkbox"/> adjacent on-street parking and loading zones |
| <input type="checkbox"/> bike racks | <input type="checkbox"/> meters | <input type="checkbox"/> adjacent accessible sidewalk curb cuts |
| <input type="checkbox"/> street trees | | |

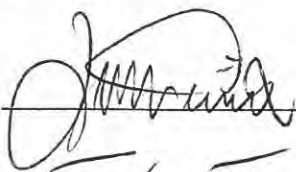
2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- | | |
|--|--|
| <input type="checkbox"/> enclosure system | <input type="checkbox"/> lighting |
| <input type="checkbox"/> tables and chairs | <input type="checkbox"/> trash receptacles |

NOTE: The proposed sidewalk café must comply with the attached design standards.

SIGNATURE:  DATE: 3/22/17
PRINT NAME: John Tinios TITLE: 3/22/17

POPOVERS

ON THE SQUARE

8 CONGRESS STREET
PORTSMOUTH, NH 03801
(603) 431-1119

March 22, 2017

City Planning Department
City of Portsmouth, NH
1 Junkins Avenue
Portsmouth, NH 03801

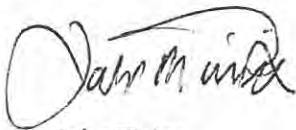
RE: Use of City Property for Sidewalk Cafes Providing Alcohol Service

To Whom It May Concern:

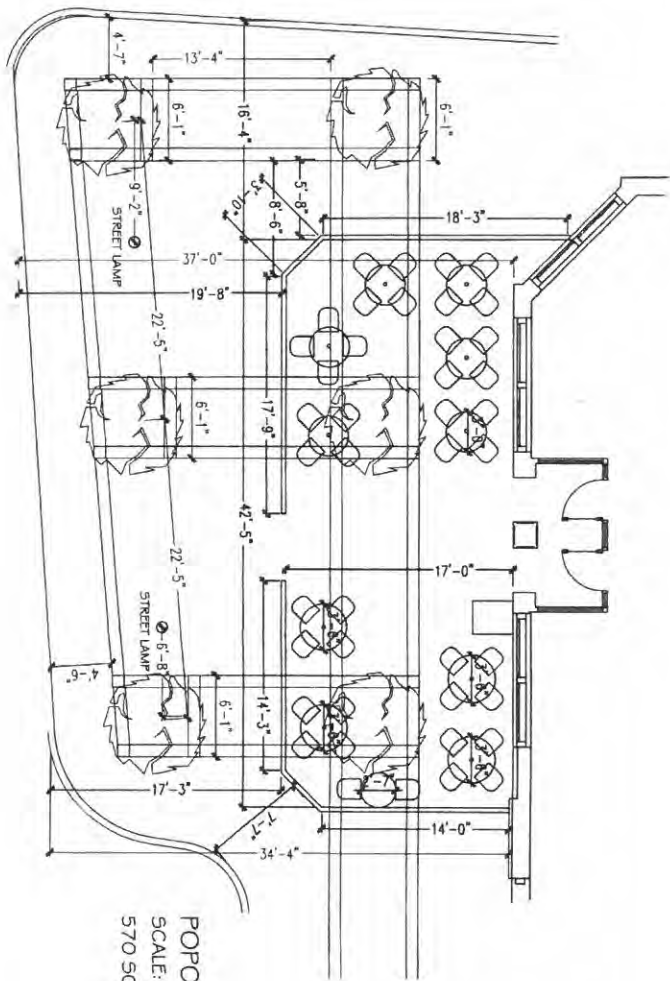
Popovers is interested in attaining a permit for sidewalk usage of alcohol service for the 2017 season. We would like to start service on Friday, April 28, 2017. Our seating plan will be the same as the past year and during the 2016 season including 10 tables, 38 seats, and 1 outside container fully enclosed for garbage and recycling. We also plan to have at least one service person for the area during alcohol service times. The 570 square foot area would be surrounded by fencing 3-4 feet in height to surround the perimeter and would be portable so that it may be removed during the off-season for snow removal access. There would be no change to the grates or impact to the trees that are in the area.

As requested for approval, I have enclosed two documents, one that displays the current exterior area of Popovers and the other that displays our proposal for a sidewalk café with dimensions and detailed elements. Please let me know if there is any additional information you need

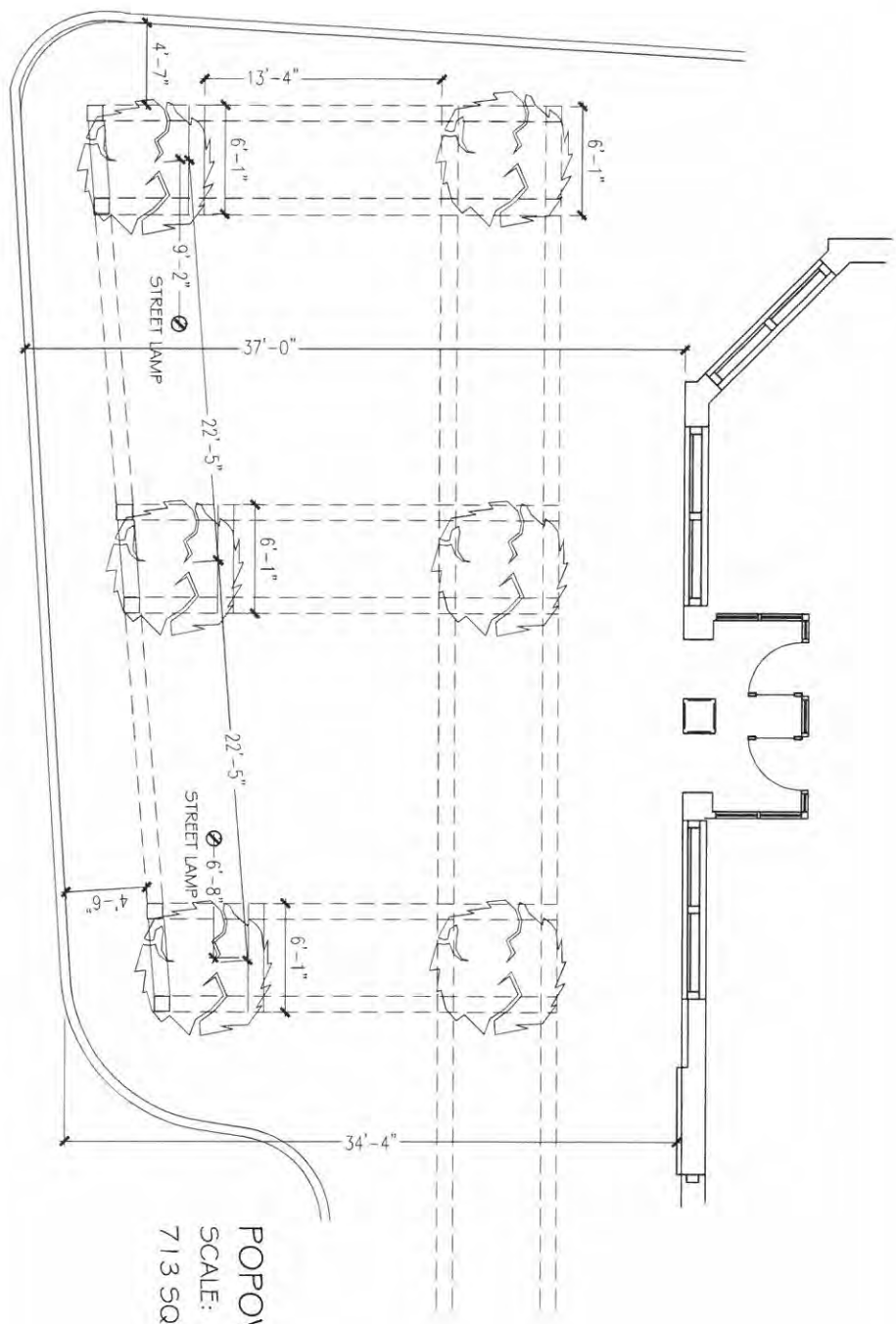
Respectfully,



John Tinios
Popovers on the Square



POPOVERS SITE PLAN
 SCALE: 1/8" = 1'-0"
 570 SQ FT / 38 SEATS



POPOVERS
 SCALE: 1/8" = 1'-0"
 713 SQ FT



City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name Ri Ra Irish Pub
 Restaurant Address 22-26 Market Square Portsmouth NH 03801
 Applicant Name Craig Hannon Phone # 603-319-1680
 Applicant Address 22-26 Market Square Portsmouth NH 03801
 Applicant E-mail riraportsmouth@rira.com
 Proposed Café Area (square feet) 508
 Number of tables 7 Number of seats 48

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- curb lines
- light poles
- bike racks
- street trees
- tree grates
- manhole covers
- meters
- licensed A-frame signs
- adjacent on-street parking and loading zones
- adjacent accessible sidewalk curb cuts

2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- enclosure system
- tables and chairs
- lighting
- trash receptacles

NOTE: The proposed sidewalk café must comply with the attached design standards.

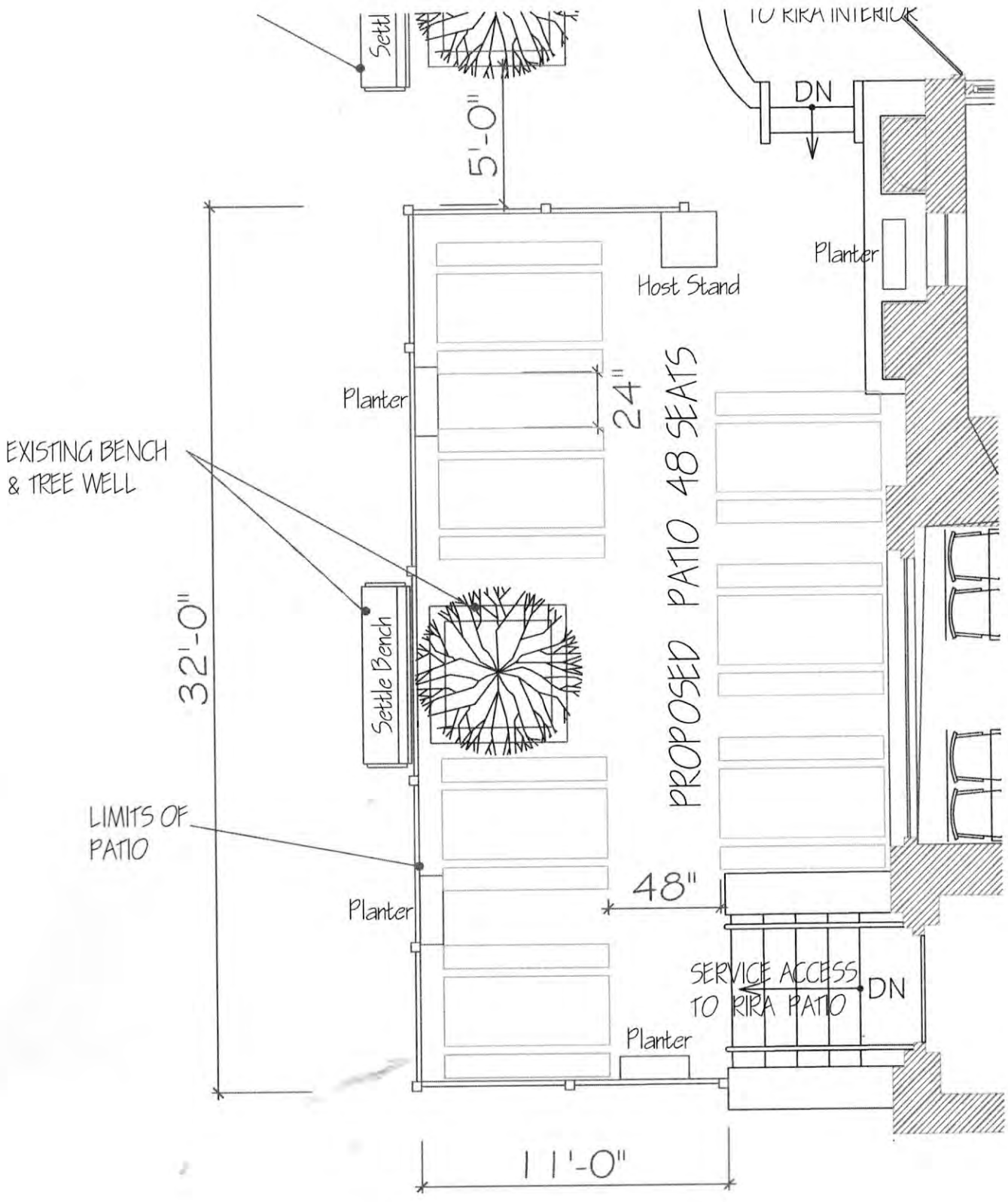
SIGNATURE: Craig Hannon DATE: 3/16/17

PRINT NAME: CRAIG HANNON TITLE: General Manager

Sidewalk Cafes Providing Alcohol Service on City Property: Site Design Standards

(Per City Council Policy No. 2012-02)

- Sidewalk cafes with alcohol service shall be separated from the public pedestrian space on the adjacent municipal sidewalk by a moveable/non-permanent enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee. Special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety. The minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafes shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk cafe.
- Sidewalk cafe seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City. The adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk cafe Area must allow for the passage of customers and wait staff, and shall meet ADA requirements.
- Sidewalk cafes must provide a 5-foot radius clearance from the center of restaurant doorways (exterior). Doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- Tables and chairs shall be movable/non-permanent.
- In Market Square the pedestrian way adjacent to the Area shall be a minimum of 10 to 12 feet wide depending on site conditions. In all other areas the pedestrian way adjacent to the Area shall be a minimum of 5 feet wide, or greater depending on site conditions, and shall meet ADA requirements. The pedestrian way in all instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall ensure pedestrian safety, usability and ADA compliance.
- In no event shall the Area interfere with accessibility or public safety, including safe lines of sight for drivers.
- Canopies over the sidewalk cafe shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café. Table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.



