

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, OCTOBER 2, 2017 TIME: 6:00 PM

## AGENDA

- 6:00PM – WORK SESSION REGARDING COMMERCIAL REVALUATION – CONFERENCE ROOM A
  
- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. ACCEPTANCE OF MINUTES – SEPTEMBER 5, 2017 & SEPTEMBER 22, 2017
  
- VI. PUBLIC COMMENT SESSION
  
- VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS
  - A. Adoption of Proposed Resolution Re: Elderly Exemptions
  
- VIII. APPROVAL OF GRANTS/DONATIONS
  - A. Acceptance of Emergency Management Performance Grant (EMPG) ***(Sample motion – move to accept the terms of the Emergency Management Performance Grant (EMPG), as presented in the amount of \$6,000.00 to develop a Continuity of Operations Plan (COOP). Furthermore, the Council acknowledges that the total cost of this project will be \$12,000.00, in which the City will be responsible for a 50% match (\$6,000.00). In addition, the Council authorizes the Acting City Manager to sign all documents related to the grant)***
  
  - B. Acceptance of Police Department Grant
    - Grant to the Portsmouth Police Department by the NH Department of Safety, Division of State Police for a Law Enforcement Opioid Abuse Reduction Initiative - \$32,000.00 ***(Sample motion – move to accept and approve the grant to the Portsmouth Police Department, as presented)***
    - Internet Crimes Against Children Task Force State Funding ***(No action required as the City Council took action in March 2017 on this matter)***
  
- IX. CONSENT AGENDA

***(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)***

  - A. Letter from Stephanie Puls, Susan G. Komen New England, requesting permission to hold the Susan G. Komen New England Race for the Cure on June 23, 2018 at 8:00 a.m. ***(Anticipated action – move to refer to the Acting City Manager with power)***

- B. Letter from Ben Anderson, Prescott Park Arts Festival, requesting permission to hold the 5<sup>th</sup> Annual Memorial Bridge 5k on Sunday, October 8, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)
- C. Request for License to Install Projecting Sign from Amy LaBelle owner of LaBelle Winery for property located at 104 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director’s Stipulations:**

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

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

- A. (See E-mail Correspondence)
- B. Letter from Francis Chase, Community Home Solutions, requesting an exemption for property taxes under Chapter 72:23-k for property located at 413 Lafayette Road (***Sample motion – move to refer to the City Assessor for report back***)
- C. Letter from Pat Healy, Creek Athletic Club, requesting the an 8 year extension of their Lease Agreement (***Sample motion – move to refer to the Acting City Manager for report back***)

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

**A. ACTING CITY MANAGER**

**Acting City Manager’s Items Which Require Action:**

1. Adoption of the Hazard Mitigation Plan Update 2017
2. Voluntary Merger of Contiguous Lots Re: Foundry Place and Rock Street Parcels
3. Request for First Reading Re: Zoning Ordinance Amendments – Off-Street Parking
4. Request for First Reading Re: Gateway Mixed Use District Zoning Amendments

5. Request for First Reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code
6. Request for First Reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code
7. Request for License Agreement Re: 401 State Street – The Rockingham Building
8. Polling Hours – November 7, 2017 Municipal Election

**Acting City Manager's Informational Items:**

1. Events Listing
2. Zagster Bike Share September Report
3. Coakley Landfill Group Update

**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Amrishi Chicooree to the Cable Television and Communication Commission
  - Appointment of Thaddeus Jankowski as an Alternate to the Conservation Commission
  - Appointment of Martin Ryan to the Historic District Commission as a Regular Member
  - Reappointment of Lisa DeStefano to the Building Code Board of Appeals
  - Reappointment of Jeffrey Landry to the Building Code Board of Appeals
  - Reappointment of Dennis Moulton to the Building Code Board of Appeals
  - Reappointment of Gary Nadeau to the Building Code Board of Appeals
  - Reappointment of Shaula Balomenos Levenson to the Library Board of Trustees
2. \*Appointments to be Voted:
  - Reappointment of Ronald Zolla to the Economic Development Commission

**C. COUNCILOR DWYER**

1. \*Commercial Revaluation Audit

**D. COUNCILOR SPEAR**

1. \*Statement in support of NFL Players, free expression, and Black Lives Matter:  
The President recently commented on the NFL players protesting systemic racism in the criminal justice system by saying “Get that son of a bitch off the field right now, out, he’s fired.”  
The Portsmouth City Council resolves:
  - From Peter Norman to Kathrine Switzer to Willie O’Ree, courageous athletes have used their public platform to peacefully demonstrate and promote needed changed, and NFL players are continuing that tradition.
  - The President’s outrageous remarks chillingly discourage civil action.
  - Systemic and institutionalized racism are the defining civil rights and social justice issues of our time. The council and people of Portsmouth encourage dialogue and actions that acknowledge and mitigate the violence and threats to the lives and well-being of black people and all people of color.

**F. COUNCILOR DENTON**

1. Offshore Wind Development Resolution

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. Notification that the minutes of the July 24, 2017, August 2, 2017 and August 9, 2017 meeting of the Historic District Commission are now available on the City’s website
2. Notification that the minutes of the August 17, 2017 and August 24, 2017 meeting of the Planning Board are now available on the City’s website
3. Notification that the minutes of the August 9, 2017 meeting of the Trees & Greenery Committee are now available on the City’s website.

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

**Extractions from  
2017 Commercial USPAP  
Assessment Manual**

**Sales Analysis**

**Land Analysis**

**Cost Analysis**

**Income Analysis**

**Supporting Documentation  
for Income Analysis**

# **Sales Analysis**

### Sale Analysis

The following is a summary of the sales that took place from 1/1/15 to 4/1/17 in Portsmouth. The chart indicates the property type number of sales, and the low, high, and average and median sale price per unit. Following the chart is the detail of the sales

Portsmouth NH

#### Commercial Sales Summary (Price per Unit)

Property Type	# of Sales	Average Size	Adj. Avg Sale Price/Unit	Adj. Median Sale Price/Un	Low Sale Price/Unit	High Sale Price/Unit	Unit Type
Apartments	2	4	\$170,125	\$170,125	\$151,000	\$189,250	APTS
Retail (Non Condos)	4	16,515	\$212.00	\$151.00	\$91.00	\$455.00	SF
Retail Condos	7	1,340	\$291.00	\$280.00	\$176.00	\$419.00	SF
Office (Non-Condos)	3	5,683	\$221.00	\$243.00	\$120.00	\$301.00	SF
Office Condos	13	3,008	\$181.00	\$176.00	\$88.00	\$366.00	SF
Industrial	3	27,636	\$90.00	\$89.00	\$65.00	\$117.00	SF
Industrial Condo	3	3,500	\$129.00	\$131.00	\$124.00	\$131.00	SF
Restaurant	1	5,540	\$595.00	\$595.00	\$595.00	\$595.00	SF
Marina	1	13,139	\$228.00	\$228.00	\$228.00	\$228.00	SF
Service Shop/Auto	2	6,400	\$148.00	\$148.00	\$138.00	\$158.00	SF
Mixed Com/Res	1	5,906	\$135.00	\$135.00	\$135.00	\$135.00	SF
Motel/Inn Condo	1	90	\$122,222	\$122,222	\$122,222	\$122,222	Room
Hangar Condo	1	1,622	\$45.00	\$45.00	\$45.00	\$45.00	SF
Vacant Ind Land	1	248,750	\$2.47	\$2.47	\$2.47	\$2.47	SF
Vacant Commcl Land	1	25,698	\$10.21	\$10.21	\$10.21	\$10.21	SF
Vacant Apt. Land	1	30	\$45,000	\$45,000	\$45,000	\$45,000	Apts
<b>Total</b>	<b>45</b>						

Portsmouth Market Analysis 4/1/17

Map Lot	Address	Apartments Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
135 10	34 Highland St.	Apartments	8/3/2015	\$745,500	\$757,000	\$189,250	\$757,000	4	\$189,250	AP
156 17	26 Columbia Ct	Apartments	9/28/2016	\$604,000	\$604,000	\$151,000	\$604,000	4	\$151,000	AP
<b>Apartment</b>					<b>Average</b>	<b>\$170,125</b>		<b>4</b>	<b>\$170,125</b>	
<b>Apartment</b>					<b>Median</b>	<b>\$170,125</b>		<b>4</b>	<b>\$170,125</b>	
<b>Apartment</b>					<b>Low</b>	<b>\$151,000</b>		<b>4</b>	<b>\$151,000</b>	
<b>Apartment</b>					<b>High</b>	<b>\$189,250</b>		<b>4</b>	<b>\$189,250</b>	

Map Lot	Address	Retail (Non-Condo) Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
137 19	180 Islington St	Ret/Ofc	7/27/2015	\$545,000	\$545,000	\$154	\$545,000	3,544	\$154	302
254 5	15 Banfield Rd.	Retail	6/29/2015	\$1,000,000	\$1,000,000	\$91	\$1,000,000	10,956	\$91	301
123 12	203 Maplewood Ave.	Retail	5/27/2015	\$525,000	\$525,000	\$455	\$525,000	1,154	\$455	305
229 8	599 Lafayette Rd	Shopping Center	1/30/2015	\$6,451,000	\$7,451,000	\$148	\$7,451,000	50,407	\$148	302
<b>Retail</b>					<b>Average</b>	<b>\$212</b>		<b>16,515</b>	<b>\$212</b>	
<b>Retail</b>					<b>Median</b>	<b>\$151</b>		<b>7,250</b>	<b>\$151</b>	
<b>Retail</b>					<b>Low</b>	<b>\$91</b>		<b>1,154</b>	<b>\$91</b>	
<b>Retail</b>					<b>High</b>	<b>\$455</b>		<b>50,407</b>	<b>\$455</b>	

Map Lot	Address	Retail Condo Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
107 9 1	79 Daniel St #1	Retail Condo	8/11/2016	\$440,000	\$440,000	\$419	\$440,000	1,050	\$419	305
107 68 101	218 State St.	Retail Condo	11/30/2016	\$525,000	\$525,000	\$325	\$525,000	1,614	\$325	305
117 17 H	Congress St. #H	Retail Condo	8/7/2015	\$259,000	\$259,000	\$273	\$259,000	949	\$273	305
119 1B 1B	59 Deer St. #1B	Retail Condo	1/27/2017	\$420,000	\$420,000	\$280	\$420,000	1,498	\$280	305
119 1B 2B	59 Deer St. #2B	Retail Condo	10/28/2015	\$375,000	\$375,000	\$244	\$375,000	1,534	\$244	305
119 1B 3B	59 Deer St. #3B	Retail Condo	9/3/2015	\$430,000	\$473,000	\$318	\$473,000	1,489	\$318	305
146 24 3	100 Albany St. #C	Retail Condo	8/10/2016	\$220,000	\$220,000	\$176	\$220,000	1,249	\$176	304
<b>Retail Condo</b>					<b>Average</b>	<b>\$291</b>		<b>1,340</b>	<b>\$291</b>	
<b>Retail Condo</b>					<b>Median</b>	<b>\$280</b>		<b>1,489</b>	<b>\$280</b>	
<b>Retail Condo</b>					<b>Low</b>	<b>\$176</b>		<b>949</b>	<b>\$176</b>	
<b>Retail Condo</b>					<b>High</b>	<b>\$419</b>		<b>1,614</b>	<b>\$419</b>	

Map Lot	Address	Office (Non-Condo) Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
286 1	2837 Lafayette Rd	Office	8/17/2016	\$750,000	\$750,000	\$243	\$750,000	3,087	\$243	302
286 2	1 Robert Ave	Office/Wrhse	1/31/2017	\$480,000	\$480,000	\$120	\$480,000	4,000	\$120	301
126 2	25 Maplewood Ave.	Office	1/8/2017	\$3,000,000	\$3,000,000	\$301	\$3,000,000	9,963	\$301	305
<b>Office</b>					<b>Average</b>	<b>\$221</b>		<b>5,683</b>	<b>\$221</b>	
<b>Office</b>					<b>Median</b>	<b>\$243</b>		<b>4,000</b>	<b>\$243</b>	
<b>Office</b>					<b>Low</b>	<b>\$120</b>		<b>3,087</b>	<b>\$120</b>	
<b>Office</b>					<b>High</b>	<b>\$301</b>		<b>9,963</b>	<b>\$301</b>	



Office Condos												
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD	
106	57A	2	117 Bow St #2A	Office Condo	5/22/2015	\$300,000	\$300,000	\$147	\$300,000	2,041	\$147	305
117	17	G	20 Ladd St. #G	Office Condo	4/17/2015	\$925,000	\$984,000	\$202	\$984,000	4,881	\$202	305
120	2	1A	500 Market St #1A	Office Condo	2/2/2016	\$377,500	\$377,500	\$238	\$377,500	1,585	\$238	305
124	14	102	233 Vaughan St. #10	Office Condo	2/4/2016	\$2,050,000	\$2,050,000	\$366	\$2,050,000	5,606	\$366	305
151	6	D13	230 Lafayette Rd. #D1	Office Condo	2/19/2015	\$125,000	\$125,000	\$154	\$125,000	810	\$154	302
163	35	2	1 Cate St. #2	Office Condo	3/9/2017	\$250,000	\$250,000	\$194	\$250,000	1,290	\$194	301
240	2	2101	330 Borthwick Ave #1	Office Condo	2/24/2016	\$750,000	\$750,000	\$139	\$750,000	5,395	\$139	301
240	2	2202	330 Borthwick Ave #2	Office Condo	2/24/2016	\$500,000	\$500,000	\$163	\$500,000	3,074	\$163	301
240	2	2301	330 Borthwick Ave #3	Office Condo	7/6/2016	\$384,000	\$384,000	\$185	\$384,000	2,078	\$185	301
243	6	B201	5 Greenleaf Woods Dr	Office Condo	10/11/2016	\$63,000	\$63,000	\$88	\$63,000	720	\$88	304
263	1	4F	200 Griffin Rd.	Office Condo	12/16/2016	\$400,000	\$400,000	\$184	\$400,000	2,172	\$184	301
287	7	2	1950 Lafayette Rd.	Office Condo	11/19/2016	\$1,550,000	\$1,550,000	\$176	\$1,550,000	8,800	\$176	302
273	2	587	55 Constitution Ave #1	Office Condo	3/3/2017	\$80,000	\$80,000	\$124	\$80,000	646	\$124	302
Office Condo					Average		\$181		3,008	\$181		
Office Condo					Median		\$176		2,078	\$176		
Office Condos					Low		\$88		646	\$88		
Office Condo					High		\$366		8,800	\$366		

Industrial (non-Condo)												
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD	
284	2		235 Heritage Ave	Industrial	10/24/2016	\$3,475,000	\$3,475,000	\$65	\$3,475,000	53,874	\$65	301
285	5		85 Heritage Ave	Warehouse	5/13/2016	\$1,040,000	\$1,040,000	\$117	\$1,040,000	8,880	\$117	301
263	1	5	218 Griffin Rd.	Whse	8/7/2016	\$3,535,000	\$3,535,000	\$103	\$3,535,000	34,343	\$103	301
253	7		1 Mirona Rd.	Whse/Office	7/14/2016	\$1,000,000	\$1,000,000	\$74	\$1,000,000	13,448	\$74	301
Industrial					Average		\$90		27,636	\$90		
Industrial					Median		\$89		23,896	\$89		
Industrial					Low		\$65		8,880	\$65		
Industrial					High		\$117		53,874	\$117		

Industrial Condo												
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD	
284	7	1	280 Heritage Ave #A	Indust Condo	12/30/2015	\$550,000	\$550,000	\$131	\$550,000	4,200	\$131	301
284	7	4	280 Heritage Ave #D	Indust Condo	5/10/2016	\$260,000	\$260,000	\$124	\$260,000	2,100	\$124	301
284	7	6	280 Heritage Ave #F	Indust Condo	5/10/2016	\$550,000	\$550,000	\$131	\$550,000	4,200	\$131	301
Industrial Condo					Average		\$129		3,500	\$129		
Industrial Condo					Median		\$131		4,200	\$131		
Industrial Condo					Low		\$124		2,100	\$124		
Industrial Condo					High		\$131		4,200	\$131		

Restaurant												
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD	
238	10	2	1464 Woodbury Ave.	Restaurant	6/16/2016	\$3,295,000	\$3,295,000	\$595	\$3,295,000	5,540	\$595	303
Restaurant					Average		\$595		5,540	\$595		
Restaurant					Median		\$595		5,540	\$595		
Restaurant					Low		\$595		5,540	\$595		
Restaurant					High		\$595		5,540	\$595		

Map	Lot	Address	Marina Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
201	12 +17+18	187 Wentworth House Marina		8/15/2016	\$3,000,000	\$3,000,000	\$228	\$3,000,000	13,139	\$228	306
Marina						Average	\$228		13,139	\$228	
Marina						Median	\$228		13,139	\$228	
Marina						Low	\$228		13,139	\$228	
Marina						High	\$228		13,139	\$228	

Service Shop/Auto Sales											
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
172	2	406 US Rte 1 Byp	Auto Sales/Rep	11/19/2015	\$1,100,000	\$1,100,000	\$138	\$1,100,000	7,964	\$138	301
163	1	54 Bartlett St.	Service Shop	1/27/2017	\$765,600	\$765,600	\$158	\$765,600	4,836	\$158	302
Service Shop/Auto Sales						Average	\$148		6,400	\$148	
Service Shop/Auto Sales						Median	\$148		6,400	\$148	
Service Shop/Auto Sales						Low	\$138		4,836	\$138	
Service Shop/Auto Sales						High	\$158		7,964	\$158	

Mixed Use											
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
107	44	177 State St.	Retl/Apts	1/20/2016	\$800,000	\$800,000	\$135	\$800,000	5,906	\$135	305
Mixed Use Com/Apt						Average	\$135		5,906	\$135	
Mixed Use Com/Apt						Median	\$135		5,906	\$135	
Mixed Use Com/Apt						Low	\$135		5,906	\$135	
Mixed Use Com/Apt						High	\$135		5,906	\$135	

Motel/Hotel Condo											
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
303	2	1 International Dr.	Office Condo/Hotel	7/15/2016	\$11,000,000	\$11,000,000	\$122,222	\$11,000,000	90	\$122,222	307
Motel/Hotel/Inn						Average	\$122,222		90	\$122,222	
Motel/Hotel/Inn						Median	\$122,222		90	\$122,222	
Motel/Hotel/Inn						Low	\$122,222		90	\$122,222	
Motel/Hotel/Inn						High	\$122,222		90	\$122,222	

Hangar Condo											
Map	Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
309	4	205 Flight Line Rd	Hangar Condo	5/14/2015	\$73,500	\$73,500	\$45	\$73,500	1,622	\$45	307
Hangar Condo						Average	\$45		1,622	\$45	
Hangar Condo						Median	\$45		1,622	\$45	
Hangar Condo						Low	\$45		1,622	\$45	
Hangar Condo						High	\$45		1,622	\$45	

**Indust Land**

Map Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Land Units	Adj. Sale Price/Unit	Loc/NHBD
275 7	Heritage Ave	Indust Land	1/15/2015	\$615,000	\$615,000	\$2.47	\$615,000	248,750	\$2.47	301
Indust Land					Average	\$2.47		248,750	\$2.47	
Indust Land					Median	\$2.47		248,750	\$2.47	
Indust Land					Low	\$2.47		248,750	\$2.47	
Indust Land					High	\$2.47		248,750	\$2.47	

**Commcl Land**

Map Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Land Units	Adj. Sale Price/Unit	Loc/NHBD
201 1 1	11 Sagamore Gr	Vacant Commcl	11/2/2016	\$262,500	\$262,500	\$10.21	\$262,500	25,698	\$10.21	306
Commcl Land					Average	\$10.21		25,698	\$10.21	
Commcl Land					Median	\$10.21		25,698	\$10.21	
Commcl Land					Low	\$10.21		25,698	\$10.21	
Commcl Land					High	\$10.21		25,698	\$10.21	

**Apartment Land**

Map Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bidde Units	Adj. Sale Price/Unit	Loc/NHBD
231 58	150 US RTE 1 Byp	Vacant Apt Lnd	1/19/2017	\$1,350,000	\$1,350,000	\$45,000.00	\$1,350,000	30	\$45,000.00	301
Apartment Land					Average	\$45,000		30	\$45,000	
Apartment Land					Median	\$45,000		30	\$45,000	
Apartment Land					Low	\$45,000		30	\$45,000	
Apartment Land					High	\$45,000		30	\$45,000	

**Supplemental Older Apartments Sales 2012 -2014**

Map Lot	Address	Prop. Type	Date of Sale	Sale Price	Adj Sale Price	Sale Price/Unit	Adj. Sale Price	Bldg. Units	Adj. Sale Price/Unit	Loc/NHBD
219 52	1009 Maplewood Ave	Apartments	9/9/2013	\$508,000	\$508,000	\$127,000	\$523,000	4	\$130,750	AP5
123 9	335 Maplewood Ave	Apartments	6/27/2014	\$795,000	\$795,000	\$132,500	\$795,000	6	\$132,500	AP7
103 43	30 Gardner St.	Apartments	10/2/2013	\$575,000	\$575,000	\$143,750	\$575,000	4	\$143,750	AP6
233 4	1200 Islington St.	Apartments	12/3/2012	\$590,000	\$590,000	\$147,500	\$590,000	4	\$147,500	AP4
130 41	186 Miller St.	Apartments	6/29/2012	\$1,150,000	\$1,150,000	\$143,750	\$1,220,000	8	\$152,500	AP5
Apartment					Average	\$138,900		5	\$141,400	
Apartment					Median	\$143,750		4	\$143,750	
Apartment					Low	\$127,000		4	\$130,750	
Apartment					High	\$147,500		8	\$152,500	

# **Land Analysis**

# Portsmouth, NH Commcl/Ind. Land Analysis and Parameters

## Explanation and Results of Neighborhood Land Classification

Neighborhood classification begins with an understanding that every municipality can be segregated into areas, and differentiated by varying characteristics, such as type and quality of roads, topographic and scenic features such as views, surrounding uses, and the quality and/or maintenance of such uses, etc. Typically, these distinguishing characteristics result in differing market responses, in terms of the underlying land value, that can be positive or negative. Neighborhood classification, therefore, depends upon establishing a base land rate for each neighborhood. Once the base rate is established, a schedule of positive or negative adjustments is developed corresponding to the degree of difference from the base.

The first step is to identify the neighborhoods, and establish the corresponding boundaries associated with each. This determination is also influenced by interviews with knowledgeable local brokers and real estate agents. Local sale data is then collected, specific to each neighborhood, and examined. Sales of vacant land provide the most direct and reliable estimate of land value. However, when an insufficient number of vacant land sales are available, a land extraction technique is utilized. The Land Extraction technique deducts the depreciated improvement value from the total sales price, resulting in the contributory value of the underlying land.

Identifying sales within a neighborhood or a comparable neighborhood developed the base rate land values for each neighborhood. Neighborhoods that have the same pricing are considered equivalent in desirability. The neighborhood sale analysis resulted in the following tabulate neighborhood factors:

## Categories of Land and Land Pricing

### Site

The primary site will consist of the area typically utilized to support the improvements. This area will be categorized as Site SF. The site will comprise up to 43,560 SF or typically 4 times the Gross Building Area (GBA) whichever is greater. On larger industrial buildings approaching 100,000 SF or larger the site (based on economies of scale) may drop to 3 times the GBA. In most cases, land greater than the indicated site is considered Excess.

### Vacant Site

The most probable buildable land area. Land greater than the indicated site is considered Excess. Improved sites and vacant sites were valued similarly. The two vacant land sales had ratios of about 100% (see land-value-extractions-B spreadsheet in Section 3,) while the vast majority of other sales were improved and improved Sites had an extracted sale ratios also of about 100%. If vacant sites were discounted relative to improved sites, the ratio on vacant sites would be too low and improved sites and overall improved values would be too high. So based on this, the market indicated no premium or discount be applied to improved sites versus vacant sites or vice versa.

### Expansion Land

Land beyond that which is being used, that has imminent development potential in the foreseeable future or used as secondary site such as yard storage will be priced at 50%- 60% of the improved land in use.

### Excess Acreage

Land over and above that which is categorized as vacant site, improved site, or expansion land. Typically priced at 10% or less of the site (SF) pricing. In this case, most excess land will be priced at 10% or less of the site SF per SF.

### Special Land Pricing and External Land Factors

Positive external factors existed in this community. Premium locations were riverfront commercial and riverfront industrial locations. In the lower priced, tertiary commercial locations these were shown to command a premium of a factor of 2.40 higher than similar non-waterfront locations. These were mostly small marina usages. Here, an acre would be valued at \$220,000 x 2.40 (waterfront) or \$460,000. This was extracted from a previous waterfront Boat Club sale and a more recent Marina sale as well as from a portion of a lot sold as vacant lot along Sagamore Rd. (see Land Extraction Spreadsheet). A site index of "A" was applied which carries a factor of 2.40

Further upriver in more busy and viable commercial locations, such as in the downtown area, with base land values off the water at a much higher \$1,150,000 per acre, the waterfront premium was reduced to 70% or a factor of 1.70. This was checked via income values which afforded higher income potential for properties with unobstructed water access. Theoretically, a one acre lot along the open river in the prime downtown area would be valued at \$1,955,000 per acre, though most lots were smaller and would be lower in value as a result of the smaller size. Regardless, waterfront lots here had a Site Index of 8 applied which carries a 1.70 factor, so the lot would have a 70% premium versus a non-waterfront lot in the same general area.

The 70% differential was the same differential that was previously extracted and utilized, so was further backed up with older sales from the previous update. Other areas in New England have shown a 50% to 150% premium on open ocean riverfront versus non-waterfront locations.

Most Industrial Land pricing in Portsmouth was also based on a dummy value of \$1,000,000 per acre and most sites indicated a factor of 0.26. This resulted in a value of about \$260,000 per acre. I-95 highway visibility sites had 10% to 20% premiums applied. Riverfront industrial land was also valued 70% higher than non-river front land. So theoretically one acre of industrial land on the river would be valued at \$374,000 to \$442,000 per acre as opposed to \$220,000 to \$260,000 off river. I-95 highway visibility sites had 10% to 20% premiums applied based on higher potential income. Riverfront industrial land was also valued 70% higher than non-river front land. So theoretically one acre of industrial land on the river would be valued at \$374,000 to \$442,000 per acre as opposed to \$220,000 to \$260,000 off river.

#### **Easement, Topo, Access, Visibility, and Other Adjustments for Internal Land Influences**

These adjustments for internal land influences were made on an individual lot basis to the site and/or the excess land and applied to the condition factor for adjustments for easements, topography, access, visibility and any other adjustments for internal influences impacting the utility of the land.

### **Land Pricing**

Commercial and Industrial Land pricing began with a dummy acreage price of \$1,000,000 and via the best fit analysis was adjusted by NHBD.

### **Downtown**

NHBD 305, primarily the downtown area, was shown to be the most desirable area and was valued at factor of 1.15 or \$1,150,000 per acre. Certain locations in the downtown in the prime Market square areas and areas near the riverfront with frontage on two streets received premiums of 20% to 50%, while a few of the lower traffic areas received reductions of 10% for location within the downtown.

In addition in the Downtown some lots via grandfathering or by right exceeded the allowed density/intensity of use of three stories. The added property rights that these lots have by right or by grandfathering made their bundle of property rights greater than lots that do not have this allowance. So these lots were also valued at 50% to 100% greater than lots only allowing three story maximum density or intensity of use. These lots will bring in added income beyond just the contributory value of the improvements and will be applied to land value.

### **Woodbury Ave.**

NHBD 303. The Woodbury Ave shopping district, the next most valuable area, was shown to be worth about 100%, for a per acre value of \$1000,000 or a factor of 1.00. The area behind Woodbury, with Home Depot and Christmas Tree Shops, etc. was also part of NHBD 303 but received a 25% to 30% discount in the condition field for its less visible and accessible location. This was derived from a land sales and income residuals.

### **Downtown Peripheral**

NHBD 304, the area abutting and nearby to the prime downtown areas and to Woodbury Ave., was the next most valuable at an indicated value of \$530,000 or a factor of 0.53.

### **Lafayette, Islington, Rte. 1 Bypass**

Another significant area was NHBD 302, which included most of Islington St, most of the Route 1 Bypass, and most of Rte. 1 aka Lafayette Rd. These areas were indicated at a value per acre of \$480,000 or a NHBD factor of 0.48.



### **Industrial and Tertiary Commercial Locations**

The last and lowest valued areas were NHBDs 301, mostly industrial land, and NHBD 306, spot tertiary locations and these were indicated at \$220,000 to 260,000 per acre, therefore, they had factors of 0.22 to 0.26 of the \$1,000,000 base acre pricing. (see the Manual Section 3 spreadsheet "Land Value Extractions").

### **Pease**

In NHBD 307, at Pease, most property owners do not own the land, so the overall property was predominantly valued by the income approach, which includes income attributable to the building and land. So in this way the land value in use was captured in the total value (though not explicitly broken out). In a few minor situations in which the income approach was not or could not be performed the land was primarily valued at about \$220,000 to \$260,000 per acre.

Locational value adjustments are made by applying NHBD Index factors to the base unit pricing below (See Interpolated Land Curve Chart for entire SF pricing):

**Portsmouth C/ I Land Pricing 2017**

Size (SF)	SF Price	Total
1,000 \$	200.00	\$ 200,000
1,386 \$	171.21	\$ 237,297
2,722 \$	116.24	\$ 316,405
5,445 \$	77.48	\$ 421,879
10,890 \$	51.66	\$ 562,577
21,780 \$	34.44	\$ 750,103
43,560 \$	22.96	\$ 1,000,138

Base pricing of smaller lots are priced on a curve, so that a ½ acre will generally work out to about 70% to 75% of the value of a full acre and a ¼ acre will be priced at 70% to 75% of a half acre and so on (as the lots become smaller but more fully utilized - see the land curve pricing above). These various prices per SF were tested using land extractions and residuals of various size lots. For lots of 2 acres or greater, the acre price per SF was used but these lots were discounted 2% for each acre greater than one up to a 50% discount for size. For example:

- 2 Acres = a Condition Factor of 0.96 (-4%)
- 4 Acres = a Condition Factor of 0.92 (-8%)
- 8 Acres = a Condition Factor of 0.84 (-16%)
- 16 Acres = a Condition Factor of 0.68 (-32%)
- 25 Acres = a Condition Factor of 0.50 (-50%)

The following NHBD multipliers will then be applied to the base SF pricing above.

**Portsmouth C/ I NHBD Factors 2017**

NHBD	Factor	Description
301	0.26	Industrial/Tertiary Commercial Locations
302	0.48	Islington, Lafayette, Rte 1, Bypass
303	1.00	Woodbury Ave.
304	0.53	DT Perpiheral
305	1.15	Downtown
306	0.22	Tertiary Commercial Locations
307	0.22 - .026	Pease (When Applicable)

A Large Color Coded City NHBD Map is in the Assessors Office

The following are examples of location/NHBD multipliers used in the City:

<b>CODE NHBD</b>	<b>Base Price</b>		<b>Multiplier</b>	<b>Price/Acre</b>
305- Downtown	\$1,000,000	x	1.15	\$1,150,000
303 – Woodbury Ave	\$1,000,000	x	1.00	\$1,000,000
304- Downtown Peripheral	\$1,000,000	x	0.53	\$530,000
302 – Islington/ Lafayette/ Rte 1 Bypass	\$1,000,000	x	0.48	\$480,000
301 – Industrial/ Tertiary Commcl	\$1,000,000	x	0.26	\$260,000
306 –Tertiary Commcl	\$1,000,000	x	0.22	\$220,000

Smaller lots are priced on a curve, so that ½ acre pricing generally work out to about 70% to 75% of the value of a full acre and a ¼ acre will be priced at 70% to 75% of a ½ acre and so on as the lots become smaller (see the land curve pricing)

## Apartment Land Pricing

As part of the land analysis there were many improved apartment sales and the land extraction analysis indicated a land value as high as \$77,000 per apartment unit and as low as \$35,000 per apartment unit. The median indication from the sales was \$50,000 per unit. Generally given equal locations and lot sizes, the fewer the number of apartment units, the higher was the indicated land value per unit and vice versa.

So, apartment land with eight or more units were shown to represent a discount of about 20% less per apartment unit than a four unit property (if all else were equal). So the site price per unit for 5 units was interpolated to have a 5% discount, 6 units 10%, 7 units 15%, and 8 units and above a 20% discount applied relative to properties with just four units. This was applied in the condition factor as 0.95 for five units, 0.90 for 6 units, 0.85 for 7 units and 0.80 for 8 units or more.

**This pricing is accomplished by zeroing out the SF pricing on line 1 and adding a line 2 with special land calculations using BL (building lot) as the unit of measure as opposed to SF.**

Lot pricing examples in average locations are as follows:

$$\begin{aligned} 4 \text{ Units} \times \$58,000 \times 1.00 &= \$232,000 \\ 5 \text{ Units} \times \$58,000 \times 0.95 &= \$275,500 \\ 6 \text{ Units} \times \$58,000 \times 0.90 &= \$313,200 \\ 7 \text{ Units} \times \$58,000 \times 0.85 &= \$345,100 \\ 8 \text{ Units} \times \$58,000 \times 0.80 &= \$371,200 \end{aligned}$$

So given similar lots and locations, a property with 4 legal units would have a site value of \$232,000, while one with 8 legal units would have a site value of \$371,200 or about 60% higher. So under this scenario, the overall lot is being valued at 15% more for each additional apartment unit. This is based on intensity of usage and different highest and best uses for each lot. This was corroborated both by sales and income residuals.

See land pricing below for specifics. The per apartment unit pricing using special land calcs will replace the SF land pricing and will be applied as follows per apartment:

Apartment Code	Description	Base Site Price/ Unit	Units 4	Units 5	Units 6	Units 7	Units 8	Units 8+
AP1	Apt Site V Poor	\$ 35,000	\$ 35,000	\$ 33,250	\$ 31,500	\$ 29,750	\$ 28,000	\$ 28,000
AP2	Apt Site Poor	\$ 43,000	\$ 43,000	\$ 40,850	\$ 38,700	\$ 36,550	\$ 34,400	\$ 34,400
AP3	Apt Site Fair	\$ 50,000	\$ 50,000	\$ 47,500	\$ 45,000	\$ 42,500	\$ 40,000	\$ 40,000
<b>AP4</b>	<b>Apt Site Avg,</b>	<b>\$ 58,000</b>	<b>\$ 58,000</b>	<b>\$ 55,100</b>	<b>\$ 52,200</b>	<b>\$ 49,300</b>	<b>\$ 46,400</b>	<b>\$ 46,400</b>
AP5	Apt Site Abv. Avg..	\$ 66,000	\$ 66,000	\$ 62,700	\$ 59,400	\$ 56,100	\$ 52,800	\$ 52,800
AP6	Apt Site Good	\$ 77,000	\$ 77,000	\$ 73,150	\$ 69,300	\$ 65,450	\$ 61,600	\$ 61,600
AP7	Apt Site V Good	\$ 93,000	\$ 93,000	\$ 88,350	\$ 83,700	\$ 79,050	\$ 74,400	\$ 74,400
AP8	Apt site Excellent	\$ 103,000	\$ 103,000	\$ 97,850	\$ 92,700	\$ 87,550	\$ 82,400	\$ 82,400
APW	Apt Site Waterfront	\$ 150,000	\$ 150,000	\$ 142,500	\$ 135,000	\$ 127,500	\$ 120,000	\$ 120,000

### Mobil Home Park Land Pricing

On mobile home parks, based on sales and/or overall indicated income values and improvement extractions/residuals, specific per unit land pricing extractions were developed and utilized. Based on the size of lots, and location quality, the range of per unit land/site value will be utilized of \$25,000 to \$48,000 per unit/site.

This pricing is accomplished by zeroing out the SF pricing on line 1 and adding a line 2 with special land calculations using BL (building lot) as the unit of measure as opposed to SF. These land unit site values are as follows per MH site:

### Mobil Home Park Site Values

Code	Description	Base Site Price/ Unit
MH1	MH Site V Poor	\$ 25,000
MH2	MH Site Poor	\$ 28,000
MH3	MH Site Fair	\$ 33,000
<b>MH4</b>	<b>MH Site Avg,</b>	<b>\$ 38,000</b>
MH5	MH Site Abv. Avg..	\$ 43,000
MH6	MH Site Good	\$ 48,000

### Hotel/Motel Land Pricing

In the prime downtown areas, lodging facility land will be based on the SF method pricing for the commercial Neighborhood 305.

Outside of Downtown, the pricing will be based on a per rental room unit basis as follows based on sales and income residuals (see land extraction and income residual spreadsheets).

This pricing is accomplished by zeroing out the SF pricing on line 1 and adding a line 2 with special land calcs using BL (building lot) as the unit of measure as opposed to SF.

These land unit site values are as follows per rental room:

Hotel/Motel Site Values		
Code	Description	Base Site Price/ Unit
HT1	Hotl/Motl Site Poor	\$ 10,000
HT2	Hotl/Motl Site Fair	\$ 14,000
<b>HT3</b>	<b>Hotl/Motl Site Avg.</b>	<b>\$ 17,000</b>
HT4	Hotl/Motl Site Good	\$ 22,000
HT5	Hotl/Motl Site V Good	\$ 27,000
HT6	Hotl/Motl Site Exc	\$ 33,000

## C/I Condos

Rather than have a separate land price scheme associated with each condo unit that represents its contribution above the building value, a Condo Location Factor will be applied to the building value based on the quality of the location of the improvements. Based on the condo site extractions, these are indicated at 0.80 to 4.00 based on sales and income valuation residuals and are shown on the individual property cards in the Condo Section.

### Condo Factors

Location	NHBD 301 Factor Range
Fair	1.00 to 1.20
<b>Average</b>	<b>1.25 to 1.50</b>
Good	1.75 to 2.00

Location	NHBD 302 Factor Range
Fair	1.00 to 1.20
<b>Average</b>	<b>1.25 to 1.50</b>
Good	1.75 to 2.00

Location	NHBD 304 Factor Range
Poor	0.70 to 0.95
Fair	1.00 to 1.20
<b>Average</b>	<b>1.25 to 1.50</b>
Good	1.75 to 2.00
V Good	2.10 to 2.50

Location	NHBD 305 Factor Range
Poor	1.00 to 1.20
Fair	1.25 to 1.60
<b>Average</b>	<b>1.75 to 2.25</b>
<b>Average+</b>	<b>2.30 to 2.55</b>
Good	2.60 to 2.75
V Good	3.00 to 4.00

Location	NHBD 307 Factor Range
Fair	1.00 to 1.05
<b>Average</b>	<b>1.10 to 1.30</b>
Good	1.35 to 1.50
V Good	1.55 to 2.00

**In Portsmouth, some superior or premium commercial sites** such as desirable corner locations or those with significant frontage and above-average access and visibility suitable for major gas stations, national chain fast food restaurants, and new national mega-drug-stores sites, etc. were indicated to have land values 10% to 50% higher than average sites suitable for more local usage and/or average rental sites. So on these premium sites, 1.10 to 1.50 multipliers were applied to the condition factor, thus increasing the base price and these were noted on the PRCs.

#### **Density Bonus Rights**

Other situations in which current allowed density of three stories was exceeded in the downtown area, the added property rights that these lots have by right or by grandfathering made their bundle of rights greater than lots without this ability. So these were also valued at 50% to 100% greater than restricted lots only allowing three story maximums

#### **Waterfront**

Other premium locations were riverfront commercial and riverfront industrial locations. In the lower priced, tertiary commercial locations these were shown to command a premium of a factor of 2.40 higher than similar non-waterfront locations. These were mostly small marina usages. Here, an acre would be valued at a base \$220,000 x 2.40 (waterfront) or \$528,000. These premiums were extracted from a previous waterfront Boat Club Sale and a more recent lot that was split off from that as well as a marina sale that was in an otherwise tertiary location. Also these were tested via the income approach comparing the income value on waterfront improved parcels against their cost values and these land premiums applied plus normal land value plus building costs aligned with total income values. If these premiums were lower than this, their cost values would have been below estimated income values -- and vice versa.

Further upriver in more busy and viable commercial locations, such as in the downtown area, with base land values off the water at a much higher \$1,150,000 per acre, the waterfront premium was 70% or a factor of 1.70. This was checked via income values which afforded higher income potential for properties with unobstructed water access and views. Theoretically, one acre along the water would be valued at \$1,955,000 per acre here, though most lots were smaller and would be lower in value as a result of smaller sizes. Regardless, waterfront lots here lots had a Site Index of 8 applied which carries a 1.70 factor, so the lot would have a 70% premium versus a non-



waterfront lot in the same general area. The 70% differential was the same differential that was previously used, so was further backed up with older sales from the previous update. Other areas in New England have showed a 50% to 100% premium.

Most, Industrial Land pricing in Portsmouth was also based on a dummy value of \$1,000,000 per acre and most sites indicated a factor of 0.26. This resulted in a value of about \$260,000 per acre. I-95 highway visibility sites had 10% to 20% premiums applied. Riverfront industrial land was also valued 70% higher than non-river front land. So theoretically one acre of industrial land on the river would be valued at \$374,000 to \$442,000 per acre as opposed to \$220,000 to \$260,000 off river.

**Apartment Land:** As part of the land analysis there were many improved sales that took place in 2014 and early 2015 and a few from 4/1/15 to 4/1/17 and the land extraction analysis indicated a land value as high as \$85,000 per apartment unit and as low as \$38,500 per apartment unit. The median indication from the sales was \$58,000 per unit. If all else were equal, the lower the number of units, the higher was the indicated land value per unit. So, apartment land with eight or more units was shown to have a discount of about 20% less per unit than a four unit property (if all else were equal). So the site price per unit for 5 units was interpolated to have a 5% discount, 6 units by 10%, 7 units with 15%, and 8 units (and above) with a 20% discount applied relative to properties. The base price per unit for land for an average 8 units or greater apartment was \$58,000 per unit less 20% or \$46,400 per unit. See Section 6 land pricing for specifics.

# **Cost Analysis**

## **Building Costs**

**Building Cost Tables:** Construction costs will vary by “use”, such as residential, commercial, industrial, etc. The base (average quality) construction rates for various uses are identified below:

The “Building Cost” base rates identified in the preceding tables were derived by reviewing building costs extracted from local sale data, and from the Marshall & Swift Cost Guide.

## Vision Commercial Industrial Cost/Market Valuation

The following is an explanation of the Cost/Market system valuation methodology:

**Base Rate (BR)** – These rates are the dollar values per SF posted on the municipality's Base Rate tables and charts. Each improvement Code (property type) has a unique value (EX: Improvement Code 40, Light Industrial may equal \$45.00. This base rate is unadjusted for size or quality (See the municipality's base rate table/chart for each use code).

**Size Adjustment Factor (SAF)** -- Each Improvement Code is assigned a Model Code such as Model 94, 95 or 96. The Model Code dictates (and to some extent the Land Use Code) dictates which size adjustment parameters are used. See the specific Size Adjustment parameters for your Municipality. Since commercial buildings are generally larger they will have larger base models and a different building adjustment curve than residential properties.

**Quality Index (QI)** – Each Model, 94, 95, and 96 has its own set of coefficients (formerly known as points) assigned to the various structural elements and the higher the quality the element, the higher the coefficient and the higher will be the overall quality index.

Essentially, this quality index is then multiplied by the overall structural grade or quality index assigned to the property. For example an average grade would neither increase nor decrease the index, but one above-average would increase it and one below-average would decrease it.

The Valuation Formula is as follows:

Base Rate = BR  
Size Adjustment Factor = SAF  
Quality Index = QI

Thus:

$BR \times SAF \times QI = \text{Effective Adjusted Base Rate (Undepreciated Building SF Cost New)}$

$\text{Effective Base Rate} \times \text{Effective Building Area} = \text{Undepreciated Building Value}$

Portsmouth, NH  
Base Building Rate Analysis (4/01/17)

Updated 4/1/17

Base Rate	Desc.	Class./Qual.	Date	\$/Unit	Adj1	Adj1 \$-	Adj 2	Adj 2 \$-	Refined Cost	4/1/2017 Mult.	Local Mult.	Base Rate	Entrepreneurial Profit	2017 Final Base Rate	MVS Reference
12	Commercial	D/Avg.	May-16	\$75.75	ExtrHt	\$4.34	A/C	(\$4.88)	\$75.21	1.03	1.07	\$82.89	5%	\$87.00	13-353
13	Disc Store	C/Avg.	May-16	\$64.40	ExtrHt	\$4.34	A/C	(\$4.88)	\$63.86	1.04	1.08	\$71.73	0%	\$72.00	13-319
14	Apartments	D/Avg+10	Aug-16	\$78.71	ExtrHt	\$1.97			\$80.68	1.03	1.07	\$88.92	15%	\$102.00	12-352
15	Reg/Comm Shop Cntr	C/Avg.	May-16	\$92.72	ExtrHt	\$4.34	A/C	(\$4.88)	\$92.18	1.04	1.08	\$103.54	7%	\$111.00	13-413
16	Lcl/Nhbd Shop Cntr	C/Avg.	May-16	\$87.02	ExtrHt	\$4.34	A/C	(\$4.88)	\$86.48	1.04	1.08	\$97.13	7%	\$104.00	13-412
17	Store	C/Avg.	May-16	\$80.34	ExtrHt	\$4.34	A/C	(\$4.88)	\$79.80	1.04	1.08	\$89.63	7%	\$96.00	13-353
18	Office	C/Avg.	Nov-15	\$109.26	ExtrHt	\$5.35	Elev	(\$2.10)	\$112.51	1.04	1.08	\$126.37	7%	\$135.00	15-344
19	Profess Office	D-5%/Avg.	Nov-15	\$124.69	XH/AC	\$2.25	Elev	(\$2.24)	\$124.70	1.02	1.07	\$136.10	7%	\$146.00	15-341
21	Fast Food Chain	C/Avg.	Nov-16	\$131.04	ExtrHt	\$1.91	A/C	(\$9.23)	\$123.72	1.04	1.08	\$138.96	7%	\$149.00	13-349
23	Financial Instit	C/Avg.	Nov-15	\$161.26	XH/AC	(\$4.85)	Elev	(\$2.18)	\$154.23	1.04	1.08	\$173.23	0%	\$173.00	15-443
25	Service Shop	C/Avg.	Feb-16	\$54.94	ExtrHt	\$1.32			\$56.26	1.03	1.08	\$62.58	5%	\$66.00	14-528
26	Serv Stat 2 Bay	C/Avg.	Feb-16	\$86.29	ExtrHt	\$1.22			\$122.71	1.04	1.08	\$137.83	5%	\$145.00	64-408
27	Auto Dealer	C/Avg.	Feb-16	\$86.29	ExtrHt	(\$1.78)			\$84.51	1.03	1.08	\$94.01	7%	\$101.00	14-455
29	Nursing Home	D/Avg.	Nov-15	\$133.50	XH/AC	\$2.25			\$135.75	1.02	1.07	\$148.16	5%	\$156.00	15-313
30	Restaurant	C/Avg.	May-16	\$122.51	ExtrHt	\$1.91	A/C	(\$9.23)	\$115.19	1.04	1.08	\$129.38	7%	\$138.00	13-350
31	Branch Bank	C/Avg.	Nov-15	\$154.84	ExtrHt	\$2.25			\$157.09	1.02	1.07	\$171.45	0%	\$171.00	15-304
32	Theatres	C/Avg.	Aug-15	\$101.13	ExtrHt	\$0.50			\$101.63	1.04	1.07	\$113.09	0%	\$113.00	16-380
33	Bars/NightClub	D/Avg.	May-16	\$92.42	ExtrHt	\$1.91	A/C	(\$9.23)	\$85.10	1.03	1.07	\$93.79	7%	\$100.00	13-442
38	Country Club	D/Avg.	Nov-16	\$129.00	XH/AC	\$1.03	AC	(\$1.60)	\$130.03	1.04	1.07	\$144.70	0%	\$145.00	11-314
39	Motel/Inn	C/Avg.	Aug-16	\$87.52	ExtrHt	\$1.60			\$87.52	1.03	1.08	\$97.36	7%	\$104.00	12-343
40	Light Industrial	C/Avg.	Feb-16	\$49.96	ExtrHt	\$1.32			\$51.28	1.03	1.08	\$57.04	5%	\$60.00	14-494
41	R & D	C/Avg.	Feb-16	\$70.06	XH/AC	(\$1.92)			\$68.14	1.03	1.08	\$75.80	5%	\$80.00	14-392
43	Car Wash	S/Avg.	Mar-16	\$86.98					\$86.98	1.04	1.05	\$94.98	5%	\$100.00	64-435
47	Cold Storage	C/Avg.	Feb-16	\$64.99					\$64.99	1.03	1.08	\$72.29	5%	\$76.00	14-447
48	Warehouse	C/Avg.	Feb-16	\$42.14	ExtrHt	\$1.32			\$43.46	1.03	1.08	\$48.34	5%	\$51.00	14-406
49	Serv Stat 3 Bay	C/Avg.	Mar-16	\$121.49	ExtrHt	\$1.22			\$122.71	1.04	1.08	\$137.83	5%	\$145.00	64-408
4C	Commerc Wrhse	C/Avg.	Feb-16	\$42.14	ExtrHt	\$1.32			\$43.46	1.03	1.08	\$48.34	5%	\$51.00	14-406
5C	Bank Condo	D/Avg-	Nov-15	\$154.84	XH/AC	\$2.25			\$157.09	1.02	1.07	\$171.45	0%	\$171.00	15-304
51	Industrial Offices	S/Avg	Nov-15	\$94.02	ExtrHt	\$4.82			\$98.84	1.04	1.05	\$107.93	5%	\$113.00	15-344
52	Pre-Eng Mntg	S/Avg -10%	Feb-16	\$39.65	ExtrHt	\$1.32			\$40.97	1.03	1.05	\$44.31	5%	\$47.00	14-494
53	Pre-Eng Wrhse	S/Avg -10%	Feb-16	\$33.32	ExtrHt	\$1.32			\$34.64	1.03	1.04	\$37.11	5%	\$39.00	14-406
54	Health Club	C/Low Cost	Nov-16	\$86.00	ExtrHt	\$1.03			\$87.03	1.04	1.08	\$97.75	0%	\$98.00	11-418

Cont'd

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Base Rate	Desc.	Class./Qual.	Date	\$/Unit	Adj1	Adj1 \$-	Adj 2	Adj 2 \$	Refined Cost	4/1/2017 Mult.	Local Mult.	Base Rate	Entrepreneurial Profit	2017 Final Base Rate	MVS Reference
56	Condo Office	D/Avg.	Nov-15	\$103.31	ExtrHt	\$5.35	Elev	(\$2.10)	\$106.56	1.02	1.07	\$116.30	0%	\$116.00	15-344
57	Library	C/Avg.	Nov-15	\$135.69	XHt-AC	\$2.25			\$137.94	1.04	1.08	\$154.93	0%	\$155.00	15-377
59	Fire Station	C/Avg.	Nov-15	\$122.72	ExtrHt	\$5.35			\$128.07	1.04	1.08	\$143.85	0%	\$144.00	15-322
61	Dry Cleaner/Laund	C/Avg.	May-16	\$78.99	XHt-AC				\$78.99	1.04	1.08	\$88.72	5%	\$93.00	13-499
64	Tennis Club	S/Avg.	Aug-15	\$54.94	ExtrHt	(\$3.16)			\$51.78	1.03	1.05	\$56.00	0%	\$56.00	16-416
65	Skating Arena	S/Avg	Aug-15	\$83.07	AC	(\$4.65)			\$78.42	1.03	1.05	\$84.81	0%	\$85.00	16-175
66	Hotel	C/Avg.	Nov-16	\$130.00	XHt-AC	(\$0.06)	Elev	(\$3.06)	\$126.88	1.04	1.08	\$142.51	7%	\$152.00	11-594
67	Coin Op Car Wash	S/Avg.	Mar-16	\$65.38					\$65.38	1.04	1.05	\$71.39	0%	\$71.00	64-434
69	Truck Terminal	S/Avg.	Feb-16	\$57.87	ExtrHt	\$1.32			\$59.19	1.03	1.05	\$64.01	0%	\$64.00	14-387
70	Dormitory	C/Avg.	Nov-16	\$110.00	ExtrHt	\$5.21			\$115.21	1.04	1.08	\$129.40	0%	\$129.00	11-321
71	Church	C/Avg.	Aug-15	\$130.82	XHt-AC	\$0.50			\$131.32	1.04	1.08	\$147.50	0%	\$147.00	16-309
72	School/College	D-10%/Avg	Feb-17	\$117.00	XHt-AC				\$117.00	1.02	1.07	\$127.69	0%	\$128.00	18-156
73	Private Hospital	C/Avg.	Nov-15	\$139.62	XHt-AC	\$2.25			\$141.87	1.04	1.08	\$159.35	0%	\$159.00	15-313
74	Home for Aged	C/Avg.	Nov-16	\$118.00	XHt	\$5.21			\$120.71	1.04	1.08	\$135.58	5%	\$142.00	11-330
75	Gas/Conv Mart	C/Avg.	Nov-16	\$143.00	XHt-AC	\$1.83	Elev	(\$2.50)	\$144.83	1.04	1.08	\$162.67	7%	\$174.00	13-531
76	Mortuary/Fun Him	D/Avg	Nov-16	\$103.00	ExtrHt	\$1.03			\$104.03	1.03	1.07	\$114.65	0%	\$115.00	11-342
77	Club/Hall/Lounge	D/LC-to Avg	Aug-15	\$96.99	ExtrHt				\$96.99	1.03	1.07	\$106.89	0%	\$107.00	16-323
78	Airport Hangar	S/Avg	Feb-16	\$47.76	ExtrHt	\$1.32			\$49.08	1.03	1.04	\$52.57	0%	\$53.00	14-329
79	Telephone Bldg	C/Avg.	Feb-16	\$147.00	ExtrHt		A/C	(\$5.00)	\$142.00	1.03	1.08	\$157.96	0%	\$158.00	14-40
80	Store/Apt	C/Avg.	May-16	\$86.20	ExtrHt	\$4.34	A/C	(\$4.88)	\$85.66	1.04	1.08	\$96.21	7%	\$103.00	13-459
82	Auditorium	C/Avg.	Aug-15	\$120.42	XHt-AC	\$0.50			\$120.92	1.04	1.08	\$136.00	0%	\$136.00	16-302
83	Public School	C/Avg.	Feb-17	\$132.00	XHt-AC				\$132.00	1.02	1.08	\$145.41	0%	\$145.00	18-366
85	Hospital General	C/Avg.	Nov-15	\$210.55	XHt-AC		Elev	(\$2.47)	\$208.08	1.04	1.08	\$233.72	0%	\$234.00	15-331
87	Gvrnmt/State	C/Avg	Nov-15	\$143.13	XHt-AC	(\$4.85)			\$138.28	1.04	1.08	\$155.32	0%	\$155.00	15-327
88	Gvrnmt/Federal	C/Avg.	Nov-15	\$143.13	XHt-AC	(\$4.85)			\$138.28	1.04	1.08	\$155.32	0%	\$155.00	15-327
89	Gvrnmt/Municipl	C/Avg.	Nov-15	\$143.13	XHt-AC	(\$4.85)			\$138.28	1.04	1.08	\$155.32	0%	\$155.00	15-327
90	Retail Condo	C/Avg.	Nov-16	\$80.34	ExtrHt	\$4.34	A/C	(\$4.88)	\$79.80	1.04	1.08	\$89.63	7%	\$96.00	13-353
91	Fast Food T/O	D/Avg.	May-16	\$71.02					\$71.02	1.03	1.07	\$78.27	7%	\$84.00	13-529
92	Court House	C/Avg.	Nov-15	\$143.13	XHt-AC	(\$4.85)			\$138.28	1.04	1.08	\$155.32	0%	\$155.00	15-327
95	Garage&Office	C/Avg.	Feb-16	\$65.93	ExtrHt	\$1.32			\$67.25	1.03	1.08	\$74.81	5%	\$79.00	14-528+20%
96	Warehouse&Office	C/Avg.	Feb-16	\$50.57	ExtrHt	\$1.32			\$51.89	1.03	1.08	\$57.72	5%	\$61.00	14-406+20%
97	Hi Rise Apt	C/Avg.	Nov-16	\$91.50	ExtrHt	\$4.35	Elev	(\$2.78)	\$93.07	1.04	1.08	\$104.54	15%	\$120.00	11-300
98	Industrial Condo	C/Avg.	Feb-16	\$49.96	ExtrHt	\$1.32	A/C	(\$4.88)	\$51.28	1.03	1.08	\$57.04	0%	\$57.00	14-494
200	Retail/Office	C/Avg.	May-16	\$88.23	ExtrHt	\$4.34			\$87.69	1.04	1.08	\$98.49	7%	\$105.00	13-597
201	Food Stand	D/Avg.	May-16	\$71.02					\$71.02	1.03	1.07	\$78.27	5%	\$82.00	13-529
202	Parking Garage	B/Avg	Feb-16	\$51.75			Elev	(\$1.96)	\$49.79	1.04	1.07	\$55.41	0%	\$55.00	14-345
203	Conv Store	C/Avg	May-16	\$86.28	ExtrHt	\$1.82			\$88.10	1.04	1.08	\$98.95	7%	\$106.00	13-419
204	Day Care	D-10%/Avg	Feb-17	\$103.50	ExtrHt	\$4.93			\$108.43	1.02	1.07	\$118.34	5%	\$124.00	18-426
205	Ref/Off/Apt	C/Avg	May-16	\$86.20	XHt-AC	(\$1.83)			\$84.37	1.04	1.08	\$104.76	10%	\$104.00	13-459
206	Self Storage	S/Avg	Feb-16	\$31.80					\$31.80	1.03	1.05	\$34.39	7%	\$37.00	14-386
207	Cultural Facility	C/Avg -10%	Aug-15	\$112.45	XHt-AC	\$0.50			\$112.95	1.04	1.08	\$126.87	0%	\$127.00	16-514
208	Office/Apt	C/Avg.	Aug-16	\$90.69	ExtrHt	\$1.97			\$92.66	1.03	1.08	\$103.07	7%	\$110.00	12-544
210	Hangar Condo	S/Avg	Feb-16	\$47.76	ExtrHt	\$1.32			\$49.08	1.03	1.05	\$53.08	0%	\$53.00	14-329
211	Comm Condo	D/Avg.	May-16	\$75.75	ExtrHt	\$4.34	A/C	(\$4.88)	\$75.21	1.03	1.07	\$82.89	0%	\$83.00	13-353

Performed by Stephen Traub, ASA - Property Valuation Advisors, Newburyport, MA

Source: Marshall Valuation Service

# **Income Analysis**



**Income Approach – Income and Expense and Vacancy Data:** As previously described, the “Income Approach” is based upon the principle of “anticipation” which recognizes that value is created by the owner’s expectation of future benefits. Typically, these benefits are anticipated in the form of income, and/or in the anticipated increase in the property’s value over time. Therefore, a primary consideration is the relative level of anticipated income and expenses a property is likely to achieve, and “base” rates for both income and expenses must be established. Consequently, research was undertaken in order to identify the appropriate “base” levels of income and expenses for each commercial property “use” type, such as apartments, office, retail, industrial, etc. As illustrated in Section 3, after the gross income and expenses for a particular property “use” have been identified, the next step in the development of the “Income Approach” is to subtract the anticipated (market-derived) vacancy rate from the potential gross revenue, to generate the “effective” gross income. The expenses are then subtracted from the effective gross income, in order to generate the net operating income, or “NOI”.

**Income Approach – Capitalization Rates:** As illustrated in Section 3, after the gross income and expenses for a particular property “use” have been identified, the next step in the development of the “Income Approach” is to subtract the anticipated (market-derived) vacancy rate from the potential gross revenue, to generate the “effective” gross income. The expenses are then subtracted from the effective gross income, in order to generate the net operating income, or “NOI”. The NOI is then divided by a “capitalization” rate, or the market-derived rate investors would expect on alternative investments that share the same degree of risk as the appraised property.

The following are additional supporting Income Valuation Reports:

## Actual Income Data

As an introduction into rental levels in Portsmouth, the brief summary chart (below) shows what was on the market in Portsmouth through the New England Commercial Property Exchange (NECPE) in March of 2017 as well as associated asking rental prices:

### Market Summary – March, 2017

Portsmouth, NH

242,408 SF

Commercial Space For Sale

-

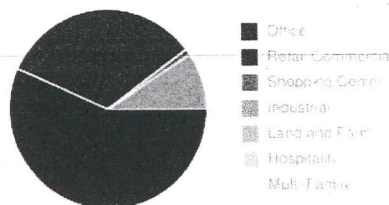
Land & Farm For Sale

262,691 SF

Commercial Space For Lease

\$23.7 million

Total Sale Price



### Current Statistics for Portsmouth, NH

Property Type	Listings	Asking Lease Rate	Asking Sale Price	Below List	Days on Market	Total Available
Industrial	9	\$8.91 PSF	\$56.82 PSF	-	-	215,175 SF
Office	55	\$17.18 PSF	\$176 PSF	-	-	194,807 SF
Retail-Commercial	32	\$16.66 PSF	\$271.61 PSF	-	-	92,281 SF
Shopping Center	1	\$16.50 PSF	-	-	-	2,836 SF

Next, the following represents a summary of the Income & Expense (I&E) Data Collected from I&E forms that were mailed to property owners from which economic/market rents were developed. Only those rents where the meeting of the minds took place within the past few years were utilized. Old leases and non-arms length leases were not included.

To bolster the analysis, rents from other sources and in some cases other communities were included when a paucity of rental data was not available in Portsmouth from I&E data in certain categories.

Following the actual data, the economic/market rental rates are included along with vacancies, expenses, and cap rates and adjustment factors that are utilized.

# Actual Apartment Rents

## Indicated Average Apt. Economic Rents

### Monthly

Studio  
1 BR  
2 BR  
3 BR  
4 BR

	Avg.	
	\$800	
	\$1,000	
	\$1,300	
	\$1,600	
	\$1,800	

Tenants Pay Electric

### Annualized

Studio  
1 BR  
2 BR  
3 BR  
4 BR

	Avg.	
	\$9,600	
	\$12,000	
	\$15,600	
	\$19,200	
	\$21,600	

Tenants Pay Electric

Portsmouth Advertised Apartment Rents (4/15/17)

M-B_L	Street	Location	Studio	Rent/Mo.			Space Quality	Tenant Pays	Source	
				1 BR	2 BR	3 BR				
	Cass St at Lovell	Portsmouth					\$2,500	Average	H&E	CL 2017
	559-567 Sagamore Ave	Portsmouth	\$1,025	\$1,305	\$1,500			Avg	H&E	CL 2017
	Lafayette & Middle	Portsmouth			\$1,550			Avg	H&E	CL 2017
	Maplewood at Dennet	Portsmouth		\$1,100				Avg	H&E	CL 2017
	Puddle Ln	Portsmouth		\$1,300				Avg	H&E	CL 2017
	Atlantic Heights	Portsmouth		\$1,400				Avg	H&E	CL 2017
	282 Middle St.	Portsmouth	\$950					Avg	H&E	CL 2017
	46 Columbia Ct	Portsmouth			\$2,400			Excellent	H&E	CL 2017
	324 Parrott Ave	Portsmouth			\$2,990			Excellent+	Nothing	CL 2017
	Portwalk	Portsmouth				\$3,446		Excellent+	???	CL
	777 Middle Rd	Portsmouth			\$1,700			Gd	H&E	CL 2017
	South End	Portsmouth		\$1,495				Gd	H&E	CL 2017
	South St.	Portsmouth			\$1,875			Good	H&E	CL 2017
	Congress & Fleet	Portsmouth		\$1,475				Good	H&E	CL 2017
	530 State St.	Portsmouth			\$2,200			VG	E	CL 2017
	665 Lincoln St.	Portsmouth		\$1,695				VG	H&E	CL 2017
	Daniel St.	Portsmouth		\$1,850				VG	H&E	CL 2017

		Studio	1 BR	2 BR	3 BR			
All	Median	\$988	\$1,438	\$1,875	\$2,973	All		CL =
All	Mean	\$988	\$1,453	\$2,031	\$2,973	All		Craigs
All	Low	\$950	\$1,100	\$1,500	\$2,500	All		List
All	High	\$1,025	\$1,850	\$2,990	\$3,446	All		

Portsmouth Advertised Apartment Rents (4/15/17)

Avg Quality

M-B_L	Street	Location	Studio	Rent/Mo.			Space Quality	Tenant Pays	Source	
				1 BR	2 BR	3 BR				
	Cass St at Lovell	Portsmouth					\$2,500	Average	H&E	CL 2017
	559-567 Sagamore Ave	Portsmouth	\$1,025	\$1,305	\$1,500			Avg	H&E	CL 2017
	Lafayette & Middle	Portsmouth			\$1,550			Avg	H&E	CL 2017
	Maplewood at Dennet	Portsmouth		\$1,100				Avg	H&E	CL 2017
	Puddle Ln	Portsmouth		\$1,300				Avg	H&E	CL 2017
	Atlantic Heights	Portsmouth		\$1,400				Avg	H&E	CL 2017
	282 Middle St.	Portsmouth	\$950					Avg	H&E	CL 2017

		Studio	1 BR	2 BR	3 BR			
All	Median	\$988	\$1,303	\$1,525	\$2,500	All		CL =
All	Mean	\$988	\$1,276	\$1,525	\$2,500	All		Craigs
All	Low	\$950	\$1,100	\$1,500	\$2,500	All		List
All	High	\$1,025	\$1,400	\$1,550	\$2,500	All		

Portsmouth Advertised Apartment Rents (4/15/17)

Gd Quality

M-B_L	Street	Location	Studio	Rent/Mo.			Space Quality	Tenant Pays	Source
				1 BR	2 BR	3 BR			
	777 Middle Rd	Portsmouth			\$1,700		Gd	H&E	CL 2017
	South End	Portsmouth		\$1,495			Gd	H&E	CL 2017
	South St.	Portsmouth			\$1,875		Good	H&E	CL 2017
	Congress & Fleet	Portsmouth		\$1,475			Good	H&E	CL 2017

		Studio	1 BR	2 BR	3 BR			
All	Median		\$1,485	\$1,788		All		
All	Mean		\$1,485	\$1,788		All		
All	Low		\$1,475	\$1,700		All		
All	High		\$1,495	\$1,875		All		

**Vacancy  
&  
Expense  
Data**

Vacancy Data

Office	Area	Vacancy Rate	Source	Timeframe
Office	Portsmouth	4.3%	CBRichEllis	Q4 '16
Office	Pease Tradeport	4.7%	CBRichEllis	Q4 '16
Office Class A	Greater Portsmouth	4.9%	Colliers	Q2 '17
Office Overall	Greater Portsmouth	5.4%	Colliers	Q2 '17
Office Class C	Greater Portsmouth	5.9%	Colliers	Q2 '17
Office Class B	Greater Portsmouth	5.9%	Colliers	Q2 '17
Office	NH Seacoast	8.3%	CBRichEllis	Q4 '16
Office	New Hampshire	9.8%	CBRichEllis	Q4 '16
Office	Overall Average	6.1%		
Office	Portsmouth & Pease C	4.8%		

Indust/Wrhse	Area	Vacancy Rate	Source	Timeframe
Indust/Wrhse	Southern NH	6.4%	CBRichEllis	Q4 '16
Indust/Wrhse	Seacoast NH	4.9%	CBRichEllis	Q4 '16
Indust/Wrhse	Pease	0.0%	CBRichEllis	Q4 '16
Indust/Wrhse	Portsmouth	2.7%	Grubb&Ellis	Q4 '16
Indust/Wrhse	Overall Average	3.5%		
Indust/Wrhse	Pease& Portsmouth	1.9%		

Retail	Area	Vacancy Rate	Source	Timeframe
All Retail	Northern MA	9.2%	Keypoint Prtners	Q1 '17
All Retail	MA North Shore	6.7%	Keypoint Prtners	Q1 '17
All Retail	So NH	10.5%	Keypoint Prtners	Q2 '16
50,000-99,999	So NH	11.2%	Keypoint Prtners	Q2 '16
25,000- 49,999 SF	So NH	12.6%	Keypoint Prtners	Q2 '16
10,000- 24,999 SF	So NH	7.3%	Keypoint Prtners	Q2 '16
5,000-9,999 SF	So NH	14.5%	Keypoint Prtners	Q2 '16
2,500- 4,999 SF	So NH	14.0%	Keypoint Prtners	Q2 '16
< 2,500 SF	So NH	15.8%	Keypoint Prtners	Q2 '16
So NH All		10.5%		

Misc	Area	Vacancy Rate	Source	Timeframe
Apartments	New Hampshire	1.70%	NHHFA	2017
Apartments	Rockingham County	1.10%	NHHFA	2017
Apartments	Stratford County	1.70%	NHHFA	2017

Hotels PWC Q1 2017		Occupancy Rate		
Hotel Luxury PWC Q1 17	National	73.5%	PWC REIS	Q1 2017
Hotel Upper Upscale	National	73.3%	PWC REIS	Q1 2017
Hotel Upper Midscale	National	67.1%	PWC REIS	Q1 2017
Hotel Midscale	National	59.3%	PWC REIS	Q1 2017
Economy	National	57.6%	PWC REIS	Q1 2017
Overall Average		66%		

Expense Data			
Property Type	Expense	PWC RE Inv Survey Q1 2017	Realty Rates Q1 2017
Retail	Mngmnt	3.31%	
	Reserves/SF	\$0.27	
Office	Mngmnt	3.13%	
	Reserves/SF	\$0.30	\$0.52
Industrial	Mngmnt	2.55%	
	Unreimburable Expense/SF		\$0.12
	Reserves/SF	\$0.15	\$0.42
R&D/Flex	Mngmnt	2.69%	
	Reserves/SF	\$0.27	
Apartment	Mngmnt	2.96%	
	Reserves/Apt.	\$423	\$362
	Overall		38.07%
Mobil Hm Park			
	Reserves/Site		\$156 4%
Restaurants			
	Reserves as % of EGI		3.00%
SeniorHealthcare			
	Reserves/Unit		\$388
Self Storage			
	Reserves/SF Reserves/Unit		\$0.51 \$116

## Cap Rate Data

**Income Approach — Capitalization Rates:** As illustrated in Section 3, after the gross income and expenses for a particular property "use" have been identified, the next step in the development of the "Income Approach" is to subtract the anticipated (market-derived) vacancy rate from the potential gross revenue, to generate the "effective" gross income.