RIRA SEASONAL PATIO 2017



City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name The DISTRICT
 Restaurant Address 103 Congress St. Portsmouth, NH 03877
 Applicant Name DAVID TAKIS Phone # 603 501 0586
 Applicant Address "
 Applicant E-mail david@thedistrictnh.com
 Proposed Café Area (square feet) 500
 Number of tables 17 max Number of seats 35 max

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- curb lines
- light poles
- bike racks
- street trees
- tree grates
- manhole covers
- meters
- licensed A-frame signs
- adjacent on-street parking and loading zones
- adjacent accessible sidewalk curb cuts

2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- enclosure system
- tables and chairs
- lighting
- trash receptacles

NOTE: The proposed sidewalk café must comply with the attached design standards.

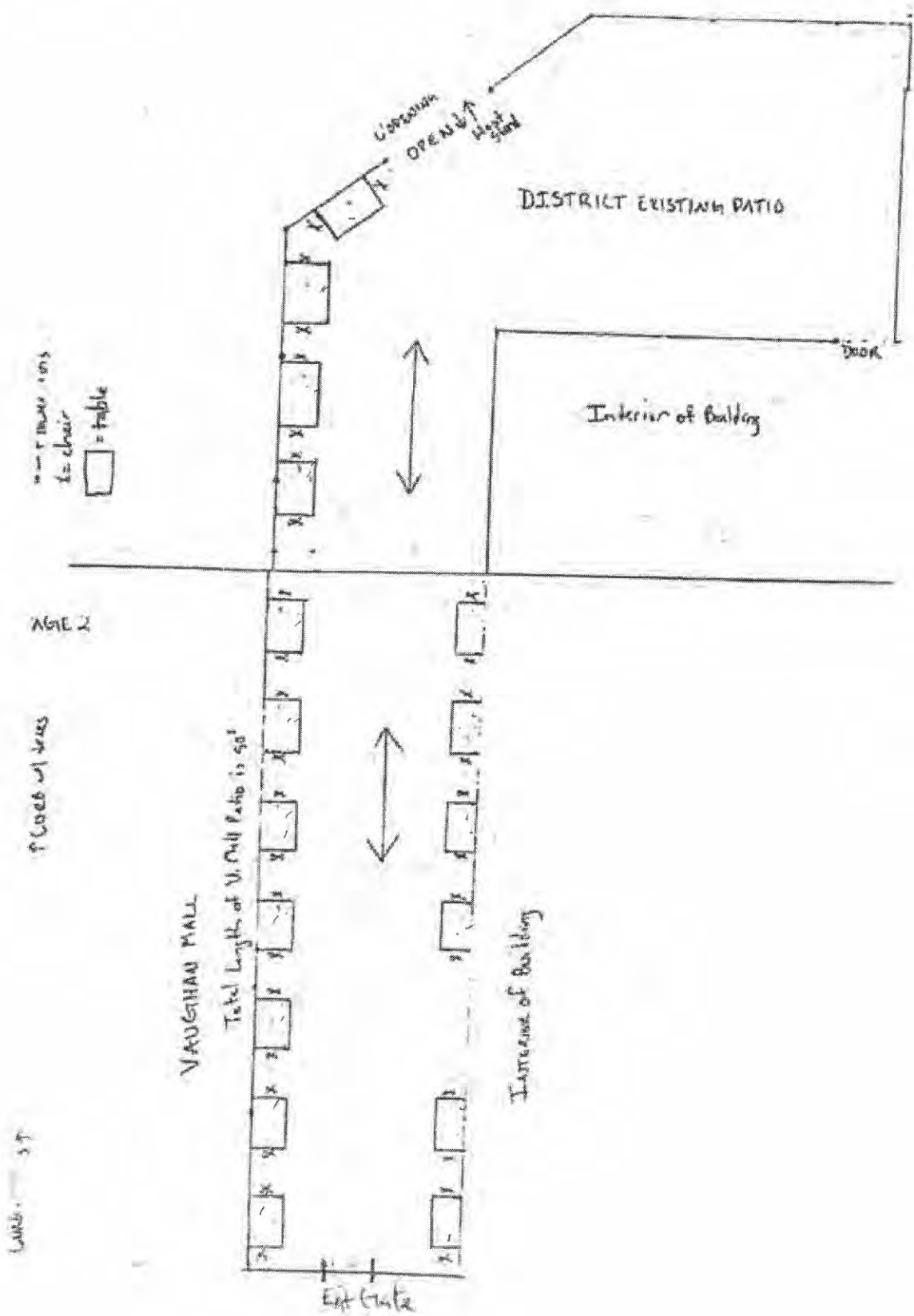
SIGNATURE: [Signature] DATE: 03/03/17

PRINT NAME: DAVID TAKIS TITLE: President

4 1/2"

CONGRESS ST

EXHIBIT A



VAUGHAN MALL

Total Length of V. Mall Patio is 50'

Interior of Building

DISTRICT EXISTING PATIO

Interior of Building

CONCRETE OPENING
High Street

--- r marks on
to chair
= Table

AGRE X

Placed w/ trees

Exit Gate

Door



City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name Fezziwigs Food & Fun
 Restaurant Address 112 STATE ST.
 Applicant Name Michael Lipari Phone # 603-812-1526
 Applicant Address 177 STATE ST. Portsmouth, NH. 03801
 Applicant E-mail OLIVIER@Pickwicksmercantile.com
 Proposed Café Area (square feet) 16' L x 6' W = 96 FT²
 Number of tables 4 Number of seats 8

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> curb lines | <input type="checkbox"/> tree grates | <input type="checkbox"/> licensed A-frame signs |
| <input type="checkbox"/> light poles | <input type="checkbox"/> manhole covers | <input type="checkbox"/> adjacent on-street parking and loading zones |
| <input type="checkbox"/> bike racks | <input type="checkbox"/> meters | <input type="checkbox"/> adjacent accessible sidewalk curb cuts |
| <input type="checkbox"/> street trees | | |

2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- | | |
|--|--|
| <input type="checkbox"/> enclosure system | <input type="checkbox"/> lighting |
| <input type="checkbox"/> tables and chairs | <input type="checkbox"/> trash receptacles |

NOTE: The proposed sidewalk café must comply with the attached design standards.

SIGNATURE: [Signature] DATE: 3-6-2017
 PRINT NAME: Michael Lipari TITLE: General Manager

Dear Liz Good & the City of Portsmouth,

I am writing to ask permission for outdoor seating at Fezziwig's Food & Fountain - 112 State Street. There are two parts to this request.

Part 1.)

Our goal is to create a small outdoor seating area in front of our restaurant. Using the city standard fencing we can cordon off the front of our restaurant to accommodate four tables with eight seats on the sidewalk. Our front door would be encompassed by the fencing- at no point would alcohol go beyond the unfenced area. Please see attached drawing.

Part 2.)

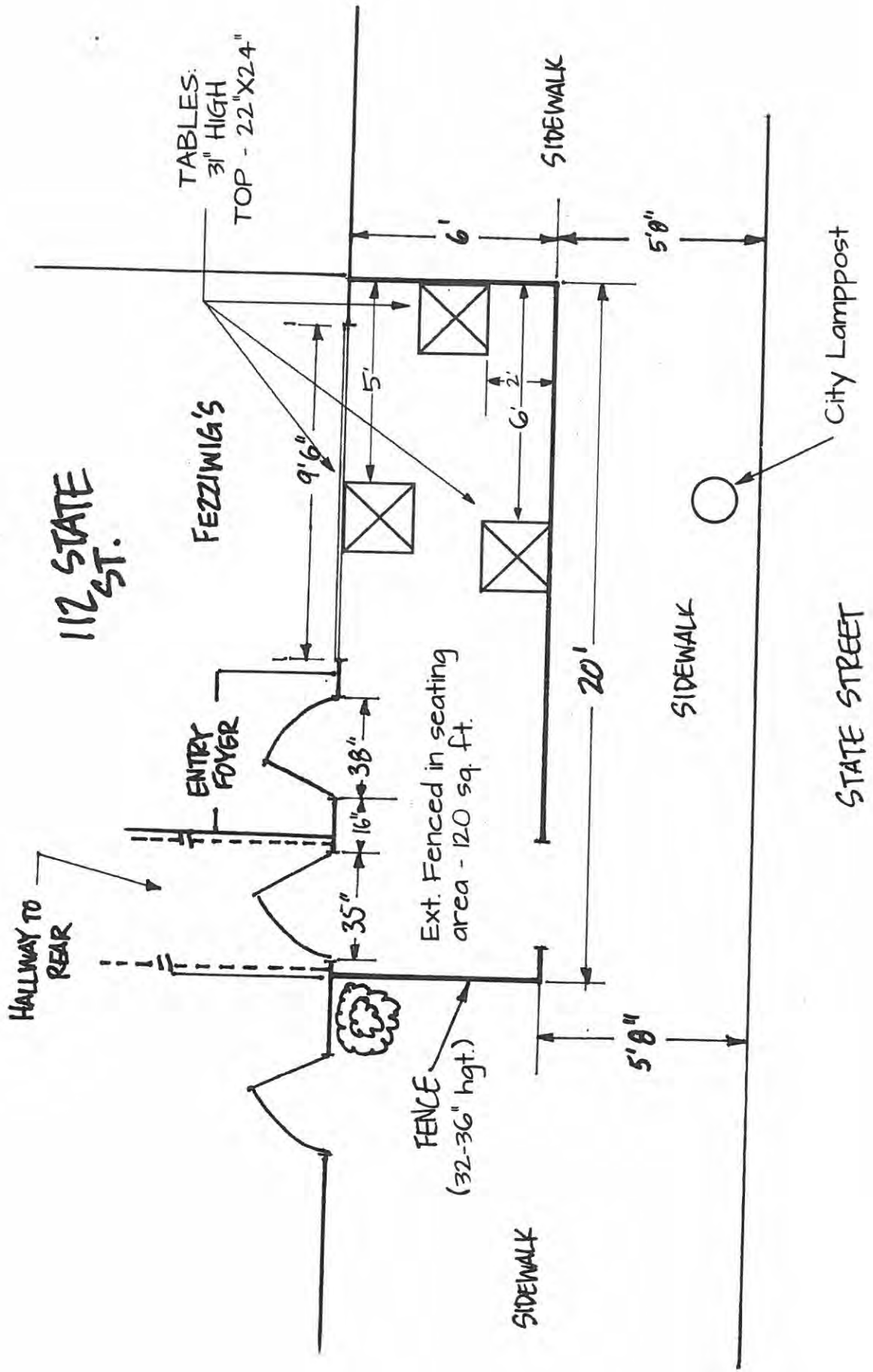
It is our goal to utilize the large 18' x 20' patio behind Fezziwig's Food & Fountain. This would make an ideal seating area in the summer months. It is our goal to utilize this unused space by adding additional restaurant seating- serving food, beer and wine. (The amount of seating will be dependent on city code.) The patio is completely walled off by fencing. Please see attached for drawing.

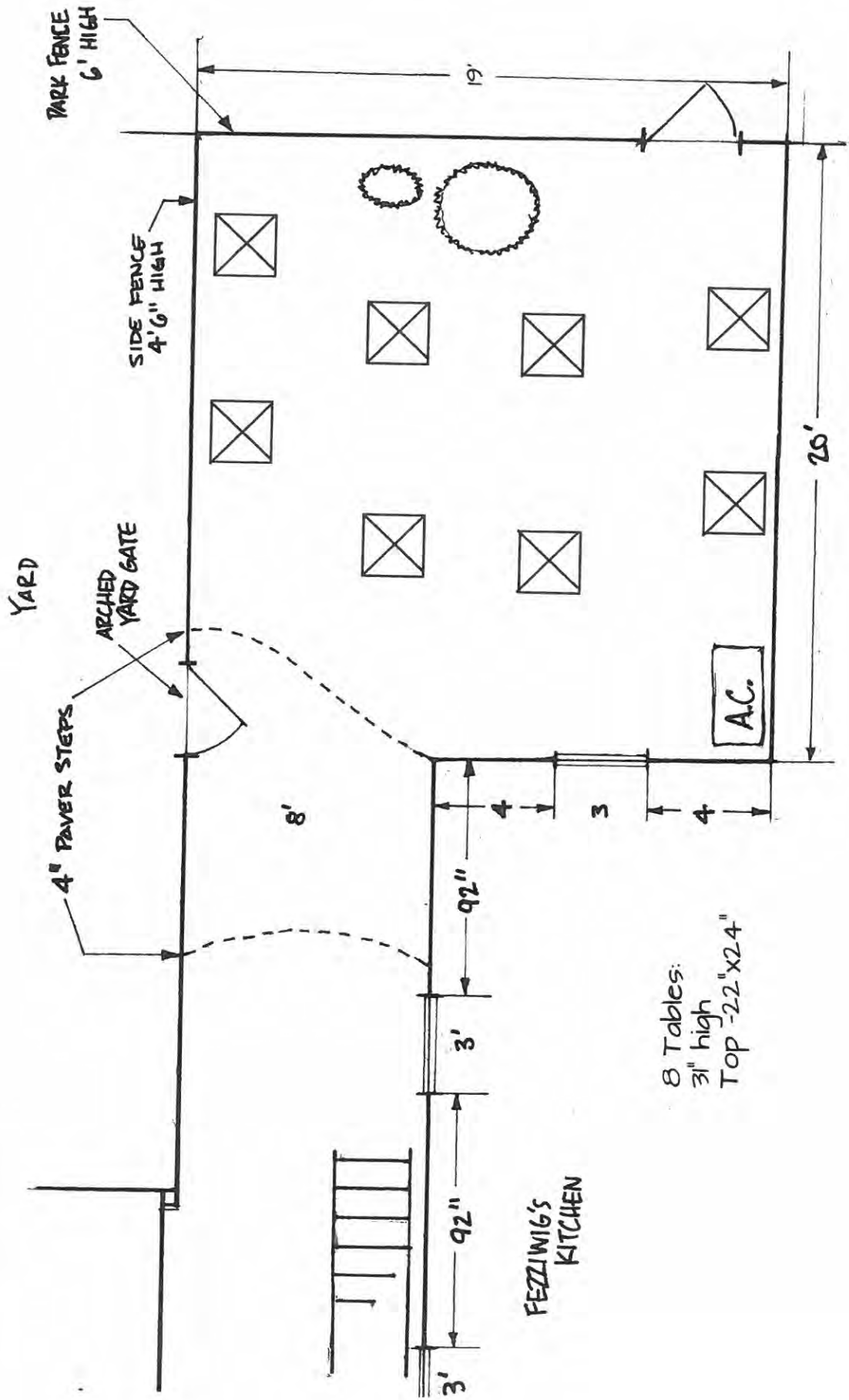
Thank You for your consideration & guidance in these matters.

Sincerely,

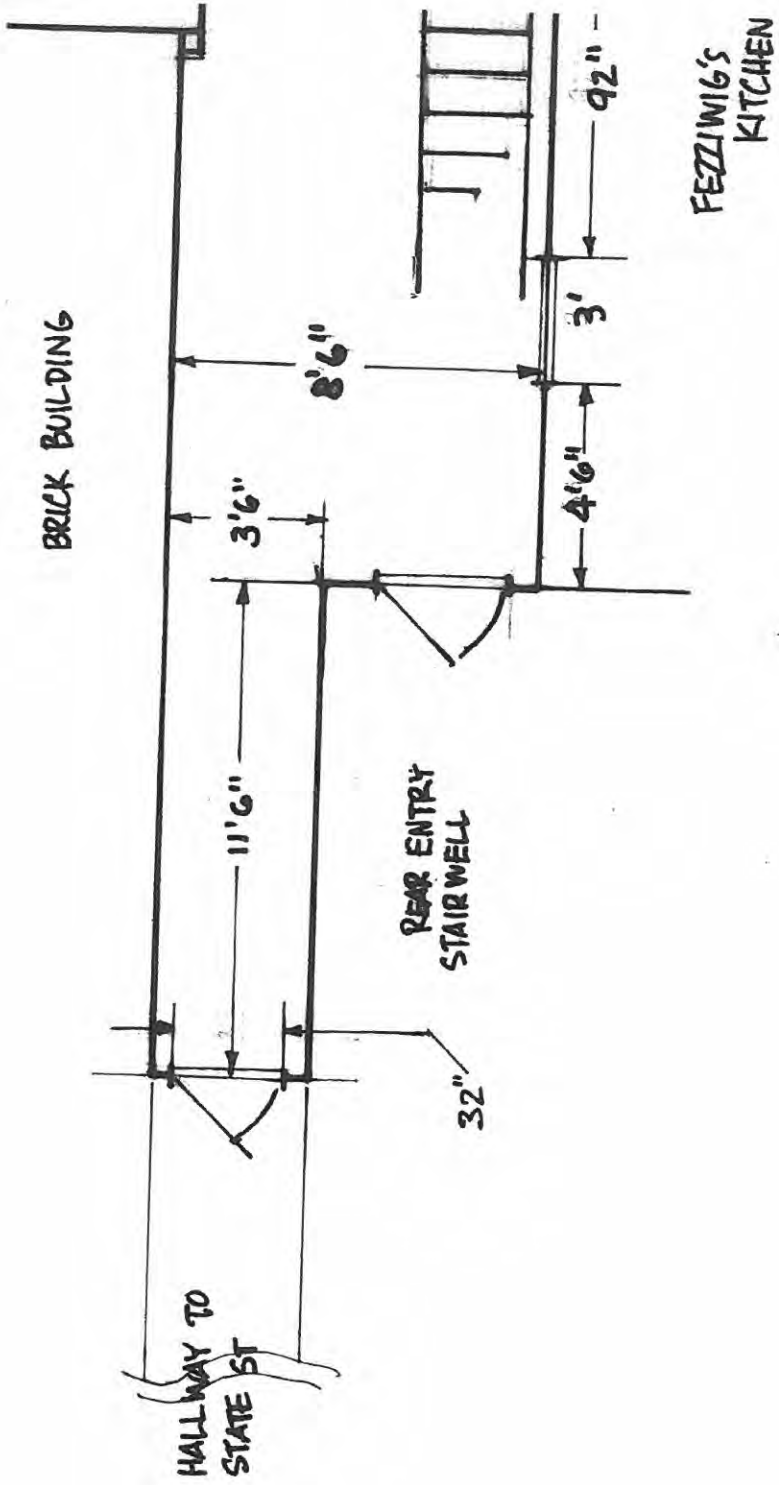
Michael Lipoma
General Manager

Fezziwig's Food & Fountain
c 603-812-1526
112 State Street
Portsmouth, NH. 03801





8 Tables:
 31" high
 Top -22" X24"





City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name Portsmouth BBC, LLC dba British Beer Company
 Restaurant Address 2 Portwalk Place
 Applicant Name Gary Simon Phone # 508-888-6610
 Applicant Address 15 Richards Road Plymouth, MA
 Applicant E-mail garysimon@britishbeer.com / portsmouth.pub@britishbeer.com
 Proposed Café Area (square feet) 350 sq/ft
 Number of tables 9 Number of seats 24

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- curb lines
- light poles
- bike racks
- street trees
- tree grates
- manhole covers
- meters
- licensed A-frame signs
- adjacent on-street parking and loading zones
- adjacent accessible sidewalk curb cuts

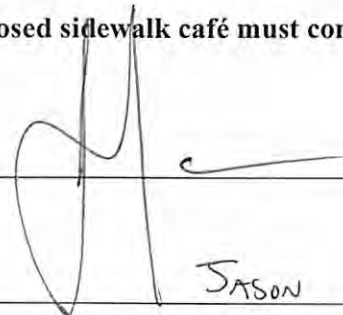
2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- enclosure system
- tables and chairs
- lighting
- trash receptacles

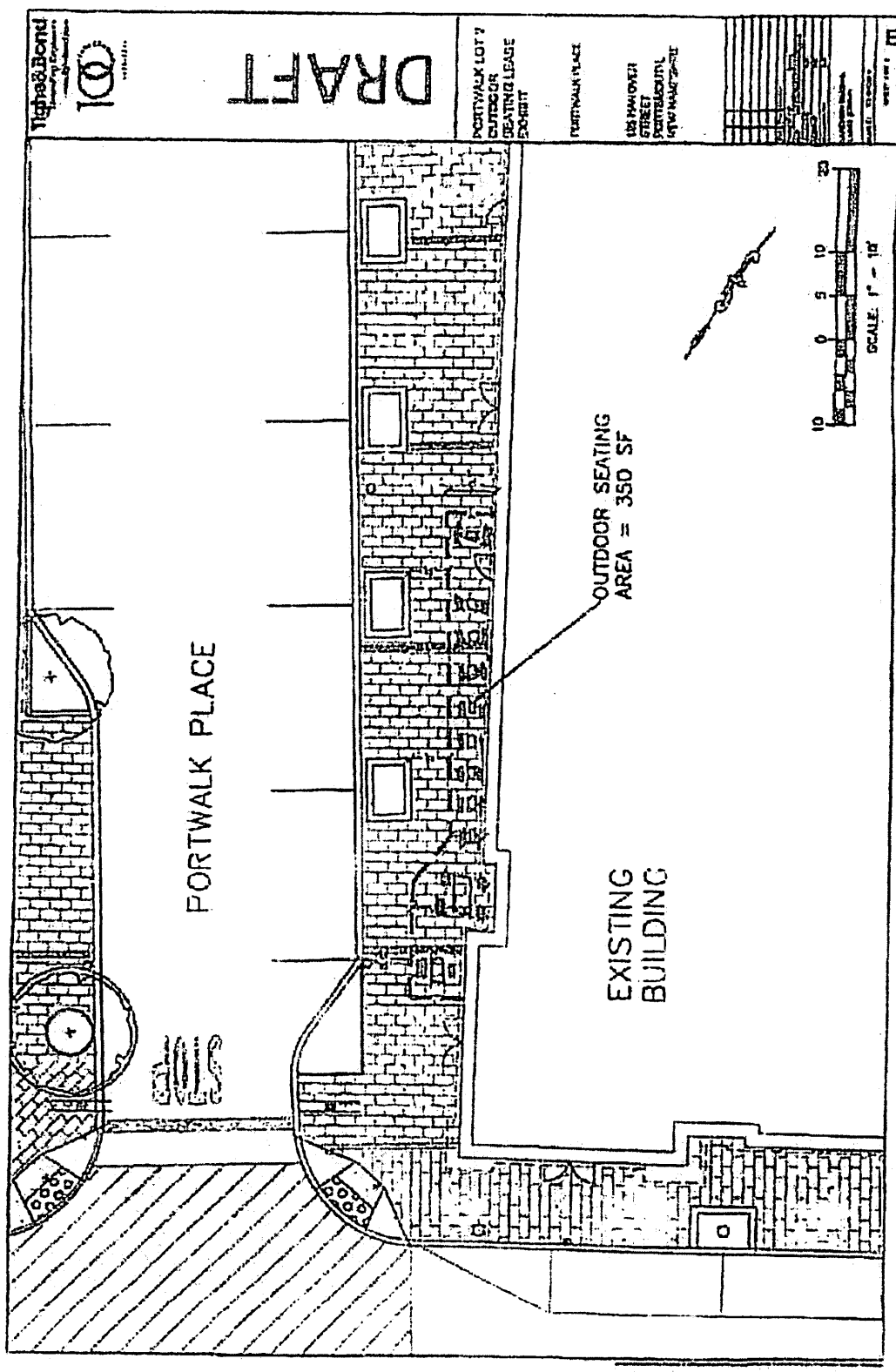
NOTE: The proposed sidewalk café must comply with the attached design standards.

SIGNATURE:  DATE: 03-08-2017
 PRINT NAME: JASON NARIANIAN TITLE: General Manager

Sidewalk Cafes Providing Alcohol Service on City Property: Site Design Standards

(Per City Council Policy No. 2012-02)

- Sidewalk cafes with alcohol service shall be separated from the public pedestrian space on the adjacent municipal sidewalk by a moveable/non-permanent enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee. Special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety. The minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafes shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk cafe.
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- Tables and chairs shall be movable/non-permanent.
- In Market Square the pedestrian way adjacent to the Area shall be a minimum of 10 to 12 feet wide depending on site conditions. In all other areas the pedestrian way adjacent to the Area shall be a minimum of 5 feet wide, or greater depending on site conditions, and shall meet ADA requirements. The pedestrian way in all instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall ensure pedestrian safety, usability and ADA compliance.
- In no event shall the Area interfere with accessibility or public safety, including safe lines of sight for drivers.
- Canopies over the sidewalk cafe shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café. Table umbrellas without logs are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.