The expenses are then subtracted from the effective gross income, in order to generate the net operating income, or "NOI". The NOI is then divided by a "capitalization" rate, or the market-derived rate investors would expect on alternative investments that share the same degree of risk as the appraised property.

The data and derivation of the capitalization rates (Cap Rate) for various property uses follows:



Cap Rate Code	Basic Cap Rate	ETR	Overall Cap Rate	Lease Type	Description	PWCoopers 1Q-'17		Realtyrates Q1 2017 Non-Insttit	CBRE End 2016 Greater Boston Class B	Net Lease Advisor Class A & B	Other	Institutional Average	Non-Institutional Average
						Institution	Non-Instituit		Class C				
APT	0.062	0.015	0.077	MGross	Apartment	5.33%	6.67%	7.63%	5.50%		6.15% h	5.42%	6.74%
APTS	0.062	0.015	0.077	MGross	Apartment Subsidized						6.15% h		
BANK	0.062	0.015	0.062	NNN	Bank	6.75%	a	10.37%		4.53% e		5.64%	10.84%
BED	0.105	0.015	0.120	Gross	Nurse Hm						11.30% j		
CARS	0.075	0.015	0.075	NNN	Auto/Service Garage	6.75%	a	10.31%	8.00%	5.17% d		5.96%	7.41%
FF3	0.065	0.015	0.100	NNN	Fast Food	7.90%		9.15%				7.95%	8.68%
HOTF	0.085	0.015	0.090	Gross	Hotel FullServ	7.00%		10.61%	8.00%			7.00%	9.89%
HOTL	0.075	0.015	0.105	Gross	Hotel/Luxury	9.06%		7.78%	8.00%			8.53%	7.58%
HOTX	0.090	0.015	0.075	Gross	Hotel/Mot. LimServ/Ext S	5.37%	6.70%	7.78%	6.88%			6.13%	7.58%
IND3	0.075	0.015	0.090	Net	Industrial/Wrhse	5.37%	6.70%		6.88%			6.13%	7.58%
INDN	0.090	0.015	0.090	NNN	Industrial/Wrhse								
LANE	0.090	0.015	0.090	NNN	Bowling Alleys								
MHP	0.075	0.015	0.090	MGross	MH Park			8.53%				6.07%	8.53%
MIX3	0.070	0.015	0.070	NNN	Mixed Use	6.00%	7.17%	8.30%	6.13%			6.07%	7.62%
MIXG	0.070	0.015	0.085	MGross	Mixed Use	6.00%	7.17%	8.30%	6.13%			6.07%	7.62%
MIXN	0.070	0.015	0.085	Net	Mixed Use	7.13%	8.39%	8.65%	7.95%			7.54%	8.76%
OF3	0.080	0.015	0.080	NNN	Office NNN	7.13%	8.39%	8.65%	7.95%			7.54%	8.76%
OFG	0.080	0.015	0.095	MGross	Office MG	7.13%	8.39%	8.65%	7.95%			7.54%	8.76%
OFN	0.080	0.015	0.095	Net	Office Net	7.13%	8.39%	8.65%	7.95%			7.54%	8.76%
OFF	0.080	0.010	0.090	MGross	Office MG - Pease	7.05%	8.74%	9.69%	7.95%			7.05%	9.22%
R+D3	0.083	0.015	0.083	NNN	R+D/Flex					5.73% f		6.24%	8.31%
REST	0.075	0.015	0.075	NNN	Restaurant	6.75%	a	12.45%				6.24%	8.31%
RET3	0.072	0.015	0.072	NNN	Retail NNN	6.32%	7.66%	8.97%	6.75%	6.36% c		6.48%	8.29%
RETG	0.077	0.015	0.092	MGross	Retail MG	6.32%	7.66%	8.97%	6.75%	6.36% c		6.48%	8.29%
RETN	0.077	0.015	0.092	Net	Retail Net	6.32%	7.66%	8.97%	6.75%	6.36% c		6.48%	8.29%
ROOM	0.077	0.015	0.092	Gross	Rooming House								
SELF	0.073	0.015	0.088	Gross	Self Storage	5.40%	7.23%	9.58%		5.82% g		5.40%	8.41%
SSTA	0.070	0.015	0.077	NNN	Service Station	6.75%	a	8.62%				6.29%	7.06%
THET	0.077	0.015	0.077	NNN	Theatre								
MAR	0.090	0.015	0.105	Gross	Marinas						9% k		

ETR = Effective RE Tax Rate

(Portsmouth ETR 1.5%)

(Pease Airport Dist ETR 1.00%)

a= PWC Net Lease

b=C&W Q2 16

c= Avg of Wal-Mart 4.74%; family Dollar 6.37%; Dollar Tree 6.68%; Dollar General 6.70%; Best Buy 8.29%; AutoZone 5.42% and Kohls 6.31%; Mattress Firm 6.60%; Pep Boys Auto 6.16%

d= Avg of Arby's 5.97%; BurgerKing 5.79%; Dunkin Donuts 5.13%; Mc Donald's 4.01%; Starbucks 5.05%; Taco Bell 4.57%; and Wendy's 5.68%

e = Avg of Bank of America 4.55%; Chase 4.30%; PNC 4.95%; TD Bank 4.30%;

f =Avg of Applebee's 5.95% and IHOP 5.51%

g = Avg of Circle K 5.75%; Shell Oil 6.79%; and 7 Eleven 4.91%

h = NH DORA 2016-17 Rockingham County

j = Senior Living Valuation Services, Inc. Senior Housing Investment Survey 2016

k = Loopnet Marina's 7%- 10%

m = Greater Boston Suburban

## **Economic/Market Income Rates**

From the actual I&E data and other data, economic/market rental rates were estimated. Other sources of data included PWCoopers RE Survey, New England RE Journal articles, Loopnet, Costar, Craig's List Portsmouth Apartment Rentals, NH Housing Rental Survey 2017, Realty Rates.com, Keypoint Partners Northern MA and So NH Retail Real Estate Survey, CBRE Office and Industrial Reports, Collier's-NH, and New England Commercial Property Exchange (NECPE), etc.

**Income Approach — Income and Expense and Vacancy Data:** As previously described, the "Income Approach" is based upon the principle of "anticipation" which recognizes that value is created by the owner's expectation of future benefits. Typically, these benefits are anticipated in the form of income, and/or in the anticipated increase in the property's value over time. Therefore, a primary consideration is the relative level of anticipated income and expenses a property is likely to achieve, and "base" rates for both income and expenses must be established. Consequently, research was undertaken in order to identify the appropriate "base" levels of income and expenses for each commercial property "use" type, such as apartments, office, retail, industrial, etc.

As illustrated in Section 3, after the gross income and expenses for a particular property "use" have been identified, the next step in the development of the "Income Approach" is to subtract the anticipated (market-derived) vacancy rate from the potential gross revenue, to generate the "effective" gross income. The expenses are then subtracted from the effective gross income, in order to generate the net operating income, or "NOI".

An explanation for the derivation of the base rates for various property uses follows:

## SETTING ECONOMIC MARKET RENTS AND INCOME PARAMETERS

1. Acquire all Actual Rents/Asking Rents and screen reports for any extremes or incorrect data.
2. Manually set average economic rents for all Use Codes

A. Average Base Size	Base Unit Income	\$
B. Maximum Size	Minimum Unit Income	\$
C. Minimum Size	Maximum Unit Income	\$

**NOTES:**

- (A) Determine average size for each Use Code and an average rent per unit for this size.
- (B) Determine the maximum size for each Use Code and the minimum rent per unit for this size.
- (C) Determine the minimum size for each Use Code and the maximum rent per unit for this size.

4. Manually set average vacancy percentages and expense ratios for each Use Code.

Typically, average properties will run 2% - 10% vacancy rates. Use any data available from Vacancy and Expense data and reports.

- A. Debt/Vacancy Percent:
- B. Expense Percent:

Expense percent will vary dependent on lease type. Note typically which expenses and utilities are paid by or not paid by owners on the Actual Rental Reports: Gross = All by Owner, and NNN = none, etc..

5. Manually set economic adjustments for non-average:

- A. Location Adj. (Quality of Location)
- B. Use Code Adj. (Quality of Space)
- C. Debt/Vac Adj. (Current and future projection)
- D. Expense Adj. (Current and future projection)

NOTE: A and B are multipliers of Average Rent/Unit for all Use Codes.

EX: If Use Code 10 (Retail) = \$10.00/Unit (Average)

	\$10.00	
Location Adj.	<u>X 1.10 (Good)</u>	
	\$11.00	
Use Adj.	<u>X 1.20 (Good)</u>	
	\$13.20	

Therefore, \$13.20 equals Adjusted Rent/ Unit.

# Average Market (Economic) Rent Income Valuation Tables

## Portsmouth Economic Rents 4/2017

Use Code	Description	Unit Type	Base Size	Base Unit Income	Max Size	Min. Unit Income	Minimum Size	Max. Unit Income	Debt Vacancy %	Expense %	(Lease Type)
10	DT Retail	SQFT	1,300	\$ 28.50	6,000	\$ 22.00	400	\$ 33.00	4%	33%	MG
11	Discount St	SQFT	70,000	\$8.00	100,000	\$ 8.00	30,000	\$ 14.00	5%	15%	NNN
12	Conv Store	SQFT	3,000	\$ 25.00	7,000	\$ 21.00	500	\$33.00	3%	12%	NNN
13	Supermarket	SQFT	50,000	\$ 12.00	100,000	\$ 12.00	30,000	\$ 12.00	6%	13%	NNN
14	Large Retl	SQFT	30,000	\$ 14.00	100,000	\$ 12.00	10,000	\$ 15.00	5%	13%	NNN
15	Retl Strip	SQFT	3,000	\$ 18.00	10,000	\$ 15.00	400	\$ 24.00	8%	15%	NNN
20	Industrial	SQFT	8,000	\$ 6.50	100,000	\$ 5.50	600	\$ 8.50	5%	14%	NNN
21	R&D	SQFT	10,000	\$ 8.00	80,000	\$ 8.00	1,500	\$ 8.25	7%	15%	NNN
22	Warehouse	SQFT	8,000	\$ 6.50	100,000	\$ 6.00	600	\$ 8.50	5%	14%	NNN
23	Mill Bldg	SQFT	7,000	\$ 4.00	50,000	\$ 4.00	1,000	\$ 5.00	9%	45%	Gross
24	Serv Shop	SQFT	3,000	\$ 9.25	10,000	\$ 8.50	400	\$ 12.25	5%	14%	NNN
25	Self Storage	SQFT	80	\$ 10.50	800	\$ 8.50	48	\$ 12.50	15%	33%	Gross
30	Restaurant	SQFT	3,000	\$ 22.00	10,000	\$ 17.00	600	\$ 26.00	5%	14%	NNN
31	Fast Food	SQFT	2,500	\$ 30.00	6,000	\$ 28.00	1,200	\$ 35.00	4%	12%	NNN
32	Club/Lng	SQFT	3,000	\$ 18.00	10,000	\$ 15.00	600	\$ 24.00	5%	14%	NNN
40	Effic Apt	APT	1	\$ 9,600	1	\$ 9,600	1	\$ 9,600	3%	38%	MG
41	1 BR Apt	APT	1	\$ 12,000	1	\$ 12,000	1	\$ 12,000	3%	38%	MG
42	2 BR Apt	APT	1	\$ 15,600	1	\$ 15,600	1	\$ 15,600	3%	38%	MG
43	3 BR Apt	APT	1	\$ 18,600	1	\$ 18,600	1	\$ 18,600	3%	38%	MG
44	4 BR Apt	APT	1	\$ 21,600	1	\$ 21,600	1	\$ 21,600	3%	38%	MG
45	Room Hse	ROOM	1	\$ 7,200	1	\$ 7,200	1	\$ 7,200	8%	42%	Gross
46	Mbl Hm Pk	SITE	1	\$ 5,700	1	\$ 5,700	1	\$ 5,700	4%	30%	Gross
47	n/a										
48	Motel	ROOM	1	\$ 32,850	1	\$ 32,850	1	\$ 32,850	40%	72%	Gross
49	Hotel	ROOM	1	\$ 52,156	1	\$ 52,156	1	\$ 52,156	34%	83%	Gross
50	Office NNN	SQFT	2,500	\$ 13.75	50,000	\$ 11.00	400	\$ 15.00	7%	16%	NNN
51	Bank	SQFT	3,000	\$ 26.00	8,000	\$ 20.00	600	\$32.00	5%	15%	NNN
52	Office MG	SQFT	1,800	\$ 17.75	50,000	\$ 14.25	400	\$ 19.50	7%	33%	MG
53	Office Net	SQFT	1,800	\$ 16.75	50,000	\$ 13.25	400	\$ 18.50	7%	28%	Net
60	Serv Statn	UNIT	1	\$ 50,000	1	\$ 50,000	1	\$ 50,000	7%	15%	NNN
61	Svc Garage	SQFT	3,000	\$ 9.25	10,000	\$ 8.75	400	\$ 12.25	5%	14%	NNN
62	Auto Dealer	SQFT	10,000	\$ 10.50	25,000	\$ 10.50	1,000	\$ 15.00	6%	14%	NNN
63	Serv St/Conv	UNIT	1	\$ 60,000	1	\$ 60,000	1	\$ 60,000	7%	14%	NNN
64	Car Wash	SQFT	3,000	\$ 12.50	6,000	\$ 12.50	400	\$ 21.00	5%	14%	NNN
70	n/a										
90	Misc	SQFT	1,000	\$ 2.20	3,000	\$ 2.20	500	\$ 2.20	10%	20%	Net
91	Dead Storage	SQFT	1,000	\$ 2.20	3,000	\$ 2.20	500	\$ 2.20	10%	20%	Net
92	Bowling	LANE	1	\$ 4,000.00	1	\$ 4,000.00	1	\$ 4,000.00	8%	15%	NNN
93	Theatre	SQFT	4,000	\$ 10.50	20,000	\$ 10.50	1,000	\$ 10.50	6%	15%	NNN
94	Nursing Hm	BED	1	\$ 51,100.00	1	\$ 51,100.00	1	\$ 51,100.00	10%	87%	Gross
99	n/a										

Apr-17  
Portsmouth Income, Vacancy, & Expense Rental Adjustments

Loc Adj				
Ex	Gd	Avg	Fair	Poor
1.40	1.20	1.00	0.85	0.75

Use Code Adj				
Ex	Gd	Avg	Fair	Poor
1.40	1.20	1.00	0.85	0.75

Debt/Vac Adj				
Ex	Gd	Avg	Fair	Poor
0.50	0.70	1.00	1.50	2.00

Expense Adj				
Ex	Gd	Avg	Fair	Poor
0.65	0.80	1.00	1.25	1.50

Cap Rate Adjustments				
Ex	Gd	Avg	Fair	Poor
0.85	0.92	1.00	1.08	1.15

## Cap Rate Tables (Average)

### Portsmouth Cap Rates (4/1/17)

Cap Rate Code	Basic Cap Rate	ETR	Overall Cap Rate	Lease Type	Description
APT	0.062	0.015	0.077	MGross	Apartment
APTS	0.062	0.015	0.077	MGross	Apartment Subsidized
BANK	0.062		0.062	NNN	Bank
BED	0.105	0.015	0.120	Gross	Nurse Hm
CARS	0.075		0.075	NNN	Auto/Service Garage
FF3	0.065		0.065	NNN	Fast Food
HOTF	0.085	0.015	0.100	Gross	Hotel FullServ
HOTL	0.075	0.015	0.090	Gross	Hotel/Luxury
HOTX	0.090	0.015	0.105	Gross	Hotel/Mot. LimServ/Ext
IND3	0.075		0.075	NNN	Industrial/Wrhse
INDN	0.075	0.015	0.090	Net	Industrial/Wrhse
LANE	0.090		0.090	NNN	Bowling Alleys
MHP	0.075	0.015	0.090	MGross	MH Park
MIX3	0.070		0.070	NNN	Mixed Use
MIXG	0.070	0.015	0.085	MGross	Mixed Use
MIXN	0.070	0.015	0.085	Net	Mixed Use
OF3	0.080		0.080	NNN	Office NNN
OFG	0.080	0.015	0.095	MGross	Office MG
OFN	0.080	0.015	0.095	Net	Office Net
OFF	0.080	0.010	0.090	MGross	Office MG - Pease
R+D3	0.083		0.083	NNN	R+D/Flex
REST	0.075		0.075	NNN	Restaurant
RET3	0.072		0.072	NNN	Retail NNN
RETG	0.077	0.015	0.092	MGross	Retail MG
RETN	0.077	0.015	0.092	Net	Retail Net
ROOM	0.077	0.015	0.092	Gross	Rooming House
SELF	0.073	0.015	0.088	Gross	Self Storage
SSTA	0.070		0.070	NNN	Service Station
THET	0.077		0.077	NNN	Theatre
MAR	0.090	0.015	0.105	Gross	Marina's

ETR = Effective RE Tax Rate

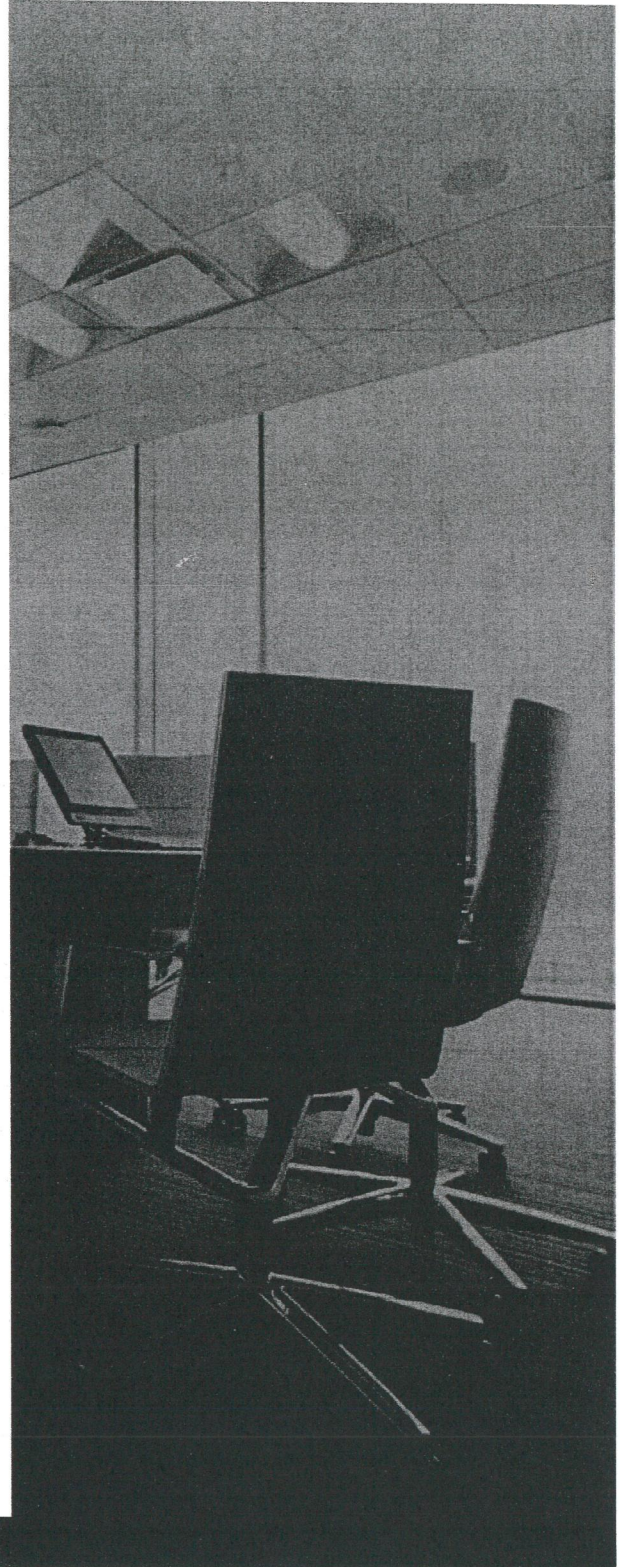
### Cap Rate Adjustments

Ex	Gd	Avg	Fair	Poor
0.85	0.92	1.00	1.08	1.15

# NEW HAMPSHIRE

## NEW HAMPSHIRE OFFICE MARKET SNAPSHOT

Submarket	Total Sq. Ft.	Vacant (Sq. Ft.)	Vacancy (%)	Avg. Asking Rent (NNN)
Amherst	267,263	2,400	0.9	9.75
Auburn	60,600	8,256	13.6	8.60
Bedford	1,898,427	205,362	10.8	13.50
Bow	79,155	25,000	31.6	9.00
Concord	2,442,191	295,771	12.1	13.50
Derry	228,162	54,146	23.7	12.00
Hooksett	321,472	20,868	6.5	9.00
Hudson	41,091	-	0.0	8.50
Londonderry	631,217	25,271	4.0	12.50
Manchester	7,778,168	879,237	11.3	12.75
Merrimack	2,144,014	113,514	5.3	12.25
Nashua	3,937,913	434,101	11.0	12.50
Salem	2,122,148	206,008	9.7	12.50
Windham	232,579	34,493	14.8	12.00
<b>Total I-93/Route 3</b>	<b>22,184,400</b>	<b>2,304,427</b>	<b>10.4</b>	<b>11.31</b>
Dover	1,674,535	137,043	8.2	10.00
Durham	184,688	0	0.0	8.50
Exeter	506,692	32,988	6.5	12.50
Greenland	70,947	3,200	4.5	11.50
Hampton	444,926	35,457	8.0	12.00
Newington	128,196	33,176	25.9	16.00
Newmarket	40,064	800	2.0	8.00
North Hampton	93,459	17,795	19.0	10.50
Pease	1,990,012	93,916	4.7%	16.50
Portsmouth	2,142,625	93,107	4.3	18.00
Rochester	582,419	166,545	28.6	7.50
Seabrook	76,149	0	0.0	9.00
Somersworth	213,370	14,400	6.7	8.50
Stratham	393,818	80,000	20.3	11.00
<b>Total Seacoast</b>	<b>8,541,900</b>	<b>708,427</b>	<b>8.3</b>	<b>11.92</b>
<b>Overall NH Office</b>	<b>30,726,300</b>	<b>3,012,854</b>	<b>9.8</b>	<b>11.62</b>

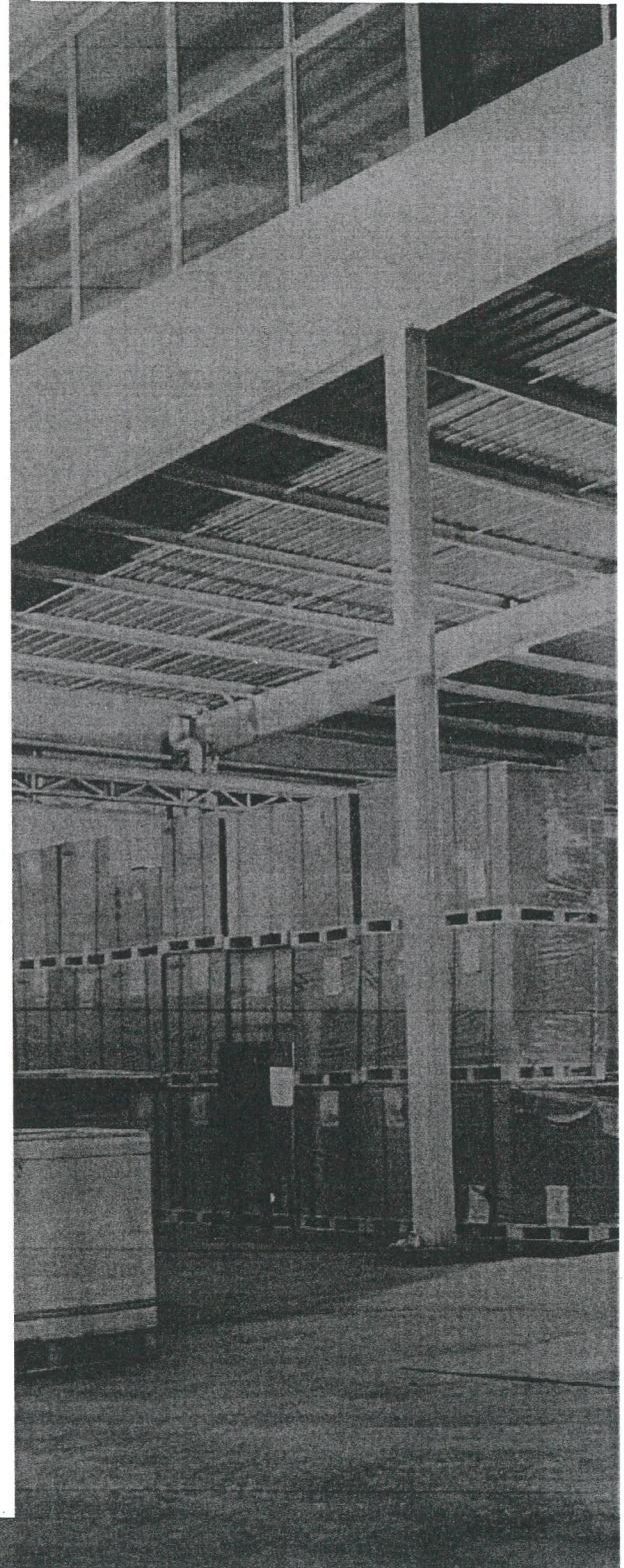




# NEW HAMPSHIRE

## NEW HAMPSHIRE INDUSTRIAL MARKET SNAPSHOT

Submarket	Total Sq. Ft.	Vacant (Sq. Ft.)	Vacancy (%)	Avg. Asking Rent (NNN)
Amherst	1,183,846	5,547	0.5	5.80
Auburn	247,019	11,200	4.5	5.50
Bedford	962,037	161,836	16.8	6.25
Bow	455,383	14,800	3.3	6.60
Concord	2,750,613	340,606	12.4	6.25
Derry	1,233,117	65,972	5.4	6.00
Hooksett	1,506,687	23,114	1.5	6.00
Hudson	3,828,304	324,452	8.5	6.00
Londonderry	5,579,543	224,342	4.0	6.50
Manchester	8,889,967	408,869	4.6	6.25
Merrimack	3,836,086	184,360	4.8	5.20
Nashua	9,720,865	1,051,407	10.8	5.90
Salem	2,791,986	228,801	8.2	6.50
Windham	348,200	0	0.0	6.50
<b>Total I-93/Route 3</b>	<b>43,333,653</b>	<b>3,045,306</b>	<b>7.0%</b>	<b>6.09</b>
Dover	2,404,252	257,697	10.7	5.25
Durham	310,000	0	0.0	4.75
Exeter	1,060,087	46,482	4.4	5.50
Greenland	820,865	0	0.0	6.00
Hampton	906,170	19,962	2.2	5.50
Newington	1,249,135	96,624	7.7	5.50
Newmarket	140,204	0	0.0	5.25
North Hampton	173,452	0	0.0	5.25
Pease	1,548,849	0	0.0	6.50
Portsmouth	2,080,442	56,643	2.7	6.25
Rochester	2,151,611	124,050	5.8	4.75
Seabrook	1,597,010	69,400	4.3	6.00
Somersworth	1,865,697	137,900	7.4	4.50
Stratham	893,510	33,450	3.7	6.00
<b>Total Seacoast</b>	<b>17,201,284</b>	<b>842,208</b>	<b>4.9</b>	<b>5.26</b>
<b>Overall NH Industrial</b>	<b>60,534,937</b>	<b>3,887,514</b>	<b>6.4</b>	<b>5.68</b>



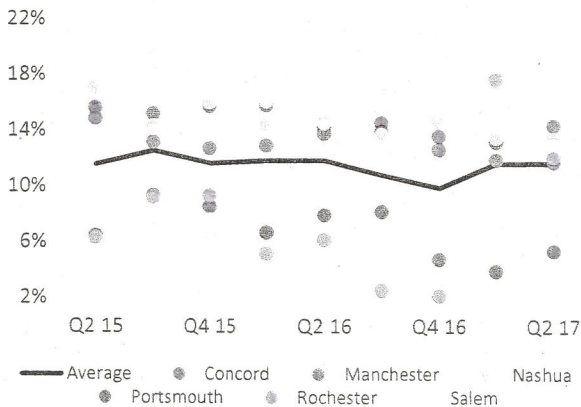
COLLIERS INTERNATIONAL | NEW HAMPSHIRE

# New Hampshire Office Trends

SECOND QUARTER 2017

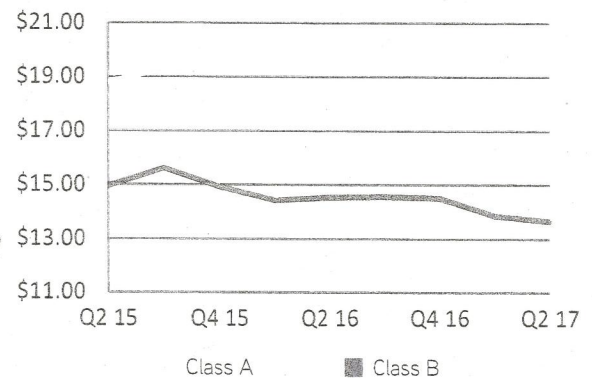
Submarket	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Concord	1,667,784	240,186	14.40	1,427,598	85.60	245,498	14.72	240,186	14.40	5,312	0.32	\$11.40
Manchester	6,276,895	737,594	11.75	5,539,301	88.25	786,501	12.53	737,684	11.75	76,924	1.23	\$12.47
Nashua	3,555,209	478,246	13.45	3,076,963	86.55	517,316	14.55	478,246	13.45	39,070	1.10	\$13.07
Portsmouth	3,951,097	212,562	5.38	3,738,535	94.62	209,062	5.29	200,748	5.08	8,314	0.21	\$23.54
Rochester	637,269	76,994	12.08	560,275	87.92	42,880	6.73	42,880	6.73	0	0.00	\$10.31
Salem	1,263,774	165,564	13.10	1,098,210	86.90	517,316	40.93	478,246	37.84	0	0.00	\$15.89
<b>TOTAL</b>	<b>17,352,028</b>	<b>1,911,146</b>	<b>11.01</b>	<b>15,440,882</b>	<b>88.99</b>	<b>2,318,573</b>	<b>13.36</b>	<b>2,177,990</b>	<b>12.55</b>	<b>129,620</b>	<b>0.75</b>	<b>\$14.45</b>

## Vacancy Rates



*Vacancy rate remains relatively flat while rental rates continue downward trend.*

## Asking Rental Rates (\$/SF/Yr Full Gross)



At Colliers, we employ a full time research manager who works closely with our real estate professionals to collect, verify and enter market data into a web resident, proprietary database. This state-of-the-art data warehouse allows us to track property-specific data, including property details, images, available space, tenant information and leasing and sales comparables. This information serves as the basis for our quarterly review of the office and industrial markets in southern New Hampshire and the Seacoast. Market data is analyzed, summarized and then published in our Trends reports. Our Trends reporting includes only buildings 10,000 SF and above. The buildings can be multitenant, single tenant or owner occupied and are classified as Class A, B, or C.

For more information, contact Laura Nesmith directly at +1 603 206 9617 or [laura.nesmith@colliers.com](mailto:laura.nesmith@colliers.com).

# OFFICE TRENDS BY SUBMARKET Q2 2017

## CONCORD | BOW, CONCORD, HOOKSETT & PEMBROKE

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
A	1,082,734	149,168	13.78	933,566	86.22	154,480	14.27	149,168	13.78	5,312	0.49	\$15.71
B	424,873	58,494	13.77	366,379	86.23	58,494	13.77	58,494	13.77	0	0.00	\$10.20
C	160,177	32,524	20.31	127,653	79.69	32,524	20.31	32,524	20.31	0	0.00	\$8.29
<b>TOTAL</b>	<b>1,667,784</b>	<b>240,186</b>	<b>14.40</b>	<b>1,427,598</b>	<b>85.60</b>	<b>245,498</b>	<b>14.72</b>	<b>240,186</b>	<b>14.40</b>	<b>5,312</b>	<b>0.32</b>	<b>\$11.40</b>

## MANCHESTER | AUBURN, BEDFORD, GOFFSTOWN, LONDONDERRY, MANCHESTER & MERRIMACK

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
A	3,193,645	343,647	10.76	2,849,998	89.24	396,105	12.40	343,737	10.76	76,924	2.41	\$17.83
B	2,943,162	351,738	11.95	2,591,424	88.05	351,738	11.95	351,738	11.95	0	0.00	\$14.64
C	140,088	42,209	30.13	97,879	69.87	38,658	27.60	42,209	30.13	0	0.00	\$4.93
<b>TOTAL</b>	<b>6,276,895</b>	<b>737,594</b>	<b>11.75</b>	<b>5,539,301</b>	<b>88.25</b>	<b>786,501</b>	<b>12.53</b>	<b>737,684</b>	<b>11.75</b>	<b>76,924</b>	<b>1.23</b>	<b>\$12.47</b>

## NASHUA | AMHERST, HOLLIS, HUDSON, LITCHFIELD, MERRIMACK, MILFORD & NASHUA

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
A	2,205,382	360,742	16.36	1,844,640	83.64	374,805	17.00	360,742	16.36	14,063	0.64	\$16.18
B	1,163,841	90,363	7.76	1,073,478	92.24	115,370	9.91	90,363	7.76	25,007	2.15	\$10.91
C	185,986	27,141	14.59	158,845	85.41	27,141	14.59	27,141	14.59	0	0.00	\$12.13
<b>TOTAL</b>	<b>3,555,209</b>	<b>478,246</b>	<b>13.45</b>	<b>3,076,963</b>	<b>86.55</b>	<b>517,316</b>	<b>14.55</b>	<b>478,246</b>	<b>13.45</b>	<b>39,070</b>	<b>1.10</b>	<b>\$13.07</b>

## PORTSMOUTH | BRENTWOOD, EXETER, GREENLAND, HAMPTON, NEWFIELDS, NEWINGTON, NORTH HAMPTON, PORTSMOUTH, RAYMOND, SEABROOK & STRATHAM

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
A	2,046,913	100,238	4.90	1,946,675	95.10	100,238	4.90	91,924	4.49	8,314	0.41	\$31.00
B	1,667,477	98,424	5.90	1,569,053	94.10	94,924	5.69	94,924	5.69	0	0.00	\$23.00
C	236,707	13,900	5.87	222,807	94.13	13,900	5.87	13,900	5.87	0	0.00	\$16.62
<b>TOTAL</b>	<b>3,951,097</b>	<b>212,562</b>	<b>5.38</b>	<b>3,738,535</b>	<b>94.62</b>	<b>209,062</b>	<b>5.29</b>	<b>200,748</b>	<b>5.08</b>	<b>8,314</b>	<b>0.21</b>	<b>\$23.54</b>

## ROCHESTER | DOVER, DURHAM, EPPING, FARMINGTON, NEWMARKET, ROCHESTER, ROLLINSFORD & SOMERSWORTH

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
A	94,975	26,114	27.50	68,861	72.50	26,114	27.50	26,114	27.50	0	0.00	\$14.46
B	226,047	34,114	15.09	191,933	84.91	0	0.00	0	0.00	0	0.00	\$9.00
C	316,247	16,766	5.30	299,481	94.70	16,766	5.30	16,766	5.30	0	0.00	\$7.48
<b>TOTAL</b>	<b>637,269</b>	<b>76,994</b>	<b>12.08</b>	<b>560,275</b>	<b>87.92</b>	<b>42,880</b>	<b>6.73</b>	<b>42,880</b>	<b>6.73</b>	<b>0</b>	<b>0.00</b>	<b>\$10.31</b>

## SALEM | ATKINSON, DERRY, HAMPSTEAD, HUDSON, KINGSTON, PELHAM, PLAISTOW, SALEM & WINDHAM

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (FG)
		SF	%	SF	%	SF	%	SF	%	SF	%	
A	633,966	80,534	12.70	553,432	87.30	374,805	59.12	360,742	56.90	0	0.00	\$20.50
B	533,820	82,030	15.37	451,790	84.63	115,370	21.61	90,363	16.93	0	0.00	\$14.15
C	95,988	3,000	3.13	92,988	96.87	27,141	28.28	27,141	28.28	0	0.00	\$13.01
<b>TOTAL</b>	<b>1,263,774</b>	<b>165,564</b>	<b>13.10</b>	<b>1,098,210</b>	<b>86.90</b>	<b>517,316</b>	<b>40.93</b>	<b>478,246</b>	<b>37.84</b>	<b>0</b>	<b>0.00</b>	<b>\$15.89</b>

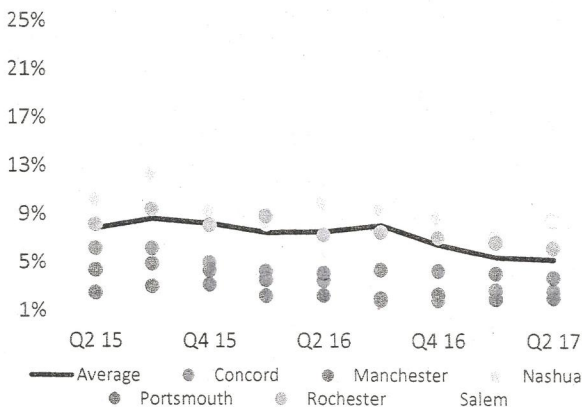
COLLIERS INTERNATIONAL | NEW HAMPSHIRE

# New Hampshire Industrial Trends

SECOND QUARTER 2017

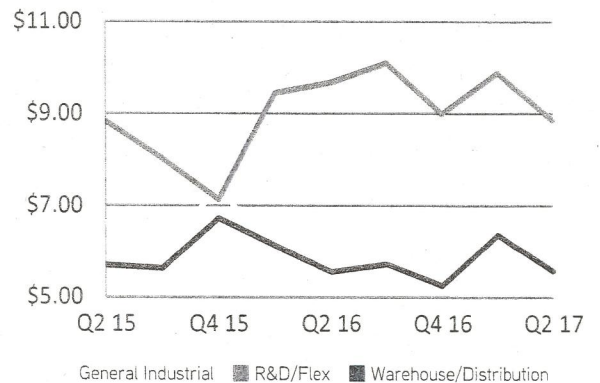
Submarket	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Concord	4,065,988	106,782	2.63	3,959,206	97.37	106,782	2.63	106,782	2.63	0	0.00	\$6.96
Manchester	13,869,708	524,118	3.78	13,345,590	96.22	524,118	3.78	517,106	3.73	7,012	0.05	\$6.67
Nashua	18,487,314	1,576,833	8.53	16,910,481	91.47	1,543,981	8.35	1,523,481	8.24	20,500	0.11	\$5.84
Portsmouth	12,582,159	263,520	2.09	12,318,639	97.91	238,804	1.90	235,494	1.87	3,310	0.03	\$7.99
Rochester	7,867,156	491,050	6.24	7,376,106	93.76	491,050	6.24	358,322	4.55	132,728	1.69	\$6.00
Salem	5,036,381	428,347	8.51	4,608,034	91.49	428,347	8.51	428,347	8.51	0	0.00	\$7.50
<b>TOTAL</b>	<b>61,908,706</b>	<b>3,390,650</b>	<b>5.48</b>	<b>58,518,056</b>	<b>94.52</b>	<b>3,333,082</b>	<b>5.38</b>	<b>3,169,532</b>	<b>5.12</b>	<b>163,550</b>	<b>0.26</b>	<b>\$6.83</b>

## Vacancy Rates



*Rental rates decrease as vacancy stays about the same.*

## Asking Rental Rates (\$/SF/Yr NNN)



At Colliers, we employ a full time research manager who works closely with our real estate professionals to collect, verify and enter market data into a web resident, proprietary database. This state-of-the-art data warehouse allows us to track property-specific data, including property details, images, available space, tenant information and leasing and sales comparables, which serves as the basis for our quarterly review of the office and industrial markets in southern New Hampshire and the Seacoast. Market data is analyzed, summarized and then published in our Trends reports. Our Trends reporting includes all subtypes of industrial buildings 10,000 and above - general industrial, research & development and warehouse/distribution. The buildings can be multitenant, single tenant or owner occupied.

For more information, contact Laura Nesmith directly at +1 603 206 9617 or [laura.nesmith@colliers.com](mailto:laura.nesmith@colliers.com).

# INDUSTRIAL TRENDS BY SUBMARKET Q2 2017

## CONCORD | BOW, CONCORD, HOOKSETT & PEMBROKE

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Gen Ind	2,565,510	27,100	1.06	2,538,410	98.94	27,100	1.06	27,100	1.06	0	0.00	\$6.03
R&D	396,510	59,782	15.08	336,728	84.92	59,782	15.08	59,782	15.08	0	0.00	\$9.26
W/D	1,103,968	19,900	1.80	1,084,068	98.20	19,900	1.80	19,900	1.80	0	0.00	\$5.58
<b>TOTAL</b>	<b>4,065,988</b>	<b>106,782</b>	<b>2.63</b>	<b>3,959,206</b>	<b>97.37</b>	<b>106,782</b>	<b>2.63</b>	<b>106,782</b>	<b>2.63</b>	<b>0</b>	<b>0.00</b>	<b>\$6.96</b>

## MANCHESTER | AUBURN, BEDFORD, GOFFSTOWN, LONDONDERRY, MANCHESTER & MERRIMACK

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Gen Ind	6,217,134	357,471	5.75	5,859,663	94.25	357,471	5.75	357,471	5.75	0	0.00	\$6.80
R&D	1,433,899	20,566	1.43	1,413,333	98.57	20,566	1.43	17,054	1.19	3,512	0.24	\$7.18
W/D	6,218,675	146,081	2.35	6,072,594	97.65	146,081	2.35	142,581	2.29	3,500	0.06	\$6.03
<b>TOTAL</b>	<b>13,869,708</b>	<b>524,118</b>	<b>3.78</b>	<b>13,345,590</b>	<b>96.22</b>	<b>524,118</b>	<b>3.78</b>	<b>517,106</b>	<b>3.73</b>	<b>7,012</b>	<b>0.05</b>	<b>\$6.67</b>

## NASHUA | AMHERST, HOLLIS, HUDSON, LITCHFIELD, MERRIMACK, MILFORD & NASHUA

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Gen Ind	11,235,205	1,010,555	8.99	10,224,650	91.01	977,703	8.70	957,203	8.52	20,500	0.18	\$4.91
R&D	3,238,869	434,243	13.41	2,804,626	86.59	434,243	13.41	434,243	13.41	0	0.00	\$8.42
W/D	4,013,240	132,035	3.29	3,881,205	96.71	132,035	3.29	132,035	3.29	0	0.00	\$4.20
<b>TOTAL</b>	<b>18,487,314</b>	<b>1,576,833</b>	<b>8.53</b>	<b>16,910,481</b>	<b>91.47</b>	<b>1,543,981</b>	<b>8.35</b>	<b>1,523,481</b>	<b>8.24</b>	<b>20,500</b>	<b>0.11</b>	<b>\$5.84</b>

## PORTSMOUTH | BRENTWOOD, EXETER, GREENLAND, HAMPTON, NEWFIELDS, NEWINGTON, NORTH HAMPTON, PORTSMOUTH, RAYMOND, SEABROOK & STRATHAM

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Gen Ind	6,565,712	45,372	0.69	6,520,340	99.31	20,656	0.31	20,656	0.31	0	0.00	\$6.06
R&D	1,661,501	40,998	2.47	1,620,503	97.53	40,998	2.47	37,688	2.27	3,310	0.20	\$10.58
W/D	4,354,946	177,150	4.07	4,177,796	95.93	177,150	4.07	177,150	4.07	0	0.00	\$7.33
<b>TOTAL</b>	<b>12,582,159</b>	<b>263,520</b>	<b>2.09</b>	<b>12,318,639</b>	<b>97.91</b>	<b>238,804</b>	<b>1.90</b>	<b>235,494</b>	<b>1.87</b>	<b>3,310</b>	<b>0.03</b>	<b>\$7.99</b>

## ROCHESTER | DOVER, DURHAM, EPPING, FARMINGTON, NEWMARKET, ROCHESTER, ROLLINSFORD & SOMERSWORTH

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Gen Ind	5,680,749	284,833	5.01	5,395,916	94.99	284,833	5.01	275,233	4.85	9,600	0.17	\$5.50
R&D	934,630	83,089	8.89	851,541	91.11	83,089	8.89	83,089	8.89	0	0.00	\$7.74
W/D	1,251,777	123,128	9.84	1,128,649	90.16	123,128	9.84	0	0.00	123,128	9.84	\$4.75
<b>TOTAL</b>	<b>7,867,156</b>	<b>491,050</b>	<b>6.24</b>	<b>7,376,106</b>	<b>93.76</b>	<b>491,050</b>	<b>6.24</b>	<b>358,322</b>	<b>4.55</b>	<b>132,728</b>	<b>1.69</b>	<b>\$6.00</b>

## SALEM | ATKINSON, DERRY, HAMPSTEAD, HUDSON, KINGSTON, PELHAM, PLAISTOW, SALEM & WINDHAM

Building Type	Total Building SF	Vacancy		Occupancy		Total Available		Direct Available		Sublease Available		Avg. Asking Rate (NNN)
		SF	%	SF	%	SF	%	SF	%	SF	%	
Gen Ind	3,165,804	230,738	7.29	2,935,066	92.71	230,738	7.29	230,738	7.29	0	0.00	\$7.00
R&D	659,138	72,983	11.07	586,155	88.93	72,983	11.07	72,983	11.07	0	0.00	\$10.00
W/D	1,211,439	124,626	10.29	1,086,813	89.71	124,626	10.29	124,626	10.29	0	0.00	\$5.50
<b>TOTAL</b>	<b>5,036,381</b>	<b>428,347</b>	<b>8.51</b>	<b>4,608,034</b>	<b>91.49</b>	<b>428,347</b>	<b>8.51</b>	<b>428,347</b>	<b>8.51</b>	<b>0</b>	<b>0.00</b>	<b>\$7.50</b>



## INDUSTRY NEWS

### National

Retail sales advanced 0.6% last month, the best showing since a gain of 0.9% last December, the Commerce Department reported. Sales got a boost in July from a 1.2% jump in auto sales, the strongest result since December. There were sales gains in other areas as well, including furniture stores, hardware stores and restaurants. For most of this year, retail sales have been lackluster, including a decline in May of 0.2% and a modest 0.3% June gain. Among retailers still reporting monthly sales, **L Brands** was down 7.0% and **Costco** was up 6.2%. **See our sales reports on Page 4...** **Staples'** new private equity owner, Sycamore Partners, plans to spin off its retail operations from its corporate sales unit. In a filing with the Securities and Exchange Commission, Staples said it expects to separate its US retail business and Canadian retail businesses into two separate entities.

### Accelerating

**Monro Muffler Brake Inc.** has signed agreements to acquire 20 stores, including 8 from an existing **Car-X** franchisee. 12 of the stores will operate under the Monro name, and the 8 Car-X stores will operate under that brand. The acquisitions are expected to close in the second quarter of fiscal 2018... **Sephora** has opened a new concept, **Sephora Studio**, on Newbury Street in Boston, designed to provide a customized shopping experience. At 2,000 s/f it is the brand's smallest store in North America... **Harris Teeter** opened its newest and largest store in NC. The 67,000 s/f, 24-hour store features an in-store bar with local wines and 16 beers on tap. Harris Teeter was bought by **Kroger** in 2014... **Buffalo Wild Wings** opened its first small-format **B-Dubs Express** restaurant in Edina, MN. The company is testing the 2,500 s/f format, which seats up to 50 people, for future expansion... **Tire Discounters Inc.** plans to double its store network in 5 years. The company currently operates 106 US stores; that could exceed 200 by 2022. Tire Discounters plans to open 10 stores in the coming months... Fidelity National Financial Ventures LLC, parent of the 106-unit casual-dining chain **Nine-Ty Nine Restaurant & Pub**, will merge that company

Continued on Page 3

### INDICATORS

PMI: 56.3%, down from last month

CCI: 121.1, up from last month

Details on Page 4, plus Treasury Matrix, Retail Comp Sales Chart, and Commerce Dept. Sales Report

## COMMENTARY

### Southern New Hampshire KeyPoint Report Preview

While the 2017 KeyPoint Report for Southern New Hampshire, based on our proprietary **GRIID™** retail database, is in production, we will again share some of the early results:

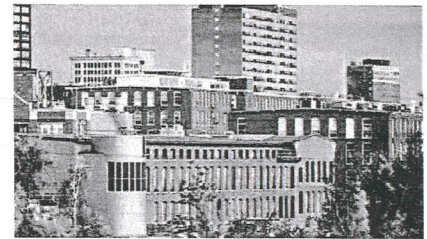
**Inventory and Vacancy Rate:** The retail inventory in Southern New Hampshire included 29.8 million square feet in 2017. This represents a net decline of 59,400 square feet, or 0.2%, resulting largely from retail demolitions and conversions to non-retail space. During the same period, retailers absorbed large chunks of vacant space in the region, dramatically reducing the level of unoccupied space by more than 400,000 square feet in Southern New Hampshire and cutting the vacancy rate from 10.5% in 2016 to the current level of 9.1%. Some of the larger retailers to fill space include Chunky's Cinema in Manchester, Hobby Lobby in Nashua, and Ocean State Job Lot in Seabrook. Also a number of retailers plan to open in vacant space later this year, including Cardi's Furniture and NH1 Motorplex Indoor Karting, both joining Ocean State to absorb most of the vacant Walmart space and the empty Shaw's location at Southgate Shopping Center.

**Size Classifications:** It was an encouraging year across the board regarding vacancy by size. Although the Under 2,500 SF category experienced a nominal increase in the vacancy rate to 16.0%, the vacant square footage was actually able to show a nominal decline. The total inventory in the under 2,500 SF category is modestly lower however. Still, this is a segment that has been trending the wrong way for several years now and the relative stability is a positive year-end result. Three categories lowered

Continued on Page 2

### The KeyPoint Report

#### Southern New Hampshire Retail Real Estate Trends & Analysis 2017



KeyPointPartners.com / Retail-Reports



## KEYPOINT PARTNERS COMPANY NEWS

**New Leasing Assignments:** Sr. Associate Michael Branton: **515 Main Street**, a 2,280 s/f, .37 acre convenience property in Dennisport, MA. VP of Leasing Don Mace: **553 Mast Road**, a 166,545 s/f center in Goffstown, NH; and a 13,126 s/f space at **380 Lafayette Road** in Seabrook, NH. Don Mace is also representing **FUNCITYUS**, a new indoor entertainment concept seeking 25,000 - 50,000 SF sites throughout New England.

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### Links

Company information, exclusive property listings, and the **KeyPoint Reports** on New England retail real estate markets:

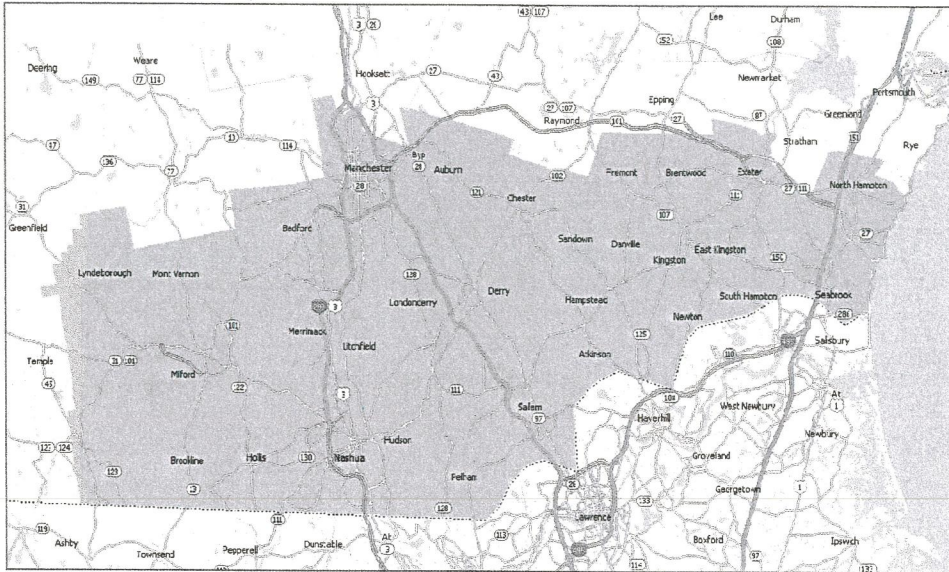
[KeyPointPartners.com](http://KeyPointPartners.com)

**KeyPoint Retail RoundUp**, our news blog:

[Blog.KeyPointPartners.com](http://Blog.KeyPointPartners.com)

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the vacancy rate by more than 2.0%, including the 5,000-9,999, 50,000-99,999, and 100,000-199,999 SF classifications. Absorption of vacant Shaw's, Walmart, and Lowe's boxes had much to do with the latter two ranges. The 2,500-4,999 SF segment of the region also showed a solid reduction in the vacancy rate of 180 basis points.

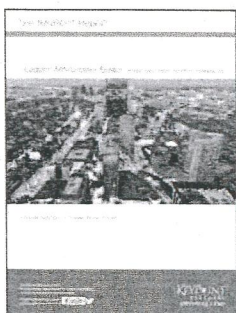
**Regional Submarket Rankings:** There has been no change in the top ten largest regional markets: Nashua continues to rank first with 6.3 million square feet of inventory; Manchester follows at 5.3 million square feet; and Salem is a distant third at 3.9 million square feet. Seabrook and Bedford follow with 2.0 million square feet and 1.5 million square feet, respectively.

Among towns with at least 500,000 square feet of retail space, Salem remains on top of the rankings for lowest vacancy rate at 5.7%, although up a bit from last year. Derry is this year's runner-up, moving up from fourth a year ago. Hudson slipped a notch to third place. Among towns with the highest vacancy rate, Manchester takes over at first with 13.2%, although down substantially from 16.0% last year. In fact, the five highest ranking towns had vacancy rates all lower versus last year. The Seabrook vacancy rate, which was the highest in the region a year ago at 17.8%, has been notably reduced to 9.4%, in line with the Southern New Hampshire average.

**Retailer Activity:** Retailers adding the most space in the region include Mattress Firm, which converted its acquired Sleepy's locations, thereby increasing by 59,700 square feet, followed by Chunky's Cinema, Hobby Lobby, and Ocean State Job Lot. The latter three all back-filled big box vacancy, largely contributing to the substantial decline in the region's vacancy rate. Conversely, Sleepy's closed the most space. Radio Shack and Namco round out the top three of retailers contracting by square footage. Mattress Firm also led the region in new stores, adding 10 units via the Sleepy's acquisition. Cricket Wireless and Sprint were the only other retailers gaining multiple stores, three and two units, respectively. The acquisition of Sleepy's reduced this retailer's store count by 10 locations. Radio Shack also vacated the region, closing its last seven stores. The overstoreing of yogurt shops was apparent with the closing of six Orange Leaf locations.

Bob Sheehan, Vice President of Research  
 BSheehan@KeyPointPartners.com

*This KeyPoint Report examines changes in supply, vacancy and absorption, retailer activity, and market composition by store size and retail categories during the period from July 2016 to July 2017. The study area includes 39 cities and towns, representing more than 835 square miles and approximately 561,500 permanent residents (42% of the state population). KeyPoint Partners' GRIID™ database maintains detailed information on virtually all retail properties in three key regions: Eastern Massachusetts, Southern New Hampshire and Greater Hartford, Connecticut. These markets encompass approximately 45% of all retail space in New England. GRIID™ has information on approximately 263 million square feet of retail space and approximately 59,600 retail establishments. The KeyPoint Reports contain a summary and analysis of retail market trends and activity for each studied market area.*



## The Report is coming!

The KeyPoint Report on Eastern MA/Greater Boston 2017 is available now.

The KeyPoint Report on Southern New Hampshire 2017 and the KeyPoint Report on Greater Hartford, CT 2017 will follow soon.

Visit [KeyPointPartners.com](http://KeyPointPartners.com) and click on Retail Reports at the top.

### Overall Capitalization Rate

	2017		2017		Basis Point Change from 2016
	<u>All Responses</u>		<u>Adjusted Responses <sup>(1)</sup></u>		
	Range	Average	Range	Average	
Age Restricted Apartments	5%-8%	6.1%	5%-7.5%	6.0%	-30
Unlicensed Congregate Living	5.5%-8%	6.8%	6%-7.5%	6.8%	0
Licensed Assisted Living	6%-10%	7.6%	6.5%-8.3%	7.3%	-30
Licensed Memory Care	6%-11%	7.9%	7%-9%	7.9%	0
Licensed Skilled Nursing-Long Term Care	8.5%-13%	11.6%	9%-13%	11.7%	+30
Licensed Skilled Nursing-Subacute Care	8%-14%	12.0%	10%-13%	12.0%	+20
Continuing Care Retirement Community	5%-11%	8.8%	7.5%-11%	8.8%	0

### Internal Rate of Return (Discount Rate)

	2017		2017		Basis Point Change from 2016
	<u>All Responses</u>		<u>Adjusted Responses <sup>(1)</sup></u>		
	Range	Average	Range	Average	
Age Restricted Apartments	7%-16%	8.9%	7.5%-10%	8.5%	+10
Unlicensed Congregate Living	8%-17%	9.7%	8.5%-10.5%	9.2%	0
Licensed Assisted Living	8.5%-21%	10.9%	9%-12%	10.1%	-90
Licensed Memory Care	9%-17%	11.0%	9.5%-12%	10.4%	-80
Licensed Skilled Nursing-Long Term Care	11%-15%	13.5%	12%-14.5%	13.6%	-40
Licensed Skilled Nursing-Subacute Care	12%-16%	14.2%	14%-15%	14.3%	-40
Continuing Care Retirement Community	10%-17%	11.5%	10%-12.8%	11.0%	0

### Equity Dividend Rate (Cash on Cash Return)

	2017		2017		Basis Point Change from 2016
	<u>All Responses</u>		<u>Adjusted Responses <sup>(1)</sup></u>		
	Range	Average	Range	Average	
Age Restricted Apartments	6%-15%	9.4%	7%-12%	9.2%	-20
Unlicensed Congregate Living	6.5%-15%	10.2%	7%-15%	10.1%	+20
Licensed Assisted Living	6.5%-20%	11.5%	9%-17.5%	11.3%	-30
Licensed Memory Care	7%-20%	11.7%	8%-17.5%	11.4%	-20
Licensed Skilled Nursing-Long Term Care	10%-20%	14.6%	10%-20%	14.6%	+20
Licensed Skilled Nursing-Subacute Care	10%-20%	15.3%	10%-20%	15.3%	+30
Continuing Care Retirement Community	9%-20%	12.0%	9%-15%	11.5%	-30

(1) Minus 5% Highest and 5% Lowest Responses



## Q4 2016 OVERVIEW

2016 ended with rising interest rates following the presidential election. Cap rates followed a similar trend with an increase of 18 bps for Q4. This was the first increase in single tenant net lease (STNL) since Q4 2015.

This increase is largely attributed to the fact that cap rates toward the end of 2016 began to catch up with the upward trending interest rates. As we head into 2017, we expect investor demand to remain strong.

SECTORS	Q3 2016					Q4 2016					AVG CAP RATE (BPS)	LEASE YEARS (REM)
	AVG CAP	LOW	HIGH	AVG LEASE YEARS	SAMPLE SIZE	AVG CAP	LOW	HIGH	AVG LEASE YEARS	SAMPLE SIZE		
Automotive	6.49%	4.00%	8.80%	10.7	25	6.68%	4.26%	9.00%	10.2	33	19.5	(0.5)
Bank	5.53%	3.94%	8.09%	7.9	16	5.64%	4.36%	7.93%	10.5	15	11.8	2.6
Big-Box	6.24%	4.13%	7.40%	9.7	8	7.08%	4.85%	9.14%	9.8	13	83.3	0.2
Casual Dining	5.97%	4.50%	8.70%	12.9	27	6.18%	4.10%	12.00%	13.7	36	21.2	0.8
C-Store	5.11%	3.56%	7.57%	13.6	19	6.14%	4.50%	9.17%	12.1	16	102.5	(1.4)
Dollar Store	7.03%	5.62%	10.00%	11.7	48	7.10%	5.50%	10.04%	10.9	51	7.4	(0.9)
Educational	8.00%	5.50%	10.15%	14.0	4	6.89%	6.47%	7.70%	7.8	3	-110.5	(6.2)
Medical	6.10%	5.75%	6.51%	13.0	3	6.57%	5.58%	7.94%	12.4	4	46.7	(0.6)
Pharmacy	6.20%	4.67%	7.99%	13.9	37	5.95%	4.62%	10.02%	16.0	36	-24.3	2.1
QSR	5.65%	3.73%	11.86%	13.2	88	5.85%	3.28%	11.01%	12.9	84	20.6	(0.3)
Other Retail <sup>1</sup>	6.44%	4.02%	8.70%	11.6	34	6.62%	4.74%	8.73%	11.9	24	18.2	0.3
<b>Average</b>	<b>6.25%</b>			<b>12.0</b>		<b>6.43%</b>			<b>11.7</b>		<b>17.9</b>	<b>(0.3)</b>
<b>Total Sample Size</b>				<b>309</b>						<b>315</b>		

<sup>1</sup> Other retail includes retailers who don't otherwise neatly fit into one of the above categories such as grocery stores, cellular stores, mattress stores, and fitness centers.

# Market Summary – March, 2017

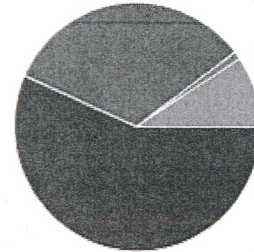
## Portsmouth, NH

242,408 SF  
Commercial Space For Sale

-  
Land & Farm For Sale

262,691 SF  
Commercial Space For Lease

\$23.7 million  
Total Sale Price



- Office
- Retail-Commercial
- Shopping Center
- Industrial
- Land and Farm
- Hospitality
- Multi-Family

### Current Statistics for Portsmouth, NH

Property Type	Listings	Asking Lease Rate	Asking Sale Price	Below List	Days on Market	Total Available
Industrial	9	\$8.91 PSF	\$56.82 PSF	-	-	215,175 SF
Office	55	\$17.18 PSF	\$176 PSF	-	-	194,807 SF
Retail-Commercial	32	\$16.66 PSF	\$271.61 PSF	-	-	92,281 SF
Shopping Center	1	\$16.50 PSF	-	-	-	2,836 SF

- **Frequency:** Statistics are compiled at the beginning of each month.
- **Reliability:** The quality of the data will vary based on many factors, including whether or not your CIE verifies the data on an ongoing basis. Statistics based on larger numbers of listings (as indicated by the "Listings" column) are generally more trustworthy.
- **Accuracy:** We make all attempts to normalize these stats, but make no guarantees about their accuracy. Outliers (extremely high or low values) are excluded from calculations.
- **Counts:** Listing and Transaction counts reflect the number of records with price and size information within valid ranges. The actual counts of all records in the CIE are larger.
- **Weighted Averages:** Price averages are weighed using the square footage available.
- **Direct:** Lease statistics are direct (exclude subleases).
- **Lease Types:** Because of discrepancies in how lease types (NNN, Gross, etc) are reported, we ignore differences in type – all types are folded together into the lease rate stats.
- **Below List:** Reflects the average percent difference between the original listed price and the final transaction price.
- **Net Absorption:** We calculate absorption using a 90 day period.
- **Locations:** We only allow filters for locations with at least 100 active listings.
- **Asking vs. Reported:** "Asking" prices are based on active listings for the chosen locale, while "Reported" prices are calculated using completed transactions as reported by CIE members.