DRAFT



 The Bond Group, Inc.

PORTWALK LOT 7
 OUTDOOR SEATING LEASE
 EXHIBIT

NO. 1	PORTWALK PLACE
NO. 2	PORTWALK PLACE
NO. 3	PORTWALK PLACE
NO. 4	PORTWALK PLACE
NO. 5	PORTWALK PLACE
NO. 6	PORTWALK PLACE
NO. 7	PORTWALK PLACE
NO. 8	PORTWALK PLACE
NO. 9	PORTWALK PLACE
NO. 10	PORTWALK PLACE
NO. 11	PORTWALK PLACE
NO. 12	PORTWALK PLACE
NO. 13	PORTWALK PLACE
NO. 14	PORTWALK PLACE
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NO. 16	PORTWALK PLACE
NO. 17	PORTWALK PLACE
NO. 18	PORTWALK PLACE
NO. 19	PORTWALK PLACE
NO. 20	PORTWALK PLACE
NO. 21	PORTWALK PLACE
NO. 22	PORTWALK PLACE
NO. 23	PORTWALK PLACE
NO. 24	PORTWALK PLACE
NO. 25	PORTWALK PLACE
NO. 26	PORTWALK PLACE
NO. 27	PORTWALK PLACE
NO. 28	PORTWALK PLACE
NO. 29	PORTWALK PLACE
NO. 30	PORTWALK PLACE
NO. 31	PORTWALK PLACE
NO. 32	PORTWALK PLACE
NO. 33	PORTWALK PLACE
NO. 34	PORTWALK PLACE
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NO. 100	PORTWALK PLACE



City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name BRGR BAR
 Restaurant Address 34 PORTWALK PL, PORTSMOUTH NH 03801
 Applicant Name PHELPS CRAIG Phone # 603-988-5706
 Applicant Address 150 GARLAND RD, RYE NH 03840
 Applicant E-mail PHELPSDIECK@YAHOO.COM | INFO@BRGR-BAR.COM
 Proposed Café Area (square feet) 950 SQ FT.
 Number of tables 9 Number of seats 30

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- curb lines
- light poles
- bike racks
- street trees
- tree grates
- manhole covers
- meters
- licensed A-frame signs
- adjacent on-street parking and loading zones
- adjacent accessible sidewalk curb cuts

2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- enclosure system
- tables and chairs
- lighting
- trash receptacles

NOTE: The proposed sidewalk café must comply with the attached design standards.

SIGNATURE: [Signature] DATE: 3/2/2017
 PRINT NAME: PHELPS CRAIG TITLE: OWNER

March 2nd, 2017

Jack Blalock

City Council

City of Portsmouth

1 Junkins Avenue

Portsmouth, NH

Honorable Mayor Blalock and City Council,

Please allow this letter to serve as a formal request for favorable consideration of an area service agreement for tables and chairs upon a city sidewalk, adjacent to BRGR BAR restaurant as shown on attached plan.

We look forward to reviewing this request with you at an upcoming regularly scheduled meeting.

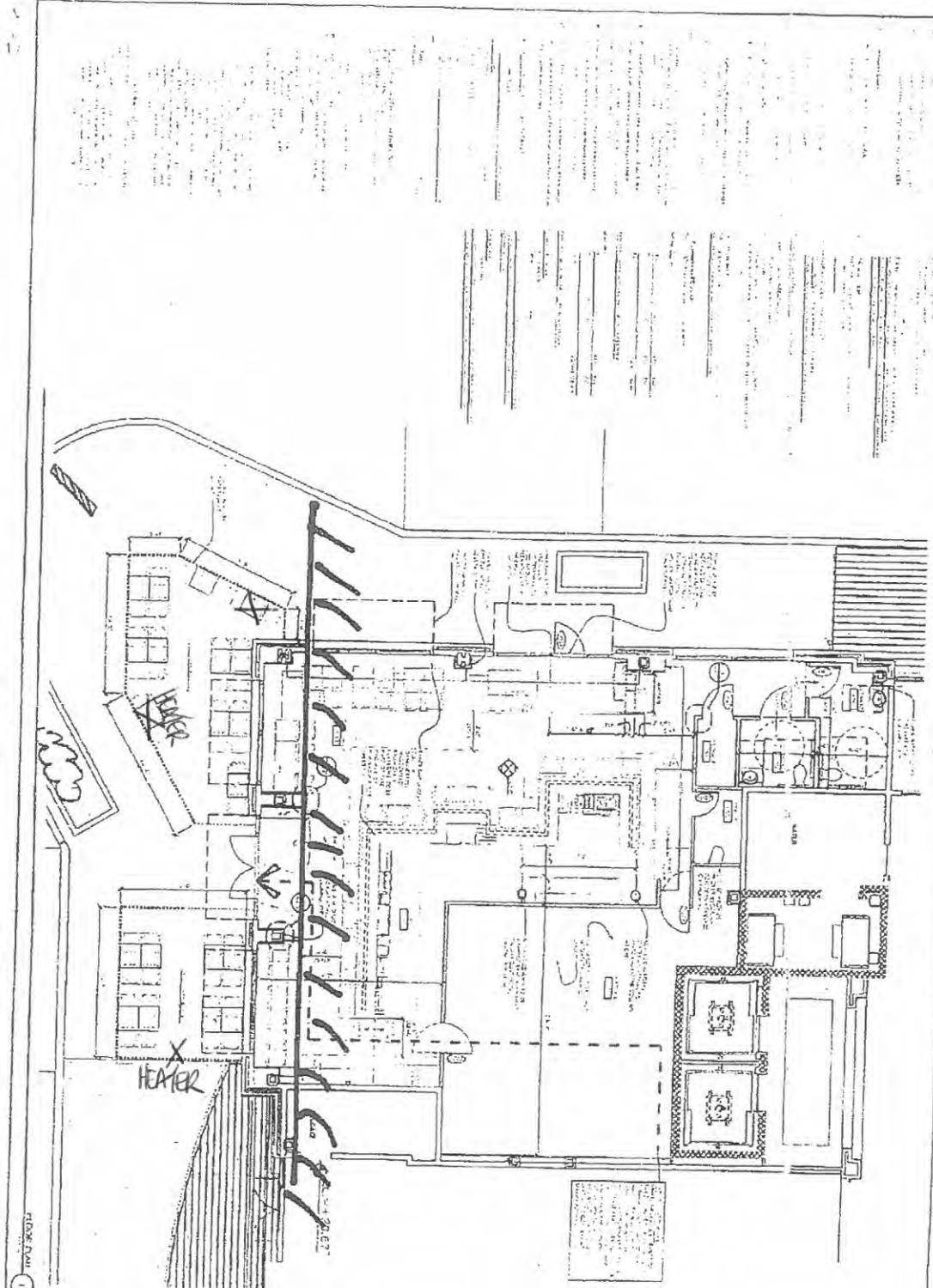
Respectfully submitted,



Phelps Craig

BRGR BAR,

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

CC: Carolyn Gregory, Director of Operations, BRGR BAR



 - SIGN
 - TREE

A1.0	DATE: 10/1/03 DRAWN BY: [illegible] CHECKED BY: [illegible]	BRGR BAR RETAIL A- PORTWALK PLACE PORTSMOUTH, NH 03801	D/A	
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City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801
 (603) 610-7232 / Fax: (603) 427-1593

Return by 3/17/17 to:
 City of Portsmouth
 Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

2017 Application for Use of City Property for Sidewalk Café Providing Alcohol Service

Restaurant Name Row 34
 Restaurant Address 5 PORTWALK PLACE
 Applicant Name JAMES McDONNELL Phone # 617-678-3082
 Applicant Address 500 COMMONWEALTH AVE. BOSTON MA 02215
 Applicant E-mail JMcDonnell@Row34.com
 Proposed Café Area (square feet) 290 SF
 Number of tables 7 Number of seats 20

Required attachments:

1. Dimensioned site plan showing existing conditions including public infrastructure such as:

- curb lines
- light poles
- bike racks
- street trees
- tree grates
- manhole covers
- meters
- licensed A-frame signs
- adjacent on-street parking and loading zones
- adjacent accessible sidewalk curb cuts

2. Dimensioned site plan showing proposed conditions including:

- table/chair layout plan for the sidewalk café
- dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk

3. Detail sheets for all proposed elements including:

- enclosure system
- tables and chairs
- lighting
- trash receptacles

NOTE: The proposed sidewalk café must comply with the attached design standards.

SIGNATURE: James McDonnell DATE: 3/6/17

PRINT NAME: JAMES McDONNELL TITLE: DIRECTOR OF FACILITIES



City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

RE: Row 34 Outdoor Dining

To City of Portsmouth:

Please find the following items contained in the attached submission package provided for review by City regarding the request for permission for outdoor seating at Row 34, located at 5 Portwalk Place:

- Letter of Request from Row 34
- Letter acknowledging review and support by Building / Property Owner
- Seating plan showing extent of proposed outdoor dining area as well as location of proposed planter barrier, with planters linked by chain
- A cut sheet indicating proposed planters
- A letter of review from the engineer of record noting their code opinion relative to impact on plumbing
- A full sample menu including raw bar menu, lunch menu, dinner menu, brunch menu, wine list, beer list, and mixed drink list

Please advise regarding next steps and if any additional information is required to facilitate your review.

Regards,

A handwritten signature in black ink, appearing to read "Robert J. Harbeson". The signature is fluid and cursive, written over a horizontal line.

Robert J. Harbeson, AIA
Founder / Partner
Market Square Architects PLLC

12 August 2016

Row 34
5 Portwalk Place
Portsmouth NH 03801

Office of the City Manager
1 Junkins Avenue
Portsmouth NH 03801

RE: Use of Private Way within City of Portsmouth for Sidewalk Café Providing Alcohol Service

To City Manager Bohenko:

Row 34 desires to pursue permission from the City to enable use of a portion of the sidewalk on Portwalk Place immediately adjacent to the Row 34 restaurant for seasonal outdoor dining with alcohol service. An area of approximately 290 SF is proposed to be enclosed by movable planters per the attached documents connected by chains to provide a continuous barrier that does not require attachment to the building. All items will be portable for seasonal removal and for snow removal access. The dining area would be staffed by a minimum of one service person at all times during alcohol service periods. As indicated on the proposed plan, the patio area is intended to accommodate 20 seats.

Attached, please find a seating plan, a letter of support from our Property Owner, a document indicating the proposed planter, and a representative menu for our establishment.

We are aware that because of our location on Portwalk Place, that our establishment will not be subject to the parameters of the City Council license process for outdoor alcohol service on City property. However, we also understand that there may be other City commissions that we need to pursue approval from, such as the liquor commission. Our office will be pleased to accommodate any process determined by your office, and we look forward to meeting with you to discuss any aspect of this proposal.

Best Regards,



Shore Gregory
Partner, Row 34

15.501

Portsmouth, NH 03801

row34.com

R34



Lizbeth Good

From: Robert Harbeson <rharbeson@marketsquarearchitects.com>
Sent: Wednesday, December 07, 2016 11:46 AM
To: Lizbeth Good
Cc: Molly Woodhouse; Jim McDonnell
Subject: FW: Row 34 Updated Diagram
Attachments: Row 34_120516.pdf

Liz –

Please find the attached for file. The elimination of the planters parallel to the tree in favor of railing is indicated to enable greater width for pedestrians at that area. Although it is not noted on the diagram, Row 34 shall use the standard black railing similar to British Beer Company across the street, and used throughout Portsmouth for this area between planters.

As always, please contact me with any comments or questions.

Best Regards,

Rob

Robert J. Harbeson, AIA
Founder and Partner
Market Square Architects, LLC
104 Congress Street, Suite 203
Portsmouth, NH 03801
P: 603.501.0202
C: 603.833.1101
www.marketsquarearchitects.com



ARCHITECTS

From: Courtney Carrier
Sent: Monday, December 05, 2016 4:46 PM
To: Robert Harbeson <rharbeson@marketsquarearchitects.com>
Subject: Row 34 Updated Diagram

Please find attached updated Row 34 Seating Diagram.

Courtney Carrier
Intern Architect
Market Square Architects, PLLC
104 Congress Street, Suite 203

DRAFT

Portsmouth, NH

Complete Street Demonstration Project Policy

AUTHORITY TO ENABLE COMMUNITY-LED DEMONSTRATION PROJECTS WITHIN PUBLIC RIGHTS-OF-WAY

With the conditions set forth in this policy, the City Council shall enable non-municipal groups and organizations, hereby known as Project Sponsors, to undertake demonstration projects in public rights-of-way. A demonstration project is a short-term street or sidewalk design project that is designed in accordance with the City's Complete Street Policy and/or Walk and Bicycle Friendly Community Policies.

PROJECT SPONSOR

A project sponsor may be an individual, group, or business entity that has the ability to satisfy the requirements included herein.

SITE REQUIREMENTS, CLEARANCE AND ACCESS

- (1) Demonstration projects can only be located in the public right-of-way on roads under City jurisdiction.
- (2) Project shall be located on a road with a speed limit that is 30 MPH or less.
- (3) Projects shall be designed to minimize interference with access to and service of public utilities, utility covers, valves, building standpipes, fire hydrants, and other services and operations located within or accessed from the public right-of-way.
- (4) Driveways: Projects should not block or limit driveway access, unless the driveway owner specifically permits use of their driveway for the demonstration. Such permission must be illustrated by letter of support.
- (5) Demonstration Projects shall maintain or improve the existing level of accessibility to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
- (6) Demonstration projects shall not be located in proximity to ongoing construction projects within the public right-of-way.
- (7) No street or public right-of-way shall be blocked for project installation unless specifically allowed by the Portsmouth Department of Public Works.

FUNDING

(1) The Project Sponsor shall be responsible for all related project materials and elements. In some scenarios, the City of Portsmouth may provide funding or in-kind support to benefit the project, but financial support from the City is not guaranteed or required.

COMMUNITY SUPPORT

- (1)** Demonstration projects must demonstrate community support from property owners/businesses in the impacted area adjacent to the project site. Support must be demonstrated through individual letters or petition.
- (2)** The Project Sponsor must provide individual letter(s) of support from any property owners/businesses whose property access will be impacted by the demonstration.

PERMITTING + NOTIFICATION

- (1) Initial Project Request:** Project Sponsore shall submit initial project request at least 3 months from the desired implementation date. The Portsmouth Public Works Department will review the proposal and confirm compliance with applicable laws/regulations. DPW will also review to determine that the Demonstration Project will have minimal impact on access to and service of public utilities, utility covers, valves, building standpipes, fire hydrants, and other services and operations located within or accessed from the public right-of-way. Once receiving initial approval from the DPW, the Project Sponsor shall revise materials in response to DPW feedback and submit a demonstration project application.
- (2) Project Application:** The Project Sponsor shall submit a complete permit application to DPW a minimum of 2 months before desired implementation date. If DPW determines the application to be complete, the application will be placed on the agenda for the next scheduled Parking & Traffic Safety Committee meeting.
- (3) Project Approval:** The Parking & Traffic Safety Committee shall review the application and make a recommendation for approval or denial to the City Council. The City Council may grant or deny the project permit once a recommendation is received from the Parking & Traffic Safety Committee.
- (4)** Upon receiving permit approval, the Project Sponsor shall notify all households and businesses within 300' of the proposed project location at least 7 days before the planned installation date, via a flyer or letter.
- (5)** Any temporary changes to on-street parking will be subject to review and approval by the Department of Public Works Parking Division.
- (6)** The Project Sponsor shall post a project information sign at the project site for the duration of the project. The sign shall be reviewed and approved by DPW.

STEWARDSHIP

- (1)** The Project Sponsor shall comply with all applicable traffic laws or other relevant city or state laws or ordinances. DPW will identify any concerns related to compliance with applicable laws and ordinances when reviewing the Project Sponsor's initial project request.
- (2)** The Project Sponsor shall designate a primary contact person who can be reached by the City 24/7 for the duration of the project in case of emergencies or unexpected issues/concerns. This person must be available for a site inspection once the project has been installed, and must be willing and able to troubleshoot should adjustments be necessary.

(3) The Project Sponsor is responsible for any property damage that occurs as a direct result of the demonstration project.

(4) The Project Sponsor is required to submit a certificate of insurance that meets city insurance requirements and that names the city as certificate holder as well as an additional insured for the duration of the event.

(5) The Project Sponsor shall remove all elements/features of the Demonstration Project and restore the project site to its original conditions by the end of the permit period. If the Project Sponsor fails to remove the project and its various elements within the agreed time frame, the City will do so at the expense of the Project Sponsor, and Partner may be considered ineligible to lead future Demonstration Projects. If an emergency situation requires the City to remove or damage parts of the project before the end of the permit period, the City will not be held liable for damages to the project elements.

(6) The Project Sponsor shall communicate with affected neighbors and attempt to resolve any concerns that may arise during the project's duration. The Project Sponsor shall notify DPW about any concerns raised during the project's duration.

(7) The Demonstration Project permit shall be revocable by the Public Works Director if the project no longer meets the intent of the approved Demonstration Project proposal.

(8) All Project Sponsors shall collect data and monitor use of the demonstration project using methods approved by DPW. A report, including a summary of the data collected and an evaluation of the effectiveness of the project, shall be provided to the DPW at the conclusion of the project.

Event Listing by Date

Starting Date: 3/20/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
3/26/2017 3/26/2017	ROAD RACE Donald Allison is the contact for this event.	Starts at Traip Academy in Kittery, ME thru town	Eastern States 20 Mile	12/ 5/2016
4/ 8/2017 4/ 8/2017	WALK This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/21/2016
4/ 9/2017 4/ 9/2017	FOOT MARCH Contact: 1st Sgt. Robert P. Valarese, 603-866-1775 Best Warrior Competition foot march from Ft. Constitution to Wallis Sands State Park and return to Ft. Constitution 4 hour event starting at 8:30 a.m. to 1:30 p.m. on the side roads of Rte 1A, 1B and back to 1A.	Rte 1A, 1B and back to 1A	NH Army National Guard	3/20/2017
4/23/2017 4/23/2017	ROAD RACE LOCO Sports, LLC is the coordinator of this race. This race is being sponsored by Portsmouth Mercedes-Benz Start time: 8:00 a.m.	Route 33 - Greenland Road	LOCO Sports	3/ 6/2017
5/ 6/2017 5/ 6/2017	WALK Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	Little Harbour Elementary School	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Pleasant Street - State Street - Market Square	Children's Day - Pro Portsmouth	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	Start at Redhook Brewery	American Lung Association	10/ 3/2016
5/ 7/2017 5/ 7/2017	WALK Richard Wagner is the contact for this event. This event begins at 2:00 p.m. and ends at 5:00 p.m.	City Hall Lower Parking Lot	AIDS Reponse Seacoast	3/20/2017
5/13/2017 5/13/2017	FUND Ridges Court - Street Closure from 9:00 a.m. to 4:00 p.m. for the Music Hall's 26th Annual Kitchen Tour from 9:00 a.m. to 4:00 p.m. Contact: Ashleigh Tucker Pollock, Special Events Manager & Rental Coordinator 603-766-2202	Ridges Court	Music Hall	2/ 6/2017
5/13/2017 5/13/2017	RACE Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Strawbery Banke	Susan G. Komen Foundation	8/15/2016
5/28/2017 5/28/2017	FUND Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Portsmouth High School	Education to All Children	12/ 5/2016
5/28/2017 5/28/2017	ROAD RACE	Redhook Brewery - Pease Tradeport	Runner's Alley	12/19/2016

Run: 3/30/17
9:34AM

Event Listing by Date

Page: 2

Starting Date: 3/20/2017

Ending Date: 12/31/2017

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

Event Listing by Date

Starting Date: 3/20/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
8/19/2017 8/19/2017	BOAT This is the 7th annual Round Island Regatta	Peirce Island Boat Launch	Gundalow Company - Round Island	3/6/2017
8/26/2017 8/26/2017	BIKE TOUR Contact: Emily Christian, Logistics Manager - 781-693-5154	Along the Seacoast	National Multiple Sclerosis Society	2/6/2017
9/16/2017 9/16/2017	WALK Ken La Valley, Chair is the contact for this event. This evening begins at 10:00 a.m. to Noon at Little Harbour School. Registration begins at 8:30 a.m.	Little Harbour School	American Foundation for Suicide Prevention	3/6/2017
9/17/2017 9/17/2017	RACE Jennie Halstead, Executive Director is the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Breast Cancer Support	12/5/2016
9/23/2017 9/24/2017	FESTIVAL Contact: Bruce MacIntyre This is a two day event - Saturday events starting at 10:00 a.m. and ending at 10:00 p.m. Sunday events starting at 1:00 p.m. and ending at 5:00 p.m.	Congress Street, Market Square	Portsmouth Maritime Folk Festival	2/6/2017
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
11/12/2017 11/12/2017	RACE Jay Diener is the contact for this event. This event begins at 8:30 a.m.	Portsmouth High School - Start and Finish	Seacoast Half Marathon	3/20/2017
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

ISLINGTON WOODS / BORTHWICK VILLAGE / BORTHWICK FOREST
CONTEXT AND BACKGROUND
Planning Department – March 28, 2017

Existing Conditions

“Borthwick Forest” is the name given by the current property owner to an area of largely open land between Islington Street and Borthwick Avenue. The four principal parcels, containing a total of approximately 42 acres, do not actually have frontage on either street, but are bounded on the northwest and southeast by railroad lines, on the southwest by City of Portsmouth land, and on the northeast by a field that fronts on Barberry Lane. (See Exhibits 1 and 2.)

The parcels are largely undeveloped. One of the parcels is the former site of a radio station and office building and continues to support two radio transmission towers, and two other parcels on the easterly side of the site were previously a farm.

The parcels contain two significant wetland areas. The southwest portion of the site includes a large wetland that crosses into the adjacent City parcel, and the area to the east of the radio transmission tower (near the active rail line) contains a 2.7-acre wetland and around 4.4 acres of wetland buffer area.

In addition to the major parcels owned by Borthwick Forest, LLC, a related entity owns a 0.4-acre parcel at the northeast corner of Islington Street and WBBX Road. This land was acquired to improve access to the site from Islington Street, particularly for previous proposals which included a through road between Islington Street and Borthwick Avenue.

Site Access

The only physical road access to these parcels is from Islington Street via WBBX Road, the public portion of which ends at the Hampton Branch rail line. However, the parcels are benefited by access easements from Borthwick Avenue across the HCA property (between the Jackson-Gray building and the Eversource transmission corridor) and across the Pan Am Railroad line. All previous development proposals for the site have shown this easement being used as a primary access route.

The rail line closer to Borthwick Avenue is the active Portsmouth Branch, while the one parallel to Islington Street is the inactive Hampton Branch. The Hampton Branch is the future off-road route for the New Hampshire Seacoast Greenway and the East Coast Greenway. The New Hampshire Department of Transportation is currently negotiating to purchase this corridor from Pan Am Railways. Once the State has acquired the land, NHDOT and the City will work together on improving the corridor to a multi-use path, which will be a significant recreational and transportation facility for the City and region. In addition to providing a safe off-road route from outlying neighborhoods into the City, the Greenway will provide direct access to the new Route 33 recreational field as well as the existing Plains Park.

Zoning

The entire area between the rail lines and out to Borthwick Avenue is zoned Office Professional, which is the City’s most restrictive zoning district. Uses allowed in this district include business and professional offices; financial institutions; hospitals, medical offices and clinics; hotels and motels; and research and development.

The area between the Hampton Branch corridor and Islington Street is zoned for single residences.

Previous Development Proposals

Over the past 13 years there have been five distinct proposals for development of this land (including a site plan currently being reviewed by the Conservation Commission and Technical Advisory Committee):

“Islington Woods” – New Urbanism (Exhibits 3, 3A, 3B)

In 2004-2006 Eric Chinburg proposed a “new urbanist” development called “Islington Woods,” containing a mix of townhouses, artists’ studios and small office and commercial spaces on the Islington Street side, and one office building on Borthwick Avenue. The proposed site plan showed several clusters of different forms and scales of development, primarily on the south-easterly portion of the site, with a potential office building on HCA’s Borthwick Avenue property. Because the proposed development included residential uses, which are not permitted in the Office Research district, it would have required a rezoning to the Business district where residential uses are allowed as part of a mixed-use development. The rezoning was ultimately not supported by the City.

“Borthwick Village” – Continuing Care Retirement Community (Exhibit 4)

In 2007 Michael Kane submitted a rezoning proposal for a continuing care retirement community (CCRC) called containing 410 (originally 482) independent and assisted living units, with access from Islington Street and Borthwick Avenue. This proposal was reviewed over a period of nearly four years, during which City staff and consultants analyzed the potential impacts of development and prepared a zoning ordinance amendment to permit the CCRC use. Although the Planning Board recommended in favor of the zoning change, it was not supported by the City Council.