**Disclaimer:** All statistics on this page have been gathered from user-loaded listings and user-reported transactions. We have not verified accuracy and make no guarantees. By using the information provided on this page, the user acknowledges that the data may contain errors or other nonconformities. You and/or your client should diligently and independently verify the specifics of the information that you are using.

**NECPE** Statistics courtesy of:  
**NEW ENGLAND** New England Commercial Property Exchange

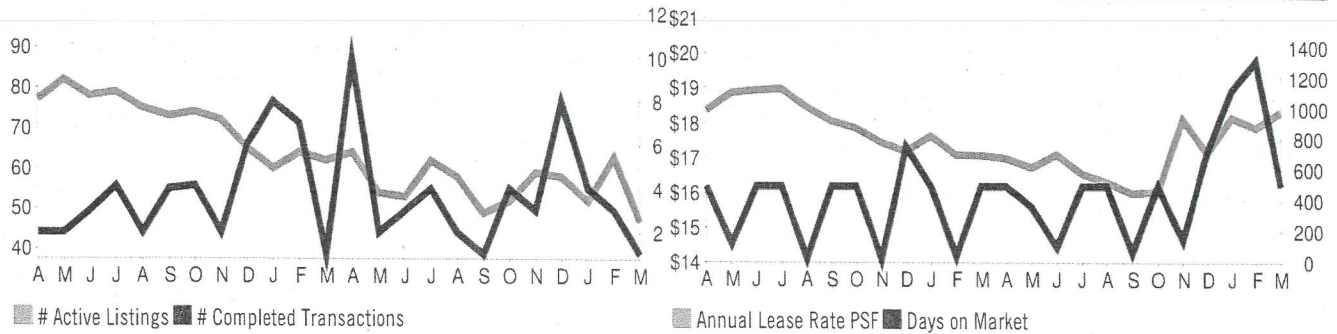
# Office Summary – March, 2017

Portsmouth, NH

**55**      **204,298.0**      **\$17.18 PSF**      -      -  
 Active Listings      SF Available      Annual Lease Rate      Below List      Days on Market

## Listings & Completed Transactions

## Days on Market & Lease Rate



	This Month	3 Month Average	12 Month Average	2 Year Average	Trend
Lease Listings	47	37	43	49	
Sale Listings	8	10	12	15	
For Lease	149,344 SF	87,377 SF	111,299 SF	156,813 SF	
For Sale	45,463 SF	31,410 SF	50,998 SF	47,370 SF	
Leased	1	2	4	4	
Sold	0	1	1	2	
Asking Lease	\$17.18 PSF	\$18.11 PSF	\$17.11 PSF	\$17.55 PSF	
Reported Lease	\$13.19 PSF	\$16.56 PSF	\$16.90 PSF	\$18.06 PSF	

\$176 PSF  
Asking Sale

\$211.78 PSF

\$198.81 PSF

\$175.46 PSF



-  
Reported Sale

\$78.99 PSF

\$139.70 PSF

\$185.35 PSF



-  
Below List

9.2%

13.4%

17.6%



-  
Days on Market

1,474

708

647



- **Frequency:** Statistics are compiled at the beginning of each month.
- **Reliability:** The quality of the data will vary based on many factors, including whether or not your CIE verifies the data on an ongoing basis. Statistics based on larger numbers of listings (as indicated by the "Listings" column) are generally more trustworthy.
- **Accuracy:** We make all attempts to normalize these stats, but make no guarantees about their accuracy. Outliers (extremely high or low values) are excluded from calculations.
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**NECPE**  
**NEW ENGLAND**

Statistics courtesy of:  
**New England Commercial Property Exchange**

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: TUESDAY, SEPTEMBER 5, 2017

PORTSMOUTH, NH  
TIME: 7:00 PM

### **At 5:30 PM a Work Session was held regarding Review of Parking Principles and Initiatives**

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

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

#### **II. ROLL CALL**

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

#### **III. INVOCATION**

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

Mayor Blalock led the Pledge of Allegiance.

#### **V. ACCEPTANCE OF MINUTES – AUGUST 21, 2017**

**Councilor Spear moved to approve the minutes of the August 21, 2017 City Council meeting. Seconded by Councilor Cyr and voted.**

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

David Hudlin – discussed the 2017 assessments and the impact of the commercial assessments on residential taxpayers.

Ted Jankowski – spoke in support of the proposed resolution to eliminate toxic pesticides from public areas stating there are other organic and natural alternatives to controlling pests and weeds.

Esther Kennedy – spoke regarding the proposed Arts Reinvestment Agreement with ArtSpeak stating she would like to see an RFP put out to all organizations. She then spoke regarding her concerns with a recent personal attack on-line by an organization which was associated with Art-Speak.

Paige Trace – stated she attended a meeting with the assessors this morning who were professional and polite, but she was concerned that her meeting was 20 minutes late starting due to a conflicting meeting in the Conference Room. She also expressed concern that the comps online are from 2016 and you have to go to City Hall to get the 2017 comps and that people are being give comps that aren't in their own neighborhood.

Rick Becksted – spoke regarding the posting of “No Jumping” signs from the Sagamore Bridge stating that this is a right-of-passage for many people and that if a sign is going to be put up, it should be backed up by an ordinance.

Wes Tater – *(Mayor Blalock granted Mr. Tater permission to speak as he arrived after the sign-up sheet was removed from the foyer.)* Mr. Tater first requested that there be televisions installed at the

front of the Chambers so that the audience can see and hear the speaker at the podium. Secondly, he spoke in support of the proposed resolution to eliminate toxic pesticides from public areas stating this a very serious issue and the City has already taken a stand on this when adopting "The Natural Step". He concluded by stating he also has enjoyed jumping off the Sagamore Bridge.

Mayor Blalock stated that at the next regular Council meeting there will be a Public Dialogue Session which will be in place of the Public Comment. He stated the details will be announced as they become available.

## **VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### **A. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDMENTS TO CHAPTER 4 PERTAINING TO THE CITY'S FOOD LICENSING AND REGULATIONS BY STRIKING ARTICLES I-V IN ITS ENTIRETY AND REPLACE WITH NEW LANGUAGE**

#### **• PRESENTATION**

Acting City Manager Colbert Puff stated she has received many e-mails requesting that the vote on this item be delayed but feels that is due to misinformation. She continued that she is open to having a work session, although this has been discussed at previous meetings as well as a public meeting. She explained that we are adopting the State of NH RSA which incorporates the Food Code which we already abide by. She continued that the second issue she has heard is whether there is an appeals process and there is currently an informal process in which when a complaint is received it is addressed by the Health Department first and then goes to the Legal Department if necessary. She stated the Food Code has a more formal process, but we haven't ever evoked it. Thirdly, the question of whether an establishment has to be brought up to code when it changes hand, and the Food Code now does require that a change of ownership requires a new license so it should be in compliance. She stated that currently, the Health Inspector visits every business every year so they are already in compliance with their food licensing. She stated that when the Building and Fire Inspectors are brought in and if they haven't been to that facility in years, there may be issues, but they work together to come up with a plan for compliance.

Health Inspector Kim McNamara reviewed a power point presentation outlining the proposed changes.

#### **• CITY COUNCIL QUESTIONS**

Councilor Cyr asked about the use of the term Victuallers referred to in Article V.

Ms. McNamara explained it is the same as food service establishment.

Councilor Cyr stated it should be changed to state that more clearly. Next he stated that there needs to also be a clear understanding of what "new ownership" is as there are many different situations.

Ms. McNamara stated that the permit should match what the Secretary of State has on file for the owner as well as the liquor license. She stated that they should already be in compliance.

Councilor Cyr cited the Press Room as a recent example and asked why that became an issue.

Ms. McNamara stated that there were private issues with the establishment but briefly explained that there were a significant amount of things that needed to be fixed and the potential new owner had other ideas of how he wanted to spend his money.

Councilor Lown asked about the appeals process and is it fair and effective and secondly, what percentage of appeals end up at Superior Court.

Ms. McNamara stated that hasn't happened yet except once.

Councilor Lown then stated he agrees with Councilor Cyr that the term "ownership" is not defined well as LLC's, investors, etc. is not a change of ownership.

City Attorney Sullivan stated we would look at if there was any change in ownership interested and any change or sale of a corporation would be a change in ownership but would be on a case by case basis.

Councilor Dwyer stated that a 700 page Code is daunting and people don't know where to find it so how do they know about the requirements.

Ms. McNamara stated that the Health Department provides the information on where to get it and also the Inspection form specifies which code is not in compliance and feels that most businesses are aware.

Councilor Dwyer continued stating that it is unclear how the building code and food codes come together especially with historic buildings and would like to see something developed to clarify it.

Acting City Manager Colbert Puff stated that all of the regulatory departments are working together now to make sure businesses are code compliance and gave The Button Factory as a recent example of being put on a compliance plan.

Assistant Mayor Splaine stated that there may be a consensus to delay the vote and if so, what will transpire in the next couple of months in terms of public participation.

Acting City Manager Colbert Puff stated that they strongly urge businesses to contact the Health Department and agrees that having a work session may be in order.

Assistant Mayor Splaine stated that he has visited some businesses and has heard that some are afraid to approach or be visited by the Inspection Department.

Acting City Manager Colbert Puff stated she oversees the Inspection Divisions and urged people to contact her directly with any grievance if they can't resolve it with the Building Inspection Department. She continued that she also does not want to engage in a "tit-for-tat" in response to newspaper articles and feels that the negative stories get the attention but there are many good as well that don't get publicized.

Ms. McNamara stated she understands that businesses have dread when dealing with inspections but she does get positive feedback regarding her staff's professionalism and interpersonal skills.

Councilor Perkins stated her family has owned a restaurant and is familiar with some of these concerns. She stated she is open to delaying the vote but asked for clarification as to the changes being made to the local ordinance is to comply with the State and FDA Food Codes.

Ms. McNamara stated that we are keeping the State amendments in place because it exempts certain businesses so we are adopting the FDA code with State amendments.

Councilor Perkins stated she would like to have a session to receive input.

Councilor Denton asked if the vote is delayed, can staff also report back on self-enforcement communities ordinances.

Mayor Blalock stated as a downtown restaurant owner for over 40 years he has experienced the inspections every year as well and that a minor change in ownership did trigger changes, but understands that people have had difference experiences.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the proposed ordinance public hearing notice and declared the public hearing open:

Paul Sorli – owner of the Gaslight Restaurant – stated that the Acting City Manager and Health Inspector gave a great presentation and explanation but feels there are still more questions. He stated that the code is not black and white and is open to interpretation. He concluded that he would like to see a fair appeals process.

Francesca Marconi – Geno’s Chowder and Sandwich Shop – stated she has always had good dealings with the Health Department but feels it is because she has been pro-active. She continued that it is up to the businesses to keep up with the codes but feels it would be a good idea to have public input. She then discussed allowing dogs on decks stating that there are too many liability issues and doesn’t feel they should be allowed at all.

Peter Egelston – owner of the Portsmouth Brewery – stated he agrees with what has been said and feels there is a need for a systematic appeals process. He continued that well-meaning people can disagree and feels that the words “informal” and process” clash. He concluded that the appeals process should be formalized so that people know their recourse.

Joe Kelly – owner of Fat Belly’s, Joe’s Pizza and Thirsty Moose – stated he likes the Health Department personnel but agrees that the codes are not black and white especially with historic buildings. He stated that you could have gone through the process 10 years ago and it was approved but then a new person comes in and says that it shouldn’t have been approved, so there needs to be clarity as to how long the approval is good. He continued that they also shouldn’t have to redo everything if there is a new investor or if one partner buys out another partner and there should be a formalized appeals process.

Rick Becksted – stated as a business owner he understands some of what people are going through. He related an issue with a local business that had an understanding with the city over the years until a recent shift in the inspection department. He stated that as a contractor, he is not required to have a license but restaurant owners do have to have a license and it can be pulled if they don’t comply. He wonders if our codes are current and if the State regulations have been adopted by the City Council.

Mike Somers – Representing the NH Lodging and Restaurant Association – stated he was asked to speak on behalf of many of the downtown restaurants regarding the proposed ordinance change. He stated that businesses like certainty and structure. He stated that some of the members do fear



retaliation if they speak out. He stated the three issues of concern are the appeals process, definition of ownership and dogs. He stated that there should be clarity on all of these components.

Mayor Blalock asked for clarification on allowing dogs stating that he believes that the ADA requirements for services dogs is that they are allowed. Health Inspector McNamara stated that is correct.

Paul Sorli stated that some of the contractors he has dealt with do not want to go to City Hall to apply for permits.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Spear stated that it appears that most of the reasons for wanting to hold a work session are regarding the appeals process, changes of ownership clarification, and interpretation of the code and interaction with inspectors. He continued that we are passing the Food Code currently and these issues are not a part of this ordinance change and could be passed now while still holding a work session on the other issues.

**Assistant Mayor Splaine moved to postpone action until the December 4, 2017 City Council meeting and to encourage businesses to communicate with the Inspection Department and City Manager's Office and to schedule a work session, seconded by Councilor Pearson.**

Assistant Mayor Splaine stated that this is putting the cart before the horse and sometimes the city works too slow and sometimes too fast.

Councilor Lown stated that there are 170 restaurants in the city and we have only heard from 3 of them at this point. He stated there is no harm in delaying this and it opens up the opportunity for others to come forward.

Councilor Denton stated another benefit of delaying would be to get the report back on the appeals process of the other self-enforcing towns.

Councilor Dwyer stated that she does not want to delay this until December and feels that everything boils down to the appeals process. She would like to see the date be changed to October 16<sup>th</sup> meeting.

Assistant Mayor Splaine stated he would agree to that amendment with the addition of "or to a date determined by Mayor and Acting City Manager".

Councilor Pearson stated she would like to request the e-mails that are being compiled in the packets be formatted similarly to what has been done for other committees.

***Mayor Blalock called for a brief recess from 8:45 p.m. – 8:50 pm.***

Councilor Cyr stated he agrees with Councilor Spear that the vote could still be taken on the proposed ordinance but is fine if it is delayed. He stated we could also ask that a work shop be held with industry representatives and a report back.

**Motion passed on a 7-2 roll call vote to postpone to October 16, 2017 City Council meeting or to a date determined by the Mayor and Acting City Manager and to schedule a work session. Councilors Spear and Cyr voted opposed.**

**B. WHETHER TO ALLOW KENO ON THE BALLOT – SENATE BILL 191**

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**

**There was no presentation or City Council questions prior to the public hearing.**

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the proposed public hearing notice and declared the public hearing open:

There were no speakers for public hearing. Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Charles McIntyre, Director of the New Hampshire Lottery, stated he is available to answer any questions.

Mr. McIntyre gave a brief history of the lottery in New Hampshire and that so far every community that has brought this forward for a vote have unanimously approved it to go on the ballot.

Mayor Blalock asked about a mailing he had received advertising to businesses about having Keno in their establishments without it having been approved yet and found it premature.

Mr. McIntyre explained that they started getting calls about it in July when Senate Bill 191 passed especially by border towns.

Assistant Mayor Splaine asked if the City Council does not approve this to go to the ballot what else can be done by citizens if they want to bring it forward.

Mr. McIntyre stated that 5% of the registered voters could petition to have it placed on the ballot but that no one from his office would be pursuing any efforts in that regard.

Councilor Dwyer stated that his colleague who recently gave a presentation to the Council did a great job explaining the process but she recently saw that it said that \$1,900.00 will be given per student in the first year which was more than previously stated.

Councilor Lown stated the distribution of the funds would be determined by State legislature and each student would get \$1,100.00 in the first year but wonders how it will be divided after that in regards to whether it is by those who passed keno or by who generates more money etc.

Mr. McIntyre stated it is a minimum of \$1,100 per student based on conservative estimates. He stated that there are some towns who won't be able to get keno in their areas because they don't have any businesses with liquor licenses but they will still get the money.

**Councilor Lown moved to place the following question on the November 7, 2017 Municipal Election Ballot “Shall we allow the operation of keno games within the city”, seconded by Councilor Denton.**

Councilor Lown stated we should find out what the people want and although he hasn't heard from anyone on the issue, the Council shouldn't pre-empt the people's choice.

Councilor Dwyer stated that this is terrible public policy although she is a long-time advocate of the kindergarten program. She stated she agrees that no one has expresses any interest or opinion on this which is another reason not to bring it forward. She concluded that this sets a terrible precedent on so many levels.

Councilor Cyr stated he also has not heard anything about this issue and feels that voting to put it on the ballot gives the appearance of endorsing it.

Mayor Blalock handed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he will agree to put it to the ballot but doesn't want keno in the city.

Assistant Mayor Splaine handed the gavel back to Mayor Blalock.

Councilor Denton stated that Portsmouth has changed a lot recently with many favorite bars no longer here. He stated he enjoys some of the pull tab games occasionally at the VFW but feels that the average citizen going to a bar wouldn't want to see those games in the establishments and would be surprised to see them there as this has not been a widely discussed issue.

Councilor Lown stated that the Council Chambers was filled with 250 angry taxpayers 2 weeks ago and feels that this is a taxpayer issue which could provide some tax relief. He stated that people have the right to vote on it.

Councilor Spear stated he is also opposed to Keno and feels it should not be a referendum issue which are usually limited to government issues. He stated that this is a policy issue that the Council should handle.

Assistant Mayor Splaine stated he agrees with previous speakers in opposition of putting this to the ballot. He continued that he understands the seductiveness of the lottery and how it originally started with \$1.00 scratch tickets and now can go as high as \$30.00. He stated that people can do what they want but doesn't feel that this should be cluttering up the ballot when there are already 2 city charter questions.

Councilor Pearson stated that she agrees this should not go on the ballot and that there were restaurant people in the audience previously and no one spoke on the issue at all.

**Motion FAILED on a 2-7 roll call vote. Councilor Lown and Mayor Blalock voted in favor.**

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

*(There were no items under this section of the Agenda)*

## IX. CONSENT AGENDA

*(There were no items under this section of the Agenda)*

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

- A. Letter from Diana Nyad requesting permission to pass through Portsmouth for the EverWalk on Wednesday, September 14, 2017 and set up a few tables at Prescott Park to hand out snack food and water for the walkers

**Councilor Perkins moved to refer to the Acting City Manager with power, seconded by Councilor Dwyer.**

Councilor Lown stated that Diana Nyad was the first person to swim to Cuba and stated she is a role model.

**Motion passed.**

- B. Flyer for the Electric Vehicle Show on Saturday, September 16, 2017, 2pm-5pm at Red Hook Brewery Parking Lot

**Councilor Perkins moved to accept and place on file. Seconded by Councilor Cyr and voted.**

- C. Letter from Amber Day, New Hampshire Film Festival, requesting permission to close Vaughn Mall on Saturday, October 14, 2017 for the NH Film Festival Hospitality Day Party from 11:00 a.m. – 2:00 p.m.

**Councilor Perkins moved to refer to the Acting City Manager with power. Seconded by Councilor Pearson and voted.**

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. ACTING CITY MANAGER

1. Request to Schedule a Public Hearing Re: Elderly Exemptions

Councilor Dwyer stated she had contacted Acting City Manager Colbert Puff to get a deeper understanding of the commercial factors and how they affected the other assessment. She stated she wants to understand that before shifting the impact to other taxpayers. She stated she would like a work session on the commercial aspect so she can have confidence on this issue.

Acting City Manager Colbert Puff stated they are planning to hold a work session but the individual involved with the commercial assessments is out until September 18<sup>th</sup>.

City Assessor Lentz stated that the longer the Council waits to act on the exemption, it may not be able to be done due to the time constraint.

Acting City Manager Colbert Puff stated the questions regarding commercial assessments can be answered with more thorough examination.

Councilor Perkins stated that this is one of a slew of policy decisions made that affect the budget and impacts others. She stated that this should be a part of a bigger picture.

Acting City Manager Colbert Puff stated that this was brought forward now because of the tight time frame. She stated that more information can and will be provided but the public hearing could still be scheduled.

City Assessor Lentz explained the figures on a handout she provided.

**Councilor Spear moved to authorize the Acting City Manager to bring back a Resolution for public hearing and adoption at the September 18, 2017 City Council meeting, seconded by Councilor Perkins.**

Councilor Spear stated he usually doesn't vote in favor of these resolutions because it shifts it to other taxpayers but feels that the process should be started in the effort to save a certain population some money. He stated the goal is to let people stay in their homes.

Councilor Dwyer agreed that the process should be started but still wants more information provided on commercial assessments so that the Councilors can explain it to the residents. She stated that this is a redistribution and usually it is families that receive the short-end.

**Motion passed on a 9-0 vote.**

2. City Cemeteries and RSA 289:3

Assistant City Manager Moore explained the the City has performed a number of improvements to its City-owned historic cemeteries in recent years through the Capital Improvement Program. This work has included restoration of grave stones and improvements to hill and ledger tombs as well as various walls, enclosures and other structures in the City's historic cemeteries. He continued the most recent improvement was in North Cemetery, which is located along Maplewood Avenue and listed on the National Register of Historic Places. The project included the restoration and repair of the 200-foot long North Cemetery front enclosure wall likely constructed in the middle 1800s, approximately 170 years ago. The project was carried out in order to address the wall's deteriorated condition that posed a threat to public safety. Over the course of addressing one 25' section of wall, it was discovered that this portion of wall was originally constructed immediately on top of the ends of several burials.

This discovery set into motion several protocols established in state law, which the City is in the process of completing in close coordination with the Division of Historical Resources (DHR). This includes the creation of an archaeological report that will document the discovery, and identify the burials if possible. Meanwhile, in accordance with the state law (RSA 289:3) and guidance from the Attorney General's Office and the Division of Historical Resources, the City Council is required to make a determination about the future of the wall. Finally, in coordination with the State Archaeologist and the consulting archaeologist, the decision was made to stabilize the archaeological site by replacing the stones in the original location as a temporary measure, while a long-term solution was devised. He concluded that going forward, there are two options for a long-term solution for the wall, which include A) leaving it in place (with no further disturbance required), or B) potential relocation of the wall.

Deputy City Attorney Woodland reviewed the second motion which is meant to be a housekeeping issue to allow the city to take appropriate action when necessary pursuant to RSA 289:3. She continued that the City of Portsmouth has a lot of burial sites with a lot of city infrastructure surrounding it which can pose interesting situations. She continued that in conversations with the State, they saw the need for a housekeeping vote. She stated that city staff does have sensitivity and protocol to deal

with any remains. She concluded by stating that Dr. Richard Bouvier of the State Dept. of Historic Preservation is in attendance.

Mr. Bouvier reviewed the background of what occurred with the relocation of the North Cemetery wall and that he had recommended temporarily replacing it in the current location, but ultimately move it out further. He stated that there were at least as many remains as were at the African Burial Site and explained the process of trying to identify the next of kin and the protocol involved. He stated that he was disappointed to learn that the City did not adhere to his recommendation. He then distributed a letter from the Attorney General.

Acting City Manager Colbert Puff stated there is a long history to this subject.

**Councilor Lown moved to determine that the reconstruction of the North Cemetery wall in its current location constitutes construction of an essential service pursuant to RSA 289.3 and appropriate markers/recognition of the unmarked burials be developed and installed.**

Councilor Dwyer stated she supports this action and was a member of the African Burial Ground Committee. She explained that a second set of remains were found when the footings were being placed and the descendent community had a long and moving discussion of whether to continue and decided they wanted no further disturbance. She stated that the remains are commemorated and acknowledge without further disturbance.

Councilor Lown stated the statute applies to construction and not a 170 year old wall.

**Motion passed.**

**Councilor Lown moved to determine that the emergency repairs or replacement of existing infrastructure, pursuant to RSA 289.3, be considered as “construction of an essential service”. Seconded by Assistant Mayor Splaine and voted.**

3. 2018 Schedule of City Council Meetings and Work Sessions

**Councilor Spear moved to approve the 2018 Schedule of City Council Meetings and Work Sessions. Seconded by Assistant Mayor Splaine and voted.**

**Acting City Manager’s Informational Items:**

1. Events Listing
2. Schedule for Work Session on September 9<sup>th</sup> Re: McIntyre Property
3. Household Hazardous Waste Day
4. Peirce Island Wastewater Treatment Facility Upgrade Quarterly Report
5. Coakley Landfill Update
6. FY 2017 Inspections Department Annual Report (Period July 1, 2016 to June 30, 2017)

Regarding #5, Acting City Manager Puff stated suggested that a presentation be scheduled for a Coakley Landfill update.

Regarding #6, Councilor Perkins requested more information regarding the FY2017 Inspections Department Annual Report.

## **B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Appointment of Richard Katz to the Library Board of Trustees
  - Reappointment of Stephanie Hausman to the Library Board of Trustees
  - Reappointment of Donald Margeson to the Library Board of Trustees
  - Reappointment of Sarah Lachance to the Economic Development Commission

The aforementioned individuals were considered for appointment to various boards and will be voted at the September 18, 2017 Council meeting.

2. Appointments to be Voted:
  - Appointment of Alan Gold to the Economic Development Commission

**Assistant Mayor Splaine moved to approve the appointment of Alan Gold to the Economic Development Commission for a 4 year term to expire October 1, 2021. Seconded by Councilor Lown and voted.**

- Appointment of Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee

**Assistant Mayor Splaine moved to approve the appointment of Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee. Seconded by Councilor Dwyer and voted.**

- Appointment of Maria Stowell as the PDA Representative to the Renewable Energy Committee

**Councilor Lown moved to approve the appointment of Maria Stowell as the Pease Development Authority representative to the Renewable Energy Committee. Seconded by Councilor Pearson and voted.**

3. Resignation – Amy Burns from the Cable Television and Communications Commission

**Councilor Lown voted to accept the resignation of Amy Burns from the Cable Television and Communications Commission with regret and a letter of thanks and appreciation of service. Seconded by Councilor Perkins and voted.**

## **C. ASSISTANT MAYOR SPLAINE**

1. Toxic-Free Weed Program

**Assistant Mayor Splaine moved that the city immediately stop using toxic chemicals in public places, that it encourage toxin-free property maintenance for all new developments, and to provide an educational program for all property-owners on safe, proven organic property maintenance. We aspire to lead the way to make Portsmouth the first non-toxic community in New Hampshire, seconded by Councilor Denton.**

Councilor Lown stated that as a point of order this presumes something and feels that we should hear from the City first as he thought that the city is not using chemicals.

Acting City Manager Colbert Puff stated the city would appreciate the opportunity to report on this issue.

**Councilor Lown moved to postpone to the next meeting, seconded by Councilor Spear.**

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated this is an important issue and will vote opposed to postponing.

Discussion ensued regarding the need to have a report back from staff and the need for clarification of various terminology.

**Motion to postpone to the September 18, 2017 City Council meeting to clarify terminology and receive information from the Public Works Director passed on a 7-2 roll call vote. Assistant Mayor Splaine and Mayor Blalock voted opposed.**

#### **D. COUNCILOR PEARSON**

##### 1. The Arts Reinvestment Agreement

Councilor Pearson stated that Mike Texeira, President of Art Speak is present to answer any questions. She continued that she has not been an employee of Art Speak since December 2016 and addressed the misinformation that was stated during the public comment stating that that Art Speak is not affiliated with "The Tug" and is only on the same web host.

Councilor Pearson then address the Arts Reinvestment agreement stating that there was an Arts Economic impact study done and it showed that Arts and Culture money goes into the Parking revenue but does not go back to the arts. She stated this will take 1% of the revenue and reinvest it into the community.

Councilor Dwyer stated that when the City gives money to other organizations there is a much more detailed set of expectations of what will be done with the public money. She gave the Chamber of Commerce as an example and feels it would set a good precedent for the future and show what does and doesn't work.

Mr. Texeira stated he worked with the City Manager to put the agreement together so has provided the level of detail that was suggested. He stated that they can put something else together but feels the proof will be in the pudding.

Councilor Spear stated that the Economic Development Commission recently went through this with the Holiday Parking Program so suggested that Art Speak submit the details to the EDC to make suggestions before making final expenditures.

Mr. Texeira stated he is happy to work with the EDC but feels that the financial arm needs to trust the creative process and give them the flexibility to create exciting things.

Councilor Pearson reminded everyone that Economic Development Director Nancy Carmer is the liaison member of Art Speak.



**Councilor Pearson moved to accept the Arts Reinvestment Agreement with Art Speak with the expectation that prior to expenditure of funds, additional information will be reported back to the City Council about specific objectives and intended benchmarks for each of these goals. Seconded by Councilor Spear and voted.**

**At 10:30 Councilor Denton moved to suspend the rules to continue the meeting past 10:30 p.m. Seconded by Councilor Spear and voted 8-1. Assistant Mayor Splaine voted opposed.**

**E. COUNCILOR DENTON**

1. Maple Haven Crosswalk

**Councilor Denton moved to request a report back from staff to City Council or Parking and Traffic Safety Committee on the requirements to move forward with placing a crosswalk across Ocean Road connecting the Maple Haven Neighborhood, seconded by Assistant Mayor Splaine.**

Councilor Lown asked Councilor Denton to let him know the location on Ocean Road that he is requesting and he will bring it to the Parking and Traffic Safety Committee.

**Motion passed.**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Assistant Mayor Splaine requested a report back from the Acting City Manager regarding Sagamore Bridge jumping restrictions.

**XIII. ADJOURNMENT**

**Assistant Mayor Splaine moved to adjourn at 10:40 p.m. Seconded by Councilor Cyr and voted unanimously.**

Respectfully submitted,

Valerie A. French  
Deputy City Clerk

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, SEPTEMBER 18, 2017

PORTSMOUTH, NH  
TIME: 6:00PM

### Public Dialogue Session – Table A

Assistant Mayor Splaine, Councilors Dwyer and Denton were seated at the table.

The members of the public were asked to introduce themselves and state the topic which they were interested in discussing.

Phil Rubins, Dover resident – in support of off-shore wind power

Stephanie Marshall, Exeter resident - in support of off-shore wind power

Cliff Lazenby, Portsmouth resident – Tax Exemption and revaluation

Mary Lou McElwain, Portsmouth resident – Assessment

Richard Boisvert, NH Division of Historic Resources – North Cemetery

Sue Polidura, Portsmouth resident – North Cemetery

Rick Becksted, Portsmouth resident – observer of new process

Ned Reynolds, Portsmouth resident – City Council candidate, observer of new process

Harold Whitehouse, Portsmouth resident - Tax Exemption and revaluation

Councilor Dwyer opened the discussion regarding the proposed Elderly Exemption explaining there are several exemptions currently available including elderly, disabled and veterans. She continued that the exemptions give relief to a certain population but then the burden is redistributed to others such as families and working class people. She stated that the goal is to flatten out the exemptions and this will be discussed further at the Council meeting.

Assistant Mayor Splaine stated he likes the concept of a homestead exemption but this has been proposed at the State legislature several times and has been defeated. He explained that a Homestead Exemption is for people who live in their homes that are not used for business purposes. He stated that regarding the senior exemption, he feels the burden is more about the commercial assessments. He stated that we have to find a way to let seniors stay in their homes.

Councilor Denton stated the issue is also driven by the lack of housing stock for people who want to live here as well as there being no parking for downtown businesses which is why there are empty storefronts.

Ned Reynolds asked if we are allowed to base property tax exemptions on income level.

Tax Assessor Rosann Maurice Lentz stated that is not allowed and it is statutorily driven. She then reviewed the current asset limit and exemptions based on age.

Assistant Mayor Splaine stated that Cliff Lazenby, Chair of the Citywide Neighborhood Blue Ribbon Committee will be holding an informational meeting on September 26<sup>th</sup> with Finance Director Judie Belanger and Acting City Manager Colbert Puff in attendance.

Mary Lou McElwain stated that this was good information but feels that the advertisement in the newspaper regarding the public meeting regarding the revaluations was not clear and many people did not attend that would have if it had been. She stated that there also needs to be clarification on the Commercial Revaluation issue and feels that commercial property is draining the residents with tourists and workers and residents are paying for it.

Councilor Dwyer stated it is a “hot market” and it is a requirement of the State law that it is geared to sales so it is something that needs to be brought to the Legislative Committee.

Mary Lou McElwain feels the more meetings and discussions on this issue the better.

Assistant Mayor Splaine suggested people can contact the Tax Assessors office as well.

Councilor Dwyer stated that people can also file applications for abatements.

Assistant Mayor Splaine asked about the liens that are available.

Tax Assessor Rosanne Maurice Lentz explained that this is available for residents 65 or older and it is a 5% interest rate. She explained that the City becomes the secondary lienholder and the primary lienholder has to approve the agreement as well.

Councilor Dwyer stated that the taxes owed on the property would be paid out of the estate upon death or from the sale if they move.

Rick Becksted warned against reverse mortgages stating that the elderly fall prey to scams. He stated he understands that this isn't the same thing, but feels that people should be aware.

Harold Whitehouse stated that it is embarrassing to have to do a reverse mortgage and he doesn't want the burden to be placed on his children. He stated a lot of his friends are concerned, but fall above the qualifying criteria. He continued that he agrees that there needs to be a homestead exemption and is always told by new legislators that they will do it but it doesn't get done. He stated that it can be called something else or done a different way, but people who have lived in their homes for 30, 40 years and more have already paid their fair share to the school department so should at least get a break from that. He stated that the senior citizens are an important part of the community and do a lot of volunteering and would be missed if they aren't able to stay in their homes.

Assistant Mayor Splaine stated he will ask the City Attorney for clarification on whether or not there is anything the city would be able to do.

Ned Reynolds stated that people need to be careful using various terminology when discussing this issue.

Councilor Denton stated that almost all of the income the city receives is via property tax as there are no sales or income taxes in New Hampshire and we no longer receive any of the room and meals tax funds. He stated that there have been attempts at getting enabling legislation to allow cities to impose a separate hotel tax locally.

Sue Polidura stated she has lived here for 40 years and it used to be very affordable but doesn't recognize the city anymore. She stated she worked on the Vision Committee in 1999 and what we have today isn't the vision. She stated that people who work here can't afford to live here and we don't want this to become "Little Boston". She stated that people thought that getting hotels in the city would help the tax rate, but it hasn't.

Councilor Dwyer stated that she began working on affordable housing issues 15 years ago but all of the efforts and opportunities were shut down by locals and there are not many opportunities anymore.

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Councilor Denton discussed his draft resolution regarding off-shore wind stating there is a Taskforce to explore this off the coast of Maine. He stated he will bring it back for a vote at the next Council meeting. He stated that we need more renewable energy sources and some municipalities already generate their own power.

Assistant Mayor Splaine stated that it is not a new idea in New Hampshire and there has already been a lot of work done on it.

Mr. Rubins and Ms. Marshall gave a brief review of the issue and their involvement in going to different cities and towns to generate support of the off shore wind feasibility study for decision making going forward. They explained that petitions were presented for former Governor Hassan but it was not brought forward and now they are looking to get resolutions passed by various cities and towns to present to Governor Sununu.

Discussion ensued regarding the various areas that could potentially be utilized off the coasts of Maine and Massachusetts.

Assistant Mayor Splaine asked if there has been any opposition.

Ms. Marshall stated they have just begun the process with cities that are in support so far.

Councilor Dwyer asked about the construction of the platforms that would be built on land and then floated out and if they would take up a lot of our harbor space.

Councilor Denton stated that some may have to be constructed elsewhere.

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North Cemetery discussion was diverted to Table B as it was already being addressed.

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Shana Casper and Ted Jankowski joined the group at the end of the discussion to request support for the Non-toxic pesticides resolution.

At 6:45 p.m., Mayor Blalock closed the session.

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### **Public Dialogue Session – Table B**

Councilors Lown, Pearson and Spear were seated at the table.

Ted Jankowski introduced Shana Casper and Melissa Paly that were with him to discuss toxic-free weed control.

Shana Casper spoke regarding passing ordinances in Massachusetts regarding toxic-free weed control programs. She stated they have had great success with programs and schools are leading the way on this endeavor. She reported that Marblehead, MA and South Portland, ME have toxic-free weed control programs.

Councilor Pearson said we have not used toxic products on playgrounds and on sites since the direction was given during one of our retreats.

Ted Jankowski said he believes that we still use toxic pesticides on crab grass.

Public Works Director Rice said it is Soap Diquat Aquatic Herbicide that is used. He further stated they have been using Finalsan Herbicide in the last few months and is sited in the Code of Federal Regulations (CFR) and ACTS. He stated the US Department of Agriculture's National Organic Program (7 C.F.R. 20.601 and 602), as listed as "minimum risk" and exempt from registration under Section 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act (40 C.F.R. 152.25). He said we have been going in the direction for a lot of years. He reported that we are identifying the costs and use of the product. Director Rice indicated that it requires more applications and if it rains after the solution is put in place it is washed away. He reported that they are hand picking weeds in the downtown which is quite labor intensive.

Councilor Spear said we reduced our weed program a few years ago and people were very upset so we brought the program back.

Ted Jankowski asked if dimension was used. Public Works Director Rice said we are using Finalsan which is similar to ACTS.

Councilor Pearson asked when the pilot program will be completed Director Rice said the program is done and a report will be done shortly.

Ted Jankowski asked why Director Rice is resistant to use vinegar, detergent and Epsom salt to kill weeds. Public Works Director Rice explained that we hire someone to apply the product at the various sites in the City.

Erik Anderson spoke on the Wind Power Resolution and said it has not been well studied and expressed concern regarding the lines that would be installed. He asked that the City Council not adopt the Resolution at this time.

Councilor Spear spoke regarding the Schiller Plant and how they operate on wood chips and coal.

Esther Kennedy said all turbines require a great deal of maintenance. She also spoke to the effects on mammals.

Councilor Lown said we would not act on the Resolution without the information needed to make the proper decision.

Doug Bogan introduced those with him this evening regarding the Offshore Wind Development Resolution, Gianna Tempera and Griffin Sinclair have accompanied him this evening. Mr. Bogan said that the Resolution is a request to the City and State to study these items. He said we are the last State in the East Coast and NH to not have looked into this matter. He said New Hampshire is behind the curve and that there is research on the underground cables.

Councilor Lown asked if any other communities have passed such a Resolution. Mr. Bogan said Durham and Dover.

Gianna Tempera said that the Offshore Wind Resolution is positive for the City and she supports the research of this item.

Roy Hessel said he would like to have a separate room for the dialogue so people can hear one another. He asked when the City approved having a statistical revaluation

Councilor Pearson said the City Assessor came before the Council in the spring about starting a statistical revaluation. Mr. Hessel said it has not been five years since the last revaluation which is what the State has in the law.

Doug Roberts spoke regarding the Vaughan Street Hotel agreement and the designation of valet parking in front of the hotel. City Attorney Sullivan said that the parking spaces are not being paid for because, as part of the agreement, the developer must provide insurance and other necessary items as required by the City. He also spoke to the piece of land that the developer is providing the City. Planning Director Walker said the land is the allocation for the community space. Mr. Roberts asked about the access to the Mill Pond. Director Walker said that is for the future and is a reserved space to work with the abutting property owner.

Jim Hewitt spoke on CSO discharged of April 6<sup>th</sup> – 7<sup>th</sup>, May 26<sup>th</sup> and June 30<sup>th</sup> and the lateness in notifying residents. He said that residents should be notified timely. City Engineer Desmarais said they are posted but not instantaneously. He said that they report monthly.

Esther Kennedy asked where it is on the website the notification of a CSO discharge. City Engineer Desmarais said it is located under Combined Sewer Overflow.

Paige Trace said the residents are to be notified every time there is a discharge and in a reasonable manner. City Engineer Desmarais spoke to the items and which conditions are related to a CSO event.

Councilor Pearson asked how soon you can get a report. City Engineer Desmarais said he could log on any time. Councilor Spear said he would like to see a quicker response to reporting CSO's.

Paige Trace spoke on the North Cemetery wall and would like to know how the City Council feels about the cemetery. She said there may be another row of bodies under the wall when we start making improvements to Maplewood Avenue. She would like to see the wall moved out and shift the street.

Councilor Lown said he sees no evidence of there being more bodies. He said the wall has been touched and it appears that the wall was on one or more of the bodies.

Paige Trace said that the digging was done without an archaeologist and the bodies were damaged by the evacuating equipment. She said she would like to shift the wall. She said there could have been no disturbance to the bodies if the City had used ground penetrating radar that was offered for free by the State.

Peter Michaud confirmed that bodies were disturbed with the improvement of the wall.

Acting City Manager Colbert Puff reported that the Maplewood Avenue project is in the planning stage.

Assistant City Manager Moore reported we are having the archaeologist report finalized. He said we were conservative with the remains. He spoke to the process used when the bodies were located and how the City handled the matter. He said that the Maplewood Avenue project is currently having engineering work take place.

Esther Kennedy said she did not like the way Dick Boisvert from the State was left at the podium during the last Council meeting. She said why are we rushing this through.

At 6:45 p.m., Mayor Blalock closed the session.

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## CITY COUNCIL MEETING

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

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

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins (Via Conference Call) Dwyer, Lown, Pearson, Spear and Denton

Absent: Councilor Cyr

### **III. INVOCATION**

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

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

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



## **PRESENTATIONS**

### 2. Impact Fees

Planning Director Walker provided a brief presentation regarding Impact Fees in New Hampshire. She reported that 82 municipalities have an Impact Fee Ordinance and that the amounts vary significantly by: local demographics and market, cost, quality, scale of facilities built, amount of capacity-related investment, facility standards per unit of development, number of fee categories and when they were last updated. She announced that Impact Fee Principles are authorized by NH RSA 674:21, V. She indicated that impact fees must be proportional and reasonable. Director Walker spoke to off-site exaction vs. impact fee:

#### Exactions

- Water, Sewer, Drainage, Highway only
- Specific benefit to site
- Enabled by subdivision / site plan review regulations
- Case by case review

#### Impact Fees

- Assessed to all new development
- Improvements of general benefit
- Enabled by ordinance
- Pre-determined in a fee schedule

Planning Director Walker reported that impact fees must be spent in six years. She said there needs to be benefit to the site and an adopted CIP. She stated that we have a high cost of development and adding impact fees could make things difficult for the developers. In addition, she informed the Council if we adopt impact fees we would need to wait 5 years before assessing them

Councilor Spear said we talked about allowing off site mitigation and would like that to happen through the process.

Councilor Dwyer said there are ways and fees and impact fees and then concessions from the developer.

Planning Director Walker said we have building permit fees. She said there are many fees that get charged back to the developer presently.

Councilor Denton asked if impact fees include residential. Planning Director Walker said yes and you should think what development you want to impact most.

## 1. Revaluation Impact Analysis & Estimated Tax Rate

Finance Director Belanger provided a presentation regarding the Revaluation and Estimated Tax Rate. She reported to the City Council that Steve Traub has done the City's 2010, 2015 and 2017 revaluation of commercial properties and ranks top among the commercial appraisers. Finance Director Belanger explained that the median assessment ratio must stay within 90% - 110%, this is a ratio of the property's assessed valuation to its market value. She further stated the City's valuation for FY17 was at 86.6% and due to us being below the recommended assessment ratio a statistical revaluation was conducted. She indicated the tax rate after the revaluation was anticipated to be \$15.53 which is down from \$17.47. Director Belanger reported that the Rockingham County Tax Obligation is an 8% increase over prior years. She addressed the increase in utility values by \$86,938.009 which has reduced the tax rate further which we now anticipate a tax rate of \$15.36. She reported that the commercial market is changing at a different rate than the residential properties. She advised residents that there is a tax calculator on-line on the Assessor's webpage to use to calculate your taxes.

Councilor Spear asked what a property with commercial on one level and residential on another level, what would that be considered. Assessor Lentz said it is a mixed property and is looked at as commercial property.

Councilor Denton asked by statute is the City allowed to charge more for commercial than residential. Assessor Lentz said they need to be the same. Councilor Denton said he would like to have the City look at the Municipal Services Agreement and what we charge.

Councilor Dwyer said we need to see where we are in trends or whether there are policies that we should look at and enact. She said we need to look at the effect of subcategories.

Assessor Lentz said you will see the stratification of property and show a trend of what is going on. Councilor Dwyer said it would be beneficial for the City Council and Planning Board to see those figures.

Acting City Manager Colbert Puff spoke to the Sirrell vs. State case which arose because towns and cities were not adhering to the ratios on properties. Assessor Lentz said the ratio is monitored by the Department of Revenue Administration.

Councilor Dwyer said she is recommending that the City Council take stronger action on when a revaluation is held with the City Council taking affirmative action.

Mayor Blalock said we agreed to have the revaluation.

Mayor Blalock reported that Councilor Spear is withdrawing Item XI. E.1. – Fire Department Study Committee this evening.

## **VI. PUBLIC DIALOGUE SUMMARY**

Assistant Mayor Splaine said there were five issues addressed by his group which consisted of Councilors Dwyer and Denton, and the topics were assessments, senior exemption, offshore wind, north cemetery wall and toxic-free weed program. He suggested the groups be held jointly so the City Council can have the general discussion.

Councilor Dwyer said she agrees with Assistant Mayor Splaine. She said that the exemption came up and that they are not just for elderly they are asset income driven. She also stated that homestead exemption was a discussion as well and if we could establish.

Councilor Lown said his table had Councilors Lown and Pearson and the discussion was on wind power, north cemetery, valuations, toxic-free weed program and combined sewer overflows.

Councilor Pearson said it was enjoyable and more accessible. She reported that the State of Vermont uses twitter to notify residents when there is a CSO event and we should explore that.

Councilor Denton suggested switching tables to hear from both groups.

Mayor Blalock said the session went well and we can take some suggestions and make changes. He said he received positive feedback on the session.

## **VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### **A. PUBLIC HEARING/ADOPTION OF RESOLUTION AMENDING THE ELDERLY EXEMPTION LIMIT FROM PROPERTY TAX BASED ON ASSESSED VALUE FOR QUALIFYING TAXPAYERS:**

Age 65-74	\$125,000.00 Increase of \$5,000.00
Age 75-79	\$175,000.00 Increase of \$15,000.00
Age 80+	\$225,000.00 Increase of \$25,000.00

#### **• PRESENTATION**

Mayor Blalock said that City Assessor Lentz will be providing a brief presentation on the Elderly Exemption Limit.

Assessor Lentz said last year the elderly exemption amounts were raised and the increase this year would represent one cent on the tax rate if the amounts are accepted.

- **CITY COUNCIL QUESTIONS**

Assistant Mayor Splaine asked how many people apply for the exemption. Assessor Lentz said there are 108 and the breakdown is as follows:

Age 65-74 – 34 people  
Age 75-79 – 21 people  
80+ - 53 people

Councilor Denton asked if the limits where to change, would it effect the 108 people that currently receive the exemption. Assessor Lentz said it would not, it would be a significant help to residents.

Councilor Dwyer said that we are dispersing the taxes to another group of people. She would like to use fund balance rather than redistribution to others.

Councilor Lown said that is a creative idea but he does not know if fund balance can be used for that reason. He said we should enter into an agreement with property owners to pay back the funds at the sale of their home.

Acting City Manager Colbert Puff said there is a hardship exemption which is available to residents by talking with Assessor Lentz. She said we could postpone this until the next meeting for a vote.

Assistant Mayor Splaine requested a report back to the City Council from Acting City Manager Colbert Puff and City Attorney Sullivan regarding the tax lien hardship process and the use of fund balance relative to the elderly exemption at the October 2, 2017 meeting.

- **PUBLIC HEARING SPEAKERS**

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

Esther Kennedy said residents are concerned that the new exemption is not at 20% and are asking why the exemption would not go up at the same level as the valuations. She said that this is concerning to the public. She asked what is next for people that don't meet the guidelines. She stated that we need to make sure our population is diverse and people should remain in their homes until they are ready to leave.

Patricia Bagley said she is in favor of the Resolution. She said we need to think about the elderly and provide affordable housing to them. She stated that we need to start looking at the elderly as we are the younger generation.

Roy Helse would like to talk to someone on why the values are going up so much.

Paige Trace said she supports the Resolution and it is very important because we need to help our elderly to say where they are.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Assistant Mayor Splaine moved to postpone final action on this Resolution until the October 2, 2017 City Council meeting. Seconded by Councilor Lown.**

Assistant Mayor Splaine said we need to look at the percentage of increase in values from the exemption values. He would like a report back on the total limits.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we should postpone and that we need to increase these limits. He said it effects the rate. He would like to know the effect on the tax rate.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said she would like people to come forward and say that they are willing to pay more in taxes for the elderly.

Councilor Spear said we know how the tax rate is affected.

Acting City Manager Colbert Puff said it would increase the rate by one cent.

Councilor Spear said he would vote opposed to the motion and should pass the Resolution this evening.

**On a roll call 7-1, motion passed. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Denton and Mayor Blalock voted in favor. Councilor Spear voted opposed.**

**Assistant Mayor Splaine moved to suspend the rules in order to take up Item XI. C.1. – Revisiting North Cemetery Wall Placement. Seconded by Councilor Lown. On a unanimous roll call vote 8-0, motion passed.**

XI. C.1. – Revisiting North Cemetery Wall Placement

Assistant Mayor Splaine said that there should be more discussion on the permanent placement of the wall. He said if we send this issue to staff for addition discussion.

Richard Boisvert said he would like to have a discussion and does not see a problem of the placement being 25 feet. He advised the City in the areas of the cemeteries plan be aware there are more graves there. He would like to have a serious attempt to move the wall. He said we need to address the use at hand and work to make sure this issue does not arise again. Mr. Boisvert advised the City that they should have an archaeologist present when the pavement is removed.

Mayor Blalock asked if there is a concern about further disturbance of remains. Mr. Boisvert said it can be done without disturbing further remains because archaeologists know how to dig.

Councilor Dwyer said the issue is building another wall. Mr. Boisvert said that is correct. He said you don't want to disturb more graves and said the City should use ground penetrating radar.

Peter Michaud said he is here from a National Registry perspective this evening.

**Assistant Mayor Splaine moved to ask City staff to continue discussions with Richard Boisvert and make a preliminary report back to the City Council at the second meeting in December for possible approaches and options available to the City. Seconded by Councilor Denton.**

Councilor Lown said he does not need a report back on a new wall but in the course of the Maplewood Avenue project wants to make sure we take care of the cemetery.

Councilor Dwyer said there have been archeologists on the way and are working to understand the remains. We will get a report when we have the information available to us. She said we need the archaeologist report.

*Assistant Mayor Splaine removed the time for report back of the second meeting in December from the motion and Councilor Denton agreed.*

Acting City Manager Colbert Puff said we need to revisit the issue of improvements to Maplewood Avenue; there will be a short term report and long term report back.

**On a unanimous roll call 8-0, voted to ask City staff to continue discussions with Richard Boisvert and make a preliminary report back to the City Council for possible approaches and options available to the City.**

## VIII. APPROVAL OF GRANTS/DONATIONS

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

**Councilor Dwyer moved to approve and accept the donation, as listed to be placed in the Coalition Legal Fund. Seconded by Councilor Pearson. On a unanimous roll call 8-0, motion passed.**

## IX. CONSENT AGENDA

**Assistant Mayor Splaine moved to adopt the Consent Agenda. Seconded by Councilor Pearson. On a unanimous vote 8-0, motion passed.**

- A. Letter from Kaity Stanton, Big Brothers Big Sisters of New Hampshire, requesting permission to close Pleasant Street on Saturday, June 16, 2018 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (Rain Date Sunday, June 17, 2018) ***(Anticipated action – move to refer to the Acting City Manager with power)***
- B. Request for License to Install Projecting Sign from Joe Kelly owner of Joe's Pizza for property located at 124 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the Acting City Manager to execute the License Agreement for this request)***

**Planning Director's Stipulations:**

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

- C. Request for License to Install Projecting Sign from John Murdock owner of Marketplace Home Mortgage for property located at 77 Hanover Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the Acting City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations:**

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

- D. Request for License to Install Projecting Sign from Diane Crespo owner of Diane Crespo Fine Art Gallery for property located at 92 Pleasant Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the Acting City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations:**

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



- E. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the Downtown Area (**Sample motion – move to refer to the Acting City Manager with power**)

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

*(E-mail Correspondence were available for the City Council to read as part of the packet)*

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

**A. ACTING CITY MANAGER**

- 1. Request for Ratification of an Intergovernmental Agreement between the New Hampshire Division of Homeland Security and Emergency Management and the Community of Portsmouth, New Hampshire

Acting City Manager Colbert Puff explained that the Agreement is required if the City wishes to make resources available for disaster requests outside the State through the Emergency Management Assistance Compact. She indicated that she has signed the Agreement due to the pending hurricanes and in preparation for any subsequent opportunity, Chief Achilles' believes it is important to have this Agreement in place sooner than later.

Fire Chief Achilles said this came about following the storm in Texas. He said the State was looking for resources from other State's. He stated this is important because if we respond without the Agreement we could not receive reimbursement.

**Councilor Spear moved to ratify the Intergovernmental Agreements, as submitted. Seconded by Councilor Pearson. On a unanimous roll call 8-0 vote, motion passed.**

- 2. Request for Authorization to Accept Utility Easement Re: 4 Sylvester Street

Acting City Manager Colbert Puff reported that this easement is provided as a stipulation the Planning Board's approval to construct a garage and accessory dwelling unit. She said the new utility easement will replace an existing easement which was inadequate and needed updating.

**Councilor Spear moved to authorize the Acting City Manager to accept a required utility easement from Gary and Aerial Sillanpaa of 4 Sylvester Street and to release the existing easement on the property. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed.**

3. City Appointments to Cancer Cluster and Drinking Water Commissions

Acting City Manager Colbert Puff said that these are two City appointments and Health Officer McNamara currently serves on the task force.

**Councilor Spear moved to appoint Health Officer Kim McNamara to serve as a member of the Commission to Investigate the Seacoast Cancer Cluster on behalf of the City of Portsmouth. Seconded by Councilor Pearson. On a unanimous roll call 8-0 vote, motion passed.**

**Councilor Spear moved to appoint Deputy Public Works Director Brian Goetz to serve as a member of the Commission to Study Long-Term Goals and Requirements for Drinking Water in the Seacoast Area on behalf of the City of Portsmouth. Seconded by Councilor Pearson. On a unanimous roll call 8-0 vote, motion passed.**

Councilor Dwyer requested to receive oral reports on these matters.

4. 299 Vaughan Street

Acting City Manager Colbert Puff said that these are several agreements for the construction of a five-story, 143 room hotel at 299 Vaughan Street. She said there are a series of agreements and deeds as a precondition of the commencement of the project.

Councilor Dwyer said that she is not clear on the valet parking. City Attorney Sullivan and Juliet Walker said that with the development of documents to the City Council and the recommendations in the form that exists, the Council would need to provide Acting City Manager to make any changes as needed. He said the Valet Agreement will be provided is a small area in front of the hotel to use as long as the area is a hotel. He said there are a numbers of exchanges looking to widen Green Street.

Councilor Pearson asked how many spaces are to be used. City Attorney Sullivan said it is on the site plan. Planning Director Walker said it is roughly two spaces.

Councilor Spear asked if the Planning Board vote was unanimous. Planning Director Walker said it was unanimous.

Councilor Dwyer said the valet spaces are more for people checking into the hotel. Planning Director Walker said that is correct.

Councilor Perkins spoke to the air rights and where the Vaughan Street easement is. Planning Director Walker said they are all referenced by number on the plan.

Councilor Pearson asked if people will go into the garage.

Mr. Johnson came forward to address the Council and stated the valet would put the car in the garage after luggage has been off loaded.

**Councilor Spear moved that the Acting City Manager be authorized to execute, accept and make any necessary changes to the documents presented to the Council on this Agenda related to 229 Vaughan Street in substantial conformance to the form and substance of the documents as provided. Seconded by Councilor Lown. On a unanimous roll call vote 8-0, motion passed.**

5. Report Back Re: Toxic-Free Weed Control Resolution

Acting City Manager said there is a revised Resolution that she worked with Assistant Mayor Splaine on and read the Resolution.

**Assistant Mayor Splaine moved the approval of the Resolution. Seconded by Councilor Denton.**

Assistant Mayor Splaine said that he appreciates the work of Acting City Manager Colbert Puff and Public Works Director Rice. He said that this would be a NH first program and make us a leader in the field.

Councilor Spear asked what toxic means. Public Works Director Rice said anything that kills plants is considered toxic. He said he has spoken with experts and have looked at a soap based product and the purpose of the Resolution is to move us towards an organic program.

Public Works Director Rice said he is content with the wording of the Resolution.

Councilor Denton thanked Ted Jankowski, Assistant Mayor Splaine and Public Works Director Rice for their work on this matter.

Councilor Lown said the City stopped using the product for the last couple of years. He said the City contracts the job out and have only used products approved by the State and Environmental Protection Agency.

Councilor Dwyer said that we clarify what it is and what it is not.

Acting City Manager Colbert Puff said we will work with the Conservation Commission.

Councilor Pearson would like that publish on the website that we have stopped using pesticides.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said the intent to make our sidewalks and parks safer and the community.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Denton and Mayor Blalock voted in favor. Councilor Spear voted opposed.**

Acting City Manager's Informational Item 2

2. *Memorial Bridge Lighting Policy*

Assistant Mayor Splaine requested to add Portsmouth Pride Day to the list of lighting requests.

3. *Report Back Re: Sagamore Bridge Jumping*

Acting City Manager Colbert Puff said the signs are up to warn people of the dangers from jumping from the bridge.

Assistant Mayor Splaine asked if someone complained or staff requested the signs be put in place.

Acting City Manager Colbert Puff said we have received questions whether it is safe to jump from the bridge. She stated that this is a serious matter.

Assistant Mayor Splaine asked do we have signs at the Peirce Island Bridge.

City Attorney Sullivan said State law makes it a trespass with a sign in place and it is enforceable by the Police Department.

4. *Report Back Re: 2017 Annual Department Inspection's Report*

Acting City Manager Colbert Puff said we account fees that are waived which is why the numbers were different.

## **MAYOR BLALOCK**

1. Appointment to be Considered
  - Reappointment of Ronald Zolla to the Economic Development Commission

The City Council considered the reappointment of Ronald Zolla to the Economic Development Commission which will be voted on at the October 2, 2017 City Council meeting.

2. Appointments to be Voted:
  - Appointment of Richard Katz to the Library Board of Trustees
  - Reappointment of Stephanie Hausman to the Library Board of Trustees
  - Reappointment of Sarah Lachance to the Economic Development Commission

**Councilor Spear moved to reappoint Richard Katz and Stephanie Hausman to the Library Board of Trustees until October 1, 2020; reappointment of Sarah Lachance to the Economic Development Commission. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed.**

- Reappointment of Donald Margeson to the Library Board of Trustees

**Assistant Mayor Splaine moved to reappoint Donald Margeson to the Library Board of Trustees until October 1, 2020. Seconded by Councilor Spear. On a unanimous roll call vote 8-0 motion passed.**

3. Resignation – John Mayer from the Historic District Commission

**Councilor Spear moved to accept with regret the resignation of John Mayer from the Historic District Commission. Seconded by Councilor Dwyer. On a roll call vote 8-0, motion passed.**

## **D. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Meeting of September 7, 2017

Councilor Lown reported that the Parking & Traffic Safety Committee went on 5 site visits.

Councilor Spear requested that the Bike Corral Program be expanded to install additional corrals in the City.

**Councilor Spear moved to approve and accept the minutes of the September 7, 2017 Parking and Traffic Safety Committee meeting. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed.**

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it makes sense to add more bike corrals and would like to see them installed.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Denton spoke on a petition from the Sherburne neighborhood requesting to add a sidewalk from Sherburne Road to Grafton Drive.

Councilor Lown said the report back on Grafton Drive is that a sidewalk alone will not be enough but they would need to add flashing signs.

#### **F. COUNCILOR DENTON**

##### **1. Offshore Wind Development Resolution**

Councilor Denton said that this is a Draft Resolution which will be brought back for action at the October 2, 2017 City Council meeting.

Councilor Dwyer requested to amend the 7<sup>th</sup> paragraph of the Resolution to add and/or between Maine and Massachusetts so it would read Maine and/or Massachusetts.

Assistant Mayor Splaine said in the year 2030 we will look back at this City Council and the work on this Resolution by Councilor Denton. He thanked Councilor Denton for bringing this matter before the City Council.

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

Assistant Mayor Splaine requested that the City Attorney report back at a future meeting regarding the kind of Homestead Exemption the residents would like to see in the City.

**XIII. ADJOURNMENT**

**At 9:50 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear.  
On a unanimous roll call vote 8-0, motion passed.**

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

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

Option A

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

**RESOLUTION # - 2017**

**BE IT RESOLVED:**

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption limit from property tax based on assessed value for qualifying taxpayers as follows:

Ages 65-74	\$125,000.00, Increase of \$5,000.00
Ages 75-79	\$175,000.00, Increase of \$15,000.00
Ages 80+	\$225,000.00, Increase of \$25,000.00

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

**APPROVED:**

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**JACK BLALOCK, MAYOR**

**ADOPTED BY THE CITY COUNCIL:  
, 2017**

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

**NOTE: This exemption is effective for the tax year April 1, 2017.**



Option B

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

**RESOLUTION # - 2017**

**BE IT RESOLVED:**

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption limit from property tax based on assessed value for qualifying taxpayers as follows:

Ages 65-74	\$144,000.00, Increase of \$24,000.00
Ages 75-79	\$192,000.00, Increase of \$32,000.00
Ages 80+	\$240,000.00, Increase of \$40,000.00

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

**APPROVED:**

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**JACK BLALOCK, MAYOR**

**ADOPTED BY THE CITY COUNCIL:  
, 2017**

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

**NOTE: This exemption is effective for the tax year April 1, 2017.**



**State of New Hampshire Department of Safety**  
John J. Barthelmes, Commissioner  
Robert L. Quinn, Assistant Commissioner  
Richard C. Bailey, Jr., Assistant Commissioner  
**Homeland Security and Emergency Management**  
Perry E. Plummer, Director  
Jennifer L. Harper, Assistant Director



September 20, 2017

Chief Steve Achilles, Director  
Portsmouth Emergency Management  
Portsmouth Fire Department  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Chief Achilles:

Thank you for submitting an Emergency Management Performance Grant (EMPG) application on March 20, 2017 for the development of the community's Continuity of Operations Plan (COOP).

- We have finished the review and found the project falls within the guidelines of the current EMPG Program.
- The next step in the review process is to execute the attached grant agreement.

**THIS DOES NOT MEAN YOUR GRANT HAS BEEN AWARDED.**  
**DO NOT PURCHASE OR INSTALL ANYTHING**  
**OR YOUR PROJECT WILL BE INELIGIBLE AND WILL NOT BE FUNDED!**

- Once we receive back an appropriately executed grant agreement from you, we will move it forward to the Department of Safety's Business Office to continue the review process.
- Once the review is complete, we will notify you of our final decision.

Along with your returned grant agreement, we will need *meeting minutes showing that your governing body have accepted the terms of the grant*. Sample meeting minutes and instructions on how to properly execute the grant agreement are also enclosed.

Again, this letter does **NOT** constitute approval. ***Please keep this for your records.***

If you have any questions or need assistance with this process, please contact me or your assigned HSEM Field Representative, Heather Dunkerley.

Thank you for your interest in the EMPG Program!

Sincerely,

Liz Lufkin  
EMPG Program Coordinator

Enclosures

cc: (w/o enclosures), Heather Dunkerley, Sr. Field Representative

Office: 110 Smokey Bear Boulevard, Concord, N.H.  
Mailing Address: 33 Hazen Drive, Concord, N.H. 03305  
603-271-2231, 1-800-852-3792, Fax 603-223-3609  
State of New Hampshire TDD Access: Relay 1-800-735-2964

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

SEP 27 2017

CITY MANAGER  
PORTSMOUTH, NH

DATE: SEPTEMBER 27<sup>TH</sup>, 2017  
TO: NANCY COLBERT-PUFF, DEPUTY CITY MANAGER  
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION  
ROBERT M. MERNER, CHIEF OF POLICE  
RE: OPIOID GRANT & NOTICE OF STATE FUNDING FOR ICAC

At the September 26<sup>th</sup>, 2017 regular Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:


- 1.) A grant in the amount of \$32,000 has been awarded to the Portsmouth Police Department by the NH Dept. of Safety, Division of State Police for a Law Enforcement Opioid Abuse Reduction Initiative.

In addition, the Commission would like to advise the council of the attached notice from the New Hampshire Attorney General's office. General MacDonald is advising the ICAC State Funding for "Operation Forensic Shield", has been allocated by vote of the legislature. The Commission and the Council **pre-approved** the grant in March in advance of the vote of the legislature, as was required by the state, for this first-time allocation of state funds for "ICAC Forensic Shield" (Internet Crimes Against Children).

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

We respectfully request these items be placed on the October 2<sup>nd</sup>, 2017 city council agenda.