“Borthwick Forest” I – Subdivision with Through Road and At-Grade Rail Crossing (Exhibit 5)

In 2013 a subdivision proposal with a through road and an at-grade crossing of the active Portsmouth Branch rail line was developed. Because the easement with the railroad limited the location of the road, the plan showed a small impact to the wetland buffer near the rail line, which was partially compensated by removal of a portion of the existing WBBX access road within another area of wetland buffer closer to Islington Street. The Conservation Commission voted to recommend against the granting of a conditional use permit for the wetland impacts, and the applicant did not bring the proposal to the Planning Board.

“Borthwick Forest” II – Subdivision with Through Road and Bridge (Exhibit 6)

In reaction to the negative recommendation from the Conservation Commission, the property owner revised the subdivision proposal by adding a bridge over the railroad line, which allowed the proposed road to be moved completely out of the wetland buffer, thereby eliminating the need for a conditional use permit. This application was ultimately denied by the Planning Board and is currently in the court system.

The 2013-2014 and 2015-2016 plans proposed the construction of the subdivision road and all utilities and stormwater management facilities, but did not include site plans for developments on the lots to be created by the plans (although a conceptual plan for full buildout was provided at the Planning Department’s request, as shown in Exhibit 5).

“Borthwick Forest” III – Current Site Plan (Exhibit 7)

Borthwick Forest, LLC, has submitted a third proposal to address the concerns raised by City boards about the two previous subdivision proposals. The current proposal eliminates the bridge and the through road, and instead shows a cul-de-sac entering the site from Borthwick Avenue, with only an emergency access drive and bike-ped path from Islington Street. The current proposal is for a single three-story, 50,000 sq. ft. office building directly across the tracks from the Jackson-Gray building, with the potential for one or two additional buildings in future phases as market conditions determine.

The new proposal differs in several significant respects from the application that was denied by the Board (and that is the subject of the Supreme Court appeal). Key differences from the previous proposal include the following:

- The new proposal does not include a public street connection between Islington Street and Borthwick Avenue. Instead, a cul-de-sac is proposed from Borthwick Avenue with a gated drive to Islington Street for emergency fire access.
- The site access road in the new proposal crosses the railroad tracks at grade instead of using a bridge, thereby reducing the extensive changes to topography that were required for the bridge approaches.
- Where the previous proposal showed only a road that would allow for future site development, the current proposal includes development of a 50,000 sq. ft. office building with associated parking, landscaping, stormwater management, etc.

The elimination of the through road and the bridge address two concerns that factored into the Planning Board’s 2016 vote to deny subdivision approval, i.e., potential for traffic impacts on residential neighborhoods, and significant terrain changes necessitated by the previous bridge design.

In order to access the development site without creating a through street between Borthwick Avenue and Islington Street, the site plan shows a cul-de-sac that is approximately 1,020 feet long (900 feet plus a 120-foot diameter turnaround), thus exceeding the 500-foot maximum specified in the Subdivision Rules and Regulations and therefore requiring the granting of a waiver by the Planning Board. In addition, the at-grade crossing of the railroad tracks necessitates crossing the wetland buffer, requiring the granting of a conditional use permit.

Exhibit 1: Context



Borthwick Forest



0 300 600 900 1,200 Feet

1 inch = 600 feet

Exhibit 2: Parcels



Borthwick Forest

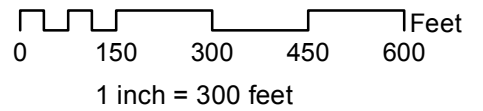


Exhibit 3: Islington Woods (2004-2006)

OPPORTUNITY SITE

Professional Office
257,000 sq ft
27,000 sq ft bus. parking spaces



Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

Project Entry

The 'Square'
120,000 sq ft
2 Attached Townhomes
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft

The 'Ridge'
100,000 sq ft
2 Attached Townhomes
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft

The 'Wilds'
100,000 sq ft
2 Attached Townhomes
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft

The 'Hill'
100,000 sq ft
2 Attached Townhomes
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft
2 Attached 100,000 sq ft

Proposed Site Plan

Islington Woods Master Plan

Fortsmouth, NH

January 27, 2005

Prepared by:

82-11

Prepared for:

Islington Woods LLC
100 Market Road
Fortsmouth, NH

Master Planning in Collaboration with:



Exhibit 3A:
Islington Woods (Detail)



Exhibit 3B:
Islington Woods (Detail)

"The Wilds"

Site Data:

- 6 - 5 plex Units.
= 30 units.
- Single Car garage/unit parking space in drive.
- Add 1 visitor parking designed.
- 2 dumpster locations.

Edge of wetlands.

100' Buffer

Dumpster

Edge of buffer.

Drive
Entruf.
15 Setback.

24

Rail Road

APPROXIMATE LOCATION OF
16" WATER LINE, BASED ON
INFORMATION PROVIDED BY
SURTSMOUTH PUBLIC WORKS

18" OAK W/
W/ BARBED WIRE
30" MAPLE
W/ BARBED WIRE

16" BEECH
W/ BOX WIRE

18" OAK W/
BOX WIRE

3" OAK W/
BOX WIRE

POST W/



Exhibit 4: Borthwick Village CCRC (2007-2010)



SUMMARY

RESIDENTIAL UNITS - 4 STORY OVER PARKING

BLDG. A = 42 INDEPENDENT UNITS
 BLDG. B = 36 INDEPENDENT UNITS
 BLDG. C = 36 INDEPENDENT UNITS
 BLDG. D = 40 INDEPENDENT UNITS
 BLDG. E = 36 INDEPENDENT UNITS
 BLDG. F = 36 INDEPENDENT UNITS
 BLDG. G = 36 INDEPENDENT UNITS
 BLDG. H = 36 INDEPENDENT UNITS
 BLDG. I = 36 INDEPENDENT UNITS
 BLDG. J = 36 INDEPENDENT UNITS
TOTAL = 330 UNITS (INDEPENDENT)

PARKING - 201 SURFACE
 172 BELOW BUILDINGS
TOTAL = 378 SPACES (INDEPENDENT)

BLDG. J = 80 ASSISTED LIVING & NURSING
TOTAL = 80 UNITS (ASSISTED & NURSING)

PARKING - 82 SURFACE
TOTAL = 82 SPACES (ASSISTED)

GRAND TOTALS
RESIDENTIAL UNITS - 410
PARKING SPACES - 461

UNITS PER LAND AREA

INDEPENDENT LIVING
 1 UNIT PER 2,000 S.F. 330 UNITS = 660,000 S.F.

ASSISTED LIVING
 1 UNIT PER 1,000 S.F. 80 UNITS = 80,000 S.F.

TOTAL LAND AREA REQUIRED
 EXCLUDING WETLANDS = 1,110,000 S.F.

LAND AREA PROVIDED
 EXCLUDING WETLANDS = 1,141,271 S.F.

PORTSMOUTH RETIREMENT COMMUNITY .
SITE PLAN - schematic scheme A.11

scale: 1" = 100' date: 13. april. 08

Exhibit 5: Borthwick Forest I (2013-2014)

PRO CON
INCORPORATED
Construction Management
Administration
10000
07/11/2013

PROPOSED SITE PLAN

SCALE: 1" = 80'-0"

General Notes:

Total Area of Building: 948,000 sq ft
Total Parking Required: 308,000 sq ft = 280' x 1,100' spaces
Total Parking Provided: 1,173 spaces

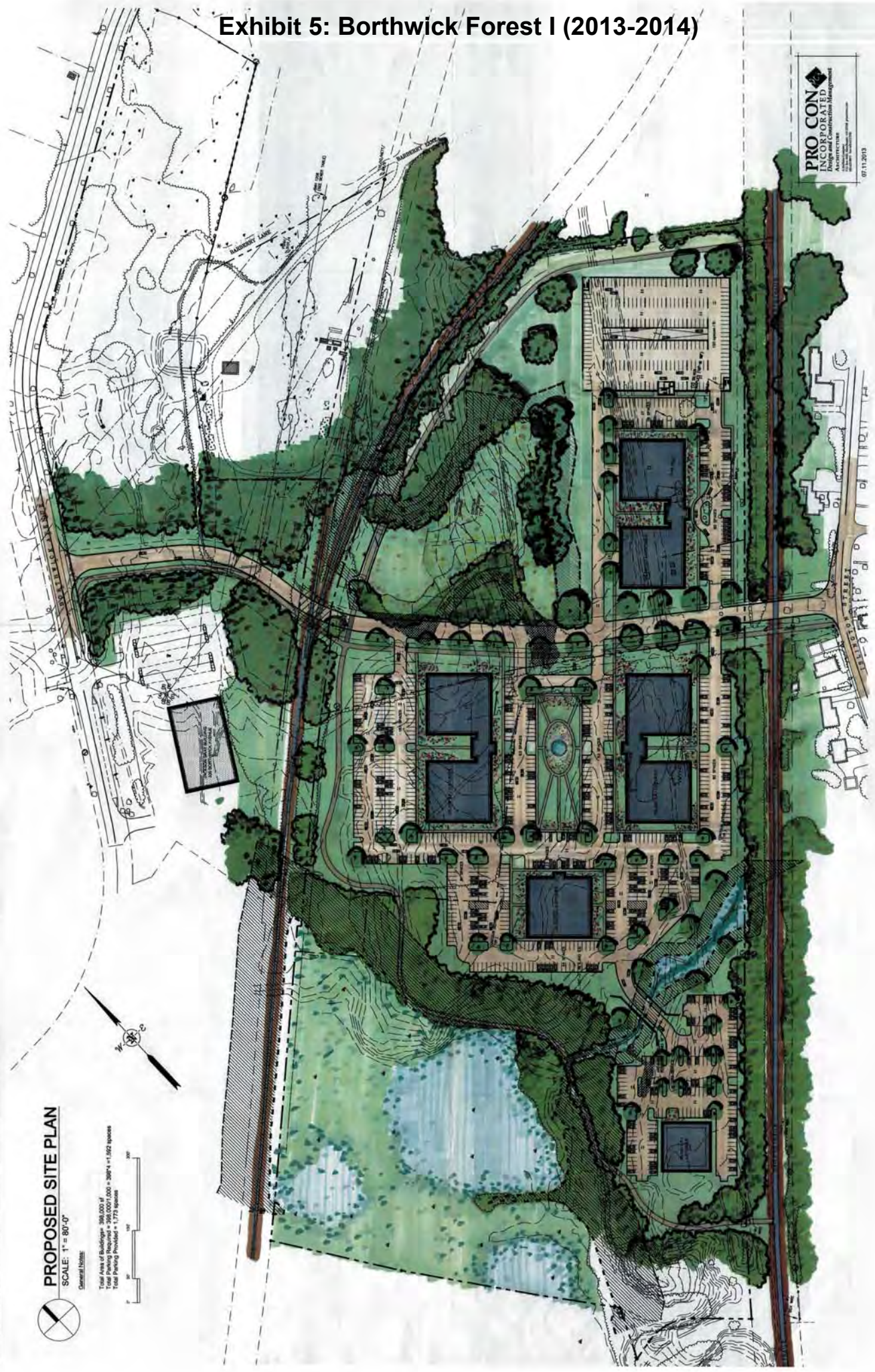
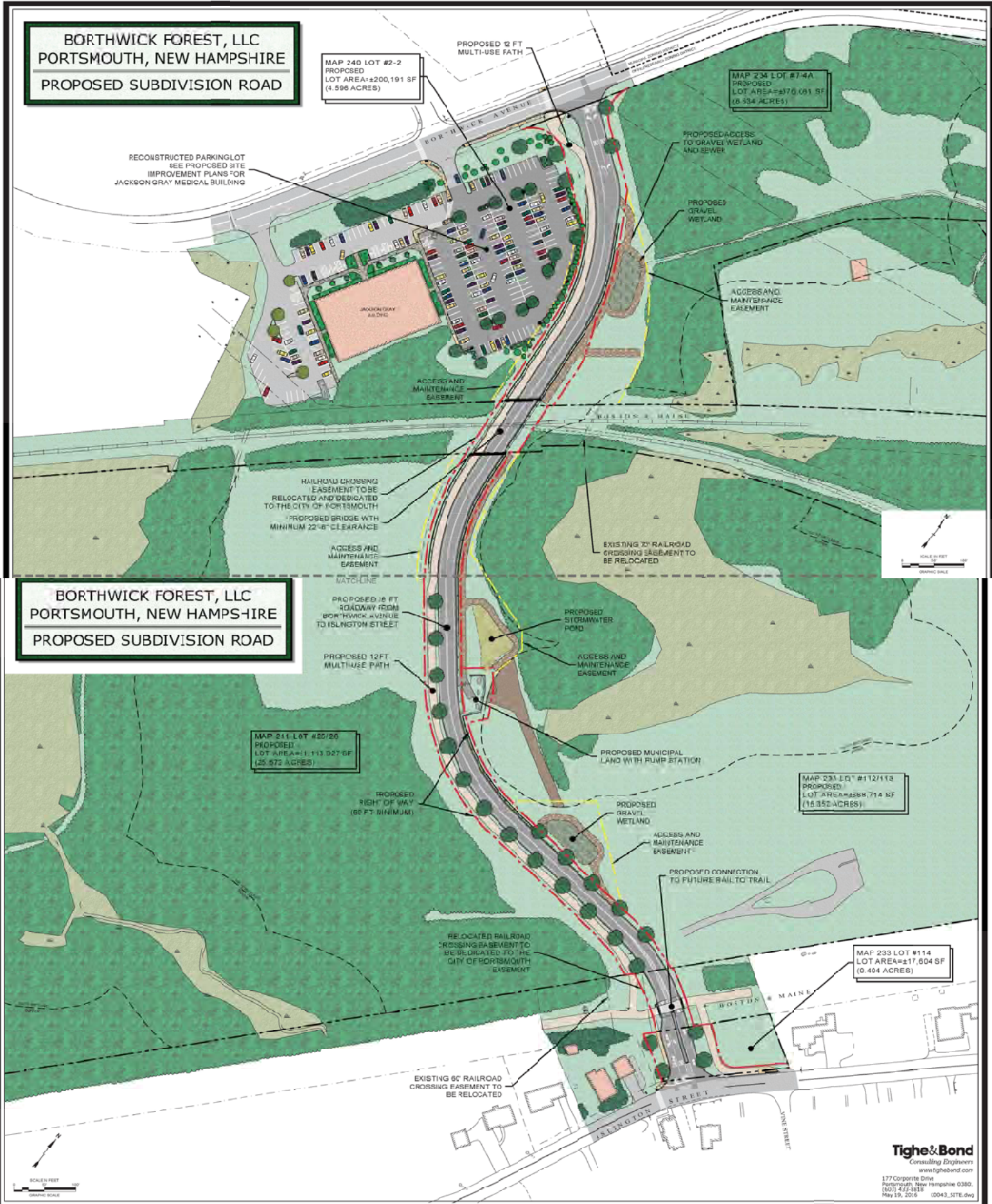
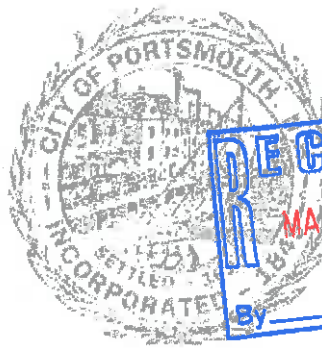


Exhibit 6: Borthwick Forest II (2015-2016)





CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Conservation Commission **Renewing applicant**

Name: Adrianne Harrison Telephone: 207 409 2834

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

Street address: 238 Highland St, Portsmouth

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 9 years

Occupational background:

contractor for NOAA's office for coastal management
from 2005 to present. Primary duties include
oversight of grants and programs for National Reserves,
regional climate and coastal resilience partnerships

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

Reasons for wishing to continue serving: It has been a good learning
opportunity to understand how city/Con Comm
can work to make development proposals in
environmentally sensitive areas more appropriate
and considerate of water quality impacts +
habitat impacts



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

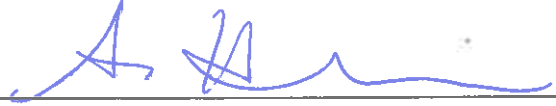
Little Harbor PTA
formerly Piscataqua Sustainability Initiative

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

- 1) Reagan Kuedig, Highland St/Portsmouth, 646-342-9275
Name, address, telephone number
- 2) Meg Bohne, Wentworth St/Portsmouth, 516-528-9293
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 3/8/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2020

Annual Number of Meetings: 12 (2016) Number of Meetings Absent: 2

Date of Original Appointment: 5-18-15

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: CONSERVATION COMMISSION Renewing applicant

Name: KATE ZAMARCHI Telephone: 603-828-3487

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

Street address: 123 HILLSIDE DRIVE, PORTSMOUTH NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 32 YEARS

Occupational background:

25 YEARS EXPERIENCE PROJECT MANAGER

3 YEARS EXPERIENCE LAND/NATURE STEWARDSHIP

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

Reasons for wishing to continue serving: _____

① ENJOY PARTICIPATING IN LAND CONSERVATION & STEWARDSHIP

② PLANNING OUT THE VOLUNTEER STEWARDSHIP PROGRAM
FOR FUTURE MANAGEMENT OF PULA PROPERTIES.

③ GIVING BACK TO MY COMMUNITY.



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

UNH COOP-EXT NATURAL RESOURCES STEWARD (NRS) VOLUNTEER
Occasionally volunteer at Stewardship Network Events
Working (volunteer) with ^{NH} Forest Society

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

- 1) Barbara McMillon, 84 Hillside Drive, Portsmouth NH 03801 (603) 498-9290
Name, address, telephone number
- 2) A.J. Dupree, 45 Elwyn Road, Portsmouth NH 603-431-6774
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Kathleen E Zmouchi Date: 2/27/2017

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2020

Annual Number of Meetings: 12 (2014) Number of Meetings Absent: 1

Date of Original Appointment: 5-18-15

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: RECREATION BOARD

MAR 09 2017
Renewing applicant

Name: RICK BECKSTED Telephone: 603.436.2623

Could you be contacted at work? YES NO - If so, telephone# 603.817.1912

Street address: 1395 ISLINGTON STREET

Mailing address (if different): _____

Email address (for clerk's office communication): RBECKSTED1@COMCAST.NET

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

Occupational background:

LOCAL, SELF EMPLOYED BUILDING CONTRACTOR

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

Reasons for wishing to continue serving: I WOULD LIKE TO CONTINUE

TO SERVE MY COMMUNITY I WAS RAISED IN. PORTSMOUTH IS MY HOME.



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

- PORTSMOUTH LL BOARD OF DIRECTORS
- SINCE 2014 - PORTSMOUTH RECREATION BOARD

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

- 1) JOHN CHRIST - 1414 ISLINGTON ST. - 433-3049
Name, address, telephone number
- 2) NANCY NOTICE - 20 FOREST GREEN, RYE - 427-3436
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

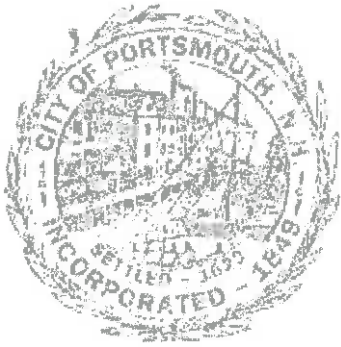
- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application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

Signature:  Date: 3/18/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2020
Annual Number of Meetings: 4 (2015) Number of Meetings Absent: 0
Date of Original Appointment: 10-6-2014

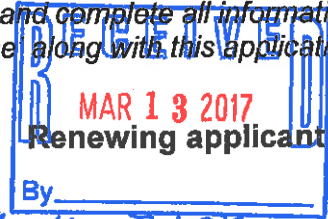
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Recreation

Name: JACQUELINE CAMI-PITTS Telephone: 603-431-7659

Could you be contacted at work? YES/NO - If so, telephone# No (Retired)

Street address: 40 Bedford Way Apt 112

Mailing address (if different): _____

Email address (for derk's office communication): CAMI0917@AOL.COM

How long have you been a resident of Portsmouth? 43 yrs

Occupational background:

Verizon CUSTOMER SVC
ATTORNEY (STATE Dept)

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

Reasons for wishing to continue serving: I have served since ~~1983~~
being on the School Board and wish to
continue until 2 major projects are
completed - Stump Dump & Doble Center Pierce
Island would be a goal but I fear that might be too
far in the future



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

State of N.H. - Elec. oversight, Telecomm, oversight, STE
Ports Dem
prev. Ports School Board
K of C Auxil

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

- 1) Rose Cronk 436-9308
Name, address, telephone number
- 2) Robert LeBarre 749-1102
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 3/13/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2020
Annual Number of Meetings: 4 (2016) Number of Meetings Absent: 0
Date of Original Appointment: 12-10-1989

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Recreation Renewing applicant

Name: Lisa Louttit Telephone: 508-561-8169

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

Street address: 113 Bow St 3A ~~Newfield~~ Portsmouth NH

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 5 years

Occupational background:

Real Estate
teaching

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

Reasons for wishing to continue serving: _____

I am enjoying my time on the Commission and learning more about the city's recreational needs.



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

Peirce Island
CASA

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

- 1) Pat Bertrand 603-427-2413
Name, address, telephone number
- 2) Mary Carey Foley 603-498-2994
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Lisa Louette Date: 2/15/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2020
Annual Number of Meetings: 4 (2016) Number of Meetings Absent: 1
Date of Original Appointment: 8/1/14

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

To: Portsmouth City Councilors
From: Jim Splaine, resident

In this packet is a re-draft of a "**Resolution Affirming Portsmouth As A 'WELCOMING COMMUNITY.'**"

After offering a draft a month ago at the March 6th meeting, I received valued input from a number of residents, and the suggested Resolution is refined using much of what I heard from others.

If it is acceptable without significant additional re-draft, perhaps we could formally adopt it at our Monday, April 3rd meeting? I think a unanimous vote would be most valued, so if there is not consensus I could withdraw it awaiting more input. I tried to make the new draft wording that would be generally acceptable, and which states the concepts of being a "Welcoming Community" more clearly.

There have been many discussions about "sanctuary cities" in recent weeks, and we can expect there will be more. I think having a "Welcoming Community" Resolution can set forth the core beliefs of acceptance and respect for others without the technical difficulties and potential risks and profiling that such a status designation may create. I think this Resolution would positively put forth Portsmouth's role in that discussion.

Thank You.

Resolution Affirming Portsmouth As A "WELCOMING COMMUNITY"

A RESOLUTION affirming the City of Portsmouth as a Welcoming Community that promotes policies and programs to foster inclusion for all, and serves, accepts, and respects its residents and visitors regardless of their immigration or refugee status, economic level, race, color, religion, national origin, age, sex, sexual orientation or LGBTQ status, gender identity, or disability. In our community we cherish our differences as human beings while we celebrate our commonality as friends.

WHEREAS, Portsmouth, New Hampshire, one of the earliest European settlements in the "New World," which had been home to native Americans who treasured and cared for the natural wildlife, shores, meadows, hills, rivers and waters created hereon; and

WHEREAS, as more people came to this continent and to the shores of Strawberry Banke to make a community that would become the "City of the Open Door," a motto that encapsulates our commitment of welcoming all; and

WHEREAS, with the exception of indigenous people, we are a nation of immigrants, and the City of Portsmouth is an early and valued part of that nation; and

WHEREAS we recognize that our strength comes from a diversity that includes all of us, and no artificial borders or human-made walls or lines drawn on a map can ever be permanent barriers to people who want to meet or be with one another; and

WHEREAS it is the diversity of our population of those who call Portsmouth "home" now, and who will do so in future centuries which makes our community strong, sustainable, always growing, ever vibrant, challenging and exciting;

NOW THEREFORE, BE IT RESOLVED that Dr. Martin Luther King, Jr. offered the world great wisdom when he said, "*We must learn to live together as brothers, or perish together as fools.*" Portsmouth will always be a Welcoming Community, and our people endeavor to continue to create a safe environment for all.

BE IT FURTHER RESOLVED that we encourage all of our residents and visitors, business leaders and civic groups, community institutions and those at all levels of our government to join in an effort to apply policies and practices that promote fairness, inclusion, and equality. We will always have a government that treats our residents and visitors with the highest standards of fairness, equality, ethics, courtesy, and caring.

AND BE IT ADDITIONALLY RESOLVED that every person matters, and as a community we will stand on the side of all persons who feel scared, bullied, or alone in our community. We recognize that there is nothing more important on this Earth than the way we treat one another; when we treat others with acceptance and friendship, we can accomplish great things, we can end wars and poverty, and we can live more purposeful lives.

IT IS DECLARED by the Portsmouth City Council that the City of Portsmouth of Rockingham County in the State of New Hampshire, United States of America, is a Welcoming Community that will fight and oppose discrimination, hatred, injustice and prejudice in all forms, and will continue to stand to value all of the peoples of this planet. We encourage freedom of thought, freedom of lifestyle, and freedom of faith on which this great community and nation have been built.