Respectfully submitted,

  
Kathleen M. Levesque  
Office of the Chief

copies: Board of Police Commissioners  
Finance Director Judie Belanger

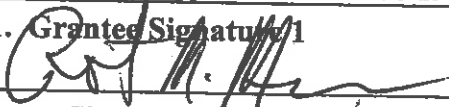

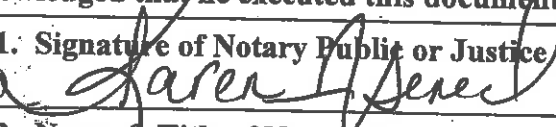
Admin. Mgr. Karen Senecal  
Business Asst. Tammie Perez

GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby mutually agree as follows:

GENERAL PROVISIONS

1. Identification and Definitions.

1.1. State Agency Name NH Department of Safety Division of State Police		1.2. State Agency Address 33 Hazen Drive Concord, NH 03305	
1.3. Grantee Name City of Portsmouth Police Department		1.4. Grantee Address 3 Junkins Ave, Portsmouth, NH 03801	
1.5. Effective Date G&C Approval	1.6. Completion Date 6/30/2018	1.7. Audit Date N/A	1.8. Grant Limitation \$32,000.00
1.9. Grant Officer for State Agency Pamela Urban-Morin		1.10. State Agency Telephone Number (603) 271-7663	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Grantee Signature 1 		1.12. Name & Title of Grantee Signor 1 Robert M. Merner, Chief of Police	
Grantee Signature 2 		Name & Title of Grantee Signor 2 Nancy Colbert-Poff Deputy City Manager & Acting City Manager	
Grantee Signature 3		Name & Title of Grantee Signor 3 The City Clerk Substantial of City MA	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u> , on <u>9/12/17</u> , before the undersigned officer, personally appeared the person identified in block 1.12., known to me (or satisfactorily proven) to be the person whose name is signed in block 1.11., and acknowledged that he executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 			
1.13.2. Name & Title of Notary Public or Justice of the Peace <u>KAREN A. SENECAI, Administrative Manager</u> KAREN A. SENECAI Notary Public - New Hampshire My Commission Expires June 10, 2020			
1.14. State Agency Signature(s)		1.15. Name & Title of State Agency Signor(s) Steven Lavoie, Director of Administration	
1.16. Approval by Attorney General (Form, Substance and Execution)			
By:		Assistant Attorney General, On: / /	
1.17. Approval by Governor and Council			
By:		On: / /	

2. **SCOPE OF WORK:** In exchange for grant funds provided by the state of New Hampshire, acting through the agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:66, the Grantee identified in block 1.3 (hereinafter referred to as "the Grantee"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

Grantee Initials RMM NCP  
Date 9-11-17 9/12/17

3. AREA COVERED. Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the State of New Hampshire.
4. EFFECTIVE DATE: COMPLETION OF PROJECT.
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date in block 1.5 or on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire whichever is later (hereinafter referred to as "the effective date").
- 4.2. Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in its entirety prior to the date in block 1.6 (hereinafter referred to as "the Completion Date").
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT.
- 5.1. The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT B.
- 5.3. In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.
- 5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Grantee shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Grantee, including the acquisition of any and all necessary permits.
7. RECORDS and ACCOUNTS.
- 7.1. Between the Effective Date and the date seven (7) years after the Completion Date the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2. Between the Effective Date and the date seven (7) years after the Completion Date, at any time during the Grantee's normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Grantee" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these general provisions.
8. PERSONNEL.
- 8.1. The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2. The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA: RETENTION OF DATA: ACCESS.
- 9.1. As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations,

- 9.2. computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date, all data and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1. Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):
  - 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
  - 11.1.2 Failure to submit any report required hereunder; or
  - 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
  - 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
  - 11.2.1 Give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and
  - 11.2.2 Give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and
  - 11.2.3 Set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and
  - 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION.
- 12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.
- 12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.
- 12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee's breach of its obligations hereunder.
- 12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Grantee hereunder, the Grantee may terminate this Agreement without cause upon thirty (30) days written notice.
13. CONFLICT OF INTEREST. No officer, member of employee of the Grantee, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or

Grantee Initials RAM NLY  
 Date 9-11-17 9/12/17

**EXHIBIT A  
SCOPE OF SERVICES**

1. The Department of Safety, Division of State Police (hereinafter referred to as "the State") is awarding the City of Portsmouth Police Department (hereinafter referred to as "the Grantee") \$32,000.00 for the purpose of investigating and apprehending individuals or organizations that are involved in opioid related drug use and trafficking.
2. "The Grantee" agrees that the project grant period ends June 30, 2018 and that all expenses must be incurred and paid prior to this date and reimbursement requests submitted on form DSAD 69 must be submitted to the Department of Safety, Grants Management Unit, prior to June 30, 2018.
3. "The Grantee" agrees to comply with all applicable federal and state laws, rules, regulations, and requirements.
4. "The Grantee", is responsible for the overall direction and assignment of all grant funded activities. Some activities may be assigned to the Town of Greenland Police Department, Town of Hampton Police Department, Town of Seabrook Police Department and/or Town of Newington Police Department (hereinafter referred to as "the Municipality"). When assigned grant funded activities by "the Grantee", "the Municipality" is eligible for reimbursement directly from "the State" in accordance with the MOA(s) in Exhibit D, pending the submission of appropriate documentation, and approval from "the Grantee".
5. The grant application as submitted by "the Grantee" is hereby fully incorporated into this grant agreement.

Grantee Initials EMM NCP  
Date 9-11-17 9/12/17

**EXHIBIT B**  
**GRANT AMOUNT AND METHOD OF PAYMENT**

1. Grant Amount: \$32,000.00
2. Payment Schedule
  - a. "The Grantee" agrees that the total payment by "the State" under this grant agreement shall be up to \$32,000.00
  - b. "The State" shall reimburse up to \$32,000.00 to "the Grantee" upon "the State" receiving appropriate documentation of expended funds (i.e: copies of payroll documentation and proof of payment) submitted with form DSAD 69.
  - c. "The Grantee" is responsible for the overall direction and assignment of all 2017 Law Enforcement Opioid Abuse Reduction Initiative (OARI) grant funded activities. When "the Municipality" is assigned grant funded activities by "the Grantee", "the State" will reimburse "the Municipality" directly upon receiving appropriate documentation of expended funds and approval from "the Grantee". Payments made directly to "the Municipality" will be considered payments made to "the Grantee" for the purposes of this grant agreement.

## EXHIBIT C SPECIAL PROVISIONS

1. Grant expenses must be incurred and paid prior to June 30, 2018. All grant reimbursement requests must be submitted prior to June 30, 2018 using form DSAD 69 to allow payment prior to June 30, 2018. Only expenses approved as outlined in Exhibit A and outlined in Saf-C 2904.02 Allowable Costs may be reimbursed. Reimbursement requests shall meet all requirements of Saf-C 2908 Administrative Requirements.
2. "The Grantee" shall maintain financial records, supporting documents, and all other pertinent records for a period of 3 years from the grant period end date per Saf-C 2909.01 Recordkeeping.
3. Grant Agreement Revision to Provision 16. INDEMNIFICATION. The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or Subcontractor, or subgrantee or other agent of the Grantee. *The Grantee's liability herein shall not exceed the amount of \$1,000,000.* Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.



**EXHIBIT D**

**Memorandum of Agreement (MOA)**

Grantee Initials RAM NU  
Date 9/1/17 9/12/17 \_\_\_\_\_

Newington

## Memorandum of Agreement (MOA)

The State of New Hampshire, Department of Safety (herein referred to as the "State"), the Town of Newington Police Department (herein referred to as the "Municipality"), and the City of Portsmouth Police Department (herein referred to as the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

The "Grantee", as the grant award recipient, is responsible for the overall direction and assignment of all 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) grant funded activities. Some of these activities may be assigned to the "Municipality". When the "Municipality" is assigned grant funded activities, the "Municipality" is eligible for reimbursement directly from the "State", pending the submission of appropriate documentation, approval from the "Grantee", and in accordance with the grant award requirements. This agreement may be modified by written mutual agreement of the parties. This agreement shall remain in effect until the grant period has expired.

The "Grantee" is responsible for:

- Coordination of activities as specified in RSA 21-P:66 and Saf-C 2900 and outlined in the application and grant award documentation;
- Reviewing and approving all reimbursement requests submitted by the "Municipality";
- Submitting "Municipality" reimbursement requests to the "State";
- Any costs related to activities that are not previously approved by the "State" or that exceed any previously approved amount.

The "Municipality" is responsible for:

- Participating in specified "Grantee" assigned activities as per the final grant agreement;
- Documenting specified "Grantee" assigned activities in accordance with the grant agreement using the attached Overtime form and appropriate back-up as specified in the Grant application and Saf-C 2908.01 on form DSAD 69;
- Submitting reimbursement requests supported by documentation to the "Grantee";
- Any costs related to activities that are not previously approved by the "Grantee", that exceed any previously approved amount, or that are deemed ineligible per the grant agreement.


The "State" is responsible for:

- Reimbursing the "Municipality" for "Grantee" approved grant related activities that are supported by proper documentation and approved by the "Grantee";
- Ensuring that submitted reimbursements have been approved by the "Grantee";
- Providing notification to the "Grantee" and "Municipality" of any documentation deficiencies and the steps necessary to resolve the issue.

Nothing in this agreement guarantees payment of any amounts to the "Grantee" or "Municipality" or alters or changes the grant agreement with the "Grantee". Costs for the entire activity may not exceed the maximum award to the "Grantee".

The undersigned, on behalf of the State of New Hampshire, Department of Safety (the "State"), the Town of Newington Police Department (the "Municipality"), and the City of Portsmouth Police Department (the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

**Town of Newington Police Department**

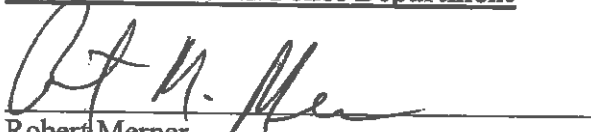
  
Michael Bilodeau  
Police Chief

8/31/17  
Date

Email: mbilodeau@newingtonnhpd.com

Phone: 603-431-5461

**City of Portsmouth Police Department**

  
Robert Merner  
Police Chief

9-11-17  
Date

**New Hampshire Division of State Police**

\_\_\_\_\_  
Christopher Wagner  
Colonel

\_\_\_\_\_  
Date

**New Hampshire Department of Safety**

\_\_\_\_\_  
Steven R. Lavoie  
Director of Administration

\_\_\_\_\_  
Date

## Memorandum of Agreement (MOA)

*Shepherd*

The State of New Hampshire, Department of Safety (herein referred to as the "State"), the Town of Greenland Police Department (herein referred to as the "Municipality"), and the City of Portsmouth Police Department (herein referred to as the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

The "Grantee", as the grant award recipient, is responsible for the overall direction and assignment of all 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) grant funded activities. Some of these activities may be assigned to the "Municipality". When the "Municipality" is assigned grant funded activities, the "Municipality" is eligible for reimbursement directly from the "State", pending the submission of appropriate documentation, approval from the "Grantee", and in accordance with the grant award requirements. This agreement may be modified by written mutual agreement of the parties. This agreement shall remain in effect until the grant period has expired.

The "Grantee" is responsible for:

- Coordination of activities as specified in RSA 21-P:66 and Saf-C 2900 and outlined in the application and grant award documentation;
- Reviewing and approving all reimbursement requests submitted by the "Municipality";
- Submitting "Municipality" reimbursement requests to the "State";
- Any costs related to activities that are not previously approved by the "State" or that exceed any previously approved amount.

The "Municipality" is responsible for:

- Participating in specified "Grantee" assigned activities as per the final grant agreement;
- Documenting specified "Grantee" assigned activities in accordance with the grant agreement using the attached Overtime form and appropriate back-up as specified in the Grant application and Saf-C 2908.01 on form DSAD 69;
- Submitting reimbursement requests supported by documentation to the "Grantee";
- Any costs related to activities that are not previously approved by the "Grantee", that exceed any previously approved amount, or that are deemed ineligible per the grant agreement.


The "State" is responsible for:

- Reimbursing the "Municipality" for "Grantee" approved grant related activities that are supported by proper documentation and approved by the "Grantee";
- Ensuring that submitted reimbursements have been approved by the "Grantee";
- Providing notification to the "Grantee" and "Municipality" of any documentation deficiencies and the steps necessary to resolve the issue.

Nothing in this agreement guarantees payment of any amounts to the "Grantee" or "Municipality" or alters or changes the grant agreement with the "Grantee". Costs for the entire activity may not exceed the maximum award to the "Grantee".

The undersigned, on behalf of the State of New Hampshire, Department of Safety (the "State"), the Town of Greenland Police Department (the "Municipality"), and the City of Portsmouth Police Department (the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

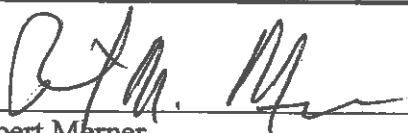
**Town of Greenland Police Department**

  
\_\_\_\_\_  
Tara Laurent  
Police Chief

083017  
Date

Email: TLAURENT@GREENLANDPD.US Phone: 603-396-91680

**City of Portsmouth Police Department**

  
\_\_\_\_\_  
Robert Merner  
Police Chief

9-11-17  
Date

**New Hampshire Division of State Police**

\_\_\_\_\_  
Christopher Wagner  
Colonel

\_\_\_\_\_  
Date

**New Hampshire Department of Safety**

\_\_\_\_\_  
Steven R. Lavoie  
Director of Administration

\_\_\_\_\_  
Date

## Memorandum of Agreement (MOA)

Seabrook

The State of New Hampshire, Department of Safety (herein referred to as the "State"), the Town of Seabrook Police Department (herein referred to as the "Municipality"), and the City of Portsmouth Police Department (herein referred to as the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

The "Grantee", as the grant award recipient, is responsible for the overall direction and assignment of all 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) grant funded activities. Some of these activities may be assigned to the "Municipality". When the "Municipality" is assigned grant funded activities, the "Municipality" is eligible for reimbursement directly from the "State", pending the submission of appropriate documentation, approval from the "Grantee", and in accordance with the grant award requirements. This agreement may be modified by written mutual agreement of the parties. This agreement shall remain in effect until the grant period has expired.

The "Grantee" is responsible for:

- Coordination of activities as specified in RSA 21-P:66 and Saf-C 2900 and outlined in the application and grant award documentation;
- Reviewing and approving all reimbursement requests submitted by the "Municipality";
- Submitting "Municipality" reimbursement requests to the "State";
- Any costs related to activities that are not previously approved by the "State" or that exceed any previously approved amount.

The "Municipality" is responsible for:

- Participating in specified "Grantee" assigned activities as per the final grant agreement;
- Documenting specified "Grantee" assigned activities in accordance with the grant agreement using the attached Overtime form and appropriate back-up as specified in the Grant application and Saf-C 2908.01 on form DSAD 69;
- Submitting reimbursement requests supported by documentation to the "Grantee";
- Any costs related to activities that are not previously approved by the "Grantee", that exceed any previously approved amount, or that are deemed ineligible per the grant agreement.


The "State" is responsible for:

- Reimbursing the "Municipality" for "Grantee" approved grant related activities that are supported by proper documentation and approved by the "Grantee";
- Ensuring that submitted reimbursements have been approved by the "Grantee";
- Providing notification to the "Grantee" and "Municipality" of any documentation deficiencies and the steps necessary to resolve the issue.

Nothing in this agreement guarantees payment of any amounts to the "Grantee" or "Municipality" or alters or changes the grant agreement with the "Grantee". Costs for the entire activity may not exceed the maximum award to the "Grantee".

The undersigned, on behalf of the State of New Hampshire, Department of Safety (the "State"), the Town of Seabrook Police Department (the "Municipality"), and the City of Portsmouth Police Department (the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

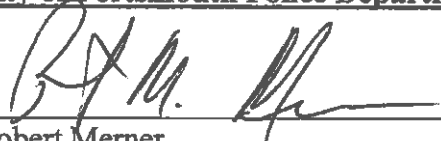
**Town of Seabrook Police Department**

  
\_\_\_\_\_  
Michael Gallagher  
Police Chief

8/30/17  
Date

Email: Mgallagher@SeabrookPd.com Phone: 474-5200

**City of Portsmouth Police Department**

  
\_\_\_\_\_  
Robert Merner  
Police Chief

9-11-17  
Date

**New Hampshire Division of State Police**

\_\_\_\_\_  
Christopher Wagner  
Colonel

\_\_\_\_\_  
Date

**New Hampshire Department of Safety**

\_\_\_\_\_  
Steven R. Lavoie  
Director of Administration

\_\_\_\_\_  
Date

## Memorandum of Agreement (MOA)

Hampton

The State of New Hampshire, Department of Safety (herein referred to as the "State"), the Town of Hampton Police Department (herein referred to as the "Municipality"), and the City of Portsmouth Police Department (herein referred to as the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

The "Grantee", as the grant award recipient, is responsible for the overall direction and assignment of all 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) grant funded activities. Some of these activities may be assigned to the "Municipality". When the "Municipality" is assigned grant funded activities, the "Municipality" is eligible for reimbursement directly from the "State", pending the submission of appropriate documentation, approval from the "Grantee", and in accordance with the grant award requirements. This agreement may be modified by written mutual agreement of the parties. This agreement shall remain in effect until the grant period has expired.

The "Grantee" is responsible for:

- Coordination of activities as specified in RSA 21-P:66 and Saf-C 2900 and outlined in the application and grant award documentation;
- Reviewing and approving all reimbursement requests submitted by the "Municipality";
- Submitting "Municipality" reimbursement requests to the "State";
- Any costs related to activities that are not previously approved by the "State" or that exceed any previously approved amount.

The "Municipality" is responsible for:

- Participating in specified "Grantee" assigned activities as per the final grant agreement;
- Documenting specified "Grantee" assigned activities in accordance with the grant agreement using the attached Overtime form and appropriate back-up as specified in the Grant application and Saf-C 2908.01 on form DSAD 69;
- Submitting reimbursement requests supported by documentation to the "Grantee";
- Any costs related to activities that are not previously approved by the "Grantee", that exceed any previously approved amount, or that are deemed ineligible per the grant agreement.

The "State" is responsible for:


- Reimbursing the "Municipality" for "Grantee" approved grant related activities that are supported by proper documentation and approved by the "Grantee";
- Ensuring that submitted reimbursements have been approved by the "Grantee";
- Providing notification to the "Grantee" and "Municipality" of any documentation deficiencies and the steps necessary to resolve the issue.



Nothing in this agreement guarantees payment of any amounts to the "Grantee" or "Municipality" or alters or changes the grant agreement with the "Grantee". Costs for the entire activity may not exceed the maximum award to the "Grantee".

The undersigned, on behalf of the State of New Hampshire, Department of Safety (the "State"), the Town of Hampton Police Department (the "Municipality"), and the City of Portsmouth Police Department (the "Grantee") agree to administer funding of the 2018 Law Enforcement Opioid Abuse Reduction Initiative (OARI) as authorized under RSA 21-P:66 and Saf-C 2900 in the manner detailed within this Memorandum of Agreement.

**Town of Hampton Police Department**

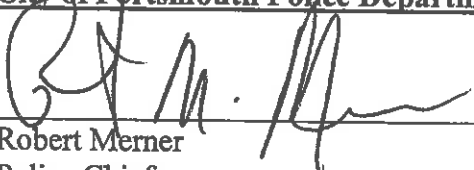
  
Richard Sawyer  
Police Chief

09/07/2017  
Date

Email: rsawyer@hamptonpd.com

Phone: 603-929-4404

**City of Portsmouth Police Department**

  
Robert Merner  
Police Chief

9-11-17  
Date

**New Hampshire Division of State Police**

\_\_\_\_\_  
Christopher Wagner  
Colonel

\_\_\_\_\_  
Date

**New Hampshire Department of Safety**

\_\_\_\_\_  
Steven R. Lavoie  
Director of Administration

\_\_\_\_\_  
Date

**NH Dept of Safety  
Law Enforcement Opioid Abuse Reduction Initiative  
Grant Application**

(Note: Applied for \$165,909/Awarded \$32,000)

**State of New Hampshire  
Department of Safety**



**LAW ENFORCEMENT OPIOID ABUSE  
REDUCTION INITIATIVE**

**Program Guidance and  
Application Kit**

**To:**

State of New Hampshire  
Department of Safety  
Grants Management Unit  
33 Hazen Drive  
Concord, NH 03305

**NO FAX or HARDCOPIES.**

**E-MAIL COPIES To: [HomeLandGrants@DOS.NH.GOV](mailto:HomeLandGrants@DOS.NH.GOV)**

**DUE by noon on 7/27/17 at the email address above**

**More information at: <http://www.nh.gov/safety/divisions/homeland/index.html>**

## Program Overview

The purpose of this grant (RSA 21 – P: 66) is to support the implementation of drug enforcement operations/initiatives to combat the misuse and abuse of opioids and fentanyl throughout the state. The misuse of these substances has resulted in a significant increase of drug related overdoses and deaths. NH now has the third highest per capita death rate from abuse of these related substances in the nation.

The grant will provide local law enforcement, county law enforcement agencies or regionalized agency coalitions specifically developed for this project, to identify, investigate, and apprehend individuals and/or organizations that are involved in opioid/fentanyl related drug use and trafficking.

This grant requires increased information sharing. The protocols and conditions shall be based on the principles of intelligence-driven, problem-oriented policing, using statistics and information to place additional police patrol and investigative presence at the locations, times, and places where there have been a significant convergence of motor vehicle crashes, crimes, and drug use or in corridors known to be used by drug dealers for shipments of illegal drugs in to the State.

It also supports joint/regional operations between both uniformed patrol officers working to support covert drug unit operations on specific targets and locations throughout the state. The protocols shall insure that the officers assigned to such patrol unit for this program have been trained in the concept of data-driven policing and have appropriate knowledge of the requirement of the state and federal constitutions.

The program shall include requirements and timelines for periodic reporting through the Department of Safety to ensure that measurable results are being obtained for this investment

## Program Goals

- **Reduce opioid (ie: Heroin/ Fentanyl) sales and abuse which are causing the increase in overdoses and deaths and a rise in more serious crimes**
- **Support local, and county law enforcement with the continuation and expansion of successful partnership patrols and joint narcotics enforcement operations**
- **Enhance and improve information gathering and sharing among state, local, and county law enforcement through the statewide Information and Analysis Center (IAC and the locally embedded Intelligence Liaison Officer (ILO)**

**All funds awarded must be in line with one or more of the above investments.**

## Program Requirements

- Use of grant funds must be consistent with and supportive of implementation of the Department of Safety Law Enforcement Opioid Abuse Reduction Initiative Grant Program outlined herein and in SAF-C 2900.
- Applications will be accepted for projects that support local law enforcement, county law enforcement or regionalized agency coalitions specifically developed for this project with the goals to primarily be: the continuation and expansion with partnership patrols, covert undercover narcotics investigations to

reduce and deter heroin/fentanyl sales and overdoses, and information gathering and sharing to ensure de-confliction of cases in partnership with the State Information and Analysis Center (IAC) ,which will also enhance officer safety.

- No funds will be granted for “purchase of evidence” or for “confidential funds” utilization under this grant program
- No operational equipment may be purchased with these grant funds (for example: weapons, vests, drones, night vision, radios, specialized vehicles, etc.) for local, county, or regionalized agency coalitions formed for this project
- Promoting multijurisdictional law enforcement collaboration and increased information sharing through the IAC;

### **Authorized Program Expenditures**

Funds awarded to each grantee can be only used to augment the funds budgeted through your respective municipality according to the mission of this grant outlined on page 5. The supplanting of locally budgeted and approved funds for routine Law Enforcement is prohibited.

State of New Hampshire – Department of Safety  
LAW ENFORCEMENT OPIOID ABUSE REDUCTION INITIATIVE  
APPLICATION



**PROJECT APPLICANT**

APPLICANT: City of Portsmouth Police Department

**PROGRAM MANAGER/CONTACT (PRIMARY POINT OF CONTACT)**

NAME: Robert M. Merner TITLE: Chief of Police

ADDRESS: Portsmouth Police Department, 3 Junkins Ave, Portsmouth NH 03801

TELEPHONE: 603-610-7457

FAX: 603-433-8809

EMAIL: rmerner@cityofportsmouth.com

Handwritten signature of Robert M. Merner in black ink, with a downward-pointing arrow below it.

PROGRAM MANAGER/CONTACT SIGNATURE: \_\_\_\_\_

**FINANCE OFFICER**

NAME: Karen Senecal TITLE: Administrative Manager

ADDRESS: Portsmouth Police Department, 3 Junkins Ave, Portsmouth NH 03801

TELEPHONE: 603-610-7416

FAX: 603-427-1510

EMAIL: kсенecal@cityofportsmouth.com

Handwritten signature of Karen Senecal in black ink.

FINANCE OFFICER SIGNATURE: \_\_\_\_\_

**AUTHORIZING OFFICIAL (Per RSA 31:95-b or RSA 37:6)**

NAME: John P. Bohenko TITLE: City Manager

ADDRESS: City of Portsmouth, 1 Junkins Avenue, Portsmouth, NH 03801

TELEPHONE: 603-610-7201

FAX: 603-427-1526

EMAIL: jpbohenko@cityofportsmouth.com

**CERTIFICATION:** I CERTIFY THAT I AM DULY AUTHORIZED UNDER THE STATUTES OF THE STATE OF NH TO APPLY FOR, AUTHORIZE, OR ACCEPT THE DEPARTMENT OF SAFETY GRANT FUNDS HEREIN

AUTHORIZING OFFICIAL SIGNATURE: \_\_\_\_\_

Handwritten signature of John P. Bohenko in black ink.

**GRANT NARRATIVE SECTION**

Please compose a grant narrative answering all the questions/discussion points below. Please outline your grant narrative as shown for all sections as required below.

**Attach** the narrative back-up or additions to the table of statistics as a **SEPARATE** Attachment if more space is needed. Be sure to label your attachment clearly so it will be considered during the review process.

**I. Community Background**

A. Provide a summary description of this project.

- 1) Describe your funding goal within your community with this grant award (Not to exceed 750 words)

SEE ATTACHED

- 2) Are you (applicant) a member of an established drug task force  YES or  NO
- 3) Are you a Local, County Agency/Department that has an already established Drug Unit (circle)
  - a.  Yes or  No and insert date established: 2002

## **II. Program Implementation Strategy**

**A) Describe your current opioid issue and support this with relevant, localized statistics\***

**SEE ATTACHED**

**B) Explain how the initiative will support the achievement of the stated grant goal. Include local drug enforcement efforts. Support this with statistics, or validated best practices to be replicated with these funds. (NTE 500 words)**

**SEE ATTACHED**



C) Describe challenges to effective implementation of your project (ie: current law, manpower issues, etc.) ( NTE: 300 words)

SEE ATTACHED

D) The number of **66** Full Time and **27** Part Time law enforcement personnel currently employed by the applicant;

E) The number of **22** Full Time and  Part Time Law Enforcement resources who will collaboratively work on this specific project (collective size of force assigned to this grant program and objectives related specifically to this program).

\*Statistics should be obtained from: NH Drug Monitoring Initiative (DMI) from the NH IAC, as noted in 1-5 below. There MAY be exceptions as noted in each criteria. This DMI can also be found at: <http://www.dhhs.nh.gov/dcbcs/bdas/data.htm> . Note: ONLY use “unclassified” DMI statistics in this application. Please note exceptions for statistics.

Include the following information in a “table type” format for your region or community regarding items that support the need that is proposed to be addressed in this grant\*\* (Per RSA 21-P:66 II) (regarding intelligence driven policing using statistics etc). Use the period of the 6 months ended on 05/31/2017.

1. **Overdose Deaths by town/city/jurisdiction (DMI)-** The total number of drug related deaths as well as deaths related to Heroin and/or Fentanyl.\*
2. **Felony Drug Arrests by applicant’s jurisdiction (Provide Data w/ Supportive Reports)-\*** Felony drug arrests submitted by NH Law Enforcement agencies to IAC OR please use your local arrest records and certify this as true.
3. **Emergency Room Visits by County (DMI)\*\*or use local data and certify source - \*- Use the most common catchment area hospital of the 26 acute care hospitals for your region.** All emergency department encounters from 26 acute care hospitals in New Hampshire. This data represent any encounter with the term “heroin, opioid, opiate, or fentanyl” listed as chief complaint text and may represent various types of incidents including accidental poisonings, suicide, or other related types of events.
4. **Treatment Admission by County or applicant’s jurisdiction (DMI) or use local data and identify source \*-** Use the most common catchment area treatment location in your region.
5. **Narcan Administered by town/city/jurisdiction (DMI) \*-** Narcan data in this report involves the number of incidents where Narcan was administered, NOT the number of doses of Narcan during a certain time period. Multiple doses may be administered during an incident.

	Number of Incidents December 1 - May 31 2017
Overdose Deaths	SEE ATTACHED
Felony Drug Arrests	" "
Emergency Room Visits	" "
Treatment Admissions	" "
Narcan Administered	" "

**III. Funding and Implementation Plan: Hourly costs plus the agency cost of NHRS, Medicare, Workers' Comp., and Unemployment Compensation for sworn law enforcement personnel. This rate is the rate that must be reported and validated to NH Department of Safety and will be the basis for the reimbursement. Travel time to and from event is not reimbursed by the grant nor is mileage for vehicles for the grant related work.**

Please attach an initiative funding plan as outlined here (definitions are outlined here to assist you):

- In no case is dual compensation allowable. Overtime costs which are the direct result of participating in Opioid grant specific activities as outlined herein. Overtime expenses are the result of personnel who worked over and above their normal schedule in the performance of activities related specifically to the allowed Opioid grant activities. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m). Fringe benefits on overtime hours are limited to local cost of NHRS, Medicare, Workers' Compensation and Unemployment Compensation.
- If utilizing part time officers, straight time will be reimbursed. Only Medicare, unemployment compensation (if applicable), workers' comp., and salary costs will be reimbursed for part time employees.

\*If additional lines are needed please attach a separate well labeled table

# of personnel	# of hours	Overtime Rate or Part Time	Total cost	Explain assignment in brief
SEE ATTACHED	SEE ATTACHED	SEE ATTACHED	SEE ATTACHED	SEE ATTACHED
"	"	"	"	"
TOTAL:				

- Provide a timeline, including milestones and dates, for the implementation of this project. Possible areas for inclusion are future notable arrests and drug seizures (as supported by past statistics). Please use the following “template” for the timeline (expand as needed for your timeline up to one year):

<b>Milestone #1:</b> (NTE 25 Words)	SEE ATTACHED	<b>Start Date:</b> _____
		<b>End Date:</b> _____
<b>Milestone #2:</b> (NTE 25 Words)	_____	<b>Start Date:</b> _____
		<b>End Date:</b> _____
<b>Milestone #3:</b> (NTE 25 Words)	_____	<b>Start Date:</b> _____
		<b>End Date:</b> _____
<b>Milestone #4:</b> (NTE 25 Words)	_____	<b>Start Date:</b> _____
		<b>End Date:</b> _____
<b>Milestone #5:</b> (NTE 25 Words)	_____	<b>Start Date:</b> _____
		<b>End Date:</b> _____
<b>Milestone #6:</b> (NTE 25 Words)	_____	<b>Start Date:</b> _____
		<b>End Date:</b> _____
<b>Milestone #7:</b> (NTE 25 Words)	_____	<b>Start Date:</b> _____
		<b>End Date:</b> _____

**V. Additional documentation and Certifications**

- A. This project requires approval from NH Department of Safety (DoS). No work can begin until DoS approval is granted, in writing, specifying a start date for eligible activities. Retroactive expenses are not covered. The intent of these funds is to make the participating municipality, agency or county whole for their participation in the program.
- B. A Memorandum of Understanding (MOU) must be signed by the local authority who can bind a contract and the Department of Safety (DOS). This MOU is subject to review and approval by the Governor and the Executive Council BEFORE work can begin.
- C. This is a reimbursement based grant program. Payroll costs will need to be validated prior to reimbursement. DOS will supply the format for this. Please follow instructions from the previous section. Drug Task Force or regionalized agency coalition participants will be reimbursed at their individual local department level.

**Department of Safety Law Enforcement Opioid Abuse Reduction Initiative Program**

Non-Supplanting Certification

**Non-Supplanting Certification:** This certification, which is a required component of the New Hampshire application, affirms that grant funds will be used to supplement (add to) existing funds, and will not supplant (replace) funds that have been locally appropriated for the same purpose. Potential supplanting will be addressed in the application review as well as in the pre-award review, post award monitoring, and the audit.

Supplanting funds is loosely defined (for these purposes) as using grant money to “replace” or “take the place of” existing local funding for salary, equipment or programs. These grant funds cannot be used to replace routine local budget expenses.

**As a condition of the receipt of these funds:**

Funding may be suspended or terminated for filing a false certification in this application or other reports or document as part of this program. Not less than monthly statistical reports to the IAC will be required to validate statistical program progress. Additional reporting may be required at a later date to be determined.

**Certification Statement:**

**I certify that any funds awarded under the Department of Safety Law Enforcement Opioid Abuse Reduction Initiative Program will be used to supplement existing funds for program activities, and will not replace (supplant) other local or funding sources for routine law enforcement activities. I understand this is a reimbursement-based grant. Municipal invoices and evidence of payment must be submitted to receive grant funds reimbursement.**

**I have further read and understand the requirements surrounding fraudulent statements and tracking of activities:**

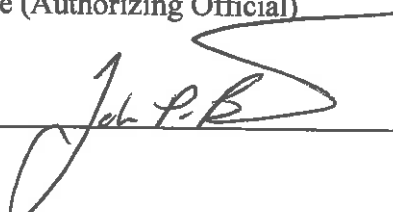
**John P. Bohenko, City Manager \*\*\***

**Robert M. Merner, Chief of Police**

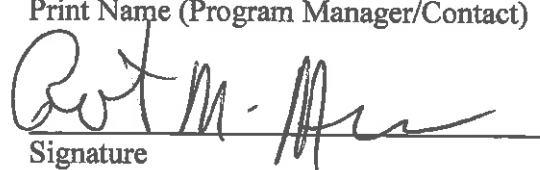
Print Name (Authorizing Official)

Print Name (Program Manager/Contact)

Signature



Signature



Date

7-27-17

Date

7-27-17

\*\*\*THE AUTHORIZING OFFICIAL MUST BE STATUTORILY ALLOWED TO SIGN A CONTRACT FOR THE MUNICIPALITY (i.e. Mayor, City Manager, Town Manager, Chairperson BOS, etc.) PER RSA 31:95-b or RSA 37:6

Send completed application to email address listed here by noon on July 27, 2017:

NH Department of Safety Grants Management Unit: [HomeLandGrants@DOS.NH.GOV](mailto:HomeLandGrants@DOS.NH.GOV)

**Post application instructions:**

- Do not proceed with this project until advised in writing by the NH Department of Safety-Commissioner's Office - Grants Management Unit of approval.
- The grant expires on the date in your grant agreement. Grant guidelines require that reimbursement requests be received 30 days before the expiration date for review, validation, and processing.
- Monthly invoices which will include:
  - 1) Local documentation supporting payroll related costs including timecards/payroll sheets with hours worked on this Opioid grant project specifically identifiable. This must include officers names, and be signed by a supervisor of this event and/or payroll supervisor.
  - 2) Total amount requested to be reimbursed on municipal letterhead signed by an authorized signatory who certifies that all reimbursement amounts are correct and accurate and represent the activities and costs incurred related to this grant. Contacts with Press will be noted. Include the amount remaining in the award balance to date as stated on your MOU.
  - 3) Certification that the monthly statistical data has been submitted to the IAC.

4) The summary of this request must also use form DSAD 69 (rev 03/17) and DSAD 70 supplied by the Department of Safety for the overtime certification. This will include: a) Officers names b) patrol information including date, c) time and location, and signatures of authorized official.

Please send all Reimbursement Requests to:

NH Department of Safety  
Grants Management Unit- Room 209  
33 Hazen Drive  
Concord, NH 03305  
Attn: Pam Urban-Morin

603-271-7663

Attachment

i. **Community Background** (word count: 694 per Microsoft word count feature)

- A. In 2014, the Portsmouth Police Department applied for federal JAG grant monies to fund a drug interdiction pilot program called “HIDIT” (High Intensity Drug Interdiction Team). This team was made up primarily of Patrol officers in coordination with a detective supervisor and drug enforcement detectives. The focus of the team was pro-active narcotics street crime initiatives to include surveillance, car stops, consent searches, field interviews and drug operations.

To begin, Patrol officers received formal classroom training and then worked with detectives and trained “in real time” on the street.

The focus to train the Patrol officers in drug interdiction was born out of the fact that this division is significantly under-utilized in the drug enforcement arena. Officers are on the street 24/7, canvass the city constantly in cars and on foot, develop relationships with the public that can result in intelligence, and have the best knowledge of their patrol beat and the city.

Training the Patrol officer in drug enforcement has greatly expanded the agency’s interdiction resources on the street.

After the initial pilot program expired, the department continues to fund the efforts due to its success. In addition, the training and responsibilities of the team members have expanded. Patrol HIDIT team officers assist detectives in drug investigations by developing confidential informants, assisting in drug deals and surveillance, performing knock and talks, conducting interviews, and participating in drug arrest sweeps. Patrol HIDIT team officers are now assisting in prostitution and human trafficking investigations, as drugs are prevalent in these cases as well.

The Portsmouth Police HIDIT team coordinates some joint operations with the DEA Tactical Diversion Task Force that Portsmouth contributes a detective to, and the NH State Police MET team.

The natural progression of a successful drug interdiction program was to expand it.

**In 2016-2017, the Portsmouth Police Department piloted the first Seacoast Region HIDIT (SRHIDIT) program with the award from the New Hampshire Department of Safety Opioid Reduction grant funds.** Greenland and Hampton partnered with Portsmouth focusing operations along the major drug trafficking highway arteries out of Massachusetts that include: the I-95 Corridor, Route 101, Route 1, and Route 33 and into each agency’s town/city.

The initial expansion of the HIDIT program into a seacoast team resulted in expanded resources, intelligence gathering, and drug interdiction efforts, as well as cemented the grant goals of “continuation”, “expansion”, “partnership”, “covert undercover narcotics investigations” and “information gathering and sharing”.

**The Portsmouth Police Department seeks to expand the new SRHIDIT to include Newington and Seabrook, as well as coordinate with the Rockingham County’s team on operations planned monthly.**

The addition of Seabrook and Newington will expand the Seacoast Region HIDIT resources to five agencies (40% increase) and partnering with the Rockingham County Team on monthly joint operations further multiplies manpower, leads, and net results.

Newington’s challenge is its Fox Run Mall and Fox Run Crossings area which is accessible from the Spaulding Turnpike. Not only is this area ripe for drug activity, the retail businesses are often targets for thefts of merchandise that is used to support drug habits. It is also located across from the Gosling Meadows Housing development in Portsmouth, which has been the location of drug interdiction activities by the Portsmouth Police Department.

Seabrook, like Portsmouth, has major routes from Massachusetts to include I-95, Route 1, Route 1a, and Route 236, as well as a beach. Like Newington, it has a significant amount of retail activity with 298 registered businesses. The influx of people for retail and beach activity swells the population, which in turn increases incidents of crime to include drug activity.

Hampton, too, has a significant influx of visitors during the summer due to the beach area and in the winter, low cost off-season rentals also draws drug related clientele.

Greenland, in addition to monitoring known drug corridors such as I-95 and route 33, also houses the only major truck stop in New Hampshire.

The funding request will include overtime for individual agencies to develop specific leads in preparation for joint operations in Portsmouth, Hampton, Greenland, Newington, and Seabrook. Joint operations will also include car stops on the major arteries and coordinated efforts with the Rockingham County’s drug investigation team.

**II. Program Implementation Strategy**

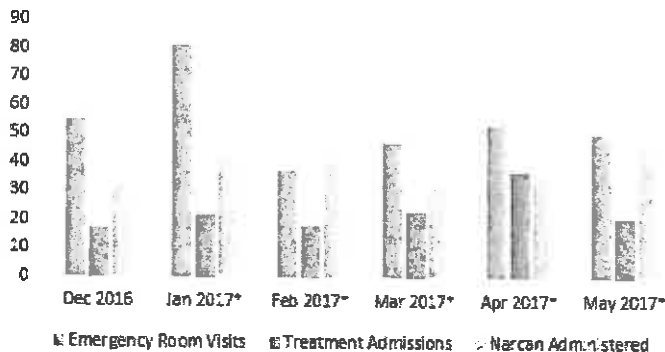
- A. The increase in opioid use and crimes committed to support drug habits has affected all demographics. The ruined lives, the impact on families, and damage to the community is difficult and unrelenting to solve.

In Rockingham County, which includes Portsmouth, Hampton and Greenland, Newington, and Seabrook, the opioid problem is just as prevalent, as illustrated by the statistics below:

(See next page for data)



NH Drug Monitoring Initiative  
 ROCKINGHAM COUNTY



	Dec 2016	Jan 2017*	Feb 2017*	Mar 2017*	Apr 2017*	May 2017*
Emergency Room Visits	55	81	37	47	53	50
Treatment Admissions	17	22	18	23	37	21
Narcan Administered	32	42	41	31	35	45

\* DMI statistics reporting changed from actual # per county in December to # per 10,000 population. To account for this change, the 2015 Rockingham population was used @301,777. The statistic in the DMI report was multiplied by 30.1777 to present all data consistently with the way December statistics were provided.

January 2017 through June 2017 # of FELONY DRUG ARRESTS:

Portsmouth: 56  
 Hampton: 96  
 Greenland: 5  
 Newington: 7  
 Seabrook: 45

January 2017 through June 2017 # of OVERDOSE DEATHS:

Portsmouth: 6  
 Hampton: 4  
 Greenland: 0  
 Newington: 0  
 Seabrook: 4

January 2017 through June 2017 # NARCAN ADMINISTERED

Portsmouth: 37 (through 7/26/17 per report from Fire Department)  
 Hampton: 24  
 Greenland: 3  
 Newington: 8  
 Seabrook: (unable to get # from Fire Department in time)

**Portsmouth Police Department – Granite Hammer- Seacoast Region High Intensity Drug Interdiction Team (SRHIDIT)**  
*NH Department of Safety – Law Enforcement Opioid Abuse Reduction Initiative Grant*  
*Attachment*

*(B. Word count: 485 exclusive of chart)*

- B. Portsmouth has already experienced 6-overdose deaths year to date in 2017. In 2016 Portsmouth had 2-overdose deaths, in 2015 the city had 9-overdose deaths from opioid use, following 6-overdose deaths in 2014. This is in addition to almost weekly overdoses that don't result in death, but require medical and police services. In 2014, the six deaths prompted discussions within the Portsmouth Police Department that resulted in the design and formation of the original "HIDIT" team to increase the efforts in combatting this problem. The Portsmouth team supplemented Patrol efforts and the Special Investigative Unit in detectives. The rationale was that by forming this team, these officers would then mentor their peers and expand the knowledge and awareness of all patrol officers and detectives so the issue is fought by everyone in the department, not just the task force and drug detectives.

The HIDIT program met the original goals of the pilot program and has even expanded to include much more drug work by Patrol officers in coordination with Detectives. It also includes assisting detectives with surveillance of some prostitution and human trafficking cases. These groups use online websites such as "Backpage" to advertise their services and their profits are often used to support their opioid use. This problem has become prevalent in the hotel industry.

Drug use and drug dealers have no boundaries or borders. Incorporating Seabrook and Newington into the now established Seacoast Region HIDIT team will provide Seabrook and Newington, as well as Portsmouth, Hampton, and Greenland with shared intelligence and more resources to tackle the local seacoast opioid problem. By performing joint operations with Rockingham County drug team, the goal of removing the dealers from this area is expected to meet with even more success.

The expanded HIDIT team (Seacoast Regional HIDIT Team) funded by a prior NH Department of Safety opioid reduction grant net the following results in just the few months it operated from December 2016 through June 2017:

Activations: 13  
 Drug Arrests: 23

**Seacoast Region HIDIT Team (Grant Funded)**

Quarter	Oct-Dec 2016*	Jan-Mar 2017	Apr-Jun 2017	Total
# Activations	2	6	5	13
# Arrests	4	14	5	23

\* Grant Start Dec

Based on these results and the request for the further expansion of resources, geographic area, operational pre-planning, and intelligence sharing, the expanded Seacoast Region HIDIT team operations will result in an average of 1-3 arrests per operation.

- **Oct 2017:** New team members identified by their agency (5 new members)
- **Oct 2017-Jun 2018:** Performance of “lead” developments and operations. An “operation” consists of supervisors identifying and coordinating the operation based on intelligence gathered/received on a person dealing drugs, a location with drug activity, or a saturation of car stops.
  - Each operation plan is tailored to the intelligence received/activities planned
  - The team activated usually consists of 9-12 sworn staff, depending on the target or activity, with three being supervisors
  - A briefing with the team to discuss the target(s) and intelligence plan follows
  - SRHIDIT team executes operation
  - After action briefing is completed.
  - Statistics gathered (arrests, drugs seized)
- **Operations planned:** two per month plus one joint operation per month with Rockingham.

*(C. Word count: 144)*

- C. The challenges to implementing this program are mainly communications. Radio communications for all parties involved is always the biggest problem. An operation uses significant radio air time. The primary encrypted channel used bleeds over into the primary creating a situation where the regular traffic has a difficult time getting air time. In addition, “shared radios” in the town the operation is in can be problematic.

Additionally, Seabrook is part of Rockingham County’s drug team and will also join the Seacoast Regional HIDIT Team. To ensure all work is reported separately and no duplicate statistics or reimbursements are submitted the following procedure will be followed when the SRHIDIT performs a joint operation with Rockingham County’s team:

Statistics will be submitted by the team responsible for the arrest.  
Seabrook overtime reimbursements will be submitted under SRHIDIT.

None of these issues is insurmountable for successful operations.

### III. Funding Request

*Portsmouth will still fund certain efforts locally (to avoid supplanting). The grant will supplement efforts during the operations of the SRHIDIT team.*

**The max projected funding PER OPERATION is as follows:**  
*(OT – Hours worked over and above officer’s normal schedule)*

**3 Supervisors**

**Up to 9 Detectives/Officers**

**Supervisors Rate = Portsmouth FY18 Lt. Level Step 4 OT Rate 62.94 (as a marker)**

**Portsmouth Police Department – Granite Hammer- Seacoast Region High Intensity Drug Interdiction Team (SRHIDIT)**  
 NH Department of Safety – Law Enforcement Opioid Abuse Reduction Initiative Grant  
 Attachment

**Officers/Detectives Rate = Portsmouth FY18 Officers Step Master III OT Rate 46.41 (as a marker)**

**Retirement Rate: NHRS 29.43%**

**Medicare Rate: 1.45%**

**Workers Compensation: 3.66%**

PER OPERATION												
	# Staff	# Hours	Total #		Rate	Extension	Retirement 29.43%	Medicare 1.45%	Workers Compensation 3.66%	TOTAL	Max # Operations (3/month)	Total
			Staff Hrs	Staff								
Supervisor	3.00	6.00	18.00		62.94	1,132.92	338.42	16.43	41.46	1,524.23	27.00	41,154.23
Detective/Officer	9.00	6.00	54.00		46.41	2,506.14	737.56	36.94	91.72	3,371.76	27.00	91,037.54
										4,895.99		132,191.77

DEVELOP LEADS PRE OPERATION										
	# Months	# Hrs/mo	Total Hrs	Rate	Extension	Retirement 29.43%	Medicare 1.45%	Workers Compensation 3.66%	TOTAL	Total
Hampton	9.00	12.00	108.00	46.41	5,012.28	1,475.11	72.68	183.45	6,743.52	6,743.52
Seabrook	9.00	12.00	108.00	46.41	5,012.28	1,475.11	72.68	183.45	6,743.52	6,743.52
Newington	9.00	12.00	108.00	46.41	5,012.28	1,475.11	72.68	183.45	6,743.52	6,743.52
Portsmouth	9.00	12.00	108.00	46.41	5,012.28	1,475.11	72.68	183.45	6,743.52	6,743.52
										33,718

**Grand Total Grant Request 165,909**

**Timeline**

*Each month will include two seacoast operations and one joint operation with Rockingham County.*

<b>Milestone #1:</b> (NTE 25 Words)	Month 1: # Activations 3	<b>Start Date:</b> 10/01/17	<b>End Date:</b> 10/31/17
<b>Milestone #2:</b> (NTE 25 Words)	Month 2: # Activations 3	<b>Start Date:</b> 11/01/17	<b>End Date:</b> 11/30/17
<b>Milestone #3:</b> (NTE 25 Words)	Month 3: # Activations 3	<b>Start Date:</b> 12/01/17	<b>End Date:</b> 12/31/17
<b>Milestone #4:</b> (NTE 25 Words)	Month 4: # Activations 3	<b>Start Date:</b> 01/01/18	<b>End Date:</b> 01/31/18
<b>Milestone #5:</b> (NTE 25 Words)	Month 5: # Activations 3	<b>Start Date:</b> 02/01/18	<b>End Date:</b> 02/28/18
<b>Milestone #6:</b> (NTE 25 Words)	Month 6: # Activations 3	<b>Start Date:</b> 03/01/18	<b>End Date:</b> 03/31/18
<b>Milestone #7:</b> (NTE 25 Words)	Month 7: # Activations 3	<b>Start Date:</b> 04/01/18	<b>End Date:</b> 04/30/18

**Portsmouth Police Department – Granite Hammer- Seacoast Region High Intensity Drug Interdiction Team (SRHIDIT)**  
*NH Department of Safety – Law Enforcement Opioid Abuse Reduction Initiative Grant*  
*Attachment*

<b>Milestone #8:</b> (NTE 25 Words)	Month 8: # Activations 3	<b>Start Date:</b>	<b>05/01/18</b>
		<b>End Date:</b>	<b>05/31/18</b>
<b>Milestone #9:</b> (NTE 25 Words)	Month 9: # Activations 3	<b>Start Date:</b>	<b>06/01/18</b>
		<b>End Date:</b>	<b>06/30/18</b>

# Letters of Support



July 24, 2017

Re: *Granite Hammer*

To Whom It May Concern,

The Hampton Police Department is seeking to be included in the Seacoast regional Granite Hammer initiative beginning in August of this year. Hampton has had a continuous problem in the area of opiate abuse, and over the past several years the town has experienced overdose deaths ranging from adult residents, visitors and an infant child. This epidemic has not discriminated against age, gender, race or financial status. A joint effort with our surrounding agencies to combat this problem may prove to be a successful approach to this problem, considering that we have seen these drugs being trafficked across all town lines.


The Town of Hampton is a resort community that has a little over 15,000 yearly residents. This number is increased to upwards of 100,000 per day during the late spring and summer months. Hampton PD is staffed with 34 full time officers and approximately 40 part time officers. Hampton PD does not currently have a designated drug unit and relies on the five detectives working criminal investigations to investigate drug related crimes and overdose cases.

Since January 1, 2017 Hampton has made 96 drug arrests with 10 arrests going forward as felonies. Hampton responded to 12 overdose calls, with 4 of them resulting in overdose deaths. Hampton PD also responds to all fire department medical calls and learned that Narcan was deployed to 24 patients by Hampton Fire during this same time period. Currently Hampton officers do not carry Narcan and the only officers trained in administering Narcan are the 5 detectives and a civilian evidence technician. Narcan is available at the police department and is currently only accessible to the detective division.

If Hampton is selected for this grant we could provide up to four officers or detectives to any given operation.

If you have any questions, please feel free to contact me.

Sincerely,

  
Stephen Champey  
Detective Sergeant





# Greenland Police Department

P.O. Box 100  
579 Portsmouth Avenue  
Greenland, New Hampshire 03840-0100  
[www.greenlandpd.us](http://www.greenlandpd.us)



Business Tel.  
(603) 431-4624  
Fax  
(603) 431-4415

Tara L. Laurent  
*Chief of Police*

July 20, 2017

Granite Hammer/Shield Grant

Re: *Seacoast Regional HIDIT Team*

Dear Sir or Ma'am,

I am writing in hope of continuing our support of regional efforts to combat the severe drug problems that are continuing to plague the Seacoast area, the entire State of New Hampshire, and arguably a majority of our country. In 2014, one of our bordering agencies, Portsmouth Police Department, applied for and received JAG grant money in order to start a High Intensity Drug Interdiction Team (HIDIT) to combat drugs and related crimes in their city. The personnel they dedicated to this assignment received specific training and worked closely with their experienced drug detectives. Since Greenland is a small town with only eight (8) full-time officers, our resources are insufficient for such in-depth investigations. We seized the opportunity to collaborate with Portsmouth Police Department's HIDIT team via last year's "Granite Hammer" grant, which exponentially increased our meager resources. Our small police department looks forward to further expanding these efforts in FY 2017-2018 and, ultimately, having a notable effect on the drug trade in our area.

The Town of Greenland is a small "bedroom community" that relies on lifelong residents, tight-knit relationships and inter-agency cooperation to dissuade would-be drug dealers from operating in our jurisdiction. It is vital to this mission that we become more proactive with regard to identifying, investigating and prosecuting drug operations. I would like to continue to partner with Portsmouth Police Department (and, ideally, Hampton Police and other Seacoast towns), offering an officer and a supervisor to participate in the regional HIDIT team. In 2016 – 2017 the regional effort resulted in increased drug intelligence and, subsequently, arrests.

As law enforcement officers of all ranks, we have all agonized about this terrible crisis. In local, regional and state-wide meetings we have discussed various approaches and programs. Ultimately, it has become clear that "we" as a community have to do better in drug education, prescribing, warning, treating and enforcing. Without the enforcement arm, this crisis will undoubtedly continue to grow and spread like a virus. Without enforcement, drug transporters and dealers will thrive and expand. Without enforcement, we cannot identify users to offer assistance. Greenland encompasses about four (4) miles of Interstate 95, a known drug corridor. We also have Route 33, a much-used shortcut, that is traveled by over 16,000 vehicles per day.

Greenland has been extremely lucky over the last year. Between July 1, 2016 and June 30, 2017 we have had no overdose deaths. However, our dedicated emergency medical technicians administered Narcan three (3) times in the same period in order to save lives. We made five (5)



felony drug arrests in our jurisdiction. All Greenland police officers are certified to administer Narcan and currently carry the opioid-blocking drug while on-duty. I am unable to gather concrete statistics on the number of emergency hospital admissions from Greenland during this period, but anecdotally the Portsmouth Regional Hospital reports drug admissions continue to be significant.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tara Laurent', written in a cursive style.

Tara Laurent  
Chief of Police, Town of Greenland



*Michael D. Bilodeau*  
*Chief*

*Newington Police Department*  
*71 Fox Point Road*  
*Newington, N.H. 03801*

*Office: (603)431-5461*  
*FAX: (603)436-3998*

July 25, 2017

Reference: Granite Hammer Grant; Seacoast Regional HIDIT Team

Dear Sir or Ma'am,

I am writing in full support of the grant application The Portsmouth Police Department is submitting for continuing The Seacoast Region High Intensity Drug Intervention Team.

In speaking with members from the Seacoast Region High Intensity Drug Intervention Team (H.I.D.I.T), it was brought to my attention some of the interdiction have occurred within the Town of Newington, specifically at the Fox Run Mall and the Fox Run Crossings, which are located off of Gosling Road and Woodbury Ave. These two locations and the parking lots, are easily accessible off of the Spaulding Turnpike, which make the drug transactions a convenient location to occur.

In being proactive with this initiative in stopping the opioid crisis, I will be committing two officers to the team, once the grant is approved.

Year to date, the Newington Fire Department has responded to eight (8) overdoses, where Narcan was used to revive the individual. The police department has made seven (7) arrests pertaining to the possession of Heroin/Fetanayl, two of which were Driving While Intoxicated. Though not a large number compared to other cities or towns in New Hampshire, an attributing factor we deal with is the theft of merchandise being sold to or bartered for heroin. Other incidents of used needles being found and recovered along the landscaping of the malls, are an indication the use of opioids is prevalent in the retail section of town.

The Newington Police Department is a small agency with ten full time officers and can benefit from the additional expertise and support. We alone do not have the ability to fully address this problem. Inter-agency cooperation with other seacoast towns and the team concept will be valuable, not only to The Town of Newington but also the seacoast and The State of New Hampshire, in combatting this issue.

The Newington Police department is excited to be involved in this initiative and looking forward to working with the seacoast team.

If you have any questions or concerns, please do not hesitate to contact me either by phone or email: [mbilodeau@newingtonnhpd.com](mailto:mbilodeau@newingtonnhpd.com)

Sincerely,

A handwritten signature in black ink, appearing to read 'MBL', with a long, sweeping horizontal line extending to the right.

Michael Bilodeau  
Chief of Police, Town of Newington

# Seabrook Police Department



7 Liberty Lane P. O. Box 456

Seabrook, NH 03874

Phone: (603) 474-5200

Fax: (603) 474-7242

E-mail: [headquarters@seabrookpd.com](mailto:headquarters@seabrookpd.com)

Michael T Gallagher  
Chief of Police

Brett Walker  
Deputy Chief of Police

July 24, 2017

Re: Opioid Reduction Initiative

Dear Sir or Ma'am,

I am writing in support of the application the Portsmouth Police Department is submitting for the Opioid Reduction Initiative. I am also writing in support of the Portsmouth Police Department partnering with other seacoast departments like the Seabrook Police Department to regionalize efforts in combating Opioids.


As the State of New Hampshire continues to experience epidemic levels of opioid abuse and increasing numbers of drug overdoses and deaths, the Seabrook community is no different. For the first half of 2017 (1/1/17-6/30/17) the Seabrook Police Department has made 45 felony drug arrests and responded to 35 drug overdoses (4 of which resulted in death).

The Town of Seabrook is nearly 10 square miles with a population of approximately 10,000 people. Seabrook has several major roadways that travel through it including interstate 95, Rte 1, Rte 286 and Rte 1-a. There are 298 registered businesses in Seabrook and dozens of those businesses are large box stores. These large box stores attract thousands to Seabrook daily. With this increase in daytime population comes an influx of crime to include illegal drug activity.

The illicit drug trade knows no boundaries. The opportunity to participate in the Opioid Reduction Initiative is a "force multiplier" for us. Our officers are allowed to pursue those poisoning our community both in and outside the Town of Seabrook with the support of numerous other law enforcement agencies of effected communities. Initiatives like this provide the most effective means of getting drug dealers off our streets. The Seabrook Police Department intends to commit three full-time sworn personnel to this initiative to include two drug Detectives/Officers and one Detective Sergeant.

\*\* Seabrook Police Department personnel do not carry or administer Narcan. We have inquired with the Seabrook Fire Department as to how many times Narcan was administered during the above time period and how many ER transports relating to drugs were made. They were unable to provide us this information on short notice.\*\*

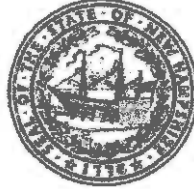
Sincerely,

  
Michael T. Gallagher  
Chief of Police

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6897

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

September 13, 2017

Chief Robert Merner  
Portsmouth Police Dept  
3 Junkins Ave  
Portsmouth, NH 03801

Re: Internet Crimes Against Children Task Force State Funding

Dear Chief Merner:

I am pleased to inform you that grant funding in the amount of \$500,000 (\$250,000 per year) has been approved by the New Hampshire Legislature to the Portsmouth Police Department to support the Internet Crimes Against Children Task Force. The time period for this funding is from August 25, 2017 through June 30, 2019.

Expenditure reports must be submitted to this office on a quarterly basis, with a due date of 15 days after the end of the previous quarter. For example, with an award that begins on January 1 – your first quarterly report is due on April 15<sup>th</sup> or 15 days after the close of the first quarter on March 31.

Should you have any questions concerning your grant project, please contact Tom Kaempfer of the NH Department of Justice Grants Management Unit by email at [thomas.kaempfer@doj.nh.gov](mailto:thomas.kaempfer@doj.nh.gov) or by phone at (603)271-8090.

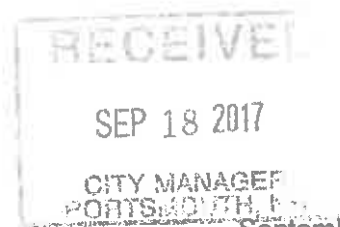
Congratulations again on your award and thank you for your efforts on behalf of crime victims in New Hampshire.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon J. MacDonald".

Gordon J. MacDonald  
Attorney General

GJM/tdk  
enclosures



September 14, 2017

Jack Blalock, Nancy Colbert Puff and Portsmouth City Council  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor Blalock, Acting City Manager and City Council,

With your help and support, our 2017 NH Race for the Cure raised over \$60,000 and had 340 participants and 50 volunteers. Even with the chilly weather, we had many men and women who came out to support our local breast cancer survivors. We heard over and over again how great our event was from the start to finish, on the course and on the grounds of Strawberry Banke, so thank you for helping us make it a fantastic event all around!

On behalf of the Susan G. Komen New England, we are respectfully requesting permission from the City of Portsmouth to conduct the following event in 2018 (please note changes to event):

Susan G. Komen New England Race for the Cure® (5K and 10k) on June 23, 2018; to take place at Great Bay Community College at Pease starting at 8:00am.

Approval from Pease Development Authority is pending, as a formal application cannot be submitted prior to 6 months before the event date. We hope to start and finish the Race at Great Bay Community College. We have enclosed an example of the route with this letter for your reference; those participating in the 10k option would simply start the Race at an earlier time and run the 5k route twice. We would be happy to have an in-person meeting to discuss this new location and route if necessary.

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

Thank you in advance for your consideration.

Sincerely,

Stephanie Puls, Development Coordinator, Special Events  
[spulis@komennewengland.org](mailto:spulis@komennewengland.org), Phone – 774-512-0403

Ed Harvey, Race Director  
[Edmund.Harvey@unh.edu](mailto:Edmund.Harvey@unh.edu), Phone – 603-862-1246



Prescott Park Arts Festival  
P.O. Box 4370  
Portsmouth, NH 03802  
603.436.2848

**Ben Anderson**  
**President**

September 18, 2017

**Jameson S. French**  
**Chair**

**Ken Bellevue**  
**Vice Chair**

**Bill Duncan**  
**Treasurer**

**Chris Poulin**  
**Secretary**

*Board of Directors*

Claudette Barker  
Richard Burbine  
Nancy Clayburgh  
Tim Coughlin  
Joel Harris  
Dan Plummer  
Adam Vicinus

Portsmouth City Council  
Nancy Colbert-Puff, Deputy City Manager  
Planning Department  
1 Junkins Avenue  
Portsmouth, NH 03801

**Re: 5<sup>th</sup> Annual Memorial Bridge 5k**

Dear Ms. Colbert-Puff,

Prescott Park Arts Festival, in conjunction with Seacoast Community School, is looking forward to presenting the 5<sup>th</sup> Annual Memorial Bridge 5K on Sunday October 8, 2017. This race crosses the Memorial Bridge and has always been a symbolic way for the community to celebrate the beloved city icon. Estimated attendance for this event will likely be between 600-900 people, depending on weather conditions of the day.

The event will be the same as years past. We will again be working with safety volunteers and the Portsmouth Police Department. We have arranged for a police presence at the event, to ensure that any potentially problematic situations are preemptively and properly handled. We hold approval from the DOT for the event, and are seeking approval from the City of Portsmouth to present this event to the Seacoast community and tourists visiting the region.

Thank you for your time and consideration. We look forward to hearing from you soon on this matter. Please feel free to contact me with any questions or concerns.

Best regards,

Ben Anderson  
Executive Director

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# M E M O R A N D U M

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**TO:** Nancy Colbert Puff, Acting City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** September 25, 2017

**RE:** City Council Referral – Projecting Sign  
Address: 104 Congress Street  
Business Name: LaBelle Winery  
Business Owner: Amy LaBelle

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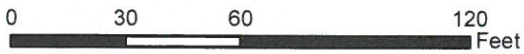
Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 48" x 36"  
Sign area: 12 sq. ft.

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

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





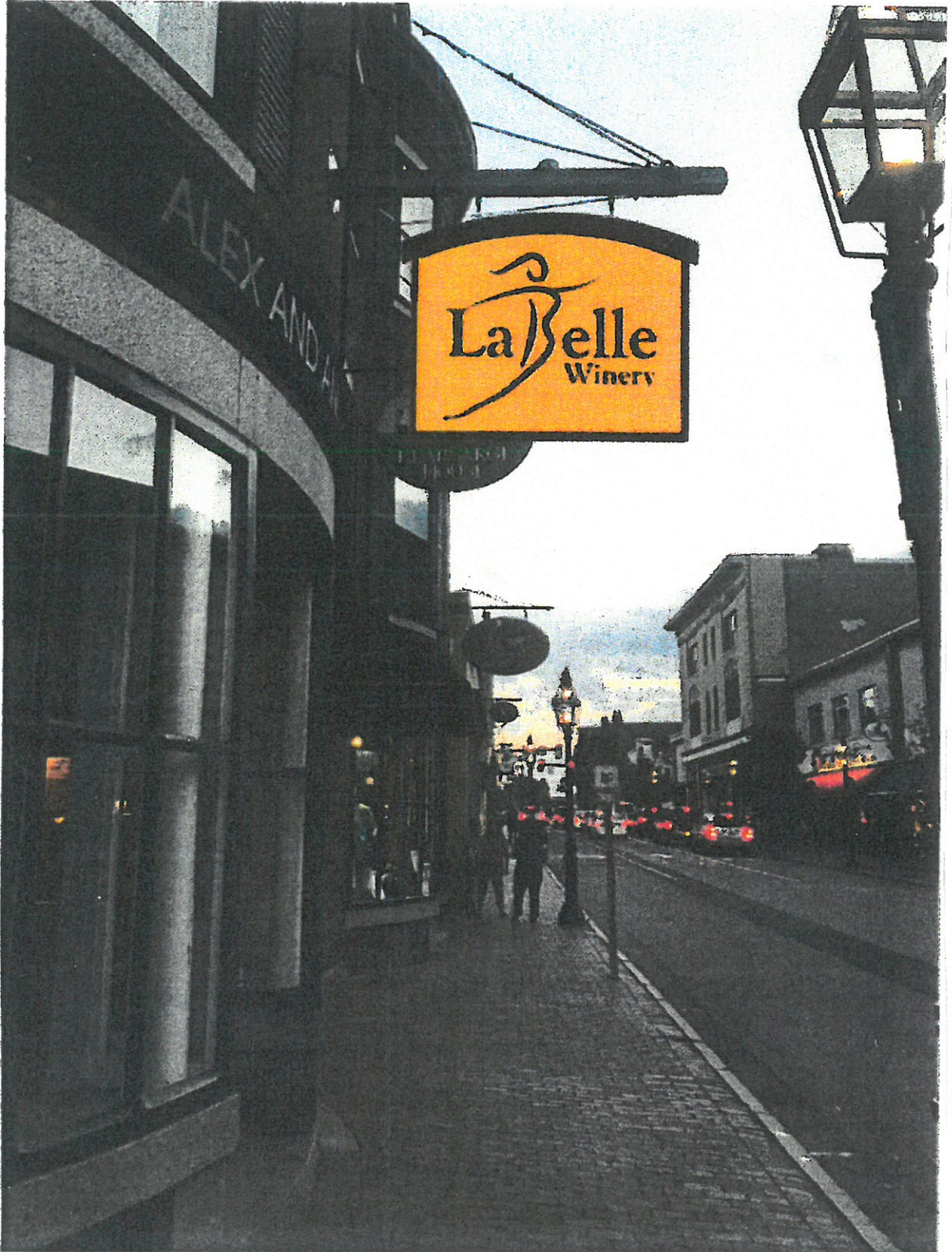
**Request for Projecting Sign License  
104 Congress St.**

Map produced by Planning Department 9-25-17



← 48 inches →

36 inches ↑



CITY COUNCIL E-MAILS

September 19, 2017 – September 28, 2017

October 2, 2017 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by David Hudlin ([dhudlin@hotmail.com](mailto:dhudlin@hotmail.com)) on Tuesday, September 19, 2017 at 12:22:12

-----  
address: 260 miller ave

comments: Dear Council,

As a follow up to my letter from yesterday, I thought it was important to clarify something that the Assessor stated during the 9/18 presentation. They spent considerable time defending Mr. Traub and his credentials, expertise etc. The Assessor mentioned that he is used in other municipalities within the state to conduct commercial assessments, specifically the cities of Nashua and Concord. I spoke to the Assessors in both cities. Nashua has never used Mr. Traub to conduct city assessments. He has only been used to defend appeals cases. Concord has not used his services since 2006. Both cities conduct Commercial assessments using In-house staff.

Common sense would suggest that using in-house staff ensures that the unique market factors for those respective cities are being factored into the modeling that is used.

Again I ask - how do we know that Mr. Traub's approach captures what is happening in our city, the most economically vibrant city in the state? Are the commercial investor confidence factors specific to Portsmouth? What about vacancy rates? What about office income per sqft?

How is it possible that downtown commercial property values are increasing at the same rate as the overall city average? Wouldn't we expect prime location properties to increase at a rate greater than the average as we do with residential properties?

We need to stop making assumptions that the "experts" submission is correct and ask questions of this individual. We deserve to know the answers and I would think that you would ask these on behalf of suffering homeowners.

Thank you

includeInRecords: on

-----  
Below is the result of your feedback form. It was submitted by Donna Pantelakos ([donna92@live.com](mailto:donna92@live.com)) on Monday, September 25, 2017 at 16:37:52

-----  
address: 138 Maplewood Avenue

comments: Per the article in Sundays Herald "Shifting tax base upsets residents"

I agree with the request made by Mr. Hudlin. I too request the City council bring in the consultant (Steve Traub) hired to do the commercial assessments for a meeting.

I'm not sure why Ms Maurice-Lentz made the statement "she does not believe the City Council SHOULD or WILL ask for the commercial properties to be reappraised. Really? Why?

Quite frankly, I don't care what she thinks. Her opinion doesn't matter. She doesn't live in Portsmouth.

Therefore this outrage does not effect her in any way. In addition, considering the 3 editorials in today's Portsmouth Herald the Mayor, Council and City manager should DEMAND a meeting with Mr. Traub and the residents of the city. Please advise

Thank you Donna Pantelakos

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Rick Horowitz ([rickhoro@gmail.com](mailto:rickhoro@gmail.com)) on Friday, September 29, 2017 at 11:16:47

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address: 127 Gates Street

comments: I spoke at the Tuesday night meeting on this subject and have done some additional research since then. At the meeting I requested that the city manager authorize a finance person to review the commercial sale prices from the past year and compare them to the valuations on those properties, then compare the ratio of sale price / valuation to similar values obtained from sales of residential properties. The purpose, as I stated, would be to do a sanity check on the commercial valuations. It is my view that the ultimate value of a property is the sales price -- which is in fact the basis for all valuation in a price-based economy. Therefore, where sales prices are available, in my opinion, they should be used as "actual value" of properties. If the sales to valuations are way off, I suggest that something is wrong with the valuation methodology, at least at this particular time in our particular city.

Unfortunately, when I did a search on the city assessment page for commercial sales, I find that only a very small number of commercial sales occurred in the past year or so, fewer than 10, I believe. This is a small number of data points on which to base much of a judgement. However, I still think it would be worthwhile to look at the sale price / valuation ratios, in spite of the small amount of data available for commercial properties, albeit with a caution as to the interpretation. If a property valuation has been done after a recent sale, I would assume that the valuation was largely based on the selling price. Therefore, we would expect to see little discrepancy between the selling price and the subsequent valuation. A more telling discrepancy in those cases would likely be between the valuation prior to the sale and the recent selling price.

I have not attempted to do this analysis myself due to lack of free time, but I think the Hilton Garden Inn sale raises this as an important question, in light of the large tax increases that residential owners are now facing.

includeInRecords: on

Engage: Submit



# *Community Home Solutions, Inc.*

*501-3 C Non-Profit Organization*

*Tax Id # 20-5939775*

*Ellen M. Chase: Executive Director*

**RECEIVED**

**SEP 26 2017**

**CITY MANAGER  
PORTSMOUTH, NH**

Mayor, Jack Blalock

1 Junkins Avenue

Portsmouth, NH 03801

RE: 413 Lafayette Road

Dear Mayor Blalock

Community Home Solutions (CHS), a non-profit 501-C3, is under agreement for the property at 413 Lafayette Road. The current owners, Great Bay Services (GBS), runs a group residential home for 12 developmentally disabled individuals. We met with the Assessor, Rosann Maurice-Lentz, and City Attorney, Robert Sullivan, on September 22, 2017. They advised us that we had to request from the City Council an exemption for property taxes under Chapter 72:23-k.

Please place CHS on the agenda for the upcoming City Council meeting to discuss the exemption details. CHS is requesting a total exemption, as was enjoyed by the current owner GBS, for the first year (2018) with a review by November 1, 2018 for future years. 413 Lafayette Road is a HUD project with the rent controlled by HUD. Current budget projections show no available funds for fiscal year 2018.

Thank you for your time and consideration on this matter.

Sincerely,

Francis Chase

President CHS

*14 New Zealand Road • P.O. Box 537 • Seabrook, NH 03874*

*603-474-7449 Office 603-474-8100 Fax*

*www.communityhomesolutions.org*

SEPTEMBER 26, 2017



JOHN P. BOHENKO, CITY MANAGER  
MUNICIPAL COMPLEX  
1 JUNKINS AVENUE  
PORTSMOUTH, NH 03801

DEAR JOHN;

ATTACHED ARE SOME PHOTOS OF THE ROOF AT 251 BARTLETT STREET. AS YOU CAN SEE, IT IS IN EXTREMELY POOR CONDITION, TO THE POINT WHERE IF THE ROOF IS NOT REDONE THIS FALL, THE INTERIOR OF THE BUILDING IS AT RISK OF WATER PENETRATION AND COSTLY DAMAGES.

WE HAVE INCLUDED A PROPOSAL FROM A REPUTABLE ROOFER WHO HAS DONE WORK FOR SEVERAL OF OUR MEMBERS. GIVEN THAT, WE WOULD LIKE TO MOVE FORWARD AND SIGN THE CONTRACT AS SOON AS POSSIBLE.

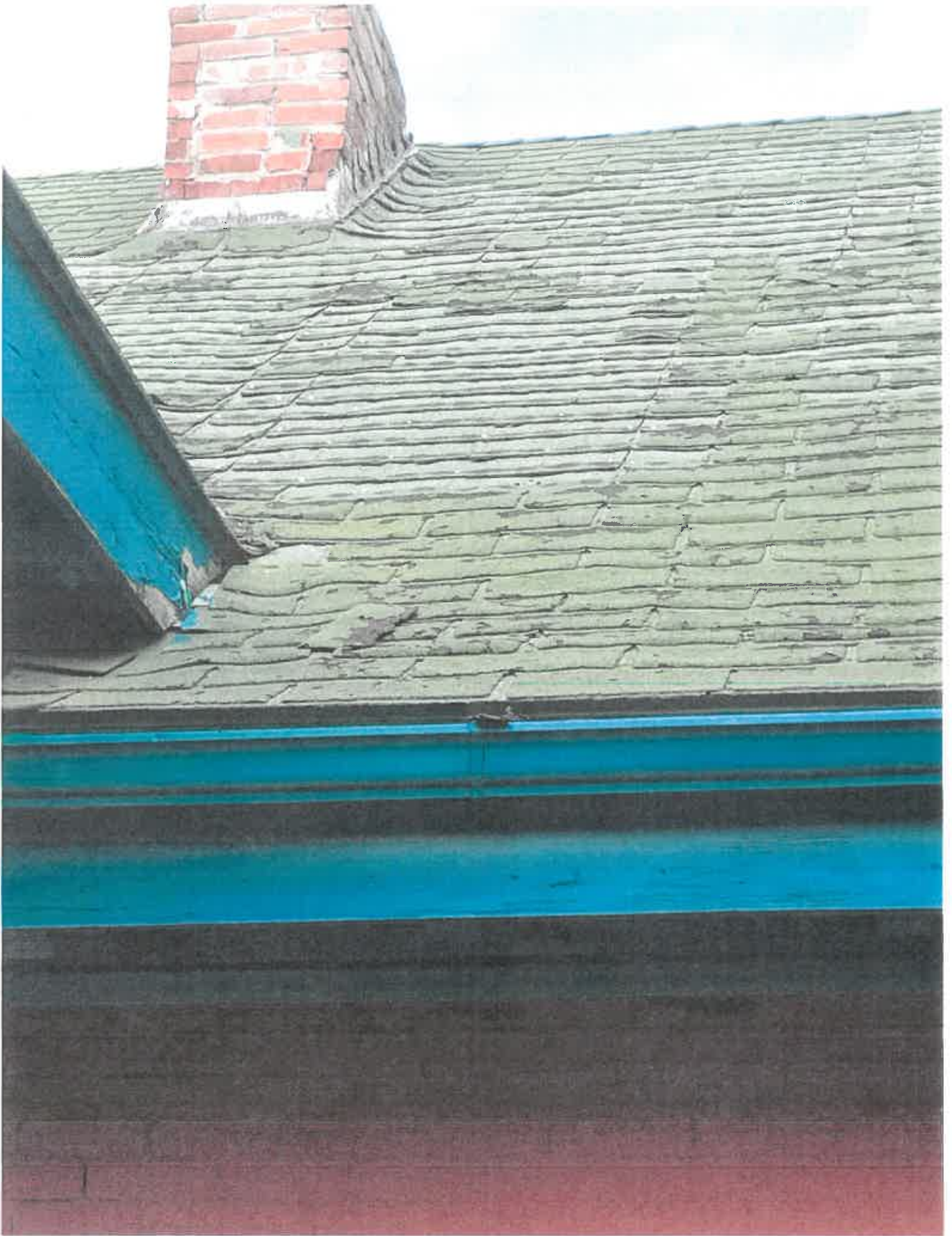
THE COST IS IN EXCESS OF SIXTEEN THOUSAND DOLLARS (\$16,000.00) WHICH WE WILL PAY FOR. IN EXCHANGE WE ARE ASKING THE CITY TO EXTEND OUR LEASE AGREEMENT THE APPROPRIATE NUMBER OF YEARS. (I.E. 8 YEARS.)

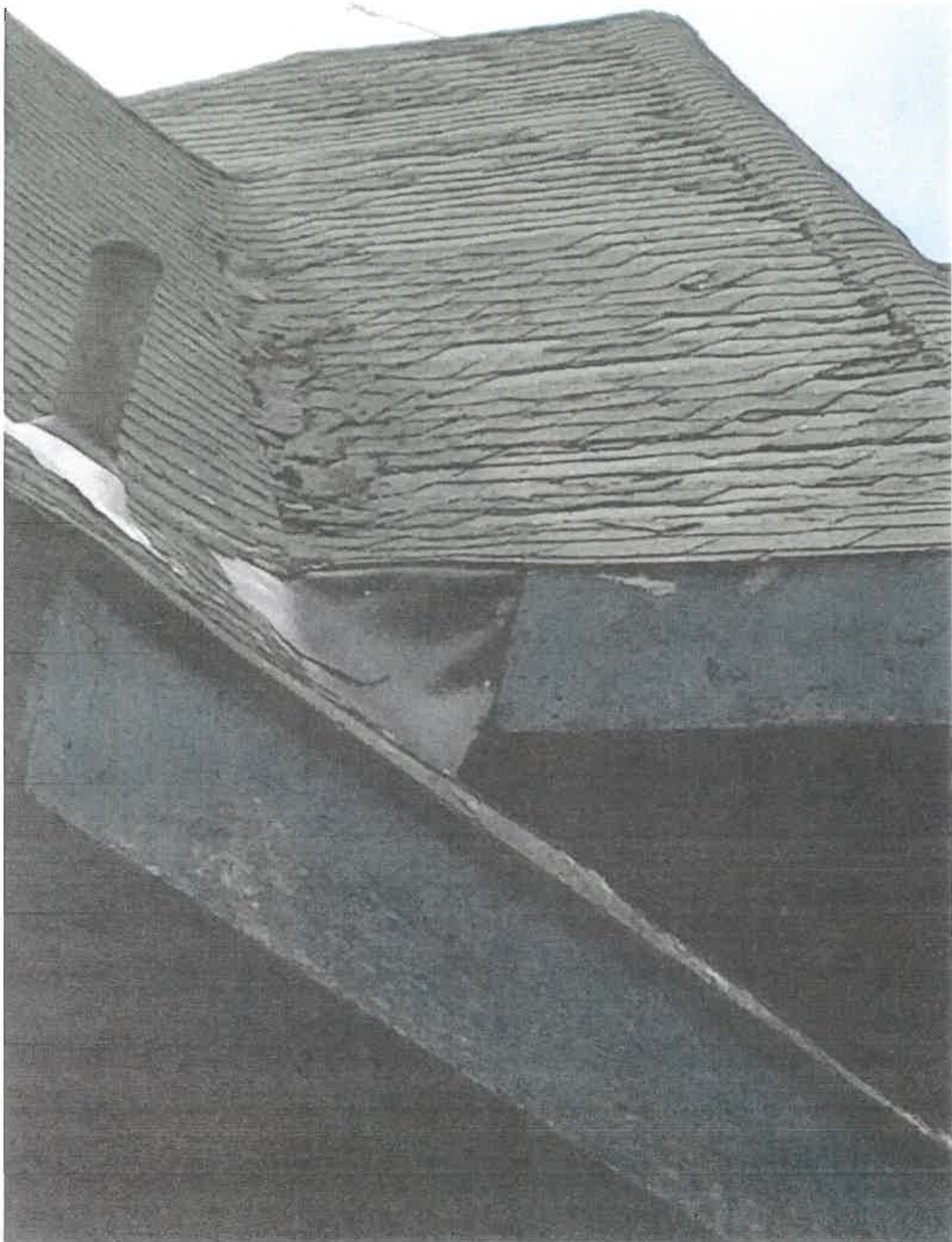
VERY TRULY YOURS,

PAT HEALY, PRESIDENT  
CREEK ATHLETIC CLUB  
251 BARTLETT STREET  
PORTSMOUTH, NH 03801









# New England Roofing & Remodeling

20 Crown Point Road, Rochester, NH 03867 Tel:Fax: (603) 330-1970

## PROPOSAL

PROPOSAL SUBMITTED TO:		JOB SITE LOCATION	
NAME:	P.K. Brown Construction LLC Attn: Pete Brown 913 Sagamore Ave Portsmouth, NH 03801	NAME:	Creek Athletic Club 251 Bartlett Street Portsmouth, NH 03801
PHONE:	C: 235-7146 O: 431-7079	DATE:	7/27/2012- revised 9/25/17
FAX:		EMAIL:	pk-brown@hotmail.com

### Scope of work:

#### Shingle

- Remove and dispose 1 layer of existing shingles.
- Re-nail loosened boards.
- Install 3ft. Grace Ice and Water Shield to all roof eaves.
- Install Roof Guard Cool Grey underlayment to remaining surfaces.
- Install 8" white aluminum drip edge to all roof eaves and rakes.
- Install new boot to all pipe penetrations.
- Install IKO Cambridge Limited Lifetime Architectural Shingles to prepared surfaces.
- Install ridge vent.
- Install new lead to chimney.
- Repair rotten areas on back side and front side.
- Replace rotten 1x12 with pre-primed pine approximately 56 ln ft.
- Sister or replace rotten rafters (rotten due to mold & integrity).
- Spray with bleach if needed.
- Remove and replace any apron flashing on front of dormers and step flashing along sides of dormers.
- Remove cedar shakes and window trim.
- Reframe openings for new windows.
- Cover walls with Tyvek and install plywood over openings.
- If windows are there, install them.
- Install water repellent to chimney.
- 20 year transferable labor warranty.
- Removal of all waste and magnetic clean up of entire work area.

We hereby propose to furnish labor and materials, for the sum of: \$ 16,755.00

- Price reflects cost if paying by cash or check.
- Proposal is valid for 2 weeks, as shingle material costs are very volatile at this time.
- Owner is responsible for any charges incurred if antenna dish needs to be reprogrammed.
- Please cover anything in the attic, shingle particles may fall through.
- Owner to obtain building permit if required.
- Any change from the above contract, due to unforeseen problems, that involves extra costs, will be performed only with permission of the owner.

# *New England Roofing & Remodeling*

20 Crown Point Road, Rochester, NH 03867 Tel:Fax: (603) 330-1970

---

PROPOSAL SUBMITTED TO:		JOB SITE LOCATION	
NAME:	P.K. Brown Construction LLC Attn: Pete Brown 913 Sagamore Ave Portsmouth, NH 03801	NAME:	Creek Athletic Club 251 Bartlett Street Portsmouth, NH 03801
	C: 235-7146 O: 431-7079	DATE:	7/27/2012- revised 9/25/17
FAX:		EMAIL:	pk-brown@hotmail.com

**Please choose your options, then sign, and date the contract.  
Please mail the contract back to our office with a 50% deposit to be placed on our schedule.  
All invoices to be paid within five days of being received.**

We hereby propose to furnish labor and materials, for the sum of: \$ 16,755.00

- Price reflects cost if paying by cash or check.
- Proposal is valid for 2 weeks, as shingle material costs are very volatile at this time.

All material is guaranteed to be as specified. All work to be completed in a workman-like manner according to standard practice. New England Roofing is fully insured with Workman's Comp and Liability Insurance. Proposal is valid for 2 weeks, unless otherwise arranged.

Authorized Signature: Scott Brochu

### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You are authorized to do what work as specified. Payment will be made as outlined above.

**ACCEPTED:** (please check one)  Yes  No

Shingle Color: \_\_\_\_\_ Signature: \_\_\_\_\_

Metal Color: \_\_\_\_\_

Date: \_\_\_\_\_ Print name & Position: \_\_\_\_\_

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** September 28, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** Nancy Colbert Puff, Acting City Manager *NCP*  
**Re:** Acting City Manager's Comments on October 2, 2017 City Council Agenda

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***Work Session:***

6:00 p.m.

1. **Commercial Revaluation.** On Monday evening at 6:00 p.m., the Mayor has scheduled a Work Session focused on the commercial revaluation. See attached excerpts from the Uniform Standards of Professional Appraisal Practice manual which will be referenced during the Work Session.

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

1. **Acceptance of Emergency Management Performance Grant (EMPG).** The Fire Department has applied for an Emergency Management Performance Grant in the amount of \$6,000 to develop a Continuity of Operations Plan (COOP). The total cost of the project will be \$12,000 in which the City will be responsible for a 50% match (\$6,000). Attached is a letter from the State of New Hampshire Department of Safety, Homeland Security and Emergency Management regarding this matter.

*In order to accept the grant, the City Council would use the following language:*

*Move to accept the terms of the Emergency Management Performance Grant (EMPG), as presented in the amount of \$6,000.00 to develop a Continuity of Operations Plan (COOP). Furthermore, the Council acknowledges that the total cost of this project will be \$12,000.00,*

*in which the City will be responsible for a 50% match (\$6,000.00). In addition, the Council authorizes the Acting City Manager to sign all documents related to the grant. Action on this matter will take place under Section VIII of the Agenda.*

2. **Acceptance of Police Department Grant.** Attached under Section VIII of the Agenda is a memorandum, dated September 27, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief, regarding the acceptance of an Opioid Grant and Notice of State Funding for Internet Crimes Against Children (ICAC). At the September 26, 2017 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- a. A grant in the amount of \$32,000 has been awarded to the Portsmouth Police Department by the NH Dept. of Safety, Division of State Police for a law Enforcement Opioid Abuse Reduction Initiative.

In addition, the Commission would like to advise the Council of the [attached notice](#) from the New Hampshire Attorney General's Office. Attorney General MacDonald is advising that the ICAC State Funding for "Operation Forensic Shield", has been allocated by vote of the legislature. The Commission and the Council **pre-approved** the grant in March of 2017 in advance of the vote of the legislature, as was required by the state, for this first-time allocation of state funds for "ICAC Forensic Shield" (Internet Crimes Against Children).

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

*I recommend the City Council move to accept and approve the grant to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **Adoption of Proposed Resolution.**
  - 1.1 **Adoption of Proposed Resolution Re: Elderly Exemption.** As you will recall, at the September 18, 2017 City Council meeting, the Council held a public hearing regarding a proposed amendment to the Elderly Exemption Limit from Property Tax Based on Assessed Value for Qualifying Taxpayers. The City Council voted to postpone final action on this Resolution until this evening's meeting. As requested by Assistant Mayor Splaine at that meeting, this evening the Council will receive additional information regarding a the tax lien hardship process and the use of fund balance relative to the elderly exemption.

**Elderly Exemption:**

The results of the 2017 Statistical Revaluation indicate based on the estimated tax rate of \$15.36 a median increase of \$521 in taxes for the 109 taxpayers who are currently receiving the Elderly Exemption at the existing exemption levels of:

		Tax Relief
• Age 65 to 74	\$120,000	\$1,843
• Age 75-79	\$160,000	\$2,458
• Age 80 +	\$200,000	\$3,072

For the qualified taxpayers, this results in a total exemption amount of \$15,950,600 in Valuation or \$245,001 which equates to approximately 4 cents on the tax rate using the preliminary total valuation.

**Option A :** To adjust the exemption levels back to the levels prior to tax year 2016 as follows:

		Increase in Tax Relief	Total Tax Relief
• Age 65 to 74	\$125,000	\$ 77	\$1,920
• Age 75-79	\$175,000	\$230	\$2,688
• Age 80 +	\$225,000	\$384	\$3,456

This would result in a total exemption amount of \$17,293,100 or \$265,622 which equates to approximately 5 cents on the tax rate using the preliminary total valuation.

**Option B:** To adjust the exemption levels by 20% from the current level as follows:

		Increase in Tax Relief	Total Tax Relief
• Age 65 to 74	\$144,000	\$369	\$2,212
• Age 75-79	\$192,000	\$492	\$2,949
• Age 80 +	\$240,000	\$614	\$3,686

This would result in a total exemption amount of \$18,854,001 or \$289,597 which equates to approximately 5 cents on the tax rate using the preliminary total valuation.

In order to reduce the tax burden to those who are currently qualified to receive the Elderly Exemption, I propose that the City Council consider adopting a Resolution to adjust the exemption levels by either Option A: back to the levels prior to tax year 2016 or Option B: Increasing the Exemption levels by 20% from the current levels.

New Hampshire **RSA 72:38-a Tax Deferral for Elderly and Disabled** allows a tax deferral to certain taxpayers age 65 and older. The following is a summary of the RSA.

- Elderly who are 65 or older as of April 1,
  - Must have owned the home for 5 or more years and is living in the home.
- **OR** Disabled who are eligible under Title II or XVI of Social Security,
  - Must have owned the home for at least 1 year or more and is living in the home.
- There are no statutory income or asset limits, the Assessor may approve.
- Total amount deferred must be no more than 85% of the equity value of the home.
- If there is a mortgage, the mortgagee must approve and sign off on the Tax Deferral Application (PA-30) form.
- Interest accrues at 5%.
- Must be redeemed when the property sells or the taxpayer no longer lives in the home or may be redeemed at any time before.
- Deadline for the application is March 1 of each year.
- The form PA-30 form is recorded at the registry of deeds each time an amount is deferred.

*The City Council would move one of the following motions:*

- 1) *If no adjustment, exemption levels would remain at their current levels.*
- 2) *If the City Council chooses Option A, City Council action would be to adopt the Resolution, as presented.*
- 3) *If the City Council chooses Option B, City Council action would be to schedule a public hearing for October 16, 2017.*

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

## ***Consent Agenda:***

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is a request for a projecting sign license (see attached memorandum from Juliet Walker, Planning Director):

- Amy LaBelle, owner of LaBelle Winery, located at 104 Congress Street

*I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the Acting City Manager to execute the License Agreement for this request. Action on this item should take place under Section IX of the Agenda.*



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

1. **Adoption of the Hazard Mitigation Plan Update 2017.** As you will recall, the City Council held a public hearing regarding the [attached Hazard Mitigation Plan Update 2017 at the June 19, 2017](#) City Council meeting. Fire Chief Achilles has advised that The Department of Safety, Division of Homeland Security & Emergency Management (HSEM) has completed its review of the Hazard Mitigation Plan and has found the Plan approvable pending adoption. The Plan is before the City Council this evening for adoption and further, authorization for the Acting City Manager to sign the adoption page.

*I recommend the City Council move to adopt the Hazard Mitigation Plan Update 2017, as presented, and further, authorize the Acting City Manager to sign the document.*

2. **Voluntary Merger of Contiguous Lots Re: Foundry Place and Rock Street Parcels.** As you aware, the construction of the new Foundry Place Garage and street will occupy two municipally owned lots, the former Deer Street Associates lot (Map 138 lot 62) and the Rock Street lot (Map 138 Lot 60). [See attached plans.](#) As a matter of housekeeping, this is to request the City Council authorize the merger of these two lots. With the current lot configuration, the property line runs through the proposed garage.

In addition, the City is currently working with the Department of Environmental Services on environmental remediation work that extends onto both of these sites. Administration of that work is simplified for both the City and the DES if this work takes place on one rather than two lots.

Voluntary mergers of contiguous lots under common ownership is an administrative action handled by the Planning Director. Also [attached is a copy](#) of the paperwork associated with this action.

*I recommend the City Council move to authorize the Acting City Manager to take any and all steps required to consolidate the Foundry Place lot and the Rock Street lot.*

3. **Request for First Reading Re: Zoning Ordinance Amendments – Off-Street Parking.** [Attached is a memorandum](#) from Planning Director Juliet Walker requesting first reading and outlining the proposed zoning ordinance amendments to off-street parking. [Also, attached is a draft of the proposed zoning ordinance.](#)

At its September 21, 2017 meeting, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

*I recommend the City Council move to schedule first reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the October 16, 2017 City Council meeting, as presented.*

4. **Request for First Reading Re: Gateway Mixed Use District Zoning Amendments.** Attached is a memorandum from Planning Director Juliet Walker requesting first reading and outlining the proposed Gateway Mixed Use District Zoning Amendments. Also, attached is a draft of the proposed zoning ordinance.

At its September 21, 2017 meeting, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts (as amended based on discussion by Planning Board) to City Council for approval.

*I recommend the City Council move to schedule first reading on the proposed amendment to the Gateway Mixed Use District Zoning Amendments at the October 16, 2017 City Council meeting, as presented.*

5. **Request for First Reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code.** At the July 2017 City Council Retreat, presentations were made by City staff regarding the need to update our local Fire, Building and Health Codes in order to reference current state statutes and to ensure that our local ordinance.

Chapter 12 (International Building Code, 2006 & the International Residential Code, 2006), Chapter 15 (International Plumbing Code, 2006 & International Mechanical Code, 2006 ), and Chapters 12 and 5 (which reference the National Electric Code, and the International Energy Conservation Code), need to be updated to conform with 2009 adopted state building code, and in addition we recommend adopting the Existing Building Code (also part of the state building code but not reflected in our current ordinances).

As with the existing ordinances, the attached includes local amendments that are tailored to City. We also propose amending the 2014 Electrical Code to prohibit NM cable (trade name Romex) from commercial installations, to prohibit service entrance cable (SER) in commercial installations and to require GFCI protection for certain residential installations (including, for example, in kitchens, bathrooms, garages and basements), to better protect the public health and safety.

If the Council votes to request a first reading, the City will schedule a public information session on these code updates before the public hearing. Prior to that informational meeting, the City will establish a separate webpage that contains the proposed amendments and code information.

*I am requesting authorization to bring the second of three code updates, Building, Plumbing, Mechanical and Electrical to the City Council for first reading at the October 16, 2017 City Council meeting.*

6. **Request for First Reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code.** Chapter 5, Fire Department and Prevention Regulations, Articles I, 4, 5, 7 and 8 have been updated to delete obsolete sections of the ordinance and amended to reflect current operations of the Fire Department. For example, we no longer have call firemen (Article 1), there is no longer a petroleum inspector or petroleum district (Article 4) and the municipal fire alarm system is being retired (Article 5). Our current ordinance (Article 9) adopts the 2006 International Fire Code and the amendment to Article 9 would adopt the 2015 International Fire Code and formally adopt the State Fire Code (Saf-C 6000). The proposed amendments to Article 9 reflect the updates from the 2006 to the 2015 International Fire Code. The amendment also modifies sections of the 2015 International Fire Code to reflect the State’s requirements regarding smoke alarms and carbon monoxide detection. Article 9 has also been amended to address our current practices regarding permitting processes, defining “no burn permit” areas in the City, providing additional guidance regarding the installations of sprinkler system and adds a new section on solar panels to give our community clear guidelines regarding this popular source of energy for homeowners and businesses. [See attached.](#)

If the Council votes to request a first reading, the City will schedule a public information session on these code updates before the public hearing. Prior to that informational meeting, the City will establish a separate webpage that contains the proposed amendments and code information.

*I am requesting authorization to bring the third and final of three code updates, Fire Department and Prevention Regulation to the City Council for first reading at the October 16, 2017 City Council meeting.*

7. **Request for License Agreement Re: 401 State Street – The Rockingham Building.** Oxland Builders is requesting a License Agreement to use two (2) parking spaces in front of 401 State Street (the Rockingham Building) until November 30, 2017. It seeks to use the two parking spaces Monday - Friday for approximately six weeks to assist with its construction activities at the 401 State Street property. The project includes demolition of the existing staircase next to the pool and installing a new permanent staircase. It will use the two spaces for ease of access to the job site, and to load/offload job related materials.

Oxland Builders expects there to be no disturbance to traffic on State Street. There will be no interference with pedestrian traffic. [Attached is a picture](#) of the two spaces Oxland Builders seeks to use, to the left of the van in the picture, the job site is in the background where the hedges are, above the sidewalk.

The City staff has no objection to the granting of a License. The License would include the usual provisions to pay for parking spaces, repair any damage and to maintain insurance.

*I recommend the City Council move to approve the License Agreement, and further, authorize the Acting City Manager to execute the Agreement.*

8. **Polling Hours – November 7, 2017 Municipal Election.** [Attached is a memorandum from Kelli L. Barnaby, City Clerk](#), recommending that the polling hours for the Municipal Election on November 7, 2017 be set from 8:00 a.m. to 7:00 p.m.

*I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 7, 2017.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on September 18, 2017. In addition, this can be found on the City's website.
2. **Zagster Bike Share September Report.** [Attached](#) for your information is a memorandum from Planning Director Juliet Walker regarding the Zagster Bike Share September Report.
3. **Coakley Landfill Group Update.** The Coakley Landfill Group (CLG) was scheduled to give a presentation to Council at this October 2<sup>nd</sup> meeting. The update was to include information from a meeting originally scheduled for September 21<sup>st</sup> between the CLG and the EPA to discuss what further monitoring/investigative efforts are going to be required in connection with migration of contaminants (including PFCs) from the Coakley Landfill.

The September 21<sup>st</sup> meeting has been rescheduled to late October. After consulting with the Mayor, we have postponed this presentation until after the rescheduled meeting has taken place. Our new target agenda date is November 20<sup>th</sup>.



# **City of Portsmouth, NH**

## **Hazard Mitigation Plan Update 2017**

Adopted by the

**Portsmouth City Council**

And adopted as an official appendix to the Portsmouth Emergency Operations Plan



This project was partially funded by

**New Hampshire Homeland Security and Emergency Management**

**CERTIFICATE OF ADOPTION**

City of Portsmouth, New Hampshire  
City Council  
A Resolution Adopting the Portsmouth Hazard Mitigation Plan Update  
\_\_\_\_\_, 2017

WHEREAS, the City of Portsmouth received funding from the NH Office of Homeland Security and Emergency Management under a Pre-Disaster Mitigation Grant and assistance from Rockingham Planning Commission in the preparation of the Portsmouth Hazard Mitigation Plan Update 2017; and

WHEREAS, several public planning meetings were held between October, 2016 and June, 2017 regarding the development and review of the Portsmouth Hazard Mitigation Plan Update 2017; and

WHEREAS, the Portsmouth Hazard Mitigation Plan Update contains several potential future projects to mitigate hazard damage in the City of Portsmouth; and

WHEREAS, a duly-noticed public hearing was held by the Portsmouth City Council on \_\_\_\_\_ to formally approve and adopt the Portsmouth Hazard Mitigation Plan Update 2017.

NOW, THEREFORE BE IT RESOLVED that the Portsmouth City Council:

- The Plan is hereby adopted as the official plan of the City of Portsmouth;
- The respective individuals identified in the mitigation strategy of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them;
- Future revisions and Plan maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as part of this resolution for a period of five (5) years from the date of this resolution;
- An annual report of the progress of the implementation elements of the Plan shall be presented to the City Council by the City's Emergency Management Director or City Manager.

NOW, THEREFORE BE IT RESOLVED that the Portsmouth City Council adopts the Portsmouth Hazard Mitigation Plan Update.

IN WITNESS THEREOF, the undersigned has affixed his/her signature and the corporate seal of the City of Portsmouth on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Assistant Mayor

\_\_\_\_\_ City Council Member

\_\_\_\_\_ City Council Member

\_\_\_\_\_ City Council Member

\_\_\_\_\_ City Council Member

\_\_\_\_\_ City Council Member

\_\_\_\_\_ City Council Member

\_\_\_\_\_ City Council Member

ATTEST

\_\_\_\_\_  
Public Notary

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## EXECUTIVE SUMMARY

The Portsmouth Hazard Mitigation Plan (herein after, the *Plan*), was compiled to assist the City of Portsmouth in reducing and mitigating future losses from natural hazard events. The *Plan* was developed by the Rockingham Planning Commission and participants from the City of Portsmouth Hazard Mitigation Committee and contains the tools necessary to identify specific hazards and aspects of existing and future mitigation efforts.

The following *natural* hazards are addressed:

- Flooding
- Hurricane - High Wind Events
- Severe Winter Weather
- Wildfire and Conflagration
- Earthquakes
- Coastal Storms
- Extreme Temperatures
- Drought
- Climate change, including sea-level rise and increased precipitation events

The list of *critical facilities* includes:

- Municipal facilities;
- Communication facilities;
- Fire stations and law enforcement facilities;
- Schools;
- Shelters;
- Evacuation routes; and
- Vulnerable Populations

The *Plan* is considered a work in progress and should be revisited frequently to assess whether the existing and suggested mitigation strategies are successful. Copies have been distributed to the Emergency Management Director and the City Manager and a copy will remain on file at the Rockingham Planning Commission. A copy of this plan is also on file at the New Hampshire Homeland Security and Emergency Management (NHHSEM) and the Federal Emergency Management Agency (FEMA). This plan was approved by both agencies prior its adoption at the local level.

## CHAPTER 1 - INTRODUCTION

### **Background**

The New Hampshire Homeland Security and Emergency Management (NHHSEM) has a goal for all communities within the State to establish local hazard mitigation plans as a means to reduce and mitigate future losses from natural hazard events. The NHHSEM outlined a process whereby communities throughout the State may be eligible for grants and other assistance upon completion of a local hazard mitigation plan. FEMA's *2013 Hazard Mitigation Planning Handbook* was consulted throughout the Plan update process by staff from both the Rockingham Planning Commission (RPC) and the City of Portsmouth to stimulate conversation about how the City can become more resilient to natural hazards. The State's Regional Planning Commissions are charged with providing assistance to selected communities to develop local plans.

The *Portsmouth Hazard Mitigation Plan Update 2017* was prepared by participants from the City of Portsmouth Hazard Mitigation Committee with the assistance and professional services of the RPC under contract with the NHHSEM and operating under the guidance of Section 44 CFR 201.6. The *Plan* serves as a strategic planning tool for use by the City of Portsmouth in its efforts to identify and mitigate the future impacts of natural and/or man-made hazard events. Upon adoption of this Plan by the Portsmouth City Council, it will become an official appendix to the Portsmouth Emergency Operations Plan.

### **Methodology**

The Rockingham Planning Commission (RPC) organized the first meeting with Emergency Management Coordinator from the City of Portsmouth in October 2016 to begin the initial planning stages of the 2017 *Plan Update*. This meeting precipitated the development of the Natural Hazards Mitigation Committee (herein after, the *Committee*). RPC and the Committee developed the content of the *Plan* using the ten-step process set forth in the *Hazard Mitigation Planning for New Hampshire Communities*. Subsequent meetings were held November 1, 2016, December 6, 2016, January 10, 2017, February 10, 2017, and May 16, 2017. The City of Portsmouth's Emergency Management Coordinator solicited information for the Plan from local officials and residents throughout the Plan development process, including requesting information on impacts from natural hazards and City response to the hazards. Notice of the Plan Update process was posted on the City's website. The Plan Update process was also discussed at City Council meetings, staff meetings, and information was shared with residents via the City's website. All Committee meetings were open to the public but none attended. RPC staff kept communities in the region informed of the Plan Update process and requested feedback at monthly Commissioner meetings which involve members of Planning Boards, Boards of Selectmen, and Conservation Commissions in surrounding towns. In addition, RPC staff working in the abutting towns of New Castle, Greenland, Newington and Rye informed of the update to Portsmouth's plan and the opportunity to comment on regional mitigation strategies.

The City's 2010 Plan served as a starting point for discussions on hazards impacting the City, as well as discussions on mitigation strategies. The 2010 Plan has served as a reference for local land use regulations and policies, development of the City's Capital Improvement Plan and department budgets, and has been referenced in several reports including the 2016 NH Coastal Risks and Hazards Commission Final Report, the RPC's 2015 Regional Master Plan, and the City's 2013 Climate Change Vulnerability Assessment and Adaptation Plan.

**Step 1 – Form Committee**

A Committee comprised of the City's Emergency Management Coordinator, Assistant City Manager, Deputy City Manager, Environmental Planner, Community Development Coordinator, Deputy Fire Chief, Fire Prevention Coordinator, and GIS Coordinator was established to work with staff from the Rockingham Planning Commission to update the Plan. RPC staff informed local officials of surrounding communities of the plan update at monthly meetings of RPC Commissioners. Participation was sought from the NH Homeland Security and Emergency Management, and staff from the Division reviewed and commented on the Plan.

**Step 2 - Map the Hazards**

The Committee identified areas where damage from past natural disasters have occurred and areas where critical man-made facilities and other features may be at risk in the future for loss of life, property damage, environmental pollution and other risk factors. RPC generated a set of base maps with GIS (Geographic Information Systems) that were used in the process of identifying past and future hazards.

**Step 3 – Identify Critical Facilities and Areas of Concern**

The Committee then identified facilities and areas that were considered to be important to the City for emergency management purposes, for provision of utilities and community services, evacuation routes, and for recreational and historical, cultural and social value. Using aerial photography, RPC plotted the exact location of these sites on a map..

**Step 4 – Identify Existing Mitigation Strategies**

After collecting detailed information on each critical facility in Portsmouth, the Committee and RPC staff identified existing City mitigation strategies relative to flooding, sea level rise, coastal storms, wind, fire, ice and snow events, extreme temperatures, droughts and earthquakes. This process involved reviewing the 2010 Hazard Mitigation Plan, the City's Master Plan and Capital Improvements Program (CIP), Zoning Ordinance, Subdivision Regulations, Site Plan Review Regulations, 2013 Vulnerability Assessment, Emergency Operations Plan, and the City's participation in the National Flood Insurance Program (NFIP).

### **Step 5 – Identify the Gaps in Existing Mitigation Strategies**

The existing strategies were then reviewed by the RPC and the Committee for coverage and effectiveness, as well as the need for improvement.

### **Step 6 – Identify Potential Mitigation Strategies**

A list was developed of additional hazard mitigation actions and strategies for the City of Portsmouth. Natural Hazard Mitigation Plans for other communities in the region were utilized to identify new mitigation strategies as well as FEMA recommended hazard mitigation examples. The Vulnerability Assessment, Master Plan, Emergency Operation Plan, and Capital Improvements Plan were also reviewed to generate ideas.

### **Step 7 – Prioritize and Develop the Action Plan**

The proposed hazard mitigation actions and strategies were reviewed and each strategy was rated (good, average, or poor) for its effectiveness according to several factors (*e.g.*, technical and administrative applicability, political and social acceptability, legal authority, environmental impact, financial feasibility). Each factor was then scored and all scores were totaled for each strategy. Strategies were ranked by overall score for preliminary prioritization then reviewed again under Step 8.

### **Step 8 - Determine Priorities**

The preliminary prioritization list was reviewed in order to make changes and determine a final prioritization for new hazard mitigation actions and existing protection strategy improvements identified in previous steps. RPC also presented recommendations to be reviewed and prioritized by the Committee.

### **Step 9 - Develop Implementation Strategy**

Using the chart provided under Step 9 in the handbook, an implementation strategy was created which included person(s) responsible for implementation (who), a timeline for completion (when), and a funding source and/or technical assistance source (how) for each identified hazard mitigation actions.

### **Step 10 - Adopt and Monitor the Plan**

RPC staff compiled the results of Steps 1 to 9 in a draft document. This draft *Plan* was reviewed by members of the Committee and by staff members at the RPC. The draft *Plan* was also placed on the RPC website and the City of Portsmouth's website for review by the public, neighboring communities, agencies, businesses, and other interested parties to review and make comments via email. Abutting New Hampshire communities of Newington, Greenland, Rye, New Castle, and the Maine communities of Eliot and Kittery were given an opportunity to review the *Plan* prior to finalization (see Appendix F). A duly noticed public hearing was held by the Portsmouth City Council on June 19, 2017. This meeting allowed the community to provide comments and suggestions for the *Plan* in person, prior to

the document being finalized. The draft was revised to incorporate comments received from City officials and then submitted to the NHHSEM and FEMA Region I for their review and comments; no comments were received from the general public. Any changes required by NHHSEM and FEMA were made and a revised draft document was then submitted to the Committee for their final review. A duly noticed public meeting was then held by the City Council on (to be determined). At this duly noticed public meeting the Plan update was approved and adopted by the Portsmouth City Council.

**HAZARD MITIGATION GOALS AND OBJECTIVES OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE**

*The City of Portsmouth sets forth the following hazard mitigation goals and objectives:*

- Reduce or avoid long-term vulnerabilities posed by natural hazards impacting Portsmouth, including the impacts from flooding, hurricanes and high wind events, severe winter weather, wildfire and conflagration, earthquakes, coastal storms, extreme temperatures, drought, and climate change, including sea-level rise and increased precipitation events.
- Improve upon the protection of the City of Portsmouth's general population, the citizens of the State and guests, from all natural and man-made hazards.
- Reduce the potential impact of natural and man-made disasters on Portsmouth and the State's Critical Support Services.
- Reduce the potential impact of natural and man-made disasters on Portsmouth's Critical Facilities in the State.
- Reduce the potential impact of natural and man-made disaster on Portsmouth's and the State's infrastructure.
- Improve Portsmouth's Emergency Preparedness.
- Improve Portsmouth's Disaster Response and Recovery Capability.
- Reduce the potential impact of natural and man-made disasters on private property in Portsmouth.
- Reduce the potential impact of natural and man-made disasters on Portsmouth's and the State's economy.
- Reduce the potential impact of natural and man-made disasters on Portsmouth's and the State's natural environment.
- Reduce Portsmouth's and the State's liability with respect to natural and man-made hazards generally.
- Reduce the potential impact of natural and man-made disasters on Portsmouth's and the State's specific historic treasures and interests as well as other tangible and intangible characteristics that add to the quality of life to the citizens and guests of the State and the City.
- Identify, introduce and implement cost effective Hazard Mitigation measures so as to accomplish Portsmouth's and the States' goals and objectives in order to raise the awareness and acceptance of hazard mitigation planning.

Through the adoption of this Plan the City of Portsmouth concurs and adopts these goals and objectives.

## **Acknowledgements**

The City of Portsmouth extends special thanks to those that assisted in the development of this *Plan Update* by serving as members of Natural Hazards Mitigation Committee:

- Steven Achilles – Fire Chief and Emergency Management Coordinator, City of Portsmouth, NH
- Nancy Colbert Puff – Deputy City Manager, City of Portsmouth, NH
- David Moore – Assistant City Manager, City of Portsmouth, NH
- James Heinz – Deputy Fire Chief, City of Portsmouth, NH
- Carl Roediger – Deputy Fire Chief, Prevention, City of Portsmouth, NH
- Peter Britz – Environmental Planner, City of Portsmouth, NH
- Elise Annunziata – Community Development Coordinator, City of Portsmouth, NH
- James McCarty – GIS Coordinator, City of Portsmouth, NH

The City of Portsmouth offers thanks to the New Hampshire Homeland Security and Emergency Management (<http://www.nh.gov/safety/divisions/hsem/index.html>), which provided the model and funding for this document.

In addition, special thanks are extended to the staff of the Rockingham Planning Commission for professional services, process facilitation and preparation of this document.



## CHAPTER II - NATURAL FEATURES AND COMMUNITY PROFILE

The City of Portsmouth is located in the Seacoast region of eastern New Hampshire, and contains 15.7 square miles of land area and 1.1 square miles of inland water area. Portsmouth is part of the Seaboard Lowlands of New England with a landscape that is generally flat. The elevation of this region is typically less than 200 feet above sea level. As seen in Figure 1, Portsmouth is bordered by the New Hampshire communities of New Castle, Rye, Greenland and Newington. The northern border of Portsmouth follows the tidal Piscataqua River as it enters Portsmouth Harbor and the Atlantic Ocean. The towns of Kittery and Eliot, Maine are on the opposite bank. Wetlands cover 33% of Portsmouth, including the major wetland areas of Great Bog, Berry Brook, Sagamore Creek and Packer Bog.

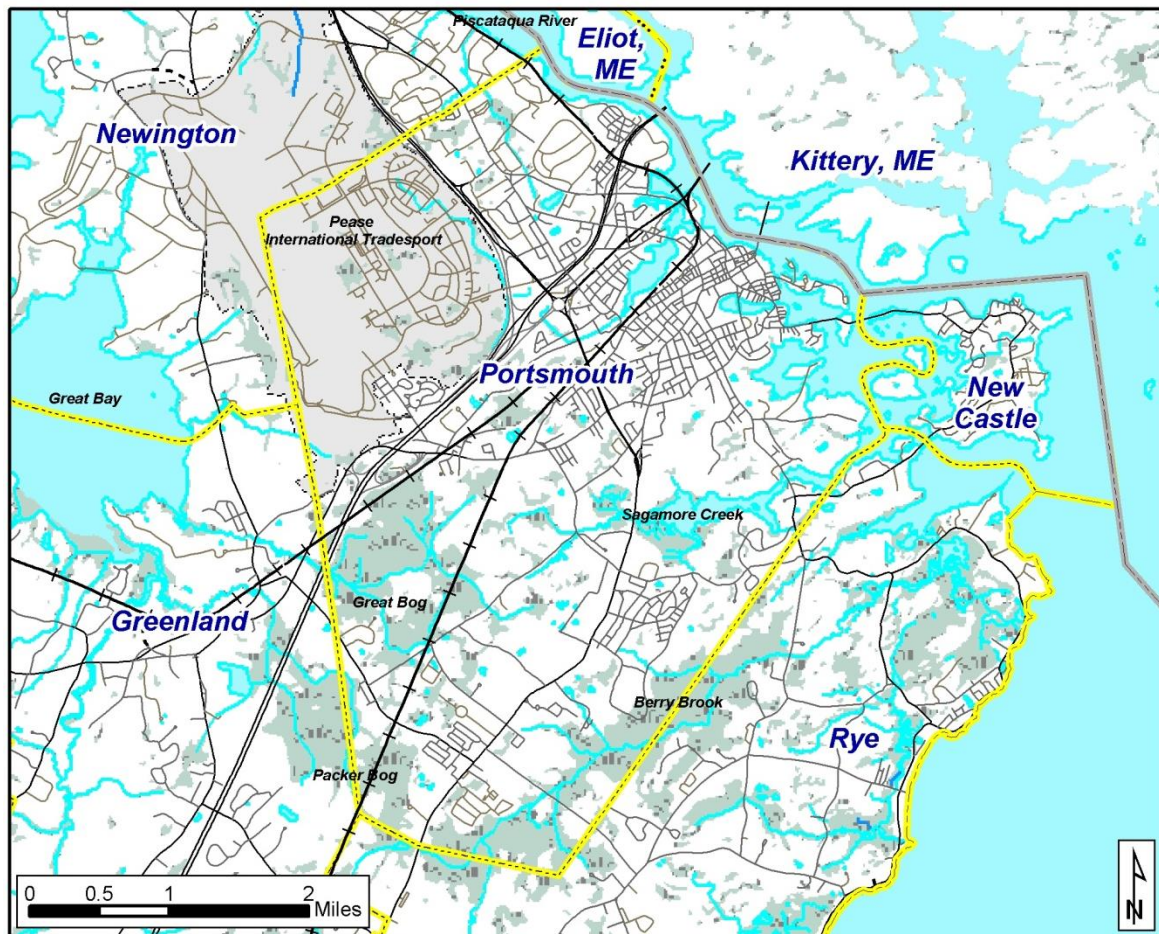


Figure 1: Location Map of Portsmouth, New Hampshire

Portsmouth's urban center is located in the northern half of the city, while the southern half of the city is home to the majority of the wetlands. The City is served by major transportation routes, including Interstate 95, the Spaulding Turnpike, and Route 1. The 2010 US Census estimated the City's population to be 21,233.

### **Current and Future Development Trends**

A land use map was prepared for this *Plan* using data from the New Hampshire GIS data repository, GRANIT (The New Hampshire Geographically Referenced Analysis and Information Transfer System). The land use data was created by Rockingham Planning Commission from 2010 aerial photos. The data was developed by interpreting one foot resolution color photos at a scale of 1:12,000, followed by field checking as needed. For more information on this data layer please visit <http://granit.sr.unh.edu>. This data is presented in Map 1: Portsmouth Land Use

Portsmouth contains a mix of residential, commercial and industrial land uses. Much of the remaining undeveloped publicly owned land and private land cannot be developed due to wetland restrictions. Future growth in Portsmouth will need to come from redevelopment of existing commercial and industrial areas that public or private developers can repurpose and rebuild with more density. Additionally, much of the historic downtown core and surrounding districts more closely control the forms and uses of new buildings, which limits development potential. Residentially zoned areas of the city comprise 34% of the city, but residents are traditionally resistant to increasing density, adding further challenges to the repurposing of commercial and industrial lands. Changes to the zoning ordinance and other land use regulations have increased flexibility in corridor areas, with a specific goal of enhancing visual character and environmental quality, as well as encouraging affordable housing and mixed use development.

The Committee determined the City's overall vulnerability to the hazards identified in this Plan has decreased since the last Plan update. This is due to the City's work to improve stormwater management and decrease flooding, through regulation and infrastructure improvements, as well the completion of vulnerability assessments that identified assets at risk of damage due to weather related hazard such as storm surge and sea-level rise.

Map 1: Land Use Map

## **CHAPTER III – NATURAL HAZARDS IN THE CITY OF PORTSMOUTH**

### **WHAT ARE THE HAZARDS?**

The first step in planning for natural hazard mitigation is to identify hazards that may affect the City. Some communities are more susceptible to certain hazards (i.e., flooding near rivers, hurricanes on the seacoast, etc.). The City of Portsmouth is prone to several types of natural hazards. These hazards include: flooding, hurricanes or other high-wind events, severe winter weather, wildfires and conflagration, earthquakes, coastal storms, extreme temperatures, drought, and sea-level rise and increased precipitation events arising from climate change. Other natural hazards can and do affect the City of Portsmouth, but these were the hazards prioritized by the Committee for mitigation planning. These hazards were considered to occur with regularity and/or to have high damage potential, and are discussed below.

Natural hazards that are included in the State's Hazard Mitigation Plan that are not included in this Plan include: landslide, subsidence, radon and avalanche. Subsidence and avalanche are rated by the State as having Low and No risk in Rockingham County, respectively; due to this they were left out of the plan. Portsmouth has no record of landslides and little chance of one occurring that could possibly damage property or cause injury; so landslides were not included in this Plan. The State's Plan indicates that Rockingham County is at Moderate risk to radon and this hazard was not included in this Plan. When compared to natural hazards that could be potentially devastating to the City, such as hurricanes, or natural hazards that occur with regularity (flooding or severe winter weather) it was not considered an effective use of the Committee time to include landslide, subsidence, radon, and avalanche in the Plan at this time. When the Plan is revised and updated in the future, possible inclusion of these hazards will be reevaluated.

### **HAZARD DEFINITIONS**

#### **Flooding, including Coastal Flooding**

Floods are defined as a temporary overflow of water onto lands that are not normally covered by water. Flooding results from the overflow of major rivers and tributaries, storm surges, and/ or inadequate local drainage. Floods can cause loss of life, property damage, crop/livestock damage, and water supply contamination. Floods can also disrupt travel routes on roads and bridges.

Inland floods are most likely to occur in the spring due to the increase in rainfall and melting of snow; however, floods can occur at any time of the year. A sudden thaw in the winter or a major downpour in the summer can cause flooding because there is suddenly a lot of water in one place with nowhere to go. Coastal flooding can be caused by rising sea levels, storm surge associated with high wind events such as hurricanes or Nor'easters.

### *100-year Floodplain Events*

Floodplains are usually located in lowlands near rivers, and flood on a regular basis. The term 100 year flood does not mean that flood will occur once every 100 years. It is a statement of probability that scientists and engineers use to describe how one flood compares to others that are likely to occur. It is more accurate to use the phrase "1% annual chance flood". What this means is that there is a 1% chance of a flood of that size happening in any year.

### *Sea Level Rise, Coastal Flooding and Storm Surge*

Portsmouth's Atlantic Ocean coastline means homes and businesses, roadways and infrastructure, including parks and harbors, are at risk due to coastal flooding caused by storm surges and by rising sea levels. Storm Surge is most often associated with the landfall of a hurricane. Strong winds and low pressure combine to cause waves that can be 1 to 10 meters above normal. Strong winds blowing toward shore cause the water to pile up at the shore, causing the storm surge. These affects are most intense on the right side of the hurricane eye where the winds are blowing on shore.

### *Rapid Snow Pack Melt*

Warm temperatures and heavy rains cause rapid snowmelt. Quickly melting snow coupled with moderate to heavy rains are prime conditions for flooding.

### *River Ice Jams*

Rising waters in early spring often breaks ice into chunks, which float downstream and often pile up, causing flooding. Small rivers and streams pose special flooding risks because they are easily blocked by jams. Ice collecting in river bends and against structures presents significant flooding threats to bridges, roads, and the surrounding lands.

### *Tsunami*

The National Tsunami Hazard mitigation Program (<http://www.pmel.noaa.gov/tsunami-hazard/terms.html>) defines a Tsunami as Japanese term derived from the characters "tsu" meaning harbor and "nami" meaning wave. Tsunami is generally accepted by the international scientific community to describe a series of traveling waves in water produced by the displacement of the sea floor associated with submarine earthquakes, volcanic eruptions, or landslides.

## **Hurricane and High Wind Events**

### *Hurricanes*

A hurricane is a tropical cyclone in which winds reach speeds of 74 miles per hour or more and blow in a large spiral around a relatively calm center (see Appendix C). The eye of the storm is usually 20-30 miles wide and may extend

over 400 miles. High winds are a primary cause of hurricane-inflicted loss of life and property damage. Hurricanes can also include coastal storm surge. The Saffir–Simpson hurricane wind scale (SSHWS), or the Saffir–Simpson hurricane scale (SSHS) for short, classifies hurricanes (western hemisphere tropical cyclones that exceed the intensities of tropical depressions and tropical storms) into five categories distinguished by the intensities of their sustained winds. To be classified as a hurricane, a tropical cyclone must have maximum sustained winds of at least 74 mph. (Category 1). The highest classification in the scale, Category 5, is reserved for storms with winds exceeding 156 mph. The Saffir/Simpson Hurricane Scale is included in Appendix C.

### *Tornadoes*

A tornado is a violent windstorm characterized by a twisting, funnel shaped cloud. They develop when cool air overrides a layer of warm air, causing the warm air to rise rapidly. The atmospheric conditions required for the formation of a tornado include great thermal instability, high humidity and the convergence of warm, moist air at low levels with cooler, drier air aloft. Most tornadoes remain suspended in the atmosphere, but if they touch down they become a force of destruction.

Tornadoes produce the most violent winds on earth, at speeds of 280 mph or more. In addition, tornadoes can travel at a forward speed of up to 70 mph. Damage paths can be in excess of one mile wide and 50 miles long. Violent winds and debris slamming into buildings cause the most structural damage. A downburst is an area of strong, downward moving air associated with a downdraft from a thunderstorm. As the downdraft impacts the ground, the air is forced outwards in all directions while it also curls backwards. This results in incredible wind damage close to the surface of the ground. Downbursts can produce straight-line wind damage over an area as small as one mile to as large as 250 miles from the center of the downdraft. Downbursts that span a distance less than 2.5 miles in diameter are considered to be microbursts.

The Enhanced Fujita Scale is the standard scale for rating the severity of a tornado as measured by the damage it causes (see Appendix D). A tornado is usually accompanied by thunder, lightning, heavy rain, and a loud “freight train” noise. In comparison with a hurricane, a tornado covers a much smaller area but can be more violent and destructive.

### *Severe Thunderstorms*

All thunderstorms contain lightning. During a lightning discharge, the sudden heating of the air causes it to expand rapidly. After the discharge, the air contracts quickly as it cools back to ambient temperatures. This rapid expansion and contraction of the air causes a shock wave that we hear as thunder, which can damage building walls and break glass.

### *Lightning*

Lightning is a giant spark of electricity that occurs within the atmosphere or between the atmosphere and the ground. As lightning passes through air, it heats the air to a temperature of about 50,000 degrees Fahrenheit, considerably hotter than the surface of the sun. Lightning strikes can cause death, injury and property damage.

### *Hail*

Hailstones are balls of ice that grow as they're held up by winds, known as updrafts, which blow upwards in thunderstorms. The updrafts carry droplets of supercooled water – water at a below freezing temperature – but not yet ice. The supercooled water droplets hit the balls of ice and freeze instantly, making the hailstones grow. The faster the updraft, the bigger the stones can grow. Most hailstones are smaller in diameter than a dime, but stones weighing more than a pound have been recorded. Details of how hailstones grow are complicated, but the results are irregular balls of ice that can be as large as baseballs, sometimes even bigger. While crops are the major victims, hail is also a hazard to vehicles, aircraft and windows.

## **Severe Winter Weather**

Ice and snow events typically occur during the winter months and can cause loss of life, property damage and tree damage.

### *Heavy Snow Storms*

A winter storm can range from moderate snow to blizzard conditions. Blizzard conditions are considered blinding, wind-driven snow over 35 mph. A severe winter storm deposits four or more inches of snow during a 12-hour period or six inches of snow during a 24-hour period.

### *Ice Storms*

An ice storm involves rain, which freezes upon impact. Ice coating at least one-fourth inch in thickness is heavy enough to damage trees, overhead wires and similar objects. Ice storms often produce widespread power outages.

### *Nor'easter*

A Nor'easter is large weather system traveling from South to North passing along or near the seacoast. As the storm approaches New England and its intensity becomes increasingly apparent, the resulting counterclockwise cyclonic winds impact the coast and inland areas from a Northeasterly direction. The sustained winds may meet or exceed hurricane force, with larger bursts, and may exceed hurricane events by many hours (or days) in terms of duration.

## **Wildfire and Conflagration**

### *Forest Fires and Grass Fires*

Wildfire is defined as an uncontrolled and rapidly spreading fire. A forest fire is an uncontrolled fire in a woody area. They often occur during drought and when woody debris on the forest floor is readily available to fuel the fire. Grass fires are uncontrolled fires in grassy areas.

### *Conflagration*

Conflagration is defined as a large damaging fire. For the purpose of this Plan, conflagration is considered an urban fire with the potential to spread through the center of Portsmouth.

## **Earthquakes**

Geologic events are often associated with California, but New England is considered a moderate risk earthquake zone. An earthquake is a rapid shaking of the earth caused by the breaking and shifting of rock beneath the earth's surface. Earthquakes can cause buildings and bridges to collapse, disrupt gas, electric and phone lines, and often cause landslides, flash floods, fires, and avalanches. Larger earthquakes usually begin with slight tremors but rapidly take the form of one or more violent shocks, and end in vibrations of gradually diminishing force called aftershocks. The underground point of origin of an earthquake is called its focus; the point on the surface directly above the focus is the epicenter. The magnitude and intensity of an earthquake is determined by the use of scales such as the Richter scale and Mercalli scale. The Richter scale is included in Appendix E.

## **Extreme Temperatures**

Extreme temperatures are typically recognized as conditions where temperatures consistently stay ten degrees or more above a region's average high temperature for a 24-72 hours (extreme heat), or stay ten degrees or more below a region's average low temperature for a 24-72 hour period (extreme cold). Fatalities can result from extreme temperatures, as they can push the human body beyond its limits.

## **Drought**

Drought is a period of unusually constant dry weather that persists long enough to cause deficiencies in water supply (surface or underground). Droughts are slow-onset hazards, but, over time, they can severely affect municipal water supplies, crops, recreation resources, and wildlife. If drought conditions extend over a number of years, the direct and indirect economic impacts can be significant. High temperatures, high winds, and low humidity can worsen drought conditions and also make area more susceptible to wildfire. In addition, human actions and demands for water resources can accelerate drought-related impacts.

## **Climate Change**

Research shows the climate of New Hampshire and the Seacoast region has changed over the past century, and predicts the future climate of the region will be affected by human



activities that are warming the planet. Overall, New England has been getting warmer and wetter over the last century, and the rate of change has increased over the last four decades. The challenges posed by climate change, such as more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels could significantly alter the types and magnitudes of hazards faced by Portsmouth.

The City of Portsmouth's 2013 Coastal Resilience Initiative (CRI) studied the potential impacts from a changing climate, and produced a set of flood elevation maps, sea-level rise scenarios, a vulnerability assessment and recommendations for adaptation planning.

## **PROFILE OF PAST AND POTENTIAL HAZARDS**

As discussed above the natural hazards that were identified for mitigation in this Plan include: flooding, hurricanes and other high wind events, severe winter weather, wildfire and conflagration, earthquakes, coastal storms, extreme temperatures, drought, and sea-level rise and increased precipitation events resulting from climate change. Some of the natural hazards could be included under more than one type of hazard. For example a hurricane could be considered a high wind event, a flooding event or a coastal storm; depending on the storm's consequences.

The hazard profiles below include: a description of the events included as part of the natural hazard, the geographic location of each natural hazard (if applicable), the extent of the natural hazard (e.g. magnitude or severity), probability, past occurrences, and community vulnerability. Past occurrences of natural hazards were mapped if possible (Map 2: Past and Future Hazards). Some of the natural hazards have not occurred within the City of Portsmouth (within written memory), for these hazards the plan refers to a table of hazards that have occurred regionally and statewide (Table 4). Community vulnerability identifies the specific areas, general type of structures, specific structures, or general vulnerability of the City of Portsmouth to each natural hazard.

The **extent** of a hazard is the strength or magnitude of a hazard. For this plan extent will be described as Minimal, Moderate or Severe if there is no other appropriate scale to use or data on the extent is limited. These terms are defined as follows: Minimal – local residents can handle the hazard event without help from outside sources. Moderate - county or regional assistance is needed to survive and/or recover. Severe – state or federal assistance is necessary to survive and/or recover. **Probability** was defined as high, a roughly 66-100% chance of reoccurrence within the next 25 years; moderate, roughly a 33-66% chance of reoccurrence within the next 25 years; and low, roughly a 0-33% of reoccurrence within the next 25 years.

### **FLOODING**

Description: Flooding events can result from hurricanes, 100-year floods, 500-year floods, debris-impacted infrastructure, erosion, mudslides, rapid snow pack

melt, river ice jams, dam breach and/or failure, coastal storm surge, tsunami, and sea-level rise.

Location: Portsmouth is vulnerable to flooding in several locations. Generally, the City is at risk within the Flood Zones identified by FEMA on Flood Insurance Rate Maps (FIRM). Portsmouth has two major flood zones, A and AE. These flood zones correspond to the Special Flood Hazard Area (100-year flood zone, A and AE) and the 500-year flood zone. There are also several locally-identified areas susceptible to flooding that are not within these flood zones, these areas are described below and displayed on Map 2: Past and Future Hazards.

Extent: The extent of flooding in Portsmouth can range from minimal to severe. Minimal flooding can result in high water alongside roads and in yards; severe flooding can result in washed out roads and homes and businesses isolated by high and fast moving water. The Special Flood Hazard Zone and the 500-year flood zone can be seen in Map 2: Past and Future Hazards. This map also includes areas of locally chronic flood problems.

Probability: **High.**

**Table 1: Probability of Flooding based on return interval frequency**

Flood Return Interval	Chance of Occurrence in Any Given Year
10-year	10%
50-year	2%
100-year	1%
500-year	0.2%

Past Occurrence: Flooding is a common hazard for the City of Portsmouth. Several locations were identified by the Committee as areas of chronic reoccurring flooding or high potential for future flooding. These areas include Sagamore Creek, Sewall and Thaxter Road, North Mill Pond, State Street and Middle Road, South Mill Pond, Banfield Road, Brewster Street, Bartlet Street, and Lang Road. The City's EMD and DPW will work together to record the dates of future flooding events to be used in HMA grant applications.

Community Vulnerability: The Committee identified several areas in Portsmouth as being vulnerable to flooding caused by heavy rains, coastal high tides and storm surge, snow melt and ice jams. These areas are depicted on Map 2: Past and Potential Hazards and are as follows: Sagamore Creek, Sewall and Thaxter Road, North Mill Pond, State Street and Middle Road, South Mill Pond, Banfield Road, Brewster Street, Bartlet Street, and Lang Road.

Closure of these roads due to high water and/or unsafe driving conditions can prevent residents from reaching homes and businesses, restrict emergency response vehicles and school bus routes. High water levels and swiftly moving water can also cause culvert failure and erosion, undermining road safety.