The Portsmouth City Council
Mayor Jack Blalock
Assistant Mayor Jim Splaine
Councilor Josh Cyr
Councilor Josh Denton
Councilor Chris Dwyer
Councilor Brad Lown
Councilor Nancy Pearson
Councilor Rebecca Perkins
Councilor Eric Spear

On This Day Of
Monday, April 3, 2017

BE IT RESOLVED: Endorsement of community-led Energize 360: Seacoast N.H. Program

WHEREAS, the coastal community of Portsmouth will face significant risks from coastal flooding and sea level rise accelerated by climate change; and

WHEREAS, the City of Portsmouth as a community decided through the adoption of its 2005 Master Plan to become more sustainable and ecologically friendly in order to safeguard it's future; and

WHEREAS, 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, through the development of the draft Portsmouth 2025 Master Plan residents have expressed a strong desire for the City to become more resilient and more proactive in reducing greenhouse gas emissions and conserve resources to help mitigate the climate change impacts for future generations; and

WHEREAS, Portsmouth is already taking measures to promote sustainable and renewable energy. Including a zoning ordinance to accommodate solar energy panels with relaxed dimensional standards and a property tax exemption for solar energy systems; and

WHEREAS, Energy leaders from Portsmouth, Dover, Durham, Lee and Northwood have joined forces to launch a community-led partnership between Seacoast Regional Energy Hub, Seacoast Renewable Energy Initiative (SEAREI) ReVision Energy and Yankee Thermal Imaging called *Energize.360: Seacoast N.H.* to encourage home and business owners to *take control of their energy future* by lowering energy use, driving down energy costs and transitioning to clean, renewable energy; and

WHEREAS, Every Energize 360 participant will get a free site visit, a Home Heating Index score and a comprehensive analysis of their energy usage specific to their homes. Participants will also have the opportunity to purchase comprehensive energy audits, weatherization, solar electric systems under an exclusive tiered discount program and heat pump installations, as well as help qualifying for all available rebates and incentives;

NOW THEREFORE BE IT RESOLVED that the City of Portsmouth hereby supports the Energize 360: Seacoast N.H. Program and any other similar organization that encourages its residents to investigate how this program could help them to take control of their energy future. Be it further resolved that the City will request appropriate personnel to assist Energize 360 program officials and city residents in navigating any city codes, ordinances and permitting that will apply to building improvements made under this program. Land use board approval may still be required for any such building improvements.

This Resolution shall take effect upon passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY THE CITY COUNCIL:



ENERGIZE360

Take Control of Your Energy Future



Seacoast
Energy Hub



Grassroots Energy Leadership

- Seacoast Energy Hub was formed by energy leaders from local New Hampshire communities and SEAREI in late summer 2016
- Seed money was provided through a grant from the New England Grassroots Environmental Fund
- SEAREI – Seacoast Renewable Energy Initiative – is a 501(c)3 operating in the Greater Seacoast Region of New Hampshire & Maine. Its mission is to build sustainable communities in the Greater Seacoast Region through education and projects that promote efficient, renewable energy.
- SEAREI organized and managed the grassroots Solarize Seacoast Maine Campaign in Kittery, Eliot, York and South Berwick in 2016 which resulted in 250 kilowatts of solar energy creating an offset of 220 tons of carbon pollution...or 192 barrels of oil in the region.

Seacoast
Energy Hub



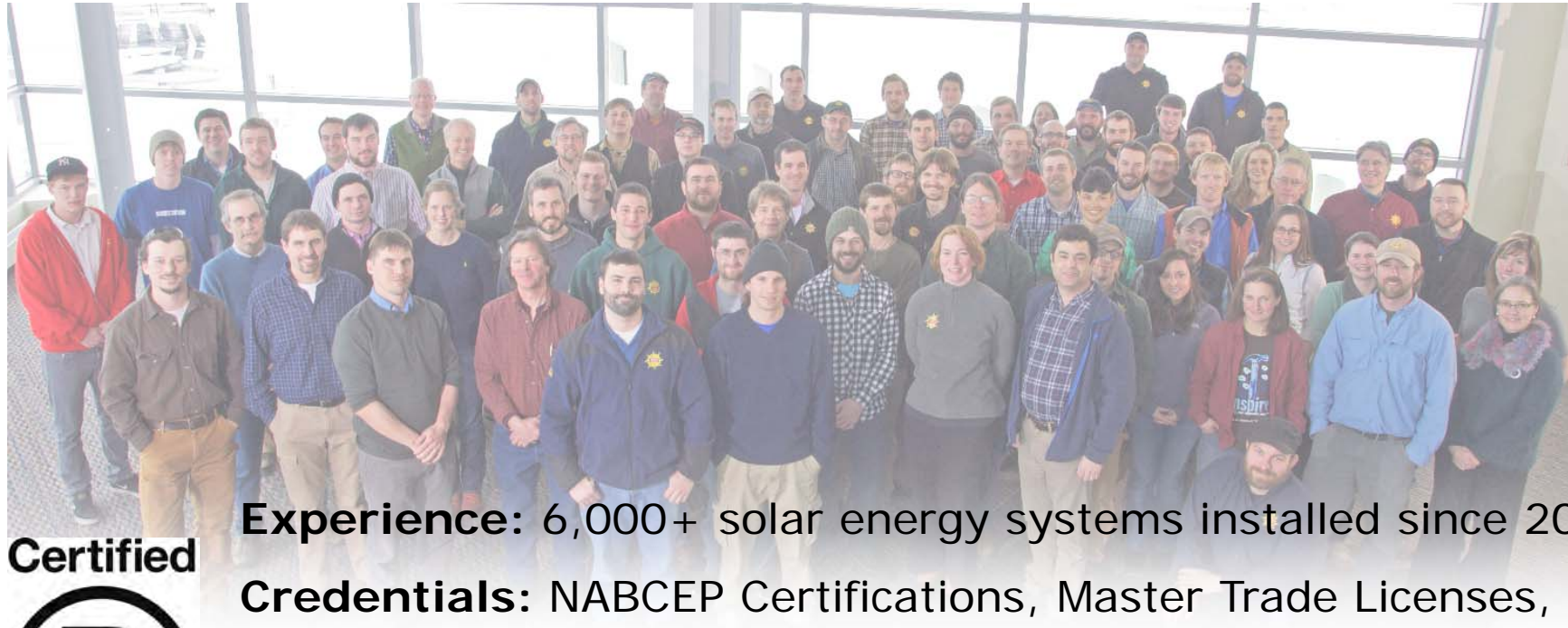
Energize 360 Development

- Seacoast Energy Hub convened energy leaders from NH communities and SEAREI throughout Fall 2016 to evaluate solar purchasing campaigns and explore the possibility of developing a campaign for the NH Seacoast Region.
- Charles Forcey from the Durham Energy Committee and assistant Henry Herndon from UNH are the lead coordinators for Seacoast Energy Hub and the campaign.
- Energy leaders from the communities of Portsmouth, Durham, Dover, Lee and Northwood agreed to take a leadership role in launching this campaign in their respective communities thus forming the executive committee overseeing the campaign. SEAREI accepted responsibility for coordinating campaign activities in Portsmouth so that Portsmouth would be eligible to participate in the campaign.
- The executive committee developed bid documents and conducted a competitive bid process to secure the preferred contractor(s) for the Energize 360 Campaign. The bid process was conducted in January and February 2017 culminating with the selection of ReVision Energy in collaboration with Yankee Thermal Imaging. The RFP is available for review at energize360.org

Seacoast
Energy Hub



About ReVision Energy



Certified



Corporation
bcorporation.net

Experience: 6,000+ solar energy systems installed since 2003

Credentials: NABCEP Certifications, Master Trade Licenses, Professional Engineers, award-winning training program.

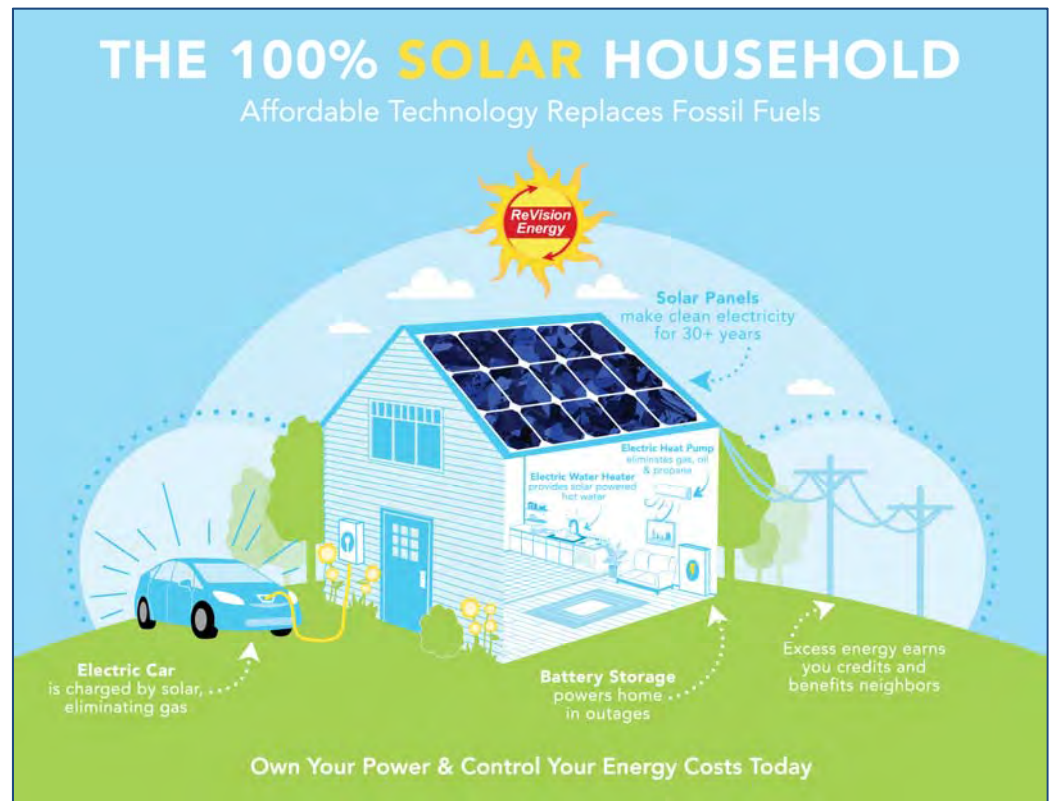
Vision: Transition Northern New England to a clean, solar energy powered economy while creating positive social change

ENERGIZE360



Energize 360 Campaign Elements

- Community Building & Social Marketing
- Local Energy Solutions
- Volume Discounts
- Measure
- Reduce
- Renew



Seacoast
Energy Hub



Energize 360 Participants Will Receive

- Every person who signs up to explore this program will receive the following no cost – no obligation items:
 - ❖ A site visit
 - ❖ A Home Heating Index score
 - ❖ A comprehensive analysis of their energy usage
 - ❖ A menu of recommended energy-saver actions with cost estimates
- Participants who elect to go beyond the initial intake may purchase from Revision/Yankee:
 - ❖ A comprehensive energy audit
 - ❖ Weatherization improvements
 - ❖ Solar electric systems (volume discounts apply)
 - ❖ Heat pump installations
 - ❖ Assistance navigating local code/permitting requirements and qualifying for all available rebates and incentives

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Energize 360 Participant Process

- Intake
 - ❖ Measure and benchmark energy usage
 - ❖ Professional Site Evaluation
- Review menu of solutions tailored for each participant
 - ❖ Energy Audits, energy efficiency & weatherization
 - ❖ Air Source Heat Pumps
 - ❖ Domestic Hot Water
 - ❖ Solar Photovoltaics (PV)
- Participant receives information and cost estimates and is free to conduct his/her own research, cost comparisons, etc.
- If participant wants to take advantage of the volume discounts she/he will contract directly with ReVision/Yankee for some or all recommended actions
- Completion of all work under this campaign by end of August

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Energize 360 Pricing Overview

- Qualified participants (HHI of 8 or higher) will receive volume pricing and a rebate of up to \$4000 for energy efficiency through NH Saves
- Heat Pump clients (space heating & domestic hot water) will receive a customized design and a discount of up to 10%
- Solar PV candidates will receive a tiered discount in which the price is reduced as more community members participate

Tier 1 (0-49kW)	No Discount
Tier 2 (50-99kW)	\$ (0.05)
Tier 3 (100-149kW)	\$ (0.10)
Tier 4 (150-199kW)	\$ (0.15)
Tier 5 (>200 kW)	\$ (0.20)

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How To Participate

- The Energize 360 Campaign opens today, March 20 and will run until June 30, 2017
- Launch information events are being planned in each community.
- Portsmouth will likely host two launch events. The first expected to be the week of March 27 and the second in mid April.
- You may attend a launch event in any community to sign up or you can contact ReVision directly to start your intake process.
- Participants are asked to bring utility and heating bills to a launch event or have them ready for your intake meeting.

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WHAT WE ARE ASKING FROM CITY OF PORTSMOUTH

- Endorsement of the Energize360 Seacoast NH Campaign (draft resolution submitted)
- Assistance from city personnel in helping program participants navigate any city codes, ordinances and permitting that may apply
- Assistance spreading the word to residents about the campaign

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For More Information

- View our campaign website: www.energize360.org
- Follow our Facebook page: Energize 360 Seacoast NH
- Contact ReVision Energy directly at 603-679-1777
- While you're at it please like the SEAREI Facebook page! Seacoast Area Renewable Energy Initiative

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