A summary of Portsmouth's greatest vulnerabilities to flooding are as follows:

- Structures, both commercial and residential, and roads located in the flood zone and in neighborhoods prone to flooding, as identified on Map 2, Past and Potential Hazards, including: Sagamore Creek, Sewall and Thaxter Road, North Mill Pond, State Street and Middle Road, South Mill Pond, Banfield Road, Brewster Street, Bartlet Street, and Lang Road.
- Planning for long term sea-level rise can be integrated with existing regulatory and management frameworks for the current 100-year floodplain (1% chance).

### **National Flood Insurance Program (NFIP)**

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victim and the increasing amount of damage caused by floods. The Federal Insurance and Mitigation Administration (FIMA) a component of the Federal Emergency Management Agency (FEMA) manages the NFIP, and oversees the floodplain management and mapping components of the program.

Communities participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce flood damage. In exchange, the NFIP makes federally subsidized flood insurance available to homeowners, renters, and business owners in these communities. Flood insurance, Federal Grants and loans, Federal disaster assistance and federal mortgage insurance is unavailable for the acquisition or construction of structures located in the floodplain shown on the NFIP maps for those communities that do not participate in the program.

To get secure financing to buy, build or improve structures in the Special Flood Hazard Areas, it is legally required by federal law to purchase flood insurance. Lending institutions that are federally regulated or federally insured must determine if the structure is located in the SFHA and must provide written notice requiring flood insurance. Flood insurance is available to any property owner located in a community participating in NFIP. Flood damage is reduced by nearly \$1 billion a year through partnerships with communities, the insurance industry, and the lending industry. Further, buildings constructed in compliance with NFIP building standards suffer approximately 80 percent less damage annually than those not built in compliance. Additionally, every \$3 paid in flood insurance claims saves \$1 in disaster assistance payments.

The NFIP is self-supporting for the average historical loss year, which means that operating expenses and flood insurance claims are not paid for by the taxpayer, but

through premiums collected for flood insurance policies. The program has borrowing authority from the U.S. Treasury for times when losses are heavy; however, these loans are paid back with interest.

### **Repetitive Loss Properties**

A specific target group of repetitive loss properties is identified and serviced separately from other NFIP policies by the Special Direct Facility (SDF). The target group includes every NFIP insured property that, since 1978 and regardless of any change(s) of ownership during that period, has experienced four or more paid losses, two paid flood losses within a 10-year period that equal or exceed the current value of the insured property, or three or more paid losses that equal or exceed the current value of the insured property, regardless of any changes of ownership, since the buildings construction or back to 1978. Target group policies are afforded coverage, whether new or renewal, only through the SDF.

The FEMA Regional Office provides information about repetitive loss properties to State and local floodplain management officials. The FEMA Regional Office may also offer property owners building inspection and financial incentives for undertaking measures to mitigate future flood losses. These measures include elevating buildings from the flood area, and in some cases drainage improvement projects. If the property owners agree to mitigation measures, their property may be removed from the target list and would no longer be serviced by the SDF.

**Table 2: Portsmouth NFIP Policy and Loss Statistics**

<b>Policies in force</b>	<b>Insurance in Force</b>	<b>Number of Paid Losses (since 1982)</b>	<b>Total Losses Paid (Since 1982)</b>
146	\$41,038,000	24	\$198,895.53

Source: FEMA Policy and claims database, as of October, 2016

### **Portsmouth NFIP Repetitive Flooding Losses**

Portsmouth joined the Regular Program of the NFIP on May 17, 1982. Portsmouth is part of the Rockingham County DFIRMs and FIS, which are both dated May 17, 2005. As of October 2016, Portsmouth has had 6 repetitive loss residential properties according to New Hampshire Office of Energy and Planning (NHOEP) records. This is determined by any repetitive damage claims on those properties that hold flood insurance through the NFIP.

### **Floodplain Management Goals/Reducing Flood Risks**

A major objective to floodplain management is to continue participation in the NFIP. Communities that agree to manage Special Flood hazard Areas shown on NFIP maps

participate in the NFIP by adopting minimum standards. The minimum requirements are the adoption of the floodplain Ordinances and Subdivision/Site Plan Review requirements for land designated as Special Flood hazard Areas. Under Federal Law, any structure located in the floodplain is required to have flood insurance. Federally subsidized flood insurance is available to any property owner located in a community participating in the NFIP. Communities that fail to comply with the NFIP will be put on probation and/or suspended. Probation is a first warning where all policy holders receive a letter notifying them of a \$50 increase in their insurance. In the event of suspension, the policyholders lose their NFIP insurance and are left to purchase insurance in the private sector, which is of significantly higher cost. If a community is having difficulty complying with NFIP policies, FEMA is available to meet with staff and volunteers to work through the difficulties and clear up any confusion before placing the community on probation or suspension.

### **Potential Administrative Techniques to Minimize Flood Losses in Portsmouth**

A potential step in mitigating flood damage is participating in NFIP. Portsmouth continues to consistently enforce NFIP compliant policies in order to continue its participation in this program and has effectively worked within the provisions of NFIP. Below is a list of actions Portsmouth should consider, or continue to perform, in order to comply with NFIP:

- Participate in NFIP training offered by the State and/or FEMA (or in other training) that addresses flood hazard planning and management;
- Establish Mutual Aid Agreements with neighboring communities to address administering the NFIP following a major storm event;
- Address NFIP monitoring and compliance activities;
- Revise/adopt subdivision regulations, erosion control regulations, board of health regulations to improve floodplain management in the community;
- Prepare, distribute or make available NFIP insurance and building codes explanatory pamphlets or booklets;
- Identify and become knowledgeable of non-compliant structures in the community;
- Inspect foundations at time of completion before framing to determine if lowest floor is at or above Base Flood Elevation (BFE), if they are in the floodplain;
- Require the use of elevation certificates;
- Enhance local officials, builders, developers, local citizens and other stakeholders' knowledge of how to read and interpret the FIRM;
- Work with elected officials, the state and FEMA to correct existing compliance issues and prevent any future NFIP compliance issues through continuous communications, training and education.

### **HURRICANE AND HIGH WIND EVENTS**

Description: High wind events can include hurricanes, tornadoes, "Nor'-Easters," downbursts and lightning/thunderstorm events.

Location: Hurricane events are more potentially damaging with increasing proximity to the coast. For this plan, high-wind events were considered to have an equal chance of affecting any part of the City of Portsmouth.

Extent: Hurricane strength is measured using the Saffir-Simpson Scale as located in Appendix C of this plan. Portsmouth is located within a Zone II hurricane-susceptible region (indicating a design wind speed of 160 mph)<sup>1</sup>. Between 1900 and 2013 2 hurricanes have made landfall in New Hampshire, a category 1 and a category 2. In Maine, 5 hurricanes have made landfall (all category 1). In Massachusetts, 6 hurricanes have made landfall (2 category 1, 2 category 2 and 2 category 3). From this information it can be extrapolated that Portsmouth is a high risk to a hurricane event, with variable wind speeds between 74 – 130 mph (category 1-3).

Tornadoes are measured utilizing the Enhanced Fujita Damage Scale located in Appendix D of this plan. From 1950 to 2013 Rockingham County was subject to 9 recorded tornado events, measured using the previous Fujita Damage Scale, these included 2 type F0 (Gale Tornado, 40-72 mph), 2 type F1 (Moderate Tornado, 73-112 mph), 4 type F2 (Significant Tornado, 113-157 mph) and 1 type F3 (Severe Tornado, 158-206 mph). Type 3 tornados can cause severe damage including tearing the roofs and walls from well-constructed homes, trees can be uprooted, trains over-turned, and cars lifted off the ground and thrown

Probability: **High.** The State of New Hampshire's Multi-Hazard Mitigation Plan Update 2013 rates Rockingham County with high likelihood of hurricane, tornado and "Nor'-Easters" events. The State Plan rates the probability of lightning in Rockingham County as "unable to locate any new county specific data with respect to this hazard type.

Past Occurrence: Between 1635 and 2015 14 hurricanes have impacted the State of New Hampshire. The worst of these occurred on September 21, 1938, with wind speeds of up to 186 mph in MA and 138 mph elsewhere. Thirteen of 494 people killed by this storm were residents of New Hampshire. The Storm caused \$12,337,643 in damages (1938 dollars), timber not included. Hurricanes Sandy and Irene created areas of localized flooding in Portsmouth and power loss. The City received \$21,933.19 in funds from FEMA as a result of costs incurred from these storms. A high wind event on February 25 and 26, 2010 resulted in extensive power outages, downed wires and trees. A severe thunderstorm on July 28, 2006 included high winds which resulted in the steeple of the North Church in the center of downtown Portsmouth to collapse.

Tornadoes have not impacted Portsmouth in recently memory.

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<sup>1</sup> "Understanding Your Risks, Identifying Hazards and Estimating Losses", FEMA, page 3-22

Community Vulnerability: The Committee determined that the high winds and heavy rain associated with hurricanes can impact every neighborhood in Portsmouth before, during and after the storm, resulting in downed trees, flooding of ponds, rivers, streams, roads and basements, and damage to home, businesses and community infrastructure.

The Committee determined that all parts of Portsmouth are vulnerable to the impacts associated with the high winds and flying debris caused by tornadoes. Mobile homes scattered throughout City are more vulnerable to tornadoes than conventionally built residences.

The following infrastructure in Portsmouth is at most risk:

- Power lines
- Shingled roofs
- Chimneys
- Trees
- Mobile homes
- Sewage pump stations
- Cell towers
- Parks and harbors

## **SEVERE WINTER WEATHER**

Description: There are three types of winter events: blizzards, ice storms and extreme cold. All of these events are a threat to the community with subzero temperatures from extreme wind chill and storms causing low visibility for commuters. Snow storms have been known to collapse buildings. Ice storms disrupt power and communication services. Extreme cold affects the elderly.

Location: Severe winter weather events have an equal chance of affecting any part of the City of Portsmouth.

Extent: Large snow events in Southeastern New Hampshire can produce 30 inches of snow, or more. Portions of central New Hampshire recorded snowfalls of 98” during one slow moving storm in February of 1969. Ice storms, which can be measured utilizing the Sperry-Piltz ice accumulation scale as found in appendix J of this plan, occur with regularity in New England. Seven severe ice storms have been recorded that affected New Hampshire since 1929. These events caused disruption of transportation, loss of power and millions of dollars in damage.

Probability: **High.** The State of New Hampshire’ Multi-Hazard Mitigation Plan Update 2013 rates Rockingham County with high likelihood of heavy snows and ice storms.

Past Occurrence: Portsmouth has been impacted by four severe winter storms in the past five years. A storm on January 2, 2009 resulted in the removal of tree debris and wind-blown debris. A storm on March 29, 2010 caused flooding that damaged roads and culverts. The “Halloween storm” on October 31, 2011 resulted in widespread power outages, fallen trees, and closed roads. A severe winter storm struck the City on March 19, 2013 with heavy snow fall resulting in 48 hours of snow removal. A severe winter storm in 2015 required extensive snow removal efforts by the City, and the City received \$106,145.75 in FEMA funds as a result of these storms.

Community Vulnerability: Severe winter weather has struck Portsmouth and every other community in the region on an annual basis in recent memory. The Committee determined that heavy snow, strong and gusty winds, and frigid temperatures can impact all parts of the City equally, resulting in downed trees and power lines, extended power outages, and unsafe driving condition. Extended power outages and the resulting loss of heat in homes of elderly residents are of concern. Rapid snow melt after severe winter weather can result in flooding of rivers and streams, posing risk to roads and structures. The Committee identified the following at greatest risk from severe winter weather:

- Elderly and challenged populations
- Power lines
- Trees, including impacts roads on utility rights of way
- Congregate care facilities
- Cell towers

## **WILDFIRE**

Description: Wildfires include grass fires and forest fires.

Location: The Committee identified three wooded or grassed areas of City as at-risk to wildfires (see Map 2: Past and Future Hazards). These areas are in the southern half of City and include the forest surrounding the Portsmouth Urban Forestry Center and portions of Great Bog.

Extent: A wildfire is defined as a fire in wooded, potentially remote areas that may endanger lives. Wildfire can be measured utilizing the NWCG Classification of fire size<sup>2</sup>. New Hampshire has about 500 wildfires each year; most of these burn less than half an acre. A wildfire in the City of Portsmouth is unlikely, but if a crown fire were to occur it could be very damaging to structures abutting large wooded areas of City. The housing in this southern section of City is relatively

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<sup>2</sup> [http://www.nwcg.gov/pms/stds/standards/fire-size-class\\_v1-0.htm#definition](http://www.nwcg.gov/pms/stds/standards/fire-size-class_v1-0.htm#definition)



low-density when compared to the urban center of the City. A large grass fire would affect even less structures than a forest fire due to the wetland setbacks required when building near these large open grassed wetlands such as Great bog. The Wildland-Urban Interface Scale, a tool to quantify the expected severity of wildfire events in developed areas, is included in Appendix K.

Probability: **Moderate**. The State of New Hampshire's Multi-Hazard Mitigation Plan Update 2013 rates Rockingham County with moderate risk to wildfires.

Past Occurrence: The majority of wildfires in Portsmouth are minor brush fires. A large, 5 alarm, brush fire off of Ocean Road took place on May 2, 2001.

Community Vulnerability: The Committee determined that all forested and open areas in City are prone to wildfires, and the greatest wildfire threat in Portsmouth is the result of extended drought that creates wildfires. The Committee summarized the threat as follows:

- Structures located near large open vegetated areas
- Vulnerability increases during drought events
- Tree debris created by high wind and winter storm events

## CONFLAGRATION

Description: Conflagration is a large very destructive fire. In this *Plan* it is referring to a large urban fire that is spread due to the tightly spaced wooded buildings.

Location: The Committee identified the urban center of Portsmouth as at risk to conflagration (see Map 2: Past and Future Hazards).

Extent: The extent of conflagration, or uncontrolled urban fire, could be extreme given the tight building density of Portsmouth's down City.

Probability: **High**.

Past Occurrence: A 4 alarm fire at 64 Market Street in down City occurred on December 9, 2015; a 5 alarm fire at 135 Bow Street, also down City, occurred on February 1, 2015; and, a 3 alarm fire at 38 Daniel Street, down City, occurred on June 3, 2013.

Community Vulnerability:

- Wooden structures, built close together
- Historic buildings (e.g. Strawberry Bank)
- Structures without adequate fire protection

## EARTHQUAKE

Description: Seismic activity including landslides and other geologic hazards.

Location: An earthquake has an equal chance of affecting all areas in the City of Portsmouth.

Extent: Earthquakes are measured utilizing the Richter Magnitude Scale as detailed in Appendix E of this plan. New England is particularly vulnerable to the injury of its inhabitants and structural damage because of our built environment. Few New England States currently include seismic design in their building codes. Massachusetts introduced earthquake design requirements into their building code in 1975 and Connecticut very recently did so. However, these specifications are for new buildings, or very significantly modified existing buildings only. Existing buildings, bridges, water supply lines, electrical power lines and facilities, etc. have rarely been designed for earthquake forces (New Hampshire has no such code specifications).

Probability: **Moderate**. The State of New Hampshire's Multi-Hazard Mitigation Plan Update 2013 ranks all of the Counties in the State with at moderate risk to earthquakes. The City of Portsmouth's Peak Ground Acceleration (PGA) values range between 6.1 and 21.0<sup>3</sup>. These numbers are associated with how much an earthquake is felt and how much damage it may cause (Table 3).

**Table 3: Peak Ground Acceleration (PGA) Values for Portsmouth (information from State and Local Mitigation Planning, FEMA).**

PGA	Chance of being exceeded in the next 50 years	Perceived Shaking	Potential Damage
6.1	10%	Moderate	Very Light
10.6	5%	Strong	Light
21.0	2%	Very Strong	Moderate

Past Occurrence: Large earthquakes have not affected the City of Portsmouth within recent memory.

Community Vulnerability: The Committee determined that earthquakes do not pose a frequent threat to Portsmouth, but if one were to occur that the most vulnerable structures include:

- Dams,
- Bridges,
- Brick Structures,

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<sup>3</sup> <http://geohazards.cr.usgs.gov/eq/pubmaps/us.pga.050.map.gif>

- Infrastructure,
- Water and Gas lines, and
- Secondary hazards such as fire, power outages, or hazardous material leak or spill.

## COASTAL STORMS

Description: The State's Atlantic seacoast and estuaries are vulnerable to extremes of storm water runoff and storm surge from coastal storms and hurricanes. A storm surge, especially when coupled with astronomical high tides, presents a threat to all land areas adjacent to the marine environment<sup>4</sup>.

Location: The possible location (inundation) of a storm surge is depicted on the Map 2: Past and Future Hazards. The 25-foot contour above sea level was chosen as the furthest inland extent of a possible storm surge. The potential size of a storm surge is variable and sources also differ on the potential maximum size of a storm surge in the area of Portsmouth, NH.

Extent: Coastal storms could affect much of Portsmouth, due to the City's low elevation. Assuming that the City is vulnerable to category 3 hurricanes, the potential storm surge related to such a wind event could reach several feet above normal sea level<sup>5</sup>. A storm surge would affect many of the homes, businesses, and habitats located near and adjacent to the waterline. Impacts from storm surge coupled with sea-level rise could cause significant damage. The City's 2013 Vulnerability Assessment identified the potential extent of damage, Figure 1, below.

Probability: **High**. The State of New Hampshire's Multi-Hazard Mitigation Plan Update 2013 rates Rockingham County with high likelihood of storm surge and hurricane events. The probability of this maximum storm surge event (25 feet high) is **Very Low**.

Past Occurrence: A list of hurricanes and Nor'easters that have affected the region are displayed below in Table 4.

### Community Vulnerability:

- Structures near the shoreline
- Boats and docks
- Shoreline erosion
- Utilities near the shoreline

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<sup>4</sup> NH State Natural Hazards Mitigation Plan October 2000 Edition

<sup>5</sup> "Understanding Your Risks, Identifying Hazards and Estimating Losses", FEMA

## **EXTREME TEMPERATURES**

Description: Extreme temperatures are typically recognized as conditions where temperatures consistently stay ten degrees or more above a region's average high temperature for a 24-72 hours (extreme heat), or stay ten degrees or more below a region's average low temperature for a 24-72 hour period (extreme cold). Fatalities can result from extreme temperatures, as they can push the human body beyond its limits.

Location: Extreme temperatures can affect all areas of Portsmouth.

Extent: Extreme heat events impact Portsmouth for 2-3 days each summer, and extreme cold events impact the City 5-7 days each winter. FEMA's Heat Index measures a number in degrees Fahrenheit that tells how hot it feels when relative humidity is added to the air temperature.

Probability: **HIGH**

Past Occurrence: Annually

Community Vulnerability: The Committee determined that all parts of Portsmouth are at risk of impacts associated with extreme temperatures. The young, elderly and challenged populations are especially vulnerable to heat stroke. The EMC maintains a list of these populations, including addresses for homes, day care centers, and congregate care facilities.

## **DROUGHT**

Description: Drought is a period of unusually constant dry weather that persists long enough to cause deficiencies in water supply (surface or underground). Droughts are slow-onset hazards, but, over time, they can severely affect municipal water supplies, crops, recreation resources, and wildlife. If drought conditions extend over a number of years, the direct and indirect economic impacts can be significant. High temperatures, high winds, and low humidity can worsen drought conditions and also make area more susceptible to wildfire. In addition, human actions and demands for water resources can accelerate drought-related impacts.

Location: The Committee determined that drought poses risks to water supply throughout the City. Risks of wildfire associated with drought conditions are greatest outside the City's down City, in areas with vegetation and trees.

Extent: Although New Hampshire is typically thought of as a water-rich state, there are times the demand for water can be difficult to meet. A combination of increased population and extended periods of low precipitation can cause reduced water supplies. Drought can impact Portsmouth after extended periods with limited rain and snowfall, often for several months.

Probability: **LOW**

Past Occurrence: The State of New Hampshire Multi-Hazard Mitigation Plan Update 2013 rates the Seacoast Region at low risk for drought. However, drought conditions persisted across southern New Hampshire for much of 2016, resulting in the City of Portsmouth banning outdoor water use.

Community Vulnerability: The Committee determined the following to be most at risk due to drought conditions:

- Water supply
- Fire flow

## **CLIMATE CHANGE**

Description: Research shows the climate of New Hampshire and the Seacoast region has changed over the past century, and predicts the future climate of the region will be affected by human activities that are warming the planet. Overall, New England has been getting warmer and wetter over the last century, and the rate of change has increased over the last four decades. In addition, sea-levels are rising, resulting in coastal flooding.

Location: The challenges posed by climate change, such as more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels could significantly alter the types and magnitudes of hazards faced by Portsmouth. Intense precipitation events and extreme heat can impact all parts of the City. Rising sea-levels will impact neighborhoods and infrastructure along the coastline and shoreline of tidal rivers and streams. At particular risk are Banfield Road at Heritage Road, Bartlett Street, and basement flooding in the Elwyn Road and Richards Avenue neighborhoods.

Extent: Climate change is already impacting Portsmouth in the form of increased flood events and higher tides several days each year.

Past Occurrence: Hazards associated with a changing climate are occurring annually in Portsmouth, including higher seasonal tides and flooding from extreme precipitation events.

Community Vulnerability: The Committee determined that climate change impacts the City in the following ways:

- Flooding of roadways, including evacuation routes, and homes and businesses due to rising sea-levels and an increase in extreme precipitation events;

- Rising sea-levels along the coast also threaten City infrastructure, including public recreation facilities;
- Increase in periods of extreme heat, impacting human health, and stressing water supply.

Table 4: State of New Hampshire  
Presidentially Declared Disasters (DR) and Emergency Declarations (EM) 1982-2016  
Source: *State of NH Multi-Hazard Mitigation Plan, 2013 Update*

Date Declared	Event	FEMA DR	Program	Amount	Counties Declared
08/27/86	Severe storms/flooding	FEMA-771-DR	PA	\$1,005,000	Cheshire and Hillsborough
04/16/87	Severe storms/flooding	FEMA-789-DR	PA/IA	\$4,888,889	Carroll, Cheshire, Grafton, Hillsborough, Merrimack, Rockingham, and Sullivan
08/29/90	Severe storms/winds	FEMA-876-DR	PA	\$2,297,777	Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, and Sullivan
09/09/91	Hurricane	FEMA-917-DR	PA	\$2,293,449	Statewide
11/13/91	Coastal storm/flooding	FEMA-923-DR	PA/IA	\$1,500,000	Rockingham
03/16/93	Heavy snow	FEMA-3101-DR	PA	\$832,396	Statewide
01/03/96	Storms/floods	FEMA-1077-DR	PA	\$2,220,384	Carroll, Cheshire, Coos, Grafton, Merrimack, and Sullivan
10/29/96	Severe storms/flooding	FEMA-1144-DR	PA	\$2,341,273	Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan
01/15/98	Ice storm	FEMA-1199-DR	PA/IA	\$12,446,202	Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, Strafford, and Sullivan
07/02/98	Severe storms	FEMA-1231-DR	PA/IA	\$3,420,120	Belknap, Carroll, Grafton, Merrimack, Rockingham, and Sullivan
10/18/99	Hurricane/tropical storm Floyd	FEMA-1305-DR	PA	\$750,133	Belknap, Cheshire, and Grafton
March 2001	Snow emergency	FEMA-3166-EM	PA	\$4,500,000	Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, and Strafford
2/17/2003 - 2/18/2003	Snow emergency	FEMA-3177-EM	PA	\$3,000,000	Cheshire, Hillsborough, Merrimack, Rockingham, and

					<b>Strafford</b>
09/12/03	<b>Severe storms/flooding</b>	<b>FEMA-1489-DR</b>	<b>PA</b>	<b>\$1,300,000</b>	<b>Cheshire and Sullivan</b>
03/11/03	<b>Snow emergency</b>	<b>FEMA-3177-EM</b>	<b>PA</b>	<b>\$3,000,000</b>	<b>Cheshire, Hillsborough, Merrimack, Rockingham, and Strafford</b>
01/15/04	<b>Snow emergency</b>	<b>FEMA-3193-EM</b>	<b>PA</b>	<b>\$3,200,000</b>	<b>Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, and Sullivan</b>
03/30/05	<b>Snow emergency</b>	<b>FEMA-3207-EM</b>	<b>PA</b>	<b>\$4,654,738</b>	<b>Belknap, Carroll, Cheshire, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan</b>
03/30/05	<b>Snow emergency</b>	<b>FEMA-3208-EM</b>	<b>PA</b>	<b>\$1,417,129</b>	<b>Carroll, Cheshire, Coos, Grafton, and Sullivan</b>
04/28/05	<b>Snow emergency</b>	<b>FEMA-3211-EM</b>	<b>PA</b>	<b>\$2,677,536</b>	<b>Carroll, Cheshire, Hillsborough, Rockingham, and Sullivan</b>
10/26/05	<b>Severe storm/flooding</b>	<b>FEMA-1610-DR</b>	<b>PA/IA</b>	<b>\$14,996,626</b>	<b>Belknap, Cheshire, Grafton, Hillsborough, Merrimack, and Sullivan</b>
05/31/06	<b>Severe storm/flooding</b>	<b>FEMA-1643-DR</b>	<b>PA/IA</b>	<b>\$17,691,586</b>	<b>Belknap, Carroll, Grafton, Hillsborough, Merrimack, Rockingham, and Strafford</b>
4/15/2007 - 4/23/2007	<b>Severe storm/flooding</b>	<b>FEMA-1695-DR</b>	<b>PA/IA</b>	<b>\$27,000,000</b>	<b>Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan</b>
08/11/08	<b>Severe storms/tornado/flooding</b>	<b>FEMA-1782-DR</b>	<b>PA</b>	<b>\$1,691,240</b>	<b>Belknap, Carroll, Merrimack, Rockingham, and Strafford</b>
09/05/08	<b>Severe storms/flooding</b>	<b>FEMA-1787-DR</b>	<b>PA</b>	<b>\$4,967,595</b>	<b>Belknap, Coos, and Grafton</b>
10/03/08	<b>Severe storms/flooding</b>	<b>FEMA-1799-</b>	<b>PA</b>	<b>\$1,050,147</b>	<b>Hillsborough and</b>



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		DR			Merrimack
12/11/08	Severe winter storm	FEMA-3297-EM	DF A/P A	\$900,000	Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan
01/02/09	Severe winter storm	FEMA-1812-DR	DF A/P A	\$19,789,657	Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan
03/29/10	Severe winter storm	FEMA-1892-DR	PA	\$9,103,138	Merrimack, Rockingham, Strafford, and Sullivan
05/12/10	Severe winter storm	FEMA-1913-DR	PA	\$3,057,473	Hillsborough and Rockingham
07/22/11	Severe storms/flooding	FEMA-4006-DR	PA	\$1,664,140	Coos and Grafton
09/03/11	Tropical storm Irene	FEMA-4026-DR	PA/IA	\$11,101,752	Belknap, Carroll, Coos, Grafton, Merrimack, Strafford, and Sullivan
12/07/11	October Nor'easter	FEMA-4049-DR	PA	\$4,411,457	Hillsborough and Rockingham
06/18/12	Severe storms/flooding	FEMA-4065-DR	PA	\$3,046,189	Cheshire
10/30/12	Hurricane Sandy	DR-4095 EM-3360	PA DFA	\$2,132,376	Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan
2/8/2013 - 2/10/2013	Severe storm/blizzard	DR-4105	PA	\$6,127,598	Belknap, Carroll, Cheshire, Hillsborough, Merrimack, Strafford, and Rockingham
6/26/2013 – 7/3/2013	Severe storms/flooding	DR-4139	PA	\$6,389,705	Cheshire, Sullivan, and Grafton
1/26/2015 – 1/29/2015	Severe winter storm/snowstorm	DR-4209	PA	\$4,607,527	Strafford, Rockingham, and Hillsborough

Program Key: PA: Public Assistance IA: Individual Assistance DFA: Direct Federal Assistance

## **MAP 2: PAST AND FUTURE HAZARDS**

## CHAPTER IV - CRITICAL FACILITIES

The Critical Facilities List for the City of Portsmouth has been identified by Portsmouth's Hazard Mitigation Committee. The Critical Facilities List has been broken up into three categories. The *first category* contains facilities needed for Emergency Response in the event of a disaster. The *second category* contains Non-Emergency Response Facilities that have been identified by the committee as non-essential. These are not required in an emergency response event, but are considered essential for the everyday operation of Portsmouth. The *third category* contains Facilities/Populations that the committee wishes to protect in the event of a disaster. A description of critical facilities can be found in Table 5 through Table 7 and locations can be found on Map 3: Critical Facilities.

**Table 5: Category 1 - Emergency Response Services and Facilities:**

Critical Facility	Facility Type	City	Address
City Fuel Pumps	Emergency Fuel Storage	Portsmouth	680 Peverly Hill Rd.
Portsmouth Fire Department Station #3	Fire Station	Portsmouth	127 International Dr
Portsmouth Fire Department Station #2	Fire Station	Portsmouth	3010 Lafayette Rd.
Portsmouth Fire Station Fire Central	Fire Station	Portsmouth	170 Court St
Portsmouth Regional Hospital	Medical Facility	Portsmouth	333 Borthwick Ave.
Police Station	Police Station	Portsmouth	1 Junkins Ave.
Public Works	Public Works	Portsmouth	680 Peverly Hill Rd.
City Hall	City Hall	Portsmouth	1 Junkins Ave.

**Table 6: Category 2- Non-Emergency Response Facilities:**

Critical Facility	Facility Type	City	Address
Pease International Tradesport	Airport	Portsmouth	42 Airline Ave.
Sarah Mildred Long Bridge	Bridge	Portsmouth/Kittery, ME	Route 1 Bypass
Memorial Bridge	Bridge	Portsmouth/Kittery, ME	Route 1
Interstate 95 High-Level Bridge	Bridge	Portsmouth/Kittery, ME	I-95
Cell Antenna	Cell Tower	Portsmouth	680 Peverly Hill Rd
Verizon	Cell Tower	Portsmouth	56 Islington St

Critical Facility	Facility Type	City	Address
Capstar Radio Operating Company	Cell Tower	Portsmouth	815 Lafayette Rd
Capstar Radio Operation Company	Cell Tower	Portsmouth	333 Borthwick Ave
Capstar Radio Operation Company	Cell Tower	Portsmouth	1555 Islington St
I-95	Critical Road	Portsmouth	Rt. 95
Rt. 1	Critical Road	Portsmouth	Rt. 1
Rt. 1 BYP	Critical Road	Portsmouth	Rt. 1 BYP
Rt. 16	Critical Road	Portsmouth	Rt. 16
Portsmouth Traffic Circle	Major Intersection	Portsmouth	Rt. 1, 16
Paul A. Doble Army Reserve Center	Government Facility	Portsmouth	145 West Rd.
Federal Building	Government Facility	Portsmouth	62 Daniel St
Naval Shipyard	Government Facility	Portsmouth	N\A
NH Air National Guard - 157	Government Facility	Portsmouth	302 Newmarket St.
NH Port Authority	Government Facility	Portsmouth	555 Market St
Pease Control Tower	Government Facility	Newington	42 Airline Ave.
Portsmouth Harbor	Harbor	Portsmouth	Piscataqua River
Clear Choice MD	Medical Facility	Portsmouth	750 Lafayette Rd.
Convenient MD Urgent Care	Medical Facility	Portsmouth	599 Lafayette Rd.
Portsmouth Regional Hospital Medical – Center for Rehabilitation and Wellness	Medical Facility	Portsmouth	155 Borthwick Ave.
Northeast Rehabilitation Hospital	Medical Facility	Portsmouth	105 Corporate Dr.
Cutts St. Substation	Power Station	Portsmouth	560 Maplewood Ave
Islington St. Substation	Power Station	Portsmouth	435 Interstate Bye-Pass
Jackson Hill Sub Station	Power Station	Portsmouth	2 Jackson Hill St
Lafayette Rd. Substation	Power Station	Portsmouth	940 Lafayette Road
Pease Substation	Power Station	Portsmouth	7 Exeter St.

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Critical Facility	Facility Type	City	Address
PSNH	Power Station	Portsmouth	Maplewood Ave
Schiller (PSNH) Power Plant	Power Station	Portsmouth	400 Gosling Rd
Rail Yard	Railroad	Portsmouth	N\A
Atlantic Heights Pump Station	Sewage Facility	Portsmouth	134 Preble Way
Clough Drive Pump Station	Sewage Facility	Portsmouth	210 Clough Dr.
Constitution Avenue Pump Station	Sewage Facility	Portsmouth	280 Constitution Ave.
Corporate Drive Pump Station	Sewage Facility	Portsmouth	215 Corporate Dr.
Deer Street Pump Station	Sewage Facility	Portsmouth	2 Deer St.
Gosling Road Pump Station	Sewage Facility	Portsmouth	120 Gosling Rd
Griffin Road Pump Station	Sewage Facility	Portsmouth	205 Griffin Rd.
Heritage Avenue Pump Station	Sewage Facility	Portsmouth	329 Heritage Ave.
Lafayette Road Pump Station	Sewage Facility	Portsmouth	630 Lafayette Rd
Leslie Drive Pump Station	Sewage Facility	Portsmouth	590 Market St
Marcy Street Pump Station	Sewage Facility	Portsmouth	535 Marcy St.
Marsh Lane Pump Station	Sewage Facility	Portsmouth	4 Marsh Lane
Mechanic Street Pump Station	Sewage Facility	Portsmouth	113 Mechanic St.
Mill Pond Way Pump Station	Sewage Facility	Portsmouth	131 Mill Pond Way
Northwest Street Pump Station	Sewage Facility	Portsmouth	221 Northwest St
Pease Waste Water Treatment Plant	Sewage Facility	Portsmouth	135 Corporate Dr.
Peirce Island Sewage Treatment Plant	Sewage Facility	Portsmouth	200 Peirce Island Rd.
Rye Line Pump Station	Sewage Facility	Portsmouth	3618 Lafayette Rd
Tucker's Cove Pump Station	Sewage Facility	Portsmouth	91 Gosport Rd.
West Road Pump Station	Sewage Facility	Portsmouth	280 West Rd
Woodlands 1 Pump Station	Sewage Facility	Portsmouth	306 FW Hartford Dr.
Woodlands 2 Pump Station	Sewage Facility	Portsmouth	516 FW Hartford Dr.
Control Station #1	Water Facility	Madbury	60 Freshet Rd.
Newington Booster Station	Water Facility	Newington	Arboretum Dr.

Critical Facility	Facility Type	City	Address
Pease Water Treatment Plant	Water Facility	Portsmouth	Grafton Dr
Water Treatment Plant	Water Facility	Madbury	60 Freshet Rd.
Bellamy Reservoir Dam	Water Facility-Reservoir	Madbury	Mill Hill Rd.
Constitution Avenue Tank	Water Tank	Portsmouth	95 Constitution Ave.
Hobbs Hill Tank	Water Tank	Portsmouth	International Dr
Newington Booster Station Tank	Water Tank	Newington	165 Arboretum Drive
NHANG Water Tank	Water Tank	Newington	182 Arboretum Dr.
Spinney Road Tank	Water Tank	Portsmouth	Spinney Lane
Collins Well	Water Facility-Well	Portsmouth	Harvard St
Greenland Well #5	Water Facility-Well	Greenland	Post Rd.
Harrison Well	Water Facility-Well	Portsmouth	Grafton Dr
Haven Well	Water Facility-Well	Portsmouth	Airport Taxiway
Madbury Well #2	Water Facility-Well	Madbury	60 Freshet Rd.
Madbury Well #3	Water Facility-Well	Madbury	60 Freshet Rd.
Madbury Well #4	Water Facility-Well	Madbury	60 Freshet Rd.
Portsmouth Well #1	Water Facility-Well	Portsmouth	Griffin Rd
Smith Well	Water Facility-Well	Portsmouth	Country Club Rd

**Table 7: Category 3 - Facilities/Populations to Protect:**

The third category contains people and facilities that need to be protected in event of a disaster.

Critical Facility	Facility Type	City	Address
Dondero Elementary School	Emergency Shelter	Portsmouth	32 Van Buren Ave.
Portsmouth High School	Emergency Shelter	Portsmouth	50 Andrew Jarvis Dr.
Amerigas	Hazardous Material	Portsmouth	1407 NH 33
Irving Oil Terminal	Hazardous Material	Portsmouth	50 Pebble Way
LP Storage at Barberry Lane	Hazardous Material	Portsmouth	139 Barberry Lane

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Critical Facility	Facility Type	City	Address
NHANG Fuel Tanks	Hazardous Material	Newington	400 Gosling Road
Schiller Station Coal Pile	Hazardous Material	Portsmouth	400 Gosling Road
Schiller Station Fuel Tanks A	Hazardous Material	Portsmouth	400 Gosling Road
Schiller Station Fuel Tanks B	Hazardous Material	Portsmouth	400 Gosling Road
Schiller Station Fuel Tanks C	Hazardous Material	Portsmouth	400 Gosling Road
Schiller Station Wood Shed	Combustible Material	Portsmouth	400 Gosling Road
Portsmouth Atheneum	Historical Society	Portsmouth	9 Market Square
Portsmouth Library	Library	Portsmouth	125 Parrot Ave
Hillcrest Estates	Mfd Housing Park	Portsmouth	3201 Lafayette Rd.
Oriental Gardens	Mfd Housing Park	Portsmouth	Woodbury Ave.
Snug Harbor	Mfd Housing Park	Portsmouth	1338 Woodbury Ave.
Edgewood Center	Nursing Home	Portsmouth	928 South St.
Wentworth Senior Living	Nursing Home	Portsmouth	346 Pleasant St
Sunbridge Nursing Home	Nursing Home	Portsmouth	188 Jones Ave.
Atlantic Heights	Senior Housing Facility	Portsmouth	40 Bedford Way
Lafayette School	Senior Housing Facility	Portsmouth	100 Lafayette Road
Margeson Apartments	Senior Housing Facility	Portsmouth	245 Middle St.
Feaster Apartments	Senior Housing Facility	Portsmouth	140 Court St.
Woodbury Manor	Senior Housing Facility	Portsmouth	60 Manor Drive
Pleasant Street Apartments	Senior Housing Facility	Portsmouth	438 Pleasant St.
State Street Apartments	Senior Housing Facility	Portsmouth	948 State St.
Cottage Connors Cottage	Senior Housing Facility	Portsmouth	5 Junkins Ave
Water Country	Outdoor Recreation	Portsmouth	2300 Lafayette Rd.
Community Campus	Community Center	Portsmouth	100 Campus Dr.
Dondero Elementary	School	Portsmouth	32 Van Buren Ave.
Little Harbour Elementary	School	Portsmouth	50 Clough Dr.
New Franklin Elementary School	School	Portsmouth	1 Franklin Dr
Portsmouth High School	School	Portsmouth	50 Andrew Jarvis Dr.
Portsmouth Middle School	School	Portsmouth	155 Parrot Ave
Robert Lister Academy	School	Portsmouth	35 Sherburne Rd.
Seacoast Community School	School	Portsmouth	100 Campus Dr.

Critical Facility	Facility Type	City	Address
Agape School	Pre-school	Portsmouth	397 Lafayette Rd.
Early Learning Center at Temple Israel	Pre-school	Portsmouth	200 State St.
Portsmouth Head Start	Pre-school	Portsmouth	100 Campus Dr.
KinderCare Learning Center	Pre-school	Portsmouth	72 Mirona Rd.
Camp Seaweed	Child Care	Portsmouth	350 Banfield Rd.
Children's Garden	Child Care	Portsmouth	290 Peverly Hill Rd.
Discovery Child Enrichment Center	Child Care	Portsmouth	30 Rye St.
Little Blessings Child Care Center	Child Care	Portsmouth	1035 Lafayette Rd.
Pat's Family Group Child Care	Child Care	Portsmouth	1400 Woodbury Ave.
Dondero Peak/Community School	Child Care	Portsmouth	32 Van Buren Dr.
Place for Friends and Fun	Child Care	Portsmouth	400 Coolidge Dr.
Edgewood Learning Center	Child Care	Portsmouth	928 South St.
Great Bay Kids Company	Child Care	Portsmouth	81 New Hampshire Ave.
Unal Kaya Davis Childcare	Child Care	Portsmouth	347 Lincoln Ave.
Little Harbor Peak Program	On-site Child Care	Portsmouth	50 Clough Dr.
New Franklin Peak Program	On-site Child Care	Portsmouth	1 Franklin Dr.
Clipper Harbor	Congregate Care	Portsmouth	188 Jones Ave.
Great Bay Residential Facility	Congregate Care	Portsmouth	413 Lafayette Rd.
Inn at Edgewood	Congregate Care	Portsmouth	926 South St.
Chase Home for Children	Congregate Care	Portsmouth	698 Middle St.
Betty's Dream Rainbow Apartments	Housing Facility	Portsmouth	75 Longmeadow Rd.
Krepfels Center	Community Center	Portsmouth	100 Campus Dr.
New Heights	Community Center	Portsmouth	100 Campus Dr.
Seacoast District YMCA	Community Center	Portsmouth	550 Peverly Hill Rd.



## Map 3 – Critical Facilities

## **CHAPTER V. POTENTIAL HAZARD AFFECTS**

### **Identifying Vulnerable Facilities**

It is important to determine what the most vulnerable areas of the City of Portsmouth are and to estimate their potential loss. The first step is to identify the areas most likely to be damaged in a hazard event. To do this, the locations of buildings and other structures were compared to the location of potential hazard areas identified by the Hazard Mitigation Committee using GIS (Geographic Information Systems). Vulnerable buildings were identified by comparing their location to possible hazard events.

### **Calculating the Potential Loss**

The next step in completing the loss estimation involved assessing the level of damage from a hazard event on structures in the City. For the purpose of estimating general losses, the total value for all structures in Portsmouth in 2016, residential, commercial and industrial of \$4,818,313,051 was used.

The damage estimates are divided into two categories based on hazard types: hazards that are location specific (e.g. flooding), and hazards that could affect all areas of Portsmouth equally, such as extreme heat. Damage estimates from hazards that could affect all of Portsmouth equally are much rougher estimates, based on percentages of the total assessed value of Portsmouth. Damage estimates from hazards with a specific location are derived from the assessed values of the parcels within the hazard area. Portsmouth's Parcels database was used in conjunction with building footprints, elevation data, and 2016 digital aerial images of the city, to determine which buildings were potentially in danger from each of the location specific hazard.

After identifying the parcels and buildings that are at risk, the next step was to calculate a damage estimate for each potential hazard area. FEMA provides a model for estimating damage for various flooding events, so the flood damage estimates provide information including: damage estimates for structures, contents of buildings, functional downtime and replacement time. For wildfire and urban conflagration, damage estimates were determined for the buildings in the potential hazard areas as well as estimates of the building content value, based on the same estimates from the flood model. The following discussion summarizes the potential loss estimates due to natural hazard events.

### **Flooding – Special Flood Hazard Zones**

The average replacement value was calculated by totaling the assessed values of all structures in the 100-year (A and AE) and 500-year floodplains (X500). These structures were identified by overlaying digital versions of FEMA's FIRM maps and locally identified flood hazard areas on digital aerial photography of the City of Portsmouth. Because of the scale and resolution of the FIRM maps this is only an approximation of the total structures at risk to these various flood hazards. If a structure is outside of the SFHZ identified in this exercise it does not mean that it is not at potential risk to flood

damage. The damage estimates were calculated using FEMA’s method for modeling flood damage to structures and their contents according to the depth of the flood.

The potential loss was calculated by multiplying the assessed value of the structure by the percent of damage expected from a hazard event (e.g. 4-foot flood =28% structural damage). In addition, an estimate of the replacement value of the contents of each structure was determined according to FEMA guidelines. The FEMA model predicts mobile homes will receive a higher percentage of damage during a flood event. When calculating the damage assessments the zoning of each parcel was identified to determine if mobile homes were present in the flood area. If mobile homes were present they were identified on the digital imagery to determine how many individual mobile homes would be affected by a particular flood (A-Zone, AE-Zone, etc.). The total damage estimates were calculated by totaling the structural damage and contents damage for each flood area and then combining those estimates into a total damage estimate for each flood type. The costs for repairing or replacing bridges, railroads, power lines and telephone lines are not included in these estimates. In addition, the figures used were based on buildings which are one or two stories high with basements, buildings without basements could expect to receive less damage. The following calculations are based on three possible flood events: a one-foot flood, a two-foot flood, and a four-foot flood.

The percentage of structural damage and contents damage that could be expected for each flood depth is shown in Table 8, along with estimates of functional downtime (how long a business/residence would be down before relocating) and displacement time (how long a business/residence would be displaced from its flooded location).

**Table 8: Percentages of structural and content damage estimated, based on the assessed value of a flooded parcel. Also shows the functional downtime and displacement time for each flood event.**

Flood Depth	One-foot	Two-foot	Four-foot
<b>% Structural Damage: Buildings</b>	15%	20%	28%
<b>% Structural Damage: Mobile Homes</b>	44%	63%	78%
<b>% Contents Damage: Buildings</b>	22.5%	30%	42%
<b>% Contents Damage: Mobile Homes</b>	30%	90%	90%
<b>Flood Functional Downtime: Buildings</b>	15 days	20 days	28 days
<b>Flood Functional Downtime: Mobile Homes</b>	30 days	30 days	30 days
<b>Flood Displacement Time: Buildings</b>	70 days	110 days	174 days
<b>Flood Displacement Time: Mobile Homes</b>	302 days	365 days	365 days

**Table 9: Damage estimates based on flood depth**

<b>One-Foot Flood</b>	<b>Structural Damage</b>	<b>Contents Damage</b>	<b>Total Damage</b>
<b>Damage A-Zone</b>	\$757,109	\$603,832	<b>\$1,360,941</b>
<b>Damage AE-Zone</b>	\$43,433,127	\$72,010,510	<b>\$115,443,637</b>
<b>Damage X500-Zone</b>	\$5,506,898	\$5,835,341	<b>\$11,342,239</b>
<b>Two-Foot Flood</b>			
<b>Damage \$ A-Zone</b>	\$1,059,317	\$768,610	<b>\$1,827,927</b>
<b>Damage \$ AE-Zone</b>	\$57,910,836	\$96,014,014	<b>\$153,924,850</b>
<b>Damage \$ X500-Zone</b>	\$7,342,531	\$7,780,454	<b>\$15,122,985</b>
<b>Four-Foot Flood</b>			
<b>Damage \$ A-Zone</b>	\$1,365,732	\$869,031	<b>\$2,234,763</b>
<b>Damage \$ AE-Zone</b>	\$81,075,162	\$134,419,619	<b>\$215,494,781</b>
<b>Damage \$ X500-Zone</b>	\$10,279,542	\$10,892,636	<b>\$21,172,178</b>

**Hurricane/ High Wind Events**

*~Hurricane*

Hurricanes do affect the Northeast coast periodically. Since 1900, 2 hurricanes have made landfall in the State of New Hampshire. Due to the location of the City of Portsmouth most hurricanes would likely degrade to tropical storms by the time they impact the City. As shown in the figure in Appendix C, hurricanes that strike New England tend to come from the south, and therefore have a chance to weaken or downgrade as they pass over land on their way to New Hampshire. Even degraded hurricanes or tropical storms could still cause significant damage to the City of Portsmouth. The assessed value of all the residential and commercial structures in the City of Portsmouth, including exempt structures such as schools and churches, is \$4,818,313,051 (Portsmouth Assessor 2016). Assuming 1% to 5% damage, conflagration could result in \$48,183,130 to \$240,915,652 of structure damage.

*~Tornado*

Tornadoes are relatively uncommon natural hazards in New Hampshire. On average, about six touchdown each year. Damage largely depends on where the tornado strikes. If it strikes an inhabited area, the impact could be severe. In the State of New Hampshire, the total cost of tornadoes between 1950 and 1995 was \$9,071,389 (The Disaster Center).

The assessed value of all the residential and commercial structures in the City of Portsmouth, including exempt structures such as schools and churches, is \$4,818,313,051 (Portsmouth Assessor 2016). Assuming 1% to 5% damage, conflagration could result in \$48,183,130 to \$240,915,652 of structure damage.

#### ***~Severe Lightning***

The amount of damage caused by lightning will vary according to the type of structure hit and the type of contents inside. There is no record of monetary damages inflicted in the City of Portsmouth from lightning strikes.

### **Climate Change and Coastal Storms**

#### ***~Storm Surge***

In addition to the potential of flood damage and high wind damage discussed above, coastal storm surge could damage homes and infrastructure near the coast. The potential impact of a storm surge is variable, however, the City of Portsmouth completed a Climate Resiliency Report in 2015, which estimated the impacts of a 7.5 feet flood level on structures would be \$32,236,266. A 7.5 feet flood is 3.1 feet above mean high water, and is close to the FEMA 100 year flood level. With an additional four feet of flooding, about 3.5 feet above the FEMA 100 year flood level, the damage impacts were estimated to be \$255,917,795.

### **Severe Winter Weather**

#### ***~Heavy Snowstorms***

Heavy snowstorms typically occur during January and February. New England usually experiences at least one or two heavy snow storms with varying degrees of severity each year. Power outages, extreme cold and impacts to infrastructure are all effects of winter storms that have been felt in Portsmouth in the past. All of these impacts are a risk to the community, including isolation, especially of the elderly, and increased traffic accidents. Damage caused as a result of this type of hazard varies according to wind velocity, snow accumulation and duration. The assessed value of all the residential and commercial structures in the City of Portsmouth, including exempt structures such as schools and churches, is \$4,818,313,051 (Portsmouth Assessor 2016). Assuming 1% to 5% damage, conflagration could result in \$48,183,130 to \$240,915,652 of structure damage.

#### ***~Ice Storms***

Ice storms often cause widespread power outages by downing power lines, making power lines at risk in Portsmouth. They can also cause severe damage to trees. In 1998, an ice storm inflicted \$12,466,202 worth of damage to New Hampshire as a whole. Ice storms in Portsmouth could be expected to cause damage ranging from a few thousand dollars to several million, depending on the severity of the storm.

### **Wildfire**

The risk of fire is difficult to predict based on location. Forest fires are more likely to occur during years of drought. The areas identified as at risk to wildfire (Map 2: Past and Future Hazards) by the Hazard Mitigation Committee are in the southern half of the City

of Portsmouth. These areas include large tracts of open vegetation including forests and wetlands. Drought conditions increase the risks of wildfire in these open vegetated areas. The total value of all the residential and commercial structures in this section of Portsmouth, including exempt structures such as schools and churches, is \$36,061,631 (Portsmouth Assessor 2016). Assuming 1% to 5% damage, conflagration could result in \$360,616 to \$1,803,082 of structure damage.

### **Conflagration**

Conflagration, a large and damaging urban fire, is a potential hazard in the urban center of Portsmouth. This is due to the age and construction materials of many of the buildings. These structures are also built on small lots, close together. The risk of fire spreading from one building to adjacent building is high. It is highly unlikely that a fire would burn a large portion of the Conflagration hazard area before being controlled by the fire department. The total value of all the residential and commercial structures in this section of Portsmouth, including exempt structures such as schools and churches, is \$1,680,930,980 (Portsmouth Assessor 2016). Assuming 1% to 5% damage, conflagration could result in \$168,093,091 to \$840,465,490 of structure damage.

### **Extreme Heat**

The Committee determined that all parts of the City of Portsmouth are at risks of the impacts associated with extreme heat. Young and elderly populations are particularly vulnerable to heat stroke and the EMD can direct vulnerable residents and visitors to municipal cooling stations.

### **Drought**

Extended drought can impact municipal water supplies, private drinking wells, and make vegetated areas more susceptible to wildfire (see above). There is no record of monetary damage in the City of Portsmouth related to drought.

### **Earthquakes**

Earthquakes can cause buildings and bridges to collapse, disrupt gas, electric and phone lines and are often associated with landslides and flash floods. Four earthquakes in New Hampshire between 1924-1989 had magnitudes of 4.2 or more. Two of these occurred in Ossipee, one west of Laconia, and one near the Quebec border. If an earthquake were to impact the City of Portsmouth, buildings that are not built to a high seismic design level would be susceptible to structural damage. The assessed value of all the residential and commercial structures in Portsmouth, including exempt structures such as schools and churches, is \$4,818,313,051 (Portsmouth Assessor 2016). Assuming 1% to 5% damage, an earthquake could result in \$48,183,130 to \$240,915,652 of structure damage.

FEMA has a model to predict damage to buildings based on their construction materials and seismic design level. It is not in the scope of this Plan to estimate the damages for each assessed structure for the City of Portsmouth. What is possible for this Plan is to display the potential damage to several types of structures of varying construction materials, as a percentage of the total value. Table 10 provides two damage estimates for

each building type, one from a small earthquake and one from a larger earthquake (PGA of 0.07 and 0.20 respectively). The damage estimates are shown as Building Damage (bold) and as a Loss of Function in days. Building Damage is an estimate of structural damage as a percentage of the building value. Contents of the buildings can also be assumed to be damaged to a value of half that of the structure<sup>6</sup>. For example, a building predicted to receive \$100,000 in structural damage could expect \$50,000 in additional damage to the contents of that building.

**Table 10: Earthquake Damage and Loss of Function Table. Building Damage and Functional Loss are based on the type of Structure and the PGA (g). Two PGA (Peak Ground Acceleration) were chosen for this Table, 0.07 and 0.20 which represent a low and high example of potential earthquake in Portsmouth, NH.**

		Wood Frame Construction				Reinforced Masonry				Unreinforced Masonry		
PGA (g)		High	Mod.	Low	Precode	High	Mod.	Low	Precode	Low	Precode	
0.07	<b>Single Family</b>	<b>0.1</b>	<b>0.2</b>	<b>0.3</b>	<b>0.4</b>	<b>0.1</b>	<b>0.2</b>	<b>0.4</b>	<b>0.5</b>	<b>0.6</b>	<b>1.0</b>	
0.20		<b>1.3</b>	<b>1.7</b>	<b>2.8</b>	<b>3.3</b>	<b>1.3</b>	<b>2.5</b>	<b>6.1</b>	<b>9.0</b>	<b>6.5</b>	<b>9.4</b>	
0.07		0	0	1	1	0	1	2	7	6	12	
0.20		2	3	9	15	4	16	58	106	64	114	
0.07	<b>Apartment</b>	<b>0.1</b>	<b>0.2</b>	<b>0.3</b>	<b>0.3</b>	<b>0.1</b>	<b>0.2</b>	<b>0.4</b>	<b>0.5</b>	<b>0.6</b>	<b>0.8</b>	
0.20		<b>1.5</b>	<b>1.9</b>	<b>3.0</b>	<b>3.2</b>	<b>1.5</b>	<b>2.6</b>	<b>5.4</b>	<b>6.9</b>	<b>5.5</b>	<b>7.5</b>	
0.07		0	0	1	1	0	1	2	8	7	13	
0.20		2	3	10	16	4	19	72	129	76	147	
		Steel Frame (Braced)				Reinforced Masonry				Unreinforced Masonry		
		High	Mod.	Low	Precode	High	Mod.	Low	Precode	Low	Precode	
0.7	<b>Retail Trade</b>	<b>0.2</b>	<b>0.3</b>	<b>0.4</b>	<b>0.5</b>	<b>0.1</b>	<b>0.2</b>	<b>0.4</b>	<b>0.6</b>	<b>0.7</b>	<b>1.0</b>	
0.20		<b>2.4</b>	<b>2.8</b>	<b>3.8</b>	<b>5.6</b>	<b>1.5</b>	<b>2.7</b>	<b>5.9</b>	<b>8.3</b>	<b>6.1</b>	<b>8.7</b>	
0.07		0	0	0	0	0	0	0	1	1	2	
0.20		2	3	6	12	1	3	12	22	14	24	
		Pre-Cast Concrete Tilt-up				Light Metal Building						
		High	Mod.	Low	Precode	High	Mod.	Low	Precode			
0.07	<b>Wholesale Trade</b>	<b>0.2</b>	<b>0.4</b>	<b>0.5</b>	<b>0.6</b>	<b>0.4</b>	<b>0.7</b>	<b>1.0</b>	<b>1.6</b>			
0.20		<b>2.6</b>	<b>4.1</b>	<b>8.3</b>	<b>10.8</b>	<b>3.8</b>	<b>5.4</b>	<b>10.3</b>	<b>14.8</b>			
0.07		0	1	1	2	1	2	3	6			
0.20		4	8	22	36	6	13	28	43			
0.07	<b>Office Building</b>	<b>0.2</b>	<b>0.3</b>	<b>0.4</b>	<b>0.6</b>	<b>0.2</b>	<b>0.3</b>	<b>0.4</b>	<b>0.5</b>			
0.20		<b>2.0</b>	<b>2.9</b>	<b>5.6</b>	<b>8.1</b>	<b>2.5</b>	<b>2.9</b>	<b>3.7</b>	<b>5.2</b>			
0.07		0	0	0	1	0	0	0	1			
0.20		1	3	11	21	2	3	5	11			
		Pre-cast Concrete Tilt-up										
		High	Mod.	Low	Precode							
0.07	<b>Light Industrial</b>	<b>0.1</b>	<b>0.4</b>	<b>0.4</b>	<b>0.5</b>							

<sup>6</sup> “Understanding Your Risks, Identifying Hazards and Estimating Losses”, FEMA, pages 4-16 through 4-24.

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0.20		<b>2.6</b>	<b>3.9</b>	<b>6.0</b>	<b>7.4</b>						
0.07		0	1	1	2						
0.20		4	7	21	34						

<b>2.0</b>	Building Damage = % of damage based on value
2	Loss of Function (# of Days)
	No Information

High, Moderate, Low and  
 Precode refer to general seismic  
 design level



## CHAPTER VI. EXISTING HAZARD MITIGATION PROGRAMS

This section identifies those programs that are currently in place as hazard mitigation actions or strategies for the City of Portsmouth, NH. The table below (Table 11), displays existing ordinance, regulations, plans and City departments that plan for, or react to, natural hazards to mitigate possible damage.

**Table 11: Existing Hazard Mitigation Programs for the City of Portsmouth**

<b>Existing Protection</b>	<b>Protections Provided</b>	<b>Recommended Actions</b>
2016 Zoning Ordinance	Floodplain development regulations, Wetland buffers (100 feet) including vernal pools, storm water management controls and coastal hazards	Reviewed annually and revised as needed
2016 Subdivision Regulations	Subdivision regulations in flood hazard areas, wetland buffering, drainage requirements, culvert regulations	Reviewed annually and revised as needed
2016 Site Plan Review Regulations	Development fire protection regulations, Elevation certificates required within floodplains, dredging and filling of wetlands is minimized, stormwater regulations	Reviewed annually and revised as needed
Planning Documents	Wetlands in the City mapped in 2003; 2005 Master Plan; Vernal Pools inventory in 2008 with 100' buffer; Prime Wetlands designation in 2011; List of current land conservation areas; City completed 2007 stormwater master plan with stormwater outreach on City website; Bridge Master Plan completed FY2017; Drinking Water System Master Plan 2013; 2013 Coastal Resiliency Initiative Vulnerability Assessment; 2016 Mobile Water Supply Response Plan; Prescott Park Master Plan	Planning work relative to hazard mitigation and natural resource protection is ongoing in the City and findings and recommendations are incorporated into land use regulations, the CIP, EOP and other City operating procedures.
2016 Capital Improvement Program	Items currently budgeted for in the CIP: Renovation of Fire Station 3; City-wide communications upgrade; 2017 bridge improvement planned for Peirce Island Bridge and Maplewood Ave. culvert and Kearsarge Way bridge; Upgrades to WWTP underway with upgrades planned for Pease WWTP; Land acquisition program, bridge repair or replacement of the Memorial Bridge and Scott Ave. Bridge study phase, City-wide tree replacement program, street paving and maintenance, Phase III of Sewage Improvement Plan, Waterline replacement, water quality monitoring system.	Reviewed and updated annually
Building Codes	Current building Codes enforced: 2006 International Building Code, 2006 International Residential Code, 2006 International Fire Code,	Reviewed annually for compliance with state codes and updated as

	2009 International Plumbing Code, 2009 International Mechanical Code, 2006 National Fuel Gas Code, 2011 National Electric Code, 2015 Life Safety Code; 2009 NFPA-I; 2006 IFL	needed
2017 Emergency Operations Plan	Post-disaster planning document. Identifies potential hazards (natural and man-made), Mitigation is 1 of 4 phases of the Emergency Operations Plan (EOP), This Hazard Mitigation Plan will be adopted as an official appendix to the EOP, List of Mutual Aid agreement	Reviewed and updated as needed
2016 Seabrook Radiological Plan	Plan for all the municipalities within 10 miles of Seabrook Station	Reviewed annually
Emergency Services: Police Department	67 full-time officers and 25 auxiliary officers. Home of the Portsmouth Emergency Response Team (ERT) (similar to SWAT).	Emergency service personnel participate in on-going training related to hazard mitigation prevention and response
Emergency Services: Fire Department & EMS	44 fire fighters, 12 fire officers, 3 chief officers; 1 prevention officer	Emergency service personnel participate in on-going training related to hazard mitigation prevention and response
Emergency Services: Emergency Communication Center	Implemented "Code Red" reverse -911 software in dispatch. There are 9 full-time dispatchers that assist the fire department, police department, emergency medical services, and public works.	Emergency service personnel participate in on-going training related to hazard mitigation prevention and response
Mutual Aid Agreements	Seacoast Chief Fire Officers Mutual Aid District (SCFOMAD), includes southeastern NH, southern ME, and northeastern MA, assets include a Mobile Command Unit, 2 Air-trailers, and 2 portable generators/lighting units; Seacoast Technical Assistance Response Team (START) is a subsidiary of SCFOMAD and provides all-hazard and all-planning emergency hazardous materials response, the Team has 40 hazardous material technicians	Reviewed annually and updated as needed
Public Works	Storm drain, catch basin and culvert maintenance; snow removal, street and side walk maintenance; mosquito control program; household hazardous waste collection; solid waste collection; public water and sewer system; municipal facility maintenance; issues a monthly water supply status report; 203 Water System Master Plan; 154 public works personnel.	Public Works personnel participate in on-going training related to hazard mitigation prevention and response

## **CHAPTER VII. NEWLY IDENTIFIED MITIGATION STRATEGIES/ ACTIONS**

### **Potential Mitigation Strategies**

The Action Plan was developed by analyzing the existing City programs, the proposed improvements and changes to these programs. Additional programs were also identified as potential mitigation strategies. These potential mitigation strategies were ranked in five categories according to how they accomplished each item:

- Prevention
- Property Protection
- Structural Protection
- Emergency Services
- Public Information and Involvement
- Natural Resource Protection

The Committee brainstormed a list of strategies and actions that could be taken to mitigate future hazards are compiled in Table 12. Following the table is a summary of each proposed, continued (noted as deferred), or completed strategy or action from the last plan update.

**Table 12: Potential Mitigation Actions**

Mitigation Strategies or Action	Mitigation Category	Hazard(s) Mitigated	Description	Status 2017: New/Completed/ Deferred/ Removed
Sewage Improvement Program, Parts II and III	Preparedness, Emergency Services	Flooding	Upgrade sewer system infrastructure	Completed
Additional water lines into City	Preparedness Emergency Services	Conflagration	Upgrade water system infrastructure	Completed, with additional water line installation ongoing throughout the life of this Plan
Develop vegetation setbacks plan	Prevention	Wildfire	Manage vegetation setbacks in areas at risk of wildfire	Plan development is underway, to be completed 2018
Develop a Traffic Hazard Management Plan	Preparedness, Emergency Services	All Hazards	A plan would allow for redirection of traffic away from areas affected by natural hazards	Completed
Culvert replacements in multiple locations	Preparedness, Prevention	Flooding	Replace undersized and improperly sited culverts in locations prone to flooding	Completed, with additional culvert installation ongoing throughout the life of this Plan
Create shelter at New Franklin School	Emergency Services	All Hazards	New Franklin School is located outside of the floodplain	Ongoing throughout the life of this Plan due to continued discussion with School Board
Increase GIS capacity for real-time emergency access	Emergency Services	All Hazards	Allows increased efficiency in dispatching emergency services	Deferred due to lack of staff time

<b>Mitigation Strategies or Action</b>	<b>Mitigation Category</b>	<b>Hazard(s) Mitigated</b>	<b>Description</b>	<b>Status 2017: New/Completed/ Deferred/ Removed</b>
Review Building Codes for wind and earthquake standards	Structural Protection	High Wind, Earthquake	Continue researching current codes for high wind	Ongoing- throughout the life of this Plan for wind, Removed for earthquake
Explore historic structures to retro-fit with earthquake protection	Structural Protection	Earthquake	Evaluate buildings susceptible to earthquake damage	Removed
Satellite phone for Emergency Operations Center	Emergency Services	All Hazards	Enable communication during power failure	Removed
Provide new computer, hookups and projector for Emergency Operations Center	Emergency Services	All Hazards	Enable Emergency Services to network with City's GIS department	Completed
Acquire new imagery of the City	Emergency Services	All Hazards	Imagery benefits City's mitigation and emergency services	Deferred due to imagery being available from State
Purchase fixed electronic variable message boards	Emergency Services	All Hazards	Enable timely communication about hazard events with residents	Completed, 1 sign purchased, additional signs needed throughout the life of this Plan
Purchase new vacuum truck	Prevention, Emergency Services	Flooding	Use to prevent/reduce flooding	New

<b>Mitigation Strategies or Action</b>	<b>Mitigation Category</b>	<b>Hazard(s) Mitigated</b>	<b>Description</b>	<b>Status 2017: New/Completed/ Deferred/ Removed</b>
Acquire backup power for traffic control at critical intersections	Emergency Services	All Hazards	Enable traffic controls to function during power outage	Completed
Acquire backup power for municipal and school buildings and wells	Emergency Services	All Hazards	Backup power would enable these buildings to serve as emergency shelters	Completed at high school but additional generators needed at other buildings throughout the life of this Plan
Update City's stormwater management plan	Prevention, Structural Protection	Flooding	Stormwater management is difficult in the City's densely developed down City	Update as needed
Purchase large capacity portable pumps for DPW	Emergency Services, Property Protection	Flooding	Portable pumps can be deployed to remove floodwaters	Completed
Purchase and install signs indicating evacuation routes in parking garages and lots	Emergency Services	All Hazards	Signs would inform visitors and residents of routes identified in the Traffic Hazard Management Plan	New
Improve mutual aid for water support	Emergency Services	Conflagration, Wildfire, Drought	Mutual aid would assure adequate water supply for firefighting	New
Protect wastewater pump stations from flooding	Structural Protection	Flooding	Wastewater pump stations are located in areas prone to flooding and sea level rise	New

<b>Mitigation Strategies or Action</b>	<b>Mitigation Category</b>	<b>Hazard(s) Mitigated</b>	<b>Description</b>	<b>Status 2017: New/Completed/ Deferred/ Removed</b>
Develop an urban forestry management plan to reduce fire risk	Prevention, Emergency Services	Conflagration, Wildfire	Identify areas of fire risk in urban areas and develop a management plan	New
Study improvement of water transmission from Bellamy Reservoir	Property Protection, Emergency Services	Fire, Drought	Increase the efficiency of transmitting water from Bellamy Reservoir in Madbury to City	New

## CHAPTER VIII. FEASIBILITY AND PRIORITIZATION OF PROPOSED MITIGATION STRATEGIES

The goal of each strategy or action is reduction or prevention of damage from a hazard event. In order to determine their effectiveness in accomplishing this goal, a set of criteria was applied to each proposed strategy. A set of questions developed by the Committee that included the STAPLEE method was developed to rank the proposed mitigation actions. The STAPLEE method analyzes the Social, Technical, Administrative, Political, Legal, Economic and Environmental aspects of a project and is commonly used by public administration officials and planners for making planning decisions. The following questions were asked about the proposed mitigation strategies identified in Table 13:

- Does it reduce disaster damage?
- Does it contribute to other goals?
- Does it benefit the environment?
- Does it meet regulations?
- Will historic structures be saved or protected?
- Does it help achieve other community goals?
- Could it be implemented quickly?

### **STAPLEE criteria:**

- **Social:** Is the proposed strategy socially acceptable to the community? Are there equity issues involved that would mean that one segment of the community is treated unfairly?
- **Technical:** Will the proposed strategy work? Will it create more problems than it solves?
- **Administrative:** Can the community implement the strategy? Is there someone to coordinate and lead the effort?
- **Political:** Is the strategy politically acceptable? Is there public support both to implement and to maintain the project?
- **Legal:** Is the community authorized to implement the proposed strategy? Is there a clear legal basis or precedent for this activity?
- **Economic:** What are the costs and benefits of this strategy? Does the cost seem reasonable for the size of the problem and the likely benefits?
- **Environmental:** How will the strategy impact the environment? Will the strategy need environmental regulatory approvals?

Each proposed mitigation strategy was evaluated using the above criteria and assigned a score (Good = 3, Average = 2, Poor = 1) based on the above criteria. An evaluation chart with total scores for each strategy can be found in the collection of individual tables under Table 13.



**Table 13.1:** Additional water lines in South End

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	3
Does it benefit the environment?	2
Does it meet regulations?	3
Will historic structures be saved or protected?	3
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>33</b>

**Table 13.3:** Culvert Replacements

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	2
Does it benefit the environment?	2
Does it meet regulations?	2
Will historic structures be saved or protected?	3
Could it be implemented quickly?	2
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>33</b>

**Table 13.2:** Vegetation Setbacks

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	2
Does it benefit the environment?	2
Does it meet regulations?	2
Will historic structures be saved or protected?	1
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	1
<b>T:</b> Is it Technically feasible and potentially successful?	2
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	1
<b>L:</b> Is there Legal authority to implement?	1
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	1
<b>Score</b>	<b>22</b>

**Table 13.4:** New Shelter at New Franklin School

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	1
Does it contribute to other goals?	3
Does it benefit the environment?	1
Does it meet regulations?	2
Will historic structures be saved or protected?	1
Could it be implemented quickly?	3
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	3
<b>E:</b> Are other Environmental approvals required?	3
<b>Score</b>	<b>32</b>

**Table 13.5: Increase GIS Capacity**

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	2
Does it contribute to other goals?	3
Does it benefit the environment?	2
Does it meet regulations?	3
Will historic structures be saved or protected?	2
Could it be implemented quickly?	2
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	2
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>31</b>

**Table 13.7: Update GIS Imagery**

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	1
Does it contribute to other goals?	3
Does it benefit the environment?	1
Does it meet regulations?	2
Will historic structures be saved or protected?	1
Could it be implemented quickly?	3
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>33</b>

**Table 13.6: Building Code for Wind**

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	2
Does it contribute to other goals?	2
Does it benefit the environment?	1
Does it meet regulations?	2
Will historic structures be saved or protected?	3
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	2
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	2
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	3
<b>Score</b>	<b>28</b>

**Table 13.8: Purchase new vacuum truck**

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	2
Does it contribute to other goals?	3
Does it benefit the environment?	3
Does it meet regulations?	3
Will historic structures be saved or protected?	2
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	2
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	2
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	1
<b>E:</b> Are other Environmental approvals required?	3
<b>Score</b>	<b>30</b>

**Table 13.9:** Backup generators for municipal buildings and schools

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	3
Does it benefit the environment?	3
Does it meet regulations?	3
Will historic structures be saved or protected?	3
Could it be implemented quickly?	3
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	3
<b>E:</b> Are other Environmental approvals required?	3
<b>Score</b>	<b>39</b>

**Table 13.11:** Evacuation route signs for parking lots And garages

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	2
Does it contribute to other goals?	3
Does it benefit the environment?	2
Does it meet regulations?	2
Will historic structures be saved or protected?	2
Could it be implemented quickly?	3
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	2
<b>A:</b> Is it Administratively workable?	2
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>31</b>

**Table 13.10:** Downtown stormwater management plan

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	2
Does it benefit the environment?	2
Does it meet regulations?	2
Will historic structures be saved or protected?	3
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>32</b>

**Table 13.12:** Mutual aid for portable water supply

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	3
Does it benefit the environment?	2
Does it meet regulations?	3
Will historic structures be saved or protected?	1
Could it be implemented quickly?	2
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	2
<b>A:</b> Is it Administratively workable?	2
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	3
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>31</b>

**Table 13.13:** Flood Protection for wastewater pump station

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	3
Does it benefit the environment?	3
Does it meet regulations?	2
Will historic structures be saved or protected?	2
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	2
<b>T:</b> Is it Technically feasible and potentially successful?	2
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	3
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>31</b>

**Table 13.15:** Purchase fixed electric variable message signs

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	2
Does it contribute to other goals?	3
Does it benefit the environment?	3
Does it meet regulations?	1
Will historic structures be saved or protected?	1
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	2
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	1
<b>Score</b>	<b>27</b>

**Table 13.14:** Urban forestry management plan

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	3
Does it contribute to other goals?	3
Does it benefit the environment?	3
Does it meet regulations?	2
Will historic structures be saved or protected?	2
Could it be implemented quickly?	2
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	2
<b>Score</b>	<b>34</b>

**Table 13.16:** Water transmission system improvements

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	2
Does it contribute to other goals?	3
Does it benefit the environment?	3
Does it meet regulations?	1
Will historic structures be saved or protected?	1
Could it be implemented quickly?	1
<b>S:</b> Is it Socially acceptable?	2
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	2
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	2
<b>E:</b> Are other Environmental approvals required?	1
<b>Score</b>	<b>27</b>

**Table 13.17:** Additional Water Supply

Criteria	Evaluation Rating ( 1-3)
Does it reduce disaster damage?	1
Does it contribute to other goals?	3
Does it benefit the environment?	1
Does it meet regulations?	1
Will historic structures be saved or protected?	1
Could it be implemented quickly?	3
<b>S:</b> Is it Socially acceptable?	3
<b>T:</b> Is it Technically feasible and potentially successful?	3
<b>A:</b> Is it Administratively workable?	3
<b>P:</b> Is it Politically acceptable?	3
<b>L:</b> Is there Legal authority to implement?	3
<b>E:</b> Is it Economically beneficial?	1
<b>E:</b> Are other Environmental approvals required?	1
<b>Score</b>	<b>27</b>

After each strategy was evaluated and prioritized according to the final score. The highest scoring strategies were determined to be of more importance, economically, socially, environmentally, and politically feasible and, hence, prioritized over those that were lower scoring. This prioritizing was used as a basis for developing the Action Plan.

## CHAPTER IX. IMPLEMENTATION SCHEDULE FOR PRIORITY MITIGATION STRATEGIES

This step involves developing an action plan that outlines who is responsible for implementing each of the prioritized strategies determined in the previous step, as well as when and how the actions will be implemented. The following questions were asked to develop an implementation schedule for the identified priority mitigation strategies:

**WHO?** Who will lead the implementation efforts? Who will put together funding requests and applications?

**HOW?** How will the community fund these projects? How will the community implement these projects? What resources will be needed to implement these projects?

**WHEN?** When will these actions be implemented, and in what order?

Table 16 is the Action Plan. In addition to the prioritized mitigation projects, Table 14 includes the responsible party (WHO), how the project will be supported (HOW), and what the timeframe is for implementation of the project (WHEN).

**Table 14: Action Plan for proposed mitigation actions**

Score	Project	Responsibility/ Oversight	Funding/ Support	Estimated Cost	Timeframe
39	Backup generators for municipal buildings, wells, and schools	DPW	City/EMPG/ DES	\$500K	Medium Term 3-5 years
34	Urban forestry management plan	Planning/DPW/Fire	City	\$50K	Medium Term 3-5 years
33	Additional water lines serving City	DPW	City	\$750K/year	Short Term 1-3 years
33	Culvert replacements	DPW	City	\$80K	Short Term 1-3 years
33	Update GIS imagery	DPW	City/EMPG	\$50K	Short Term 1-3 years
32	Establish shelter at New Franklin school	EMD/School District	City/EMPG	\$50K	Short Term 1-3 years
32	Update City's stormwater management plan	DPW/Planning Dept.	City	\$50K	Short Term 1-3 years
31	Mutual aid for portable water supply	Fire Dept.	City	\$10K	Short Term 1-3 years
31	Evacuation route signs for parking lots and garages	EMD/DPW	City	\$10K	Short Term 1-3 years
31	Flood protection for wastewater pump stations	DPW	City/EMPG	\$1M	Medium Term 3-5 years
31	Increase GIS capacity	DPW/IT/Planning Dept.	City	\$70K	Medium Term 3-5 years
30	New vacuum truck	DPW	City	\$110K	Medium Term 3-5 years

<b>Score</b>	<b>Project</b>	<b>Responsibility/ Oversight</b>	<b>Funding/ Support</b>	<b>Estimated Cost</b>	<b>Timeframe</b>
28	Building code for wind	Building Dept.	City	\$5K	Medium Term 3-5 years
27	Fixed variable message signs	EMD/DPW	City/EMPG	\$130K	Medium Term 3-5 years
27	Feasibility study for water system transmission improvements from Bellamy Reservoir	DPW	City/DES	\$5K	Medium Term 3-5 years
27	Identify additional water supply	DPW	City/DES	\$500K	Medium Term 3-5 years
22	Vegetation setback plan	Fire Dept./Planning Dept.	City	\$25K	Medium Term 3-5 years

When the City of Portsmouth updates the Capital Improvement Plan (CIP), City personnel will be responsible for reviewing the Action Plan and determining, with other members of the CIP committee and or City Council, if any of the suggested actions and strategies can be incorporated into the City's capital expenditures.

## **CHAPTER X. INCORPORATING, MONITORING, EVALUATING AND UPDATING THE PLAN**

### **Incorporating the Plan into Existing Planning Mechanisms**

Upon review and approval by FEMA and the State of New Hampshire, the *Plan* will be adopted as a standalone document of the City and as an appendix of the City's Emergency Operations Plan (EOP). The *Plan* will also be consulted when the City updates its Capital Improvement Program (CIP). The Planning Board is responsible for updating the CIP annually, and will review the Action Plan during each update. The Planning Board in conjunction with Portsmouth Emergency Management will determine what items can and should be added to the CIP based on the City's annual budget and possible sources of other funding. Considerations about future land use and proximity to current and potential hazard areas need to be inherently part of the planning process. NH RSA 674:2 III (e) gives cities the authority to include a natural hazards section, which documents the physical characteristics, severity, and extent of any potential natural hazards to the community, within the framework of a Master Plan.

### **Monitoring, Evaluating and Updating the Plan**

Recognizing that many mitigation projects are ongoing, and that while in the implementation stage communities may suffer budget cuts, experience staff turnover, or projects may fail altogether, a good plan needs to provide for periodic monitoring and evaluation of its successes and failures and allow for updates of the *Plan* where necessary.

In order to track progress and update the Mitigation Strategies identified in the Action Plan, it is recommended that the City revisit the *Plan* annually, or after a hazard event. If it is not realistic or appropriate to revise the *Plan* every year, then the *Plan* will be revisited no less than every five years. The Emergency Management Director is responsible for initiating this review with members of the City that are appropriate including members of the public. In keeping with the process of adopting the 2017 *Plan Update*, a public hearing to receive public comment on *Plan* maintenance and updating will be held during any review of the *Plan*. This publicly noticed meeting will allow for members of the community not involved in developing the *Plan* to provide input and comments each time the *Plan* is revised. The final revised *Plan* will be adopted by the City Council appropriately, at a second publicly noticed meeting.

Changes should be made to the *Plan* to accommodate for projects that have failed or are not considered feasible after a review for their consistency with STAPLEE, the timeframe, the community's priorities, and funding resources. Priorities that were not ranked high, but identified as potential mitigation strategies, should be reviewed as well during the monitoring and update of this *Plan* to determine feasibility of future implementation.



APPENDIX A:  
SUMMARY OF HAZARD MITIGATION STRATEGIES

**I. RIVERINE MITIGATION**

**A. PREVENTION** - Prevention measures are intended to keep the problem from occurring in the first place, and/or keep it from getting worse. Future development should not increase flood damage. Building, zoning, planning, and/or code enforcement officials usually administer preventative measures.

**1. Planning and Zoning** - Land use plans are put in place to guide future development, recommending where - and where not - development should occur. Sensitive and vulnerable lands can be designated for uses that would not be incompatible with occasional flood events - such as parks or wildlife refuges. A Capital Improvements Program can recommend the setting aside of funds for public acquisition of these designated lands. The zoning ordinance can regulate development in these sensitive areas by limiting or preventing some or all development - for example, by designating floodplain overlay, conservation, or agricultural districts.

**2. Open Space Preservation** - Preserving open space is the best way to prevent flooding and flood damage. Open space preservation should not, however, be limited to the flood plain, since other areas within the watershed may contribute to controlling the runoff that exacerbates flooding. Land Use and Capital Improvement Plans should identify areas to be preserved by acquisition and other means, such as purchasing easements. Aside from outright purchase, open space can also be protected through maintenance agreements with the landowners, or by requiring developers to dedicate land for flood flow, drainage and storage.

**3. Floodplain Development Regulations** - Floodplain development regulations typically do not prohibit development in the special flood hazard area, but they do impose construction standards on what is built there. The intent is to protect roads and structures from flood damage and to prevent the development from aggravating the flood potential. Floodplain development regulations are generally incorporated into subdivision regulations, building codes, and floodplain ordinances, which either stand-alone or are contained within a zoning ordinance.

**Subdivision Regulations:** These regulations govern how land will be divided into separate lots or sites. They should require that any flood hazard areas be shown on the plat, and that every lot has a buildable area that is above the base flood elevation.

**Building Codes:** Standards can be incorporated into building codes that address flood proofing for all new and improved or repaired buildings.

**Floodplain Ordinances:** Communities that participate in the National Flood Insurance Program are required to adopt the minimum floodplain management regulations, as developed by FEMA. The regulations set minimum standards for subdivision regulations and building codes. Communities may adopt more stringent standards than those set forth by FEMA.

**4. Stormwater Management** - Development outside of a floodplain can contribute significantly to flooding by covering impervious surfaces, which increases storm water runoff. Storm water management is usually addressed in subdivision regulations. Developers are typically required to build retention or detention basins to minimize any increase in runoff caused by new or expanded

impervious surfaces, or new drainage systems. Generally, there is a prohibition against storm water leaving the site at a rate higher than it did before the development. One technique is to use wet basins as part of the landscaping plan of a development. It might even be possible to site these basins based on a watershed analysis. Since detention only controls the runoff rates and not volumes, other measures must be employed for storm water infiltration - for example, swales, infiltration trenches, vegetative filter strips, and permeable paving blocks.

**5. Drainage System Maintenance** - Ongoing maintenance of channel and detention basins is necessary if these facilities are to function effectively and efficiently over time. A maintenance program should include regulations that prevent dumping in or altering watercourses or storage basins; regrading and filling should also be regulated. Any maintenance program should include a public education component, so that the public becomes aware of the reasons for the regulations. Many people do not realize the consequences of filling in a ditch or wetland, or regrading their yard without concern for runoff patterns.

**B. PROPERTY PROTECTION** - Property protection measures are used to modify buildings subject to flood damage, rather than to keep floodwaters away. These may be less expensive to implement, as they are often carried out on a cost-sharing basis. In addition, many of these measures do not affect a building's appearance or use, which makes them particularly suitable for historical sites and landmarks.

**1. Relocation** - Moving structures out of the floodplain is the surest and safest way to protect against damage. Relocation is expensive, however, so this approach will probably not be used except in extreme circumstances. Communities that have areas subject to severe storm surges, ice jams, etc. might want to consider establishing a relocation program, incorporating available assistance.

**2. Acquisition** - Acquisition by a governmental entity of land in a floodplain serves two main purposes: (1) it ensures that the problem of structures in the floodplain will be addressed; and (2) it has the potential to convert problem areas into community assets, with accompanying environmental benefits. Acquisition is more cost effective than relocation in those areas that are subject to storm surges, ice jams, or flash flooding. Acquisition, followed by demolition, is the most appropriate strategy for those buildings that are simply too expensive to move, as well as for dilapidated structures that are not worth saving or protecting. Relocation can be expensive; however, there are government grants and loans that can be applied toward such efforts.

**3. Building Elevation** - Elevating a building above the base flood elevation is the best on-site protection strategy. The building could be raised to allow water to run underneath it, or fill could be brought in to elevate the site on which the building sits. This approach is cheaper than relocation, and tends to be less disruptive to a neighborhood. Elevation is required by law for new and substantially improved residences in a floodplain, and is commonly practiced in flood hazard areas nationwide.

**4. Floodproofing** - If a building cannot be relocated or elevated, it may be floodproofed. This approach works well in areas of low flood threat. Flood proofing can be accomplished through barriers to flooding, or by treatment to the structure itself.

**Barriers:** Levees, floodwalls and berms can keep floodwaters from reaching a building. These are useful, however, only in areas subject to shallow flooding.

**Dry Flood proofing:** This method seals a building against the water by coating the walls with waterproofing compounds or plastic sheeting. Openings, such doors, windows, etc. are closed either permanently with removable shields or with sandbags.

**Wet Flood proofing:** This technique is usually considered a last resort measure, since water is intentionally allowed into the building in order to minimize pressure on the structure. Approaches range from moving valuable items to higher floors to rebuilding the floodable area. An advantage over other approaches is that simply by moving household goods out of the range of floodwaters, thousands of dollars can be saved in damages.

**5. Sewer Backup Protection** - Storm water overloads can cause backup into basements through sanitary sewer lines. Houses that have any kind of connection to a sanitary sewer system - whether it is downspouts, footing drain tile, and/or sump pumps, can be flooded during a heavy rain event. To prevent this, there should be no such connections to the system, and all rain and ground water should be directed onto the ground, away from the building. Other protections include:

- Floor drain plugs and floor drain standpipe, which keep water from flowing out of the lowest opening in the house.
- Overhead sewer - keeps water in the sewer line during a backup.
- Backup valve - allows sewage to flow out while preventing backups from flowing into the house.

**6. Insurance** - Above and beyond standard homeowner insurance, there is other coverage a homeowner can purchase to protect against flood hazard. Two of the most common are National Flood Insurance and basement backup insurance.

**National Flood Insurance:** When a community participates in the National Flood Insurance Program, any local insurance agent is able to sell separate flood insurance policies under rules and rates set by FEMA. Rates do not change after claims are paid because they are set on a national basis.

**Basement Backup Insurance:** National Flood Insurance offers an additional deductible for seepage and sewer backup, provided there is a general condition of flooding in the area that was the proximate cause of the basement getting wet. Most exclude damage from surface flooding that would be covered by the NFIP.

**C. NATURAL RESOURCE PROTECTION** - Preserving or restoring natural areas or the natural functions of floodplain and watershed areas provide the benefits of eliminating or minimizing losses from floods, as well as improve water quality and wildlife habitats. Parks, recreation, or conservation agencies usually implement such activities. Protection can also be provided through various zoning measures that are specifically designed to protect natural resources.

**1. Wetlands Protection** Wetlands are capable of storing large amounts of floodwaters, slowing and reducing downstream flows, and filtering the water. Any development that is proposed in a wetland is regulated by either federal and/or state agencies. Depending on the location, the project might fall under the jurisdiction of the U.S. Army Corps of Engineers, which in turn, calls upon several other agencies to review the proposal. In New Hampshire, the N.H. Wetlands Board must approve any project that impacts a wetland. And, many communities in New Hampshire also have local wetland ordinances. Generally, the goal is to protect wetlands by preventing development that would adversely affect them. Mitigation techniques are often employed, which might consist of creating a wetland on another site to replace what would be lost through the development. This is not an ideal practice, however, since it takes many years for a new wetland to achieve the same level of quality as an existing one.

**2. Erosion and Sedimentation Control** - Controlling erosion and sediment runoff during construction and on farmland is important, since eroding soil will typically end up in downstream waterways. And, because sediment tends to settle where the water flow is slower, it will gradually fill in channels and lakes, reducing their ability to carry or store floodwaters. Practices to reduce erosion and sedimentation have two principal components: (1) minimize erosion with vegetation and; (2) capture sediment before it leaves the site. Slowing the runoff increases infiltration into the soil, thereby controlling the loss of topsoil from erosion and the resulting sedimentation. Runoff can be slowed by vegetation, terraces, contour strip farming, no-till farm practices, and impoundments (such as sediment basins, farm ponds, and wetlands).

**3. Best Management Practices** - Best Management Practices (BMPs) are measures that reduce nonpoint source pollutants that enter waterways. Nonpoint source pollutants are carried by storm water to waterways, and include such things as lawn fertilizers, pesticides, farm chemicals, and oils from street surfaces and industrial sites. BMPs can be incorporated into many aspects of new developments and ongoing land use practices. In New Hampshire, the Department of Environmental Services has developed best management practices for a range of activities, from farming to earth excavations.

**D. EMERGENCY SERVICES** - Emergency services protect people during and after a flood. Many communities in New Hampshire have emergency management programs in place, administered by an emergency management director (very often the local police or fire chief).

**1. Flood Warning** - On large rivers, the National Weather Service handles early recognition. Communities on smaller rivers must develop their own warning systems. Warnings may be disseminated in a variety of ways, such as sirens, radio, television, mobile public address systems, or door-to-door contact. It seems that multiple or redundant systems are the most effective, giving people more than one opportunity to be warned.

**2. Flood Response** - Flood response refers to actions that are designed to prevent or reduce damage or injury, once a flood threat is recognized. Such actions and the appropriate parties include:

- activating the emergency operations center (emergency director)
- sandbagging designated areas (public works department)
- closing streets and bridges (police department)
- shutting off power to threatened areas (public service)

- releasing children from school (school district)
- ordering an evacuation (selectmen/city council/emergency director)
- opening evacuation shelters (churches, schools, Red Cross, municipal facilities)

These actions should be part of a flood response plan, which should be developed in coordination with the persons and agencies that share the responsibilities. Drills and exercises should be conducted so that the key participants know what they are supposed to do.

**3. Critical Facilities Protection** - Protecting critical facilities is vital, since expending efforts on these facilities can draw workers and resources away from protecting other parts of City. Buildings or locations vital to the flood response effort:

- emergency operations centers
- police and fire stations
- hospitals
- highway garages
- selected roads and bridges
- evacuation routes
- buildings or locations that, if flooded, would create secondary disasters
- hazardous materials facilities
- water/wastewater treatment plants
- schools
- nursing homes

All such facilities should have their own flood response plan that is coordinated with the community's plan. Nursing homes, other public health facilities, and schools will typically be required by the state to have emergency response plans in place.

**4. Health and Safety Maintenance** - The flood response plan should identify appropriate measures to prevent danger to health and safety. Such measures include:

- patrolling evacuated areas to prevent looting
- providing safe drinking water
- vaccinating residents for tetanus
- clearing streets
- cleaning up debris

The plan should also identify which agencies will be responsible for carrying out the identified measures. A public information program can be helpful to educate residents on the benefits of taking health and safety precautions.

**Structural Projects** - Structural projects are used to prevent floodwaters from reaching properties. These are all man-made structures, and can be grouped into the six types of discussed below. The shortcomings of structural approaches are that:

- they can be very expensive
- they disturb the land, disrupt natural water flows, and destroy natural habitats

- they are built to an anticipated flood event, and may be exceeded by a greater-than-expected flood
- they can create a false sense of security

**Reservoirs** - Reservoirs control flooding by holding water behind dams or in storage basins. After a flood peaks, water is released or pumped out slowly at a rate the river downstream can handle.

Reservoirs are suitable for protecting existing development, and they may be the only flood control measure that can protect development close to a watercourse. They are most efficient in deeper valleys or on smaller rivers where there is less water to store. Reservoirs might consist of man-made holes dug to hold the approximate amount of floodwaters, or even abandoned quarries. As with other structural projects, reservoirs:

- are expensive
- occupy a lot of land
- require periodic maintenance
- may fail to prevent damage from floods that exceed their design levels
- may eliminate the natural and beneficial functions of the floodplain

Reservoirs should only be used after a thorough watershed analysis that identifies the most appropriate location, and ensures that they would not cause flooding somewhere else. Because they are so expensive and usually involve more than one community, they are typically implemented with the help of state or federal agencies, such as the Army Corps of Engineers.

**Levees/Floodwalls** - Probably the best known structural flood control measure is either a levee (a barrier of earth) or a floodwall made of steel or concrete erected between the watercourse and the land. If space is a consideration, floodwalls are typically used, since levees need more space. Levees and floodwalls should be set back out of the floodway, so that they will not divert floodwater onto other properties.

**Diversions** - A diversion is simply a new channel that sends floodwater to a different location, thereby reducing flooding along an existing watercourse. Diversions can be surface channels, overflow weirs, or tunnels. During normal flows, the water stays in the old channel. During flood flows, the stream spills over the diversion channel or tunnel, which carries the excess water to the receiving lake or river.

Diversions are limited by topography; they won't work everywhere. Unless the receiving water body is relatively close to the flood prone stream and the land in between is low and vacant, the cost of creating a diversion can be prohibitive. Where topography and land use are not favorable, a more expensive tunnel is needed. In either case, care must be taken to ensure that the diversion does not create a flooding problem somewhere else.

**Channel Modifications** - Channel modifications include making a channel wider, deeper, smoother, or straighter. These techniques will result in more water being carried away, but, as with other techniques mentioned, it is important to ensure that the modifications do not create or increase a flooding problem downstream.

**Dredging:** Dredging is often cost-prohibitive because the dredged material must be disposed of somewhere else, and the stream will usually fill back in with sediment. Dredging is usually undertaken only on larger rivers, and then only to maintain a navigation channel.

**Drainage modifications:** These include man-made ditches and storm sewers that help drain areas where the surface drainage system is inadequate or where underground drainage ways may be safer or more attractive. These approaches are usually designed to carry the runoff from smaller, more frequent storms.

**Storm Sewers** - Mitigation techniques for storm sewers include installing new sewers, enlarging small pipes, street improvements, and preventing back flow. Because drainage ditches and storm sewers convey water faster to other locations, improvements are only recommended for small local problems where the receiving body of water can absorb the increased flows without increased flooding.

In many developments, streets are used as part of the drainage system, to carry or hold water from larger, less frequent storms. The streets collect runoff and convey it to a receiving sewer, ditch, or stream. Allowing water to stand in the streets and then draining it slowly can be a more effective and less expensive measure than enlarging sewers and ditches.

**Public Information** - Public information activities are intended to advise property owners, potential property owners, and visitors about the particular hazards associated with a property, ways to protect people and property from these hazards, and the natural and beneficial functions of a floodplain.

**1. Map Information** - Flood maps developed by FEMA outline the boundaries of the flood hazard areas. These maps can be used by anyone interested in a particular property to determine if it is flood-prone. These maps are available from FEMA, the NH Office of Emergency Management, the NH Office of State Planning, or your regional planning commission.

**Outreach Projects** - Outreach projects are proactive; they give the public information even if they have not asked for it. Outreach projects are designed to encourage people to seek out more information and take steps to protect themselves and their properties. Examples of outreach activities include:

- Mass mailings or newsletters and e-newsletters to all residents
- Posting resource information on City website and social media accounts
- Notices directed to floodplain residents
- Displays in public buildings, malls, etc.
- Newspaper articles and special sections
- Radio and TV news releases and interview shows
- A local flood proofing video for cable TV programs and to loan to organizations
- A detailed property owner handbook tailored for local conditions
- Presentations at meetings of neighborhood groups

Research has shown that outreach programs work, although awareness is not enough. People need to know what they can do about the hazards, so projects should include information on protection measures. Research also shows that locally designed and run programs are much more effective than national advertising.

**Real Estate Disclosure** - Disclosure of information regarding flood-prone properties is important if potential buyers are to be in a position to mitigate damage. Federally regulated lending institutions are required to advise applicants that a property is in the floodplain. However, this requirement needs to be met only five days prior to closing, and by that time, the applicant is typically committed to the purchase. State laws and local real estate practice can help by making this information available to prospective buyers early in the process.

**Library** - Your local library can serve as a repository for pertinent information on flooding and flood protection. Some libraries also maintain their own public information campaigns, augmenting the activities of the various governmental agencies involved in flood mitigation.

**Technical Assistance** - Certain types of technical assistance are available from the NFIP Coordinator, FEMA, and the Natural Resources Conservation District. Community officials can also set up a service delivery program to provide one-on-one sessions with property owners. An example of technical assistance is the flood audit, in which a specialist visits a property. Following the visit, the owner is provided with a written report, detailing the past and potential flood depths, and recommending alternative protection measures.

**Environmental Education** - Education can be a great mitigating tool, if people can learn what not to do before damage occurs. And the sooner the education begins, the better. Environmental education programs for children can be taught in the schools, park and recreation departments, conservation associations, or youth organizations. An activity can be as involved as course curriculum development or as simple as an explanatory sign near a river. Education programs do not have to be limited to children. Adults can benefit from knowledge of flooding and mitigation measures. And decision-makers, armed with this knowledge, can make a difference in their communities.

## **II. EARTHQUAKES**

- A. PREVENTIVE** - Planning/zoning to keep critical facilities away from fault lines.  
Planning, zoning and building codes to avoid areas below steep slopes or soils subject to liquefaction.  
Building codes to prohibit loose masonry, overhangs, etc.
- B. PROPERTY PROTECTION:**  
Acquire and clear hazard areas.  
Retrofitting to add braces, remove overhangs.  
Apply mylar to windows and glass surfaces to protect from shattering glass.  
Tie down major appliances, provide flexible utility connections.  
Earthquake insurance riders.
- C. EMERGENCY SERVICES** - Earthquake response plans to account for secondary problems, such as fires and hazardous materials spills.
- D. EMERGENCY SERVICES** - Slope stabilization.

## **III. DAM FAILURE**

- A. PREVENTIVE:**  
Dam failure inundation maps.  
Planning/zoning/open space preservation to keep area clear.  
Building codes with flood elevation based on dam failure.  
Dam safety inspections.  
Draining the reservoir when conditions appear unsafe.



- B. PROPERTY PROTECTION** - Acquisition of buildings in the path of a dam breach flood. Flood insurance.
- C. EMERGENCY SERVICES** - Dam conditioning monitoring; warning and evacuation plans based on dam failure.
- D. EMERGENCY SERVICES** - Dam improvements, spillway enlargements. Remove unsafe dams.

#### **IV. WILDFIRES**

##### **A. PREVENTIVE:**

Zoning districts to reflect fire risk zones.

Planning and zoning to restrict development in areas near fire protection and water resources.

Requiring new subdivisions to space buildings, provide firebreaks, on-site water storage, wide roads multiple accesses.

Building code standards for roof materials, spark arrestors.

Maintenance programs to clear dead and dry bush, trees.

Regulation on open fires.

##### **B. PROPERTY PROTECTION:**

Retrofitting of roofs and adding spark arrestors.

Landscaping to keep bushes and trees away from structures.

Insurance rates based on distance from fire protection.

**C. NATURAL RESOURCE PROTECTION** - Prohibit development in high-risk areas.

**D. EMERGENCY SERVICES** - Fire Fighting

#### **V. WINTER STORMS**

**A. PREVENTIVE** - Building code standards for light frame construction, especially for wind-resistant roofs.

##### **B. PROPERTY PROTECTION:**

Storm shutters and windows

Hurricane straps on roofs and overhangs

Seal outside and inside of storm windows and check seals in spring and fall.

Family and/or company severe weather action plan & drills:

include a NOAA weather radio

designate a shelter area or location

keep a disaster supply kit, including stored food and water

keep snow removal equipment in good repair; have extra shovels, sand, rock, salt and gas

know how to turn off water, gas, and electricity at home or work

**C. NATURAL RESOURCE PROTECTION** - Maintenance program for trimming tree and shrubs

**D. EMERGENCY SERVICES** - Early warning systems/NOAA Weather Radio Evacuation Plans

#### **APPENDIX B:**

## TECHNICAL AND FINANCIAL ASSISTANCE FOR HAZARD MITIGATION

Local Municipalities must have a FEMA-approved Hazard Mitigation Plan in order to be eligible for Hazard Mitigation Assistance Grants. Information on these grants may be found at:

[http://www.fema.gov/media-library-data/1424983165449-38f5dfc69c0bd4ea8a161e8bb7b79553/HMA\\_Guidance\\_022715\\_508.pdf](http://www.fema.gov/media-library-data/1424983165449-38f5dfc69c0bd4ea8a161e8bb7b79553/HMA_Guidance_022715_508.pdf)

**HAZARD MITIGATION GRANT PROGRAM (HMGP)** - Authorized under Section 404 of the Stafford Act, the Hazard Mitigation Grant Program (HMGP) provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

Hazard Mitigation Grant Program funding is only available in States following a Presidential disaster declaration. Eligible applicants are:

- State and local governments
- Indian tribes or other tribal organizations
- Certain private non-profit organization

Individual homeowners and businesses may not apply directly to the program; however a community may apply on their behalf. HMGP funds may be used to fund projects that will reduce or eliminate the losses from future disasters. Projects must provide a long-term solution to a problem, for example, elevation of a home to reduce the risk of flood damages as opposed to buying sandbags and pumps to fight the flood. In addition, a project's potential savings must be more than the cost of implementing the project. Funds may be used to protect either public or private property or to purchase property that has been subjected to, or is in danger of, repetitive damage.

**PRE-DISASTER MITIGATION GRANTS PROGRAM** - The [Pre-Disaster Mitigation \(PDM\) program](#) provides technical and financial assistance to States and local governments for cost-effective pre-disaster hazard mitigation activities that complement a comprehensive mitigation program, and reduce injuries, loss of life, and damage and destruction of property. FEMA provides grants to States and Federally recognized Indian tribal governments that, in turn, provide sub-grants to local governments (to include Indian Tribal governments) for mitigation activities such as planning and the implementation of projects identified through the evaluation of natural hazards.

**FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM** - FEMA provides funding to assist States and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP). There are three types of grants available under FMA: Planning, Project, and Technical Assistance Grants. FMA Planning Grants are available to States and communities to prepare Flood Mitigation Plans. NFIP-participating communities with approved Flood Mitigation Plans can apply for FMA Project Grants. FMA Project Grants are available to States and NFIP participating communities to implement measures to reduce flood losses. Ten percent of the Project Grant is made available to States as a Technical

Assistance Grant. These funds may be used by the State to help administer the program. Communities receiving FMA Planning and Project Grants must be participating in the NFIP.

#### **EMERGENCY MANAGEMENT PERFORMANCE GRANT**

**GUIDELINES** - Emergency Management Performance Grant (EMPG Program) funding is available to local communities and eligible Agencies for projects that fall in FOUR general areas of Emergency Management: Planning activities; Training activities; Drills and Exercises; and Emergency Management Administration. Contact Heather Dunkerley at NHHSEM, [heather.dunkerley@dos.nh.gov](mailto:heather.dunkerley@dos.nh.gov), 603-223-3614 for assistance.

The following list of possible projects and activities is meant to guide you in selecting projects for an EMA Grant Submission. This list of suggested projects is not intended to be all-inclusive. Local communities or agencies may have other specific projects and activities that reflect local needs based on local capability assessments and local hazards.

#### **Planning Activities may include:**

- Develop a Hazard Mitigation Plan for your community.
- Prepare a hazard mitigation project proposal for submission to NHHSEM.
- Create, revise, or update Dam Emergency Action plans.
- Update your local Emergency Operations Plan (EOP). Consider updating a number of specific annexes each year to ensure that the entire plan is updated at least every four years.
- If applicable, develop or incorporate a regional HazMat Team Annex into your EOP.
- Develop an Anti-Terrorism Annex into your EOP.
- Develop a local/regional Debris Management Annex into your EOP.
- Develop and maintain pre-scripted requests for additional assistance (from local area public works, regional mutual aid, State resources, etc.) and local declarations of emergency.
- Develop and maintain written duties and responsibilities for EOC staff positions and agency representatives.
- Develop and maintain a list of private non-profit organizations within your local jurisdiction to ensure that these organizations are included in requests for public assistance funds.
- Prepare a submission for nomination as a "Project Impact" Community.

#### **Training Activities may include:**

- Staff members attend training courses at the Emergency Management Institute.
- Staff members attend a "field delivered" training course conducted by NHHSEM.
- Staff members attend other local, State, or nationally sponsored training event, which provides skills or knowledge relevant to emergency management.
- Staff members complete one or more FEMA Independent Study Courses.
- Identify and train a pre-identified local damage assessment team.

#### **Drills and Exercises might include:**

- Conduct multi-agency EOC Exercise (Tabletop or Functional) and forward an Exercise Evaluation Report, including after action reports, to NHHSEM (external evaluation of exercises is strongly encouraged). Drills or Exercises might involve any of the following scenarios:
  - Hurricane Exercise
  - Terrorism Exercise
  - Severe Storm Exercise
  - Communications Exercise

- Mass Causality Exercise involving air, rail, or ship transportation accident
- Participate in multi-State or multi-Jurisdictional Exercise and forward Exercise Report to NHHSEM.
- HazMat Exercise with Regional HazMat Teams
- NHHSEM Communications Exercises
- Observe or evaluate State or local exercise outside your local jurisdiction.
- Assist local agencies and commercial enterprises (nursing homes, dams, prisons, schools, etc.) in developing, executing, and evaluating their exercise.
- Assist local hospitals in developing, executing and evaluating Mass Care, HazMat, Terrorism, and Special Events Exercises.
- Administrative Projects and Activities may include:
  - Maintain an Emergency Operations Center (EOC) and alternate EOC capable of accommodating staff to respond to local emergencies.
  - Establish and maintain a Call-Down List for EOC staff.
  - Establish and maintain Emergency Response/Recovery Resource Lists.
  - Develop or Update Emergency Management Mutual Aid Agreements with a focus on Damage Assessment, Debris Removal, and Resource Management.
  - Develop and maintain written duties and responsibilities for EOC staff positions and agency representatives.
  - Develop or Update Procedures for tracking of disaster-related expenses by local agencies.

**FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM** - FMA was created as part of the National Flood Insurance Reform Act (NFIRA) of 1994 (42 U.S.C. 4101) with the goal of reducing or eliminating claims under the National Flood Insurance Program (NFIP). FMA regulations can be found in 44 CFR Part 78. Funding for the program is provided through the National Flood Insurance Fund. FMA is funded at \$20 million nationally. FMA provides funding to assist States and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP).

There are three types of grants available under FMA: Planning, Project, and Technical Assistance Grants. FMA Planning Grants are available to States and communities to prepare Flood Mitigation Plans. NFIP-participating communities with approved Flood Mitigation Plans can apply for FMA Project Grants. FMA Project Grants are available to States and NFIP participating communities to implement measures to reduce flood losses. Ten percent of the Project Grant is made available to States as a Technical Assistance Grant. These funds may be used by the State to help administer the program. Communities receiving FMA Planning and Project Grants must be participating in the NFIP. A few examples of eligible FMA projects include: the elevation, acquisition, and relocation of NFIP-insured structures.

States are encouraged to prioritize FMA project grant applications that include repetitive loss properties. The FY 2001 FMA emphasis encourages States and communities to address target repetitive loss properties identified in the Agency's Repetitive Loss Strategy. These include structures with four or more losses, and structures with 2 or more losses where cumulative payments have exceeded the property value. State and communities are also encouraged to develop Plans that address the mitigation of these target repetitive loss properties.

**APPENDIX C:  
SAFFIR/SIMPSON HURRICANE SCALE**

**Courtesy of National Hurricane Center**

This can be used to give an estimate of the potential property damage and flooding expected along the coast with a hurricane.

Category	Definition	Effects
One	Winds 74-95 mph	No real damage to building structures. Damage primarily to unanchored mobile homes, shrubbery, and trees. Also, some coastal road flooding and minor pier damage
Two	Winds 96-110 mph	Some roofing material, door, and window damage to buildings. Considerable damage to vegetation, mobile homes, and piers. Coastal and low-lying escape routes flood 2-4 hours before arrival of center. Small craft in unprotected anchorages break moorings.
Three	Winds 111-130 mph	Some structural damage to small residences and utility buildings with a minor amount of curtainwall failures. Mobile homes are destroyed. Flooding near the coast destroys smaller structures with larger structures damaged by floating debris. Terrain continuously lower than 5 feet ASL may be flooded inland 8 miles or more.
Four	Winds 131-155 mph	More extensive curtainwall failures with some complete roof structure failure on small residences. Major erosion of beach. Major damage to lower floors of structures near the shore. Terrain continuously lower than 10 feet ASL may be flooded requiring massive evacuation of residential areas inland as far as 6 miles.
Five	Winds greater than 155 mph	Complete roof failure on many residences and industrial buildings. Some complete building failures with small utility buildings blown over or away. Major damage to lower floors of all structures located less than 15 feet ASL and within 500 yards of the shoreline. Massive evacuation of residential areas on low ground within 5 to 10 miles of the shoreline may be required.

Additional information: <http://www.nhc.noaa.gov/aboutshws.php>

**APPENDIX D:  
 ENHANCED FUJITA TORNADO DAMAGE SCALE**

<b>The Enhanced Fujita Scale</b>			
<b>F-Scale Number</b>	<b>Potential Damage</b>	<b>Wind Speed</b>	<b>Type of Damage</b>
<b>F0</b>	Light	65 – 85 mph	Little to no damage to man-made structures. Breaks branches off trees; pushes over shallow-rooted trees; damages signs
<b>F1</b>	Moderate	86 – 110 mph	Beginning of hurricane wind speed; peels surface off roofs; mobile homes pushed off foundations or overturned; moving autos pushed off roads; Moderate damage.
<b>F2</b>	Considerable	111 – 135 mph	Considerable damage. Roofs torn off frame houses; mobile homes demolished; boxcars from trains pushed over; large trees snapped or uprooted; light object missiles generated.
<b>F3</b>	Severe	136 – 165 mph	Roof and some walls torn off well-constructed houses; trains overturned; most trees in forest uprooted; heavy cards lifted and thrown.
<b>F4</b>	Devastating	166 – 200 mph	Well-constructed houses leveled; structures with weak foundations blown away some distance; cars thrown and large missiles generated.
<b>F5</b>	Incredible	Over 200 mph	Strong frame houses leveled off foundations and carried considerable distances; automobile-sized missiles fly through the air in excess of 109 yards; trees debarked; steel reinforced concrete structures badly damaged. Complete devastation.

Additional Information:

<http://www.spc.noaa.gov/faq/tornado/ef-scale.html>

**APPENDIX E:  
THE RICHTER MAGNITUDE SCALE**

**Earthquake Severity**

Magnitudes	Earthquake Effects
Less than 3.5	Generally not felt, but recorded.
3.5-5.4	Often felt, but rarely causes damage.
Under 6.0	At most slight damage to well-designed buildings. Can cause major damage to poorly constructed buildings over small regions.
6.1-6.9	Can be destructive in areas up to about 100 kilometers across where people live.
7.0-7.9	Major earthquake. Can cause serious damage over larger areas.
8 or greater	Great earthquake. Can cause serious damage in areas several hundred kilometers across.

Additional information: <https://earthquake.usgs.gov/learn/topics/mercalli.php>  
<https://earthquake.usgs.gov/learn/topics/measure.php>  
<https://earthquake.usgs.gov/data/shakemap/>

**The Richter Magnitude Scale** - Seismic waves are the vibrations from earthquakes that travel through the Earth; they are recorded on instruments called seismographs. Seismographs record a zig-zag trace that shows the varying amplitude of ground oscillations beneath the instrument. Sensitive seismographs, which greatly magnify these ground motions, can detect strong earthquakes from sources anywhere in the world. The time, locations, and magnitude of an earthquake can be determined from the data recorded by seismograph stations.

Earthquakes with magnitude of about 2.0 or less are usually call microearthquakes; they are not commonly felt by people and are generally recorded only on local seismographs. Events with magnitudes of about 4.5 or greater - there are several thousand such shocks annually - are strong enough to be recorded by sensitive seismographs all over the world. Great earthquakes, such as the 1964 Good Friday earthquake in Alaska, have magnitudes of 8.0 or higher. On the average, one earthquake of such size occurs somewhere in the world each year. The Richter Scale has no upper limit. Recently, another scale called the moment magnitude scale has been devised for more precise study of great earthquakes. The Richter Scale is not used to express damage. An earthquake in a densely populated area which results in many deaths and considerable damage may have the same magnitude as a shock in a remote area that does nothing more than frightens wildlife. Large-magnitude earthquakes that occur beneath the oceans may not even be felt by humans.

## Appendix F

### Extreme Weather Madness Thunderstorm Criteria

THUNDERSTORM TYPES	Rainfall Rate/hr	MAX WIND GUST	HAIL SIZE	PEAK TORNADO Possibility	LIGHTNING FREQUENCY (5 min Intervals)	Darkness Factor	STORM IMPACT
T-1 – Weak thunderstorms or Thundershowers	.03-.10	< 25 MPH	None	None	Only a few strikes during the storm.	Slightly Dark. Sunlight may be seen under the storm.	1. No damage. 2. Gusty winds at times.
T-2 – Moderate Thunderstorms.	.10”-.25”	25-40 MPH	None	None	Occasional 1-10	Moderately Dark. Heavy downpours may cause the need for car lights.	1. Heavy downpours. 2. Occasional lightning. 3. Gusty winds. 4. Very little damage. 5. Small tree branches may break 6. Lawn furniture moved around
T-3 – Heavy Thunderstorms 1. Singular or lines of storms.	.25”-.55”	40-57 MPH	1/4 “ to 3/4”	EF0	Occasional to Frequent 10-20	Dark. Car lights used. Visibility low in heavy rains. Cars may pull off the road.	1. Minor Damage. 2. Downpours that produce some flooding on streets. 3. Frequent lightning could cause house fires. 4. Hail occurs within the downpours. 5. Small branches are broken. 6. Shingles are blown off roofs.
T-4 – Intense Thunderstorms 1. Weaker supercells 2. Bow Echos or lines of Storms	.55” – 1.25”	58 to 70 MPH	1” to 1.5”	EF0 to EF2	Frequent 20-30	Very Dark. Car lights used. Some street lights come on.	1. Moderate Damage. 2. Heavy rains can cause flooding to streams and creeks. Roadway flooding. 3. Hail can cause dents on cars and cause crop damage. 4. Wind damage to trees and buildings. 5. Tornado damage. 6. Power outages
T-5 – Extreme Thunderstorms 1. Supercells with family of tornadoes. 2. Derecho Windstorms	1.25” – 4”	Over 70 Mph	Over 1.5” to 4”	EF3 to EF5	Frequent to Continuous. > 30	Pitch Black. Street Lights come on. House lights maybe used	1. Severe Damage to Trees and Property. Damage is widespread. 2. Flooding rains. 3. Damaging hail. 4. Damaging wind gusts to trees and buildings. 5. Tornadoes F3-F5 or family of tornadoes can occur. Tornadoes can cause total devastation. 6. Widespread power outages.

Copyright 2010 AccuWeather.com by Sr. Meteorologist Henry Margusity

## Appendix G Lightning Risk Definitions

<b>Lightning Risk Definitions</b>	
<b>Low Risk</b>	Thunderstorms are only expected to be isolated or widely scattered in coverage (20 Percent Chance). Atmospheric conditions do not support frequent cloud-to-ground lightning strikes.
<b>Moderate Risk</b>	Thunderstorms are forecast to be scattered in coverage (30-50 Percent Chance). Atmospheric conditions support frequent cloud-to-ground lightning strikes.
<b>High Risk</b>	Thunderstorms are forecast to be numerous or widespread in coverage (60-100 Percent Chance). Atmospheric conditions support continuous and intense cloud-to-ground lightning strikes.



## Appendix H Hail Size Description Chart

Hail Size Description Chart		
Hailstone size	Measurement	
	in.	cm.
bb	< 1/4	< 0.64
pea	1/4	0.64
dime	7/10	1.8
penny	3/4	1.9
nickel	7/8	2.2
quarter	1	2.5
half dollar	1 1/4	3.2
golf ball	1 3/4	4.4
billiard ball	2 1/8	5.4
tennis ball	2 1/2	6.4
baseball	2 3/4	7.0
softball	3.8	9.7
Compact disc / DVD	4 3/4	12.1

Note: Hail size refers to the **diameter** of the hailstone.

## Appendix I Sperry-Pitz Ice Accumulation Index

The Sperry-Piltz Ice Accumulation Index, or "SPIA Index" – Copyright, February, 2009

ICE DAMAGE INDEX	DAMAGE AND IMPACT DESCRIPTIONS
<b>0</b>	Minimal risk of damage to exposed utility systems; no alerts or advisories needed for crews, few outages.
<b>1</b>	Some isolated or localized utility interruptions are possible, typically lasting only a few hours. Roads and bridges may become slick and hazardous.
<b>2</b>	Scattered utility interruptions expected, typically lasting 12 to 24 hours. Roads and travel conditions may be extremely hazardous due to ice accumulation.
<b>3</b>	Numerous utility interruptions with some damage to main feeder lines and equipment expected. Tree limb damage is excessive. Outages lasting 1 – 5 days.
<b>4</b>	Prolonged & widespread utility interruptions with extensive damage to main distribution feeder lines & some high voltage transmission lines/structures. Outages lasting 5 – 10 days.
<b>5</b>	Catastrophic damage to entire exposed utility systems, including both distribution and transmission networks. Outages could last several weeks in some areas. Shelters needed.

(Categories of damage are based upon combinations of precipitation totals, temperatures and wind speeds/directions.)

**Appendix J**

Wildland Urban Interface (WUI) Exposure Zones – NIST Technical Note 1748, January 2013  
 Source: National Institute of Standards and Technology (NIST), US Dept. of Commerce

**Table 4: E-Scale Building Construction Classes and Attributes**

<b>WUI scale</b>	<b>Building Construction Class</b>	<b>Ignition Vulnerabilities from Embers and Fire</b>	<b>Building Construction and Landscaping Attributes for Protection against Embers</b>
E1 or F1	WUI 1	None	Normal Construction Requirements: <ul style="list-style-type: none"> <li>- Maintained Landscaping</li> <li>- Local AHJ-Approved Access for firefighting equipment</li> </ul>
E2 or F2	WUI 2	In this area, highly volatile fuels could be ignited by embers. Weathered, dry combustibles with large surface areas can become targets for ignition from embers.	Low Construction Hardening Requirements: <ul style="list-style-type: none"> <li>- Treated combustibles allowed on structure</li> <li>- Attached treated combustibles allowed</li> <li>- Treated combustibles allowed around structure</li> <li>- Low flammability plants</li> <li>- Irrigated and well maintained Landscaping</li> <li>- Local AHJ-Approved Access for firefighting equipment</li> </ul>
E3 or F3	WUI 3	Exposed combustibles are likely to ignite in this area from high ember flux or high heat flux	Intermediate Construction Hardening Requirements: <ul style="list-style-type: none"> <li>- No exposed combustibles on structure</li> <li>- Combustibles placed well away from structure</li> <li>- Low flammability plants</li> <li>- Irrigated and well maintained landscaping</li> <li>- Local AHJ-Approved Access for firefighting equipment</li> </ul>
E4 or F4	WUI 4	Ignition of combustibles from direct flame contact is likely.	High Construction Hardening Requirements: <ul style="list-style-type: none"> <li>- No exposed combustibles</li> <li>- All vents, opening must be closed</li> <li>- Windows and doors must be covered with insulated non-combustible coverings.</li> <li>- Irrigated and well maintained low flammability landscaping</li> <li>- Local AHJ-Approved Access for firefighting equipment</li> </ul>

**Appendix K**  
**Documentation of Planning Process**  
**Notice of Public Hearing on Draft Plan**

<http://www.cityofportsmouth.com/agendas/2017/citycouncil/cc061917ag.pdf>

**Appendix L**  
**Approval Letters from FEMA**

**NOTICE OF VOLUNTARY MERGER OF CONTIGUOUS LOTS**

NOW COMES City of Portsmouth, owner of two contiguous parcels of land located at a part of formerly 165 Deer Street and formerly known as 55 Rock St., Portsmouth, County of Rockingham and State of New Hampshire, who wishes to merge said parcels for Municipal regulation and taxation purposes, and does hereby apply to the Planning Board of the City of Portsmouth, or its designee, for approval of said merger and further says that said lots are listed on Assessor's Map 138/62, and being the same property conveyed to City of Portsmouth by deed of Deer Street Associates dated September 9, 2016 and recorded at the Rockingham County Registry of Deeds at Book 5751 Page 1470, and Assessor's Map 138/60, and being the same property conveyed to City of Portsmouth by deed of Diamond International Corporation dated October 5, 1976 and recorded at the Rockingham County Registry of Deeds at Book 2267 Page 1106

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
(Owner)

State of New Hampshire  
Rockingham, SS

Acknowledged before me by (*owner*) this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**APPROVAL OF MERGER**

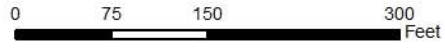
NOW COMES THE Portsmouth Planning Board or its designee and pursuant to RSA 674:39-a approved the merger.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer



Lot Lines to be removed to merge lots



Merger of Foundry Place Garage Lot and Rock Street Lot



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**MEMORANDUM**

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**TO:** ACTING CITY MANAGER, NANCY COLBERT PUFF  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** ZONING ORDINANCE AMENDMENTS – OFF-STREET PARKING  
**DATE:** 09/25/2017

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**Recommended City Council Action**

*Vote to schedule first reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.*

**Background**

On September 21, 2017, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

The proposed amendments are consistent with recommendations included in the recently adopted Master Plan to support the goal of managing parking supply to serve development needs without compromising community character. These amendments also support the City Council's Housing Policy adopted in 2016, to review parking requirements and revise, as appropriate, to reduce housing development costs and proactively seek parking infrastructure solutions and shared parking arrangements.

The proposed amendments to the Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, include several types of changes that are based on best management practices for off-street parking requirements for urban and suburban neighborhoods like Portsmouth's.

First, separate tables of parking requirements are proposed for residential and nonresidential uses. The proposed parking ratios for residential uses have been revised to assign parking requirements based on the size (floor area) of the dwelling unit. This allows the ordinance to be simplified by eliminating separate ratios for micro-units, accessory dwelling units, garden cottages, and elderly housing. (The two provisions for parking in Sections 10.814 and 10.815 then become redundant and are proposed for deletion.)

For nonresidential uses, the parking requirements table has been reorganized to mirror the Table of Uses in Section 10.440 of the Zoning Ordinance. Although the resulting Table of Minimum Off-Street Parking Requirements for Nonresidential Uses is longer than the

existing Table of Off-Street Parking Requirements, itemizing the same use categories as in the Table of Uses eliminates ambiguities and will make it easier for applicants to understand their responsibilities and for staff to administer the ordinance.

Reviewing the more detailed list of uses in the new table resulted in proposed refinements to the parking requirements for many of the uses. Significant changes from the existing Table of Off-Street Parking Requirements include the following:

- For several uses, a parking demand analysis must be prepared to determine the off-street parking requirement, or may optionally be prepared in lieu of a specified parking ratio. These tend to be uses that are unique and where the parking demand might vary based on the size, type or location of the use. Examples include places of assembly, schools, museums, performance facilities, outdoor recreational uses, hospitals, conference centers, and marinas.
- Where the determination of parking requirements is based on the capacity of the use or facility, the terminology has been updated to refer to occupant load as determined by the Building Code and documented through a code analysis. Examples include places of assembly, clubs and fraternal organizations, and indoor recreation uses.
- Certain uses are proposed to have no off-street parking requirement. These include historic preservation buildings, cemeteries, municipal parks, non-commercial boat landings and docks, wholesale lumber yards, various public and private utility uses, and agricultural uses.
- Parking requirements are proposed to be reduced for several uses, including indoor recreation uses, business and professional offices, call centers, outpatient clinics and ambulatory surgical centers, and personal and consumer services.
- Parking requirements are proposed to be increased for retail trade uses, eating and drinking places (restaurant, bar, etc.), hotels and motels, light industry, and biological or chemical laboratories.
- For hotels and motels, specific parking requirements have been added for conference or banquet facilities (and note that this is also carried forward to the Downtown Overlay District requirements in Sec. 10.1115.21). This will better reflect the parking demands of hotels and motels that include such facilities.

The table of maximum allowed parking spaces in Section 10.1112.50 has been simplified and the maximum number of spaces has been increased for larger parking facilities. In addition, a new provision has been added authorizing the Planning Board to grant a conditional use permit allowing the maximum number of spaces to be exceeded if justified by a parking demand analysis. This will streamline the permitting process, avoiding the need or possibility of securing a variance from the Zoning Board of Adjustment before applying to the Planning Board for site plan approval.

A new Section 10.1112.60 has been added mandating a reduction in the number of parking spaces where mixed uses on a site have complementary demands. This section establishes a methodology for computing the minimum number of required parking spaces

for such sites. This section also provides an option to allow a reduction in the number of off-street parking spaces for developments on separate lots, provided that the shared parking facilities are secured by a recorded covenant.

Section 10.1114 has been amended to allow tandem parking spaces when serving residential uses. Currently, the ordinance requires that all parking spaces be designed so that cars may enter and leave without requiring the moving of any other vehicle. The proposed change exempts from this requirement parking spaces that are assigned to a specific dwelling unit in a residential or mixed use development, and establishes minimum dimensions for such spaces.

A new Section 10.1116 has been added requiring that bicycle parking spaces be provided for most uses. Specific standards for such spaces will be added to the Site Plan Review Regulations.

Finally, one change and three additions are proposed in Article 15 – Definitions:

- The definition of “townhouse” is proposed to be changed by deleting the words “single-family.” This is being proposed so that townhouse condominium units will be clearly subject to the same parking requirements as units in rental rowhouses, which are functionally the same and differ only in ownership.
- New definitions are proposed for the terms “driveway” and “maneuvering aisle” to clarify an ongoing issue regarding interpretation of the dimensional standards for off-street parking facilities.
- Lastly, the term “maximum occupancy” is proposed to be linked to the Building Code definition of occupant load, so that conflicts between a facility’s status under the Zoning Ordinance and Building Code can be avoided.



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

A. Amend Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, as follows:

- (1) Delete existing Section 10.1112 – Number of Required Parking Spaces and insert in its place proposed Section 10.1112 as set forth the document titled “Proposed Revisions to the Zoning Ordinance, Article 11, Section 10.1112 – Number of Required Parking Spaces” dated September 8, 2017.
- (2) Delete existing Section 10.1114 – Design of Off-Street Parking Facilities, and insert in its place proposed Section 10.1114 as set forth the document titled “Proposed Revisions to the Zoning Ordinance, Article 11, Section 10.1114 – Design of Off-Street Parking Facilities” dated September 8, 2017.
- (3) In Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District, amend the table in subsection 10.1115.21, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Use	Required Parking Spaces
Residential use ( <del>dwelling</del> )	<del>1.5 space per dwelling unit</del> <b>As specified in Section 10.1112.31</b>
Hotel or motel	0.75 space per guest room, <b>plus 1 space per 25 sf of conference or banquet facilities</b>
Other nonresidential use	No requirement

- (4) Insert a new Section 10.1116 – Bicycle Parking as set forth the document titled “Proposed Addition to the Zoning Ordinance, Article 11, Section 10.1116 – Bicycle Parking” dated September 8, 2017.

B. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows:

- (1) In the definition of “townhouse”, delete the words “single-family” so that the definition reads as follows:

Townhouse

A dwelling unit in a group of three or more attached units, foundation to roof, open space on at least two sides, separated by a fire-rated wall.

(2) Insert the following new definitions:

Driveway

The area between the travelled portion of a street or road and a parking area used by motor vehicles for access to and from the parking area. A driveway does not include any maneuvering aisle or other circulation area within the interior of a parking area. Except for lots containing fewer than 7 off-street parking spaces, a driveway has no abutting parking spaces.

Maneuvering aisle

A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.

Maximum occupancy

The occupant load of a building or portion thereof as determined in accordance with the Building Code.

C. Amend Article 8 – Supplemental Use Standards by deleting the separate off-street parking requirements for accessory dwelling units and garden cottages, as follows:

(1) In Section 10.814 – Accessory Dwelling Units, delete paragraph 10.814.34.

(2) In Section 10.815 – Garden Cottages, delete paragraph 10.815.34.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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

Proposed Revisions to the Zoning Ordinance,  
Article 11, Section 10.1112 – Number of Required Parking Spaces  
September 8, 2017

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10.1112 Number of Required Parking Spaces

**10.1112.10 General Requirements and Interpretation**

- 10.1112.11 The number of required off-street parking spaces shall be based on the uses on the lot, as specified in Section 10.1112.30.
- 10.1112.12 For any permitted use not covered by Section 10.1112.30, the Code Official shall determine the closest similar use listed in that table and require off-street parking accordingly.
- 10.1112.13 Specially designated parking spaces for the physically disabled shall be provided in compliance with the Building Code (see International Building Code, Section 1106).

**10.1112.20 Calculation of Number of Required Spaces**

- 10.1112.21 The number of required off-street parking spaces shall be the sum of the requirements for the various individual uses on a lot computed separately, except that a development designed as a shopping center shall comply with the specific requirements of Section 10.1112.30 for said use.
- 10.1112.22 Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number.

**10.1112.30 Off-Street Parking Requirements**

***10.1112.31 Parking Requirements for Residential Uses***

The required minimum number of off-street parking spaces for uses 1.10 through 1.90, including dwelling units in mixed-use developments, shall be based on the gross floor area of each dwelling unit, as follows:

<b>Dwelling Unit Floor Area</b>	<b>Required Parking Spaces</b>
Less than 500 sq. ft.	0.5 spaces per unit
500-750 sq. ft.	1.0 space per unit
750-1,200 sq. ft.	1.5 spaces per unit
Over 1,200 sq. ft.	2.0 spaces per unit

**10.1112.32 Parking Requirements for Nonresidential Uses**

10.1112.321 The required minimum number of off-street parking spaces for uses other than 1.10 through 1.90 shall be based on the following table.

**Table of Minimum Off-Street Parking Requirements for Nonresidential Uses**

Use No.	Use	Requirement
<b>2. Institutional Residence or Care Facilities</b>		
2.10-2.20	Assisted living facility or Residential care facility	0.5 per bed or resident
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>		
3.10	Place of assembly	0.4 per seat (fixed seating), or 1 per 4 persons maximum occupancy of assembly area, or Parking demand analysis
3.20	School	Parking demand analysis
3.30	Historic preservation building	No requirement
3.40	Museum	Parking demand analysis
3.50	Performance facility	0.4 per seat (fixed seating), or Parking demand analysis
3.60	Cemetery	No requirement
3.70	Club, fraternal or service organization	Greater of: - 1 per 4 persons maximum occupancy - 1 per 200 sf GFA
3.80	Municipally operated park and related activities	No requirement
<b>4. Recreational Uses</b>		
4.10	Religious, sectarian or private non-profit recreational use	Parking demand analysis
4.20	Cinema or similar indoor amusement use with no live performance	0.4 per seat, or Parking demand analysis
4.30	Indoor recreation use, such as bowling alley or arcade	1 per 4 persons maximum occupancy
4.40	Health club, yoga studio, martial arts school, or similar use	1 per 250 sf GFA
4.50	Outdoor recreation use	Parking demand analysis
4.60	Amusement park, water park or theme park	NA – Prohibited Use

Use No.	Use	Requirement
<b>5. Office Uses, Non-Medical</b>		
5.10-5.30	Professional, business and financial services	1 per 350 sf GFA
5.40	Social service campus	Apply standards for component uses
5.50	Media studio	1 per 1,000 sf GFA
5.60	Publishing facility or similar electronic production operation	1 per 1,000 sf GFA
5.70	Call Center	1 per 250 sf GFA
<b>6. Medical Services and Health Care</b>		
6.10	Hospital	Parking demand analysis
6.20	Medical offices and clinics (outpatient only)	1 per 250 sf GFA
6.30	Clinics with inpatient care	Greater of: - 2 per bed - 1 per 250 sf GFA
6.40	Ambulatory surgical center	1 per 250 sf GFA
6.50	Substance abuse treatment facility	Parking demand analysis
6.60	Psychiatric hospital for the criminally insane	NA – Prohibited Use
<b>7. Services, Other Than Health Care</b>		
7.11	Family day care facility	4 spaces (including 2 for the single-family dwelling)
7.12	Group day care facility including private preschool and kindergarten	0.5 per client or student based on licensed enrollment capacity
7.20-7.40	Personal services, Consumer services, and Trade, craft and general services	1 per 400 sf GFA
7.50-7.60	Veterinary care and Laundry and dry cleaning establishments	1 per 500 sf GFA
7.70	Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	1 per 25 sf of floor area for public occupancy
<b>8. Retail Trade</b>		
8.10-8.90	All retail trade uses	1 per 300 sf GFA
<b>9. Eating and Drinking Places</b>		
9.10-9.50	All eating and drinking places	1 per 75 sf GFA

Use No.	Use	Requirement
<b>10. Lodging Establishments</b>		
10.10-10.20	Boarding house or Bed and breakfast	2 + 1 per room for rent
10.30-10.40	Inn, hotel or motel	1.25 per guest room + 1 per 100 sf of lounge or restaurant area + 1 per 25 sf of conference or banquet facilities
10.50-10.60	Conference hotel or Conference center	Parking demand analysis
<b>11. Motor Vehicle-Related Uses</b>		
11.10, 11.30	Sales, renting or leasing of vehicles, marine craft, power equipment, etc.	1 per 600 sf GFA + 1 per 2000 sf outside display or storage area
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400 sf GFA
11.40	Impound lot (principal or accessory use)	No requirement
11.50	Truck fueling facility	4 spaces
11.60	Truck terminal	1 per 2000 sf GFA + 3 per loading dock
<b>12. Marine Craft Related Uses</b>		
12.11	Non-commercial boat landings, boat docks, boathouses, etc.	No requirement
12.12	Fishing boat landing 1	4 spaces
12.13	Fishing boat landing 2	Parking demand analysis
12.20-12.40	Marina, repair of commercial marine craft and marine-related structures, or landside support facility for commercial passenger vessel	Parking demand analysis
<b>13. Wholesale Trade, Warehousing and Distribution</b>		
13.10	Wholesale use	1 per 2000 sf GFA
13.20	Wholesale sales devoted to, and in the same establishment as, a permitted retail use	1 per 2000 sf area devoted to wholesale
13.30	Wholesale lumber yards, lumber and contractor sales	No requirement
13.40	Warehousing or distribution of non- flammable, non-hazardous materials, not classified as a high hazard use	1 per 2000 sf GFA

Use No.	Use	Requirement
<b>14. Industrial Uses</b>		
14.10-14.20	Light industry or Research and development	1 per 500 sf GFA
14.30-14.50	Food processing, Electronics manufacturing, General manufacturing	1 per 1000 sf GFA
14.60	Biological or chemical laboratory	1 per 500 sf GFA
14.70	Recycling facility or recycling plant	No requirement
14.80	High hazard use, including other uses listed in this section but not including uses described in 14.90	Parking demand analysis
14.90	Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	NA – Prohibited Use
<b>15. Transportation and Utilities</b>		
15.10	Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building	No requirement
15.20	Helipad or heliport	No requirement
<b>16. Wireless Telecommunications Facilities</b>		
16.10-16.40	All wireless telecommunications facilities	No requirement
<b>17. Agricultural Uses</b>		
17.10-17.20	All agricultural use	No requirement
<b>18. Temporary Uses</b>		
18.10	Construction trailer	No requirement
18.20	Temporary structure	No requirement
18.30	Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes	2 spaces (single-family dwelling)

Use No.	Use	Requirement
18.40	Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	No requirement
<b>19. Accessory Uses</b>		
19.10	Accessory use to a permitted principal use (not otherwise specified in this section), but not including any outdoor storage	No requirement
19.20	Home occupation	No minimum requirement ( <u>maximum</u> 1 space for the home occupation)
19.30	Concessions and services located within the principal building	No requirement
19.40	Drive-through facility, as accessory use to a permitted principal use	No requirement
<b>20. Accessory Storage</b>		
20.10 – 20.60	All accessory storage uses	No requirement

- 10.1112.322 Where the table lists a general use category without the subcategories, the parking ratio shall apply to all subcategories within that category (for example, the parking ratio shown for use number 2.10 applies to uses 2.11 and 2.22).
- 10.1112.323 Where the table indicates that the minimum required number of off-street parking spaces shall be based on a parking demand analysis, the applicant shall submit such analysis for review by the Planning Board through the Site Plan Review process. Where the table indicates that a parking demand analysis is an alternative to a specified ratio, the applicant may submit such analysis to justify a ratio different from that listed in the table. In either case, the Planning Board may approve the number of parking spaces proposed by the analysis, or may approve a greater or lesser minimum number of parking spaces based on its review.
- 10.1112.324 Where the minimum number of off-street parking spaces is based on maximum occupancy, the applicant shall submit a code analysis showing the occupant load for the proposed use determined in accordance with the Building Code.



**10.1112.40 Reserve Parking Area**

When Section 10.1112.30 requires the provision of 20 or more off-street parking spaces, the Planning Board may approve the construction of fewer off-street parking spaces than required, subject to the following:

- 10.1112.41 A “Reserve Parking Area” shall be designated that is sufficient to accommodate the difference between the number of spaces required and the lesser number actually provided.
- 10.1112.42 The site plan shall clearly delineate the Reserve Parking Area and shall demonstrate that it is sufficient to accommodate the additional parking spaces in accordance with the requirements of this Section.
- 10.1112.43 The Reserve Parking Area shall be landscaped with grass, ground covers and/or other plant materials, but shall not be counted toward any minimum open space requirement.
- 10.1112.44 The Reserve Parking Area shall not be used as snow storage area and shall not contain any structure or mechanical equipment.

**10.1112.50 Maximum Number of Parking Spaces**

10.1112.51 The number of off-street parking spaces for any building or use shall not exceed the following amounts:

Minimum Number of Spaces Required by Section 10.1112.30	Maximum Number of Spaces Allowed
0-20	No maximum
21 or more	120 percent of minimum

10.1112.52 The Planning Board may grant a conditional use permit to allow a building or use to exceed the maximum permitted number of off-street parking spaces. The application for the conditional use permit shall include a parking demand analysis demonstrating the need for additional parking. In granting a conditional use permit, the Planning Board may accept, deny or modify the findings of the parking demand analysis.

**10.1112.60 Shared Parking**

**10.1112.61 Methodology**

Developments that contain a mix of uses on the same parcel shall reduce the number of off-street parking spaces in accordance with the following methodology:

- (1) Determine the minimum number of off-street parking spaces for each land use within the development in accordance with Sections 10.1112.10 through 10.1112.50.

- (2) Multiply the minimum parking requirement for each land use by the corresponding parking occupancy rates for each of the five time periods set forth in Columns (B) through (F) of the Parking Occupancy Rates table below.

**Parking Occupancy Rates**

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight– 6:00 AM)
	(B) Daytime (8:00 AM– 5:00 PM)	(C) Evening (6:00 PM– Midnight)	(D) Daytime (8:00 AM– 5:00 PM)	(E) Evening (6:00 PM– Midnight)	
Residential	60%	100%	80%	100%	100%
Office/ Industrial	100%	20%	10%	5%	5%
Retail/Service	60%	90%	100%	70%	5%
Hotel/Motel	70%	100%	75%	100%	100%
Restaurant	70%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Conference/ Convention	100%	100%	100%	100%	5%
Place of Worship*	10%	5%	100%	50%	5%
Other Institutional	100%	20%	10%	10%	5%

\* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.

- (3) Add the resulting shared parking requirements for each time period to determine the minimum parking requirement for that period.

The required minimum number of parking spaces for the development shall be the highest of the five time period totals.

**10.1112.62 Shared Parking on Separate Lots**

The Planning Board may grant a conditional use permit to allow a reduction in the number of required off-street parking spaces for uses on separate lots, whether in common or separate ownership, subject to the following:

- (1) The shared parking requirement may be determined using the methodology in Section 10.1112.61, or by another method approved or required by the Planning Board.
- (2) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

Proposed Revisions to the Zoning Ordinance,  
Article 11, Section 10.1114 – Design of Off-Street Parking Facilities  
September 8, 2017

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10.1114 Design of Off-Street Parking Facilities

**10.1114.10 Applicability**

The provisions of this Section 10.1114 shall apply to all off-street parking facilities, whether in parking structures or surface lots, and whether or not the parking spaces are required or in excess of the requirements for a use, except as specifically exempted herein.

**10.1114.20 Stall Layout**

10.1114.21 Parking spaces and maneuvering aisles shall be laid out in compliance with the minimum dimensions set forth in the Table of Off-Street Parking Dimensions.

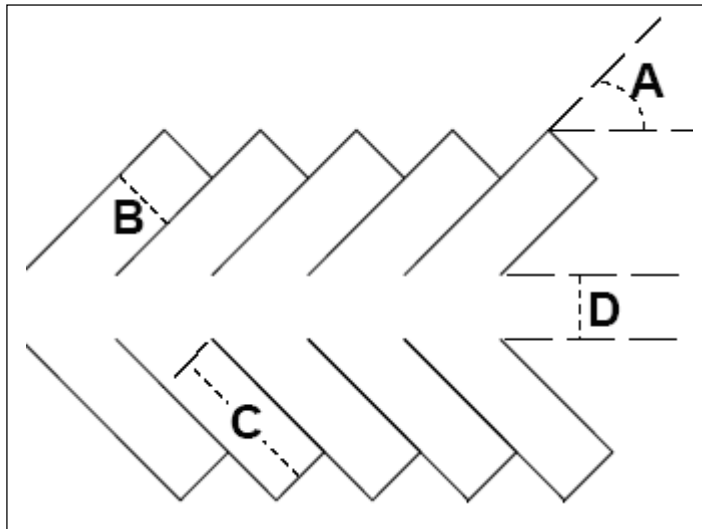
**Table of Off-Street Parking Dimensions**

<b>A</b> Angle of Parking (degrees)	<b>B</b> Width of Parking Space	<b>C</b> Depth of Parking Space	<b>D</b> Width of Maneuvering Aisle *	
			1-way traffic	2-way traffic
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24' **

\* The required minimum widths of maneuvering aisles does not apply to an aisle providing access to fewer than 7 parking spaces.

\*\*For a parking structure with 90 degree parking, the minimum width of a two-way maneuvering aisle shall be 22 feet.

### Key to Table of Off-Street Parking Dimensions



- 10.1114.22 Parking areas shall include parking spaces for the physically disabled in compliance with the Building Code and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).
- 10.1114.23 Parking spaces located within four feet of an abutting structure, sidewalk, or public street shall be designed with suitable bumper stops.
- 10.1114.24 Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing maximum occupancy of the project; minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.
- 10.1114.25 Except for one-family and two-family dwellings, all off-street parking spaces shall be marked and maintained to provide delineation between parking stalls and aisles.
- 10.1114.30 Vehicular Circulation**
- 10.1114.31 Access to and egress from all parking areas shall be only via driveways which meet the standards for “General Accessway and Driveway Design” in the Site Plan Review Regulations.
- 10.1114.32 All off-street parking areas shall be designed so that:
- (a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and

- (b) Vehicles can enter and leave the parking area without backing into or from a public street or way.

10.1114.33 Notwithstanding the previous provision, tandem parking spaces may be provided for required off-street parking spaces serving dwelling units in residential and mixed-use developments, subject to the following requirements:

- (a) Tandem spaces shall be assigned to the same dwelling unit.
- (b) Tandem parking shall not be used to provide guest parking.
- (c) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 38 feet in length.

#### **10.1114.40 Pedestrian Circulation**

Except for one-family and two-family dwellings, all off-street parking areas shall incorporate the following provisions for pedestrian circulation:

- 10.1114.41 A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting adjacent streets, accessways, sidewalks and parking areas to the entrances of all structures.
- 10.1114.42 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.
- 10.1114.43 Continuous off-street vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on site.

Proposed Addition to the Zoning Ordinance,  
Article 11, Section 10.1116 – Bicycle Parking  
September 8, 2017

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10.1116 Bicycle Parking

**10.1116.10 Number of Bicycle Parking Spaces Required**

10.1116.11 Off-street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:

Multifamily dwellings	1 bicycle space for each 5 dwelling units or portion thereof
Elementary, middle and high schools	1 bicycle space for each 4 students
All other uses, except as exempted in Section 10.1116.14	1 bicycle space for each 10 automobile parking spaces or fraction thereof required by Section 10.1112.30 or Section 10.1115.21, as applicable

10.1116.12 When the Planning Board approves the construction of fewer off-street parking spaces than would normally be required under Section 10.1112.30 or Section 10.1115.21 (for example, when a Reserve Parking Area is provided under Section 10.1112.40), or when Board of Adjustment grants a variance from the required number of off-street parking spaces, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required without such reduction or variance.

10.1116.13 In addition to the number of bicycle parking spaces required under Section 10.1116.11 and 10.1116.12, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.

10.1116.14 The following uses are exempt from providing bicycle parking spaces:

Use No.	Use
1.10	Single-family dwelling
1.20	Accessory dwelling unit
1.25	Garden cottage
1.30	Two-family dwelling
2.10	Assisted living facility
2.20	Residential care facility
7.10	Day care
7.70	Undertaking establishment
11.10-11.60	Motor vehicle related uses
12.10-12.40	Marine craft related uses

Use No.	Use
13.10-13.40	Wholesale trade, warehousing and distribution
14.70	Recycling facility or recycling plant
14.80	High hazard use
17.10-17.20	Agricultural uses
19.10-19.40	Accessory uses

10.1116.15 Bicycle parking spaces shall be designed in accordance with standards set forth in the Site Plan Review Regulations.



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**MEMORANDUM**

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**TO:** PLANNING BOARD  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** GATEWAY MIXED USE DISTRICT ZONING AMENDMENTS  
**DATE:** 9/26/17

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**Recommended Action**

*Vote to schedule first reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts.*

**Background**

In November 2016, the City's Housing Committee issued a report, which the City Council adopted, recommending zoning amendments to increase the supply and diversity of housing stock in the City. The recommendations identified three initial areas of focus: 1) along the Lafayette Rd commercial corridor and sites along Route 1 Bypass and Outer Market St; 2) both sides of Mirona Rd; 3) the I-95 Exit 7 Area.

The Housing Committee's report identified a number of general recommendations for each of these areas including allowing an appropriate mix of residential uses, encouraging a mix of land uses, and providing incentives for workforce housing. In addition, the Committee also recommended that any zoning amendments include standards for the design and scale of new development in these areas.

Working with independent planning consultant, Ted Brovitz, the Planning Department prepared proposed zoning amendments that responded to the Housing Committee's recommendation. Primarily, the proposed amendments included the creation of new zoning districts that apply form-based zoning principles similar to what was recently adopted for the Character Districts for the Downtown and West End.

On June 5th, the City Council voted to refer the proposed amendments to the Planning Board for review and recommendation. The Planning Board public input and review process consisted of work sessions, a survey, and public hearings.

June 22 <sup>nd</sup>	Planning Board work session on first draft of proposed amendments
July 27 <sup>th</sup>	Planning Board work session with property owners and developers
August 17 <sup>th</sup>	Planning Board work session including a presentation on development scenarios within the proposed zoning
August 24 <sup>th</sup>	Planning Board public hearing (including review of survey responses)
September 12 <sup>th</sup>	Planning Board public hearing (continued from August 24, 2017)



September 21<sup>st</sup> Planning Board meeting to review revised draft and vote to recommend to City Council

On September 21, 2017, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts (as amended based on discussion by Planning Board) to City Council for approval.

The proposed amendments are as follows:

1) Adding a new Article 5B – Gateway Mixed Use Districts as set forth in the document titled “Proposed Zoning Amendments Article 5B Gateway Mixed Use Districts” dated September 26, 2017.

These districts include a Gateway Corridor (G1) District and Gateway Center (G2) District as described below:

- G1 includes the majority of the properties currently zoned Gateway extending along Lafayette Rd (Route 1) between the Rye line and West Rd (including the St. James property at the corner of Hoover Dr and Route 1 which is currently zoned SRB), along Lafayette Rd and the Route 1 Bypass between Sagamore Creek and just north of Greenleaf Ave, and on the east side of Route 1 Bypass between the railroad and the Borthwick Ave intersection;
- G1 also includes properties currently zoned General Business extending along outer Woodbury Ave north to Gosling Rd and west to Spaulding Turnpike as well as the Portsmouth Housing Authority property at Gosling Meadows (currently zoned Garden Apartment);
- G2 includes properties currently zoned General Business located between I-95 and Kearsarge Way as well as the Connect Community Church property which is currently zoned SRB;
- G2 also includes properties currently zoned Gateway along Lafayette Rd in the vicinity of Peverly Hill Rd and Mirona Rd.

Similar to the Character Districts in Article 5A, the proposed Article 5B identifies allowed “Building Types” that specify building form, mass, scale, and function as well as specific dimensional requirements for building location on the lot. Different from Article 5A, the new Article also includes standards for “Development Sites” which consist of lots with multiple principal buildings on a lot or a combination of lots assembled for the purposes of a single development. Development Site standards include requirements for the mix of building types allowed and how the buildings should be oriented toward each other and arranged along public ways and community spaces. As stated in the general purpose statement for this Article, the standards are put forth to guide the physical character of development by providing a menu of building and site types that are based on established community design principles and to encourage the creation of meaningful public spaces and neighborhood centers.

Also included in Article 5B are density incentives to encourage the creation of Workforce Housing along with public realm improvements.

Conditional use permits are required for any project built as a Development Site as well as for the use of the density incentives. The Planning Board, as the permit granting authority, is given some flexibility to work with project proponents to make sure that the purpose and intent of the Gateway Mixed Use Districts are met and, if necessary, to modify specific standards and requirements for the density incentives.

- 2) Amendments to Article 5A – Character-Based Zoning as set forth in the documents titled “Propose Zoning Amendments Figure 10.5A43.10 Façade Types”, “Proposed Zoning Amendments Figure 10.5A45.10 Community Space Types”, and “Proposed Zoning Amendments Figure 10.5A43.60 Building Types” dated September 19, 2017. These changes add new façade, community space and building types to the menu of options for the Gateway Mixed Use Districts. Rather than creating a whole new section listing these additional design types, the existing types in 5A are proposed to be modified and expanded in and then referenced in the new Article. This helps to provide consistency between the two form-based code sections of the Zoning Ordinance.
- 3) Deletion of Section 10.730 Gateway Planned Development. The existing flexible development provision is no longer required as the proposed new zoning incorporates and expands on the requirements and standards included in this section.
- 4) Amendments to Article 4 Zoning Districts and Use Regulations, to delete Gateway (GW), add Gateway Corridor (G1) and Gateway Center (G2) and add these new districts to the Table of Uses as set forth in the document titled “Proposed Zoning Amendments Section 10.440 Table of Uses” dated September 19, 2017. The new districts will allow a mix of uses that are largely consistent with what is currently allowed in the Gateway and General Business Districts, but expands the types of uses to include residential types.
- 5) Replace current GW, GB, I, and SRB where appropriate with new G1 and G2 zoning districts on the Portsmouth Zoning Map for the properties as set forth in documents titled “Gateway Zoning Districts – Proposed Zoning” dated September 26, 2017.
- 6) Amendments to Section 10.5A60 to add new defined terms from Article 5B as set forth in documents titled “Proposed Zoning Amendments Section 10.5A60” dated September 26, 2017.

## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

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

- A. Add new Article 5B – Gateway Mixed Use Districts as set forth in the document titled “Proposed Zoning Amendments Article 5B Gateway Mixed Use Districts” dated September 26, 2017.
- B. Amend Article 5A – Character-Based Zoning as follows:
  - (1) Add the following Façade Types to Figure 105A43.10: Dooryard, Terrace, Gallery, and Arcade as set forth in the document titled “Proposed Zoning Amendments Figure 10.5A43.10 Façade Types” dated September 19, 2017.
  - (2) In all BUILDING FORM – PRINCIPAL BUILDING tables in Figure 10.5A41.10A strike the following text “~~Maximum finished floor surface of ground floor above sidewalk grade~~” and replace with “**Ground Floor Elevation (Max.)**.”
  - (3) Add the following Community Space Types to Figure 10.5A45.10: Recreation Field or Court, Common or Green, Community Garden, Outdoor Dining Café, and Courtyard as set forth in the document title “Proposed Zoning Amendments Figure 10.5A45.10 Community Space Types” dated September 19, 2017.
  - (4) Add the following new building types to Figure 10.5A43.60: Cottage, Paired House, Gateway Townhouse, Mixed Use Building, Small Flex Space/Fabrication Building, and Community Building as set forth in the document titled “Proposed Zoning Amendments Figure 10,5A43.60 Building Types” dated September 19, 2017.
  - (5) Amend the Definitions in Section 10.5A60 as set forth in the document titled “Proposed Zoning Amendments Section 10.5A60” dated September 26, 2017.
- C. Delete Section 10.730 Gateway Planned Development.
- D. Amend Article 4 Zoning Districts and Use Regulations, as follows:
  - (1) Delete Gateway (GW) under Business Districts from Section 10.410 Establishment and Purpose of Districts, make the following change “Mixed Residential **Use** Districts”, and add the following:

Gateway Corridor	G1	The purpose of this district is to facilitate a broad range of housing types together with compatible commercial, fabrication, and civic uses in a high-quality pedestrian environment with moderate to high density.
Gateway Center	G2	This district is intended to facilitate a broad range of residential and mixed use development at a pedestrian scale and moderate density providing commercial uses that benefit residents of the district and surrounding neighborhoods along major corridors.

(2) Add G1 and G2 to Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts as set forth in the document titled “Proposed Zoning Amendments Section 10.440 Table of Uses” dated September 19, 2017.

(3) Under Section 10.410 District Location and Boundaries, replace current GW, GB, I, and SRB where appropriate with new G1 and G2 zoning districts on the Portsmouth Zoning Map as set forth in documents titled “Gateway Zoning Districts – Proposed Zoning” dated August 26, 2017.

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

## **Article 5B Gateway Mixed Use Districts**

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### **Section 10.5B10 General**

#### **10.5B11 Purpose**

10.5B11.10 The purpose of Article 5B is to encourage development that supports the City's continued economic vitality by creating a diversity of housing and mix of businesses in the City's primary gateway areas.

10.5B11.20 The standards set forth herein are intended to:

- a) Promote development that is consistent with the goals of the Master Plan to create vibrant, authentic, diverse, connected and resilient neighborhoods;
- b) Encourage high quality housing for a variety of household types and income ranges.
- c) Guide the physical character of development by providing a menu of building and site development types that are based on established community design principles;
- d) Create quality places by allowing for whole site development with meaningful public spaces and neighborhood centers.

#### **10.5B12 Applicability**

10.5B12.10 Article 5B shall apply to the Gateway Mixed Use Corridor (G1) and Gateway Mixed Use Center (G2) (collectively referred to as Gateway Mixed Use Districts) as shown on the City of Portsmouth Zoning Map.

10.5B12.11 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except in compliance with all standards and requirements for these districts.

#### **10.5B13 Relationship to Other Provisions of the Zoning Ordinance**

10.5A13.10 The provisions of Article 5B shall take precedence over all other provisions of the Zoning Ordinance that conflict with Article 5B.

10.5A13.20 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5B, or that are not in conflict with Article 5B, shall apply to lots, buildings and uses in the Gateway Mixed Use Districts.

#### **10.5B14 Relationship to Other Regulations, Codes and Ordinances**

- 10.5B14.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5B.
- 10.5B14.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5B.
- 10.5B14.30 The provisions of Article 5B do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

### 10.5B15 Figures and Tables

- 10.5B15.10 The standards and definitions included in the figures and tables in this Article are an integral part of Article 5B.
- 10.5B15.20 The diagrams, photographs and illustrations contained in the figures in this Article are provided only to provide reference to certain regulating elements and indicate general character within the various districts and shall have regulatory force and effect only to that extent.

### 10.5B16 Allowed Uses

Buildings, structures, and land within the Gateway Mixed Use Districts shall comply with the use regulations set forth in Section 10.440, Table of Uses. The Planning Board shall be the Conditional Use Permit Granting Authority for all uses requiring a Conditional Use Permit in the Gateway Mixed Use Districts.

### 10.5B17 Definitions

Terms used throughout Article 5B may be defined in the figures, Section 10.5A60, Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5B, Article 5A, Article 15, other sections of the Zoning Ordinance, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence unless the context clearly indicates otherwise.

## Section 10.5B20 General Standards for All Buildings and Development

### 10.5B21 Building Setback Encroachments

Determination of building setbacks shall not include the exceptions specified in Section 10.515 and 10.516as well as the following:

- 10.5B21.20 Chimneys and flues may encroach up to four (4) feet, provided that at least two (2) feet is maintained from the vertical plane of any lot line.

10.5B21.30 Unenclosed fire escapes or emergency egress stairways may encroach up to four (4) feet into a required side or rear building setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line.

10.5B21.40 Certain Building Façade Types as permitted in 10.5B60.

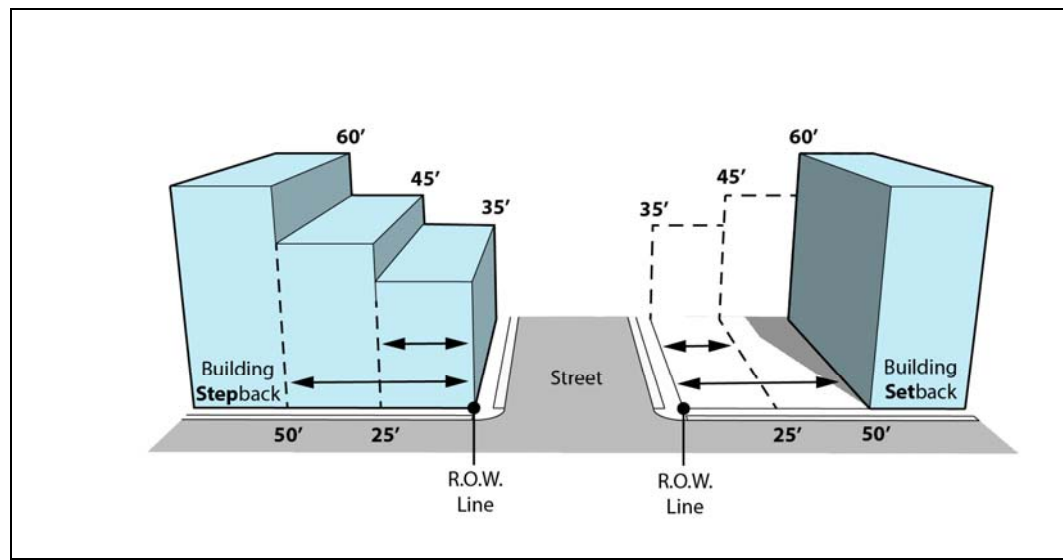
### 10.5B22 Building Height and Stepback

10.5B22.10 **Building Height Exceptions:** Roof decks, roof gardens, and related structures and appurtenances shall not be counted in the building height limits. All other building height exceptions shall comply with Section 10.517.

10.5B22.20 **Building Stepback and Street Enclosure:**

Buildings taller than 35 feet that front on streets with right-of-way widths of 60' or less shall be required to be set back or stepped-back from the right-of-way line in accordance with Figure 10.5B22.10. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive shadowing on narrower streets in the district.

Distance from street right-of-way line	Maximum building height
0' to 24'	35'
25' to 49'	45'
50' or more	60'

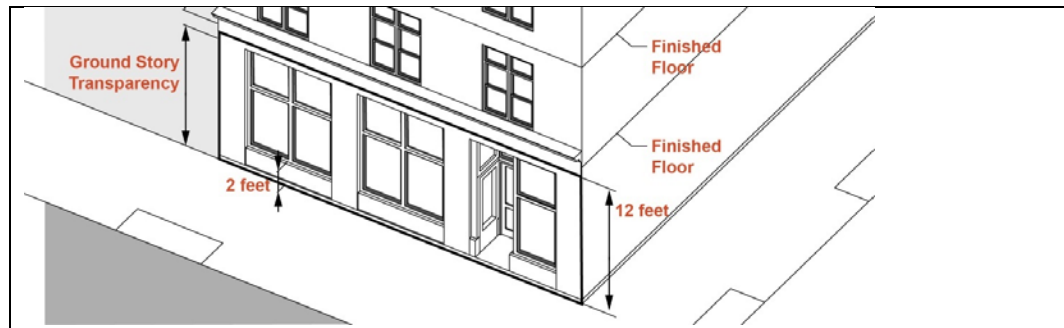


**Figure 10.5B22.10 - Building Stepback Standards**

### 10.5B23 Façade Composition Standards

10.5B23.10 Façade Glazing: For Building Types with specific Façade Glazing requirements as defined in Section 10.5B34, the following general standards shall apply:

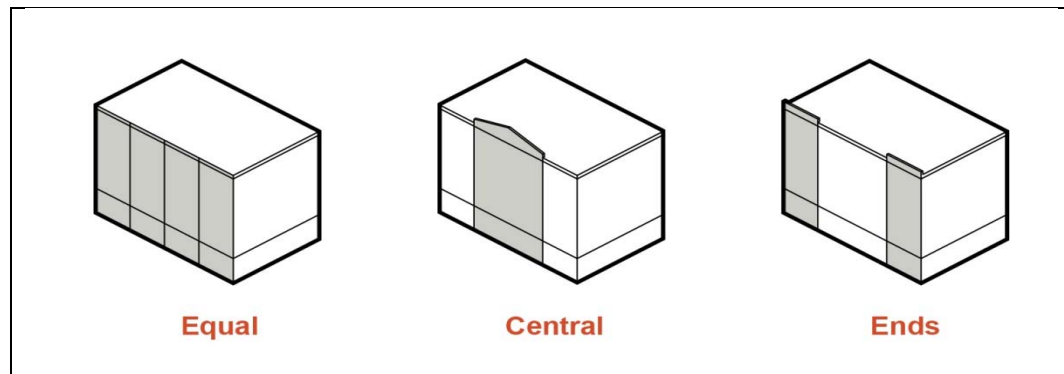
- (a) Facades shall have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a facade, measured for each story independently.
- (b) Façade glazing of a ground story facade is measured between two (2) feet and twelve (12) feet above the abutting sidewalk.
- (c) Façade glazing requirements are only applicable to facades facing a front street line.



**Figure 10.5B23.10 - Ground Floor Façade Glazing**

10.5B23.20 Façade Modulation

- (a) Building facades shall be vertically articulated with architectural bays between six (6) feet and fifty (50) feet in width to create an equal, central, and/or ends focused composition as illustrated in Figure 10.5B23.30.



**Figure 10.5B23.30 - Façade Modulation**

- (b) Buildings greater than one hundred (100) feet in width shall be designed to read as a series of smaller buildings with varied architectural design and facade glazing patterns or include a change



in vertical plane of the facade of at least four (4) feet (in depth or projection) for at least one (1) bay in width for every one hundred (100) feet of total facade width. This change in plane applies to the entire height of the façade.

10.5B23.30 **Horizontal Articulation and Massing Elements**: Building facades shall be horizontally articulated with a clearly defined base, middle, and top.

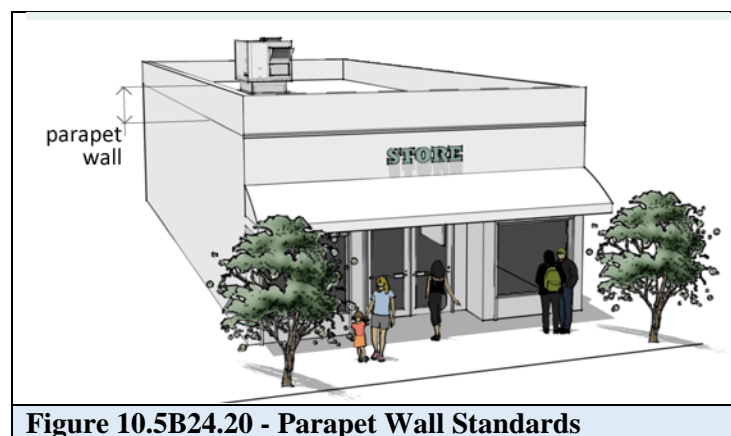
10.5B23.40 **Pedestrian Access**: Where pedestrian access is required for specific Building Types, entrances shall be located on the street-facing facade of a building, provide both ingress and egress, and be operable and accessible. This requirement does not exclude the building from providing pedestrian access to the side or rear of the building.

## 10.5B24 Roof Types and Design

10.5B24.10 **Roof Shapes and Rooflines**: The shape and proportion of the roof shall be visually compatible with the architectural style of the building and with those of neighboring buildings. Pitched Roofs shall have a minimum slope as follows:

- (a) Shed: 2:12 minimum
- (b) Hip: 3:12 minimum
- (c) Gable: 6:12 minimum to 12:12 maximum.
- (d) Gambrel: 6:12 minimum to 30:12 maximum.

10.5B24.20 **Flat Roofs**: Buildings with Flat Roofs shall be capped by an articulated parapet wall design that acts as a structural expression of the building facade and its materials, visible from all sides of the building.



**Figure 10.5B24.20 - Parapet Wall Standards**

## 10.5B25 Number of Dwelling Units

Unless otherwise specified in Section 10.5B34, no more than 24 dwelling units per building shall be allowed without a conditional use permit from the Planning Board as provided in Section 10.5B72.

## Section 10.5B30 Building Types and Standards

### 10.5B31 General

10.5B31.10 All new buildings in the Gateway Mixed Use Districts shall be Building Types specified in this Section and defined in Section 10.5A43.60.

### 10.5B32 Building Lots

10.5B32.10 Lot Dimensions: Building lot requirements designate the range of lot sizes that a given Building Type as identified in this Section can be built on. If a lot is smaller than the minimum required for a certain Building Type, a different Building Type must be selected.

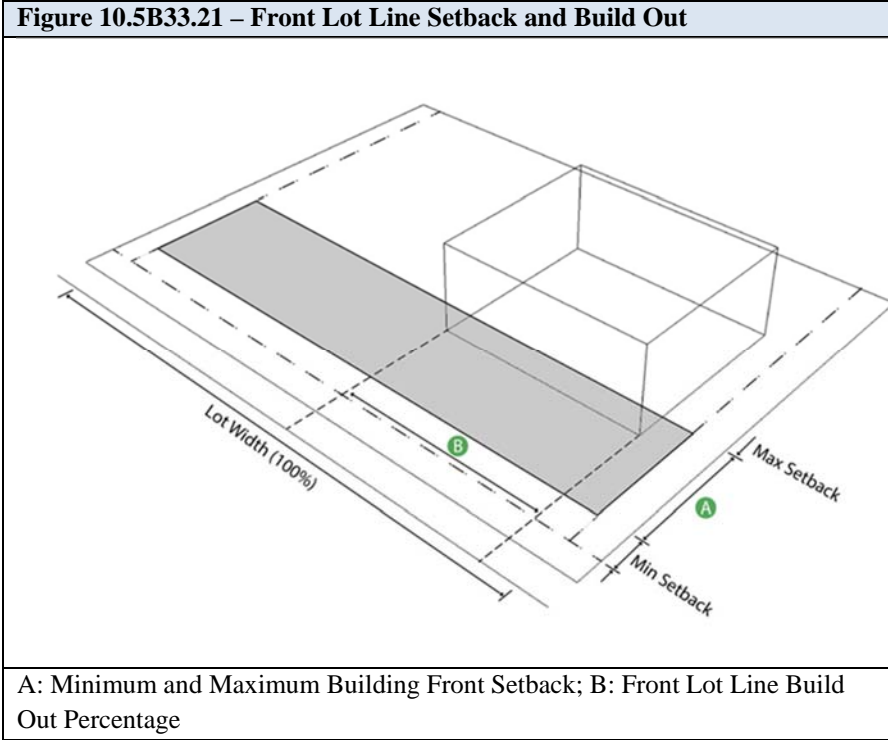
10.5B32.20 Number of Buildings: No more than one principal Building Type is allowed on a lot except where otherwise specified in Section 10.5B40.

10.5B32.30 Special Frontage Requirement: Lots with both frontage on and driveway access from Lafayette Road, Woodbury Ave, or Market Street must have a minimum of 100 feet of street frontage.

### 10.5B33 Building Placement and Orientation

10.5B33.10 Building Placement: All buildings and structures must be located outside of any required front, side, or rear building setbacks except as otherwise permitted by this Ordinance. The facade of a principal building must be built at or in front of any required maximum front building setback for each story of a building.

10.5B33.20 Front Lot Line Build Out: All buildings must have a front lot line build out of at least 50% unless otherwise specified in Section 10.5B34.



10.5B33.30 **Facade Orientation:** The primary facade of a principal building must be built parallel to a front lot line or to the tangent of a curved front lot line. On a corner lot, the façade may be retracted at a 45-degree angle between the curb radius to allow for community space and for safe sight distance at the corner. All other requirements pertaining to corner visibility in Section 10.516.30 shall apply.

## 10.5B34 Building Type Standards

### 10.5B34.10 Cottage

#### 1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)*	30 ft.
D. Front Building Setback (Min./Max.)	5 ft./20 ft.
E. Front Lot Line Buildout (Min.)	80%
F. Side Building setback (Min.)	5 ft.
G. Rear Building setback (Min.)	10 ft.
H. Open Space Coverage (Min.)	20%

#### 1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	1,400 GFA; 2 Bedrooms

#### 1.3 DESIGN STANDARDS

A. Building Height (Max.)	1.5 Stories/ 20 ft.
B. Street Facing Façade Height (Min.)	10 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	1,000 SF
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	Gable, Hip
K. Façade Types	Dooryard, Stoop, Step, Porch

#### 1.4 ADDITIONAL STANDARDS

A. Only allowed in a Pocket Neighborhood Development (see Section 10.5B41)
--

**10.5B34.20 Paired House**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	10 ft./30 ft.
E. Front Lot Line Buildout (Min.)	60%
F. Side Building setback (Min.)	10 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	3
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories/ 35 ft
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	Gable, Hip, Gambrel
K. Façade Types	Dooryard, Stoop, Step, Porch

**1.4 ADDITIONAL STANDARDS**

A. Only allowed in a Pocket Neighborhood Development (see Section 10.5B41)
--

**10.5B34.30 Gateway Townhouse**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	50 ft.
C. Street Frontage (Min.)	20 ft.
D. Front Building setback (Min./Max.)	5 ft./15 ft.
E. Front Lot Line Buildout (Min.)	80%
F. Side Building setback (Min.)	NR.
G. Rear Building setback (Min.)	15 ft.
H. Open Space Coverage (Min.)	20%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories/ 35 ft
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	Required Every 4th Unit; See Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floors
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
L. Façade Types	Door Yard, Stoop, Recessed Entry, Step, Porch

**1.4 ADDITIONAL STANDARDS**

A. A maximum of 8 units can be attached by a common wall before a separation of 20 feet or more is required.
--

**10.5B34.40 Apartment Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	10 ft./30 ft.
E. Front Lot Line Buildout (Min.)	70%
F. Side Building setback (Min.)	15 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Min./Max.)	4/24
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Min./Max.)	4 stories/50 ft
B. Street Facing Façade Height (Min.)	24 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	50 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Dooryard, Step, Porch

**1010.5B34.50 Live/Work Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	20 ft.
D. Front Building setback (Min./Max.)	0 ft./15 ft.
E. Front Lot Line Buildout (Min.)	80%
F. Side Building setback (Min.)	0 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	15%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories/ 35 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Min./Max.)	0"/24"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Recessed Entry, Porch, Shopfront, Terrace



**10.5B34.60 Small Commercial Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	0 ft./20 ft.
E. Front Lot Line Buildout (Min.)	70%
F. Side Building setback (Min.)	0/10 ft.
G. Rear Building setback (Min.)	15 ft.
H. Open Space Coverage (Min.)	10%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	3 Stories/ 40 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	10,000 SF
F. Façade Modulation Length (Max.)	50 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

**1.4 ADDITIONAL STANDARDS**

A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.

**10.5B34.70 Large Commercial Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	100 ft.
D. Front Building setback (Min./Max.)	0 ft./50 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min.)	0/10 ft.
G. Rear Building setback (Min.)	15 ft.
H. Open Space Coverage (Min.)	10%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	4 Stories/ 50 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	40,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

**1.4 ADDITIONAL STANDARDS**

A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.

**10.5B34.80 Mixed Use Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	0 ft./50 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min./Max.)	0 ft/15 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	24
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Min./Max.)	4 stories /50 ft
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	60%
E. Building Footprint (Max.)	20,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

**1.4 ADDITIONAL STANDARDS**

A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property
---

**10.5B34.90 Flex Space/Fabrication Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	0 ft./30 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min./Max.)	0 ft if common wall; 20 ft. no common wall
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	10%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Min./Max.)	2.5 Stories/40 ft.
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	20,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Recessed Entry, Officefront, Shopfront, Terrace

**10.5B34.100 Community Building**

**1.1 LOT STANDARDS**

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	10 ft./40 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min.)	15 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

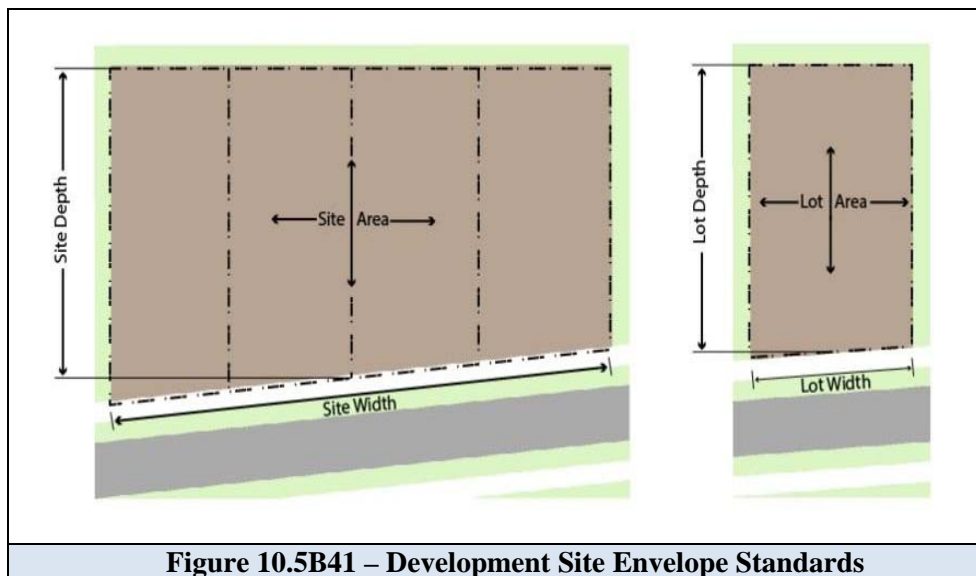
**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	3 Stories/45 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Min./Max.)	2 ft/6 ft.
D. Building Coverage (Max.)	NR
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	30% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Forecourt, Stoop, Recessed Entry, Step, Porch, Terrace, Gallery, Arcade

## Section 10.5B40 Development Site Standards

### 10.5B41 General

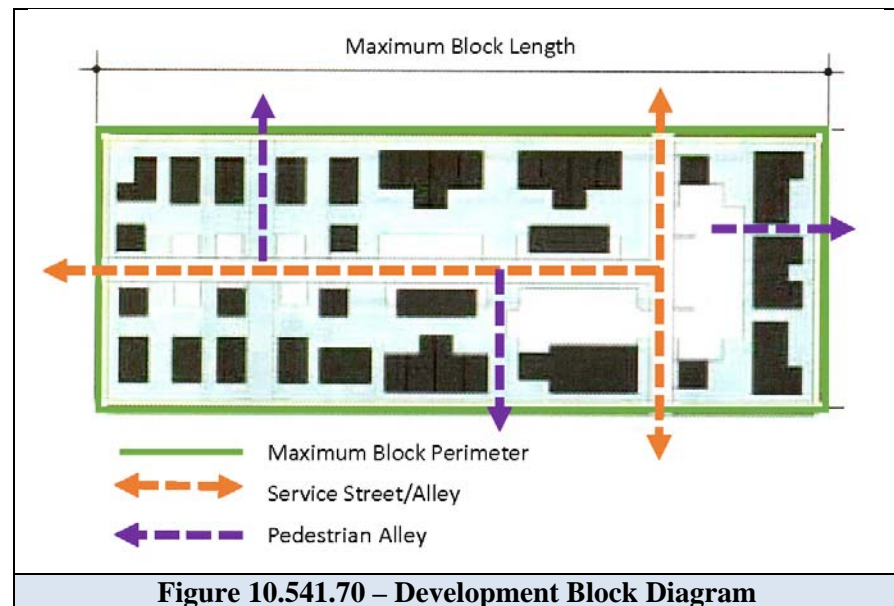
- 10.5B41.10 Allowed by Conditional Use Permit approval from the Planning Board, a Development Site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development and including more than one principal building or Building Type. A development that includes individual principal building on a single lot is subject to the requirements of Section 10.5B34.
- 10.5B41.20 Site Area: Development Site area is the cumulative area of all contiguous lots that the site is composed of. Development Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
- 10.5B41.30 Site Width: Development Site width is the cumulative width of all contiguous lots that the site is composed of.
- 10.5B41.40 Site Depth: Development Site depth is the distance between the front and rear property lines measured along a line midway between the outside edge of all contiguous lots.



- 10.5B41.50 Permitted Building Types: A Development Site may include a combination of Building Types as permitted in Section 10.5B43 that are assembled on an individual lot or group of contiguous lots for the purpose of a single development.
- 10.5B41.60 Perimeter Buffer: The perimeter buffer requirements apply to the outside boundary of the Development Site where the site abuts adjoining properties

that are not part of the Development Site, but not along the primary street frontage. In addition to the minimum perimeter buffer required, the Planning Board may require landscaping, fencing, or an increase in the building setback where adjacent land uses may be incompatible. Perimeter buffer requirements supersede building setback requirements for individual Building Types.

- 10.5B41.70 **Development Block Standards:** These standards establish maximum block length along public or private streets within a Development Site as a method to ensure that access and walkability are integrated into the placement of buildings, community spaces, and site utility areas. Generally, blocks are laid out in order to orient buildings to the street and public realm while concentrating utility elements such as electrical service, parking, and refuse collection to the center of blocks, at the rear of the buildings.



- 1). **Size and Dimension:** Each Development Site has a standard for the maximum Block Length and Block Perimeter under Section 10.5B42 and illustrated in Figure 10.5B41.70 above.
- 2). **Access and Service:** Access to the interior utility area of a block will be made by a paved service street/alley of 20 feet with a 4-foot sidewalk on one side. A service road/alley shall be located no less than 50 feet from any intersecting street at the corner of a block. A pedestrian alley is required every 100 linear feet along a block face between intersecting streets where shared parking areas or community space is located within the interior of the block.

- 10.5B41.80 Community Space Coverage: The minimum Community Space Coverage shall be equal to 10% of the total area of the Development Site and shall be counted toward the minimum Open Space Coverage for the site.
- 10.5B41.90 Public Street Frontage: All Development Sites must have a minimum of 50 feet of frontage on a Public Street providing access to internal streets located within the Development Sites. All Development Sites with direct access to Lafayette Road must have a minimum of 100 feet of frontage along the corridor.
- 10.5B41.100 Conditional Use Permit Criteria: Prior to granting a conditional use permit for Development Sites in the Gateway Mixed Use Districts according to the requirements of this Article, the Planning Board shall make the following findings.
- 1) The development project is consistent with the Portsmouth Master Plan.
  - 2) The development project has been designed to allow uses that are appropriate for its context and consistent with City's planning goals and objectives for the area.
  - 3) The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.
  - 4) The project is consistent with the purpose and intent set forth in Section 10.5B11.

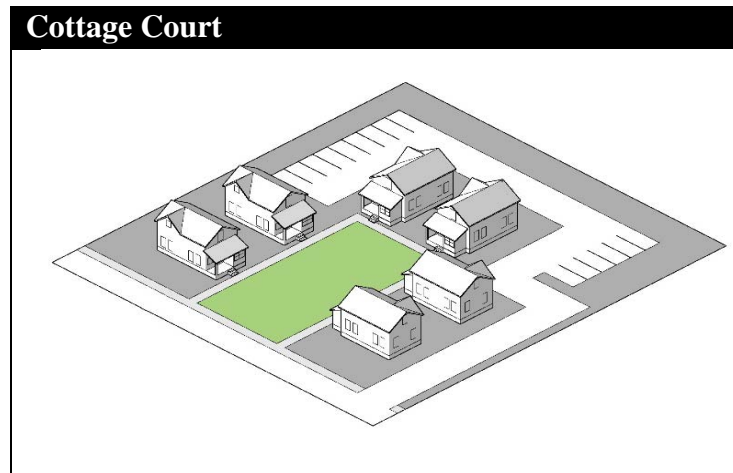


## 10.5B42 Development Site Standards

### 10.5B42.10 Pocket Neighborhood Development

A Pocket Neighborhood is a cohesive cluster of homes gathered around a variety of common open space amenities. In the Gateway Mixed Use Districts, the following Pocket Neighborhood Development Sites are permitted:

- (a) Cottage Court: This Pocket Neighborhood consists of multiple small, detached single family dwellings, arranged around a courtyard. The shared courtyard takes the place of private yard space and becomes an important community-enhancing element of this Development Site. The Cottage Court is appropriately scaled to fit within or nearby medium-density neighborhoods. The Pocket Neighborhood enables appropriately scaled, well-designed, higher density developments important for providing a broad choice of housing types in a walkable environment. Cottage Courts consist of Cottages, Paired Houses, and Community Building Types meeting the design standards in Table 10.5B34 and the density thresholds in Section 10.5B70.



- (b) Cohousing/Housing Cooperative: Cohousing is a community of private dwellings clustered around shared building and community spaces. Each attached or single family dwelling has traditional residential amenities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces. Other shared spaces include community garden plots, recreational fields, and shared work spaces. Cohousing Developments consists of Cottages, Paired Houses, and Community Building Types meeting the design standards in Table 10.5B33 and the density thresholds in Section 10.5B70.

**1.1 DEVELOPMENT STANDARDS**

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Minimum)	75 ft.
C. Site Depth (Minimum)	100 ft.
D. Perimeter Buffer (Min.)	NR
E. Development Block Dimensions (Max.)	Block Length 300 ft.; Block Perimeter 1,200 linear ft.
F. Open Space Coverage (Min.)	20%
G. Community Space Types	Greenway, Courtyard, Park, Pocket Park, Playground, Recreation Field or Court, Community Garden, Common or Green

**1.2 PERMITTED BUILDING TYPES**

A. Cottages, Paired Houses, Community Buildings
---

**1.3 ADDITIONAL STANDARDS**

A. Maximum Cottage Unit Size	1,400 GFA and 2 bedrooms
B. Maximum Cohousing Unit Size	1,800 GFA and 3 bedrooms
C. Courtyard Design (Minimum)	3,000 GFA 40 ft. Width
D. Courtyard Area Per DU (Minimum)	600 SF
E. Buildings shall be centered on a common courtyard in groups of 16 or less	
F. Cottage Courts and Cohousing Developments may include a community garden, common house, co-work space, and other common access site amenities.	
G. For Cottage Court Development Blocks, the cottages will face a central courtyard in the interior areas of the block, and a service street will provide access to parking areas and building lots along the perimeter of the block.	

**10.5B42.20 Mixed Use Development**



A development project containing multiple residential, nonresidential, and mixed-use Building Types. Mixed Use Developments may include a combination of horizontally and vertically mixed buildings and uses on site subject to all applicable Building Type standards in Section 10.5B30.

**1.1 DEVELOPMENT STANDARDS**

A. Site Area (Minimum)	20,000 S.F.
B. Site Width (Min.)	100 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	75 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Development Block Dimensions (Max.)	Block Length 800 ft.; Block Perimeter 2,200 linear ft.
F. Open Space Coverage (Min.)	20%
G. Community Space Types	All

**1.2 PERMITTED BUILDING TYPES**

A. Apartment Building, Gateway Townhouse, Live/Work Building, Small Commercial Building, Large Commercial Building, Mixed-Use Building, Small Flex Space/Fabrication Building, Community Building
---

**10.5B42.30 General Residential Development**



A development project containing one or more residential Building Types in accordance with allowed Building Types and design standards in Section 10.5B34.

**1.1 DEVELOPMENT STANDARDS**

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Min.)	75 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	75 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Development Block Dimensions (Max.)	Block Length 500 ft.; Block Perimeter 1,500 linear ft.
F. Open Space Coverage (Min.)	20%
H. Community Space Types	Greenway, Park, Pocket Park, Playground, Recreation Field or Court, Common or Green, Community Garden, Common Yard, Square, Plaza

**1.2 PERMITTED BUILDING TYPES**

A. Apartment Building, Gateway Townhouse, Live/Work Building, Community Building
--

**10.5B42.40 General Commercial Development**



A development project containing one or more commercial Building Types in accordance with allowed Building Types and design standards in Section 10.5B34.

**1.1 DEVELOPMENT STANDARDS**

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Min.)	75 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	100 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Open Space Coverage (Min.)	10%
F. Community Space Types	Park, Pedestrian Alley, Wide Pedestrian Sidewalk, Common or Green, Outdoor Dining Café, Greenway, Square, Plaza, Courtyard

**1.2 PERMITTED BUILDING TYPES**

A. Small Commercial Building, Large Commercial Building, Small Flex Space/Fabrication Building
--

## Section 10.5B50 Pre-Existing Buildings and Lots

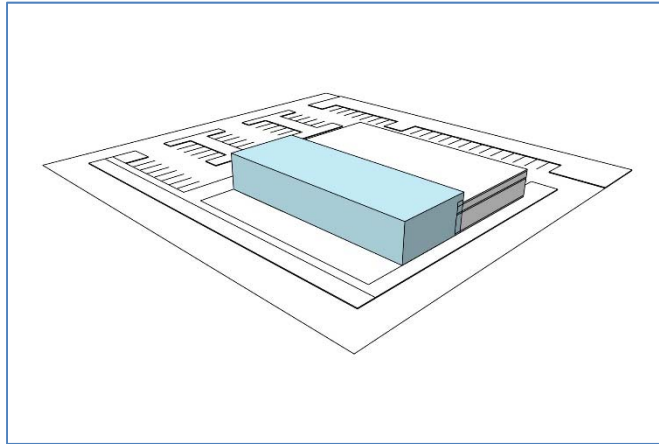
### 10.5B51 Purpose

The purpose of this section is to establish standards for the continued utilization of existing buildings in Gateway Mixed Use Districts constructed prior to the effective date of Article 10.5B. Where the provisions of this section conflict with Article 3 - Non-Conforming Lots, Buildings, Uses and Structures, this section shall apply.

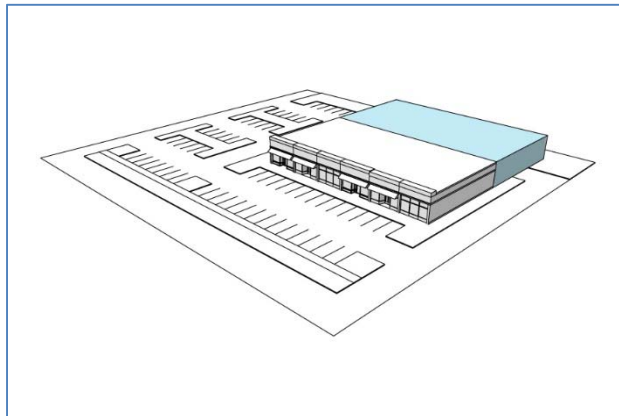
### 10.5B52 Non-Conforming Building Additions and Retrofits

A building in the Gateway Mixed Use Districts that existed prior to the effective date of Article 5B may be expanded or altered without complying with all of the standards of Section 10.5B34, but shall comply with the following minimum standards for the allowed Building Type as defined in 10.5A36.60 that is most similar to the existing building:

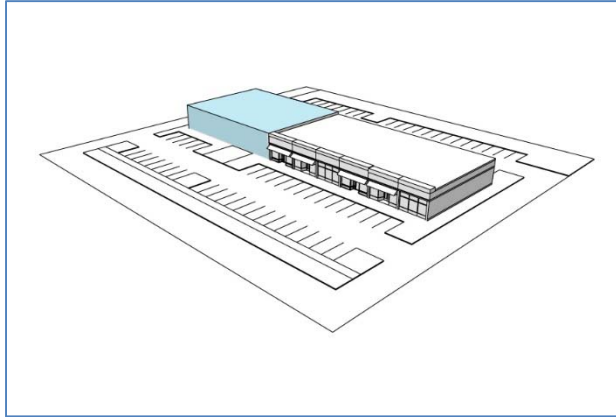
10.5B52.10 Front Addition: Any addition to the front of the building shall comply with the minimum and maximum front building setback for the specified Building Type.



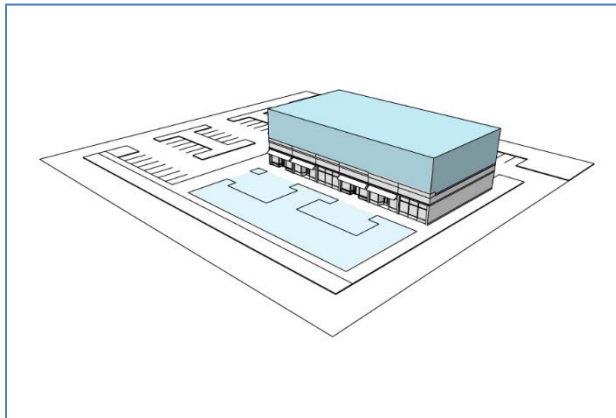
10.5B52.20 Rear Addition: Rear additions are allowed up to the minimum rear building setback for the specified Building Type.



10.5B52.30 Side Addition: Side additions are allowed up to the minimum side building setback and to a length not exceeding the maximum façade modulation length for the specified Building Type.



10.5B52.40 Story Addition: Story additions are allowed up to the maximum story and building height for the specified Building Type.

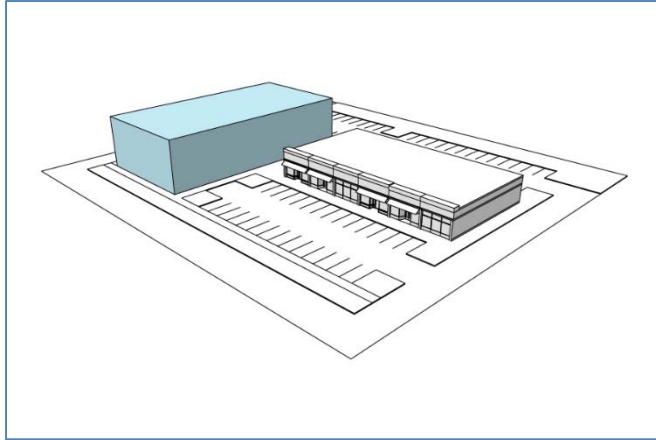


10.5B54.10 Residential Density: Maximum Density is 1 Dwelling Unit Per 2,000 Gross Floor Area of the existing building being converted or expanded for residential use.

### 10.5B53 New Buildings

New building(s) that are constructed on a lot or Development Site that includes one or more non-conforming buildings that existed prior to the effective date of Article 5B, shall comply with the standards for Development Sites as required by Section 10.5B40 except as follows:

10.5B52.10 If the minimum Front Lot Line Buildout has not been met, new buildings must be placed within the minimum and maximum front building setback setback.





## Section 10.5B60 Building Façade Types

### 10.5B61 General

At least one (1) façade type as defined in Section 105A43.10 is required for each principal Building Type.

### 10.5B62 Permitted Building Façade Types by Building Type

#### 10.5B62.10 Building Façade Types

FAÇADE TYPES	BUILDING TYPES							
	A. Cottage	B. Paired House	C. Apartment Building	D. Gateway Townhouse	E. Live/Work Building	F. Large and Small Commercial Building	G. Mixed-Use Building	H. Flex Space/ Fabrication Building
A. Door Yard	P	P	P	P	P			P
B. Forecourt			P			P	P	
C. Stoop	P	P		P				
D. Recessed Entry			P	P	P	P	P	P
E. Step	P	P	P	P				
F. Porch	P	P	P	P	P	P	P	
G. Officefront						P	P	P
H. Shopfront					P	P	P	P
I. Terrace					P	P	P	P
J. Gallery						P	P	
K. Arcade						P	P	

**P** Permitted

## Section 10.5B70 Density Thresholds and Bonuses

### 10.5B71 Residential Density

10.5B71.10 New development or redevelopment that consists of one principal residential or mixed residential building according to the standards for Building Type in Section 10.5B34 on a single lot shall comply with the following density requirements for the maximum number of dwelling units per acre.

**Dwelling Units Per Acre**

Building Type	Gateway Corridor (G1)		Gateway Center (G2)	
	P	CU	P	CU
Cottage	NR	NR	NR	NR
Paired House	NR	NR	NR	NR
Apartment Building	16	24	16	24
Gateway Townhouse	16	24	16	24
Live-Work/Building	16	24	16	24
Mixed-Use Building	16	24	16	24

*P = Permitted*

*CU = Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72*

10.5B71.10 New development or redevelopment that is constructed according to the standards for a Development Site in Section 10.5B43 shall comply with the density requirement for the maximum number of dwelling units per acre for all of the buildings in the development.

**Dwelling Units Per Acre**

Development Sites	Gateway Corridor (G1)		Gateway Center (G2)	
	P	CU	P	CU
Pocket Neighborhood*	16	20	12	16
Mixed Use Development	20	30	20	30
General Residential Development	20	30	20	30

*P = Permitted*

*CU = Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72*

## 10.5B72 Density Bonus Incentives

A conditional use permit may be granted by the Planning Board for increased housing density or for increased building height and footprint as described in this section. Such conditional use permit shall be contingent upon satisfying the requirements of Section 10.5B73.

10.5B72.10 Dwelling Units Per Building: The Planning Board may, by conditional use permit, allow up to a maximum of 36 dwelling units per building.

10.5B72.20 Dwelling Units per Acre: The Planning Board may, by conditional use permit, allow higher density up to the maximum established in Section 10.5B71.

10.5B72.40 Height and Building Footprint: The Planning Board may, by conditional use permit, allow an increase in the maximum building height by one (1) story or 10' and an increase in the maximum building footprint and square footage by 20 percent.

## 10.5B73 Bonus Incentive Requirements

In order to be eligible one of the bonus incentives outlined in section 10.5B72, a development shall include Workforce Housing according to the requirements of 10.5B73.10. In order to be eligible for multiple bonus incentives outlined in Section 10.5B72a development shall also provide Public Realm Improvements according to the requirements of 10.5B73.20. Required documentation for these improvements must be submitted with the application as outlined in Section 10.5B74.

10.5B73.10 Workforce Housing Requirement: One or more of the following criteria shall be met:

- 1) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale. Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or
- 2) At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located.

10.5B73.20 Public Realm Improvements: All public realm improvements used for a density bonus shall be recommended in plans adopted by the City of Portsmouth including but not limited to the Master Plan, Bicycle and

Pedestrian Plan, and Capital Improvement Program. Eligible improvements include the following:

- (a) Design and construction of an off-road trail or path that is at least equal to the linear public street frontage of the site and expands the Portsmouth Bicycle and Pedestrian Network consistent with the Portsmouth Bicycle and Pedestrian Plan. The trail or path shall be located on or adjacent to the project's building lot or Development Site, except as provided in (c) below.
- (b) Design and construction of a public park or athletic facility that is designed for active or passive recreation equal to at least 20% of the project's gross floor area that is located on or adjacent to the project's building lot or Development Site, except as provided in (c) below.
- (c) The Planning Board may allow a proposed public realm improvement to be located on a different lot than the development it if finds that all of the following criteria will be met:
  - (i) An appropriate public realm improvement cannot feasibly be provided on the same lot as the development.
  - (ii) The proposed public realm improvement is within the same Zoning District as the development.

## 10.5B74 Approval of Density Bonus Incentives

10.5B.74.10 Required Information: In order to be eligible for bonus incentives as described in 10.5B72, the following submissions must be included with an application for a Conditional Use Permit:

- (1) Workforce Housing:
  - a) A description of the workforce housing units, identifying quantity, location, and type;
  - b) Documentation that the proposed units qualify as workforce housing units as defined by this Ordinance;
  - c) Proposed covenant or other legally binding documents that provide enforceable restrictions as to price and occupancy to ensure long-term availability and affordability of the units.
- (2) Public Realm Improvements:
  - a) A written description of the intended site development or District improvements, the relevant City plan, the public benefit provided, provision for design, construction, management and maintenance if required, and plans showing the location and type, size and extent of each of the eligible improvements.
  - b) A specific time frame for the completion of all required on-site and off-site improvements shall be incorporated as a condition of approval of the Planning Board.
  - c) A list of all permits and approvals required in connection with any proposed public realm improvements with the application. These approvals shall be obtained prior to approval of the development, unless authorized by the Planning Board.

- (3) Any requests by the applicant for the Planning Board to modify specific standards and requirements set forth in this Section 10.5B70 as allowed under Section 10.5B74.30 and a detailed justification for the requested modification.

10.5B74.20 Planning Board Findings: Prior to granting a conditional use permit for density bonus incentives under this section, the Board shall make the following findings:

10.5B74.21 The proposed project (and any conditions of approval) satisfies the requirements in Section 10.5B73;

10.5B74.22 The proposed project is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B74.30 Modification of Standards: In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in Section 10.5B70 provided that the Planning Board finds such modification will promote design flexibility and overall project quality, or that such modification is required for the development to provide a proposed workforce housing component, and that such modification is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B74.31 In considering a request for a modification of the standards and requirements, the Planning Board may request that the applicant provide additional documentation and information from the applicant demonstrating that the requirements of this Ordinance are prohibitive to the successful completion of the project as proposed. Such information shall include, but not be limited to, project cost factors related to land acquisition, improvements for roads, utilities & drainage, insurance, labor, building materials, and profit to identify a total gross cost of the project and per unit gross costs.

## Section 10.5B80 Parking and Loading Requirements and Standards

### 10.5B81 General

10.5B81.10 Except as otherwise provided in this Section, all buildings, structures, uses, and development sites in the Gateway Mixed Use Districts shall comply with the off-street parking and loading requirements set forth in Section 10.1110 and Section 10.1120.

### 10.5B82 Number of Required Spaces

10.5B82.10 Uses in the Gateway Mixed Use Districts shall provide off-street parking in accordance with Section 10.1112, except as follows:

- a) For developments located on a public transit route with year-round, 5-days-per-week, fixed-route service and where at least 50% of the building(s) are within ¼ mile of a transit stop, the minimum off-street parking required for motor vehicles shall be reduced by 20% of the total required for all uses.

### 10.5B83 Location of Motor Vehicle Parking Facilities

Required off-street parking spaces shall not be located between a principal building and a street or within any required perimeter buffer area.

## Section 10.5B90 Pedestrian Access and Circulation

- 10.5B81 Pedestrian walkways shall provide connections through the lot/site to the public street right-of-way, and between the lot/site and adjacent land uses.
- 10.5B82 At least one 8-foot wide pedestrian walkway shall be provided throughout the lot/site, connecting adjacent streets, accessways, sidewalks and off-street parking areas to the entrances of all principal buildings.
- 10.5B83 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping, or other means.
- 10.5B84 A lot/site with more than one principal building or off-street parking area shall include an internal pedestrian network that provides logical and direct routes for pedestrians throughout site.
- 10.5B85 Parking lots shall include internal walkways spaced not more than 150 feet apart. Where possible, these walkways shall be aligned to connect with major building entries or other destinations.

## Section 10.5B100 Community Space

### 10.5B101 General Requirements

- 10.5B101.10 Community Spaces meeting one or more of the types described in Figure 10.5A45.10 must be provided according to the standards for Development Sites as described in Section 10.5B40.
- 10.5B101.20 A community space that is provided on site and otherwise qualifies as open space as defined by this Ordinance shall count towards the open space requirement for the development.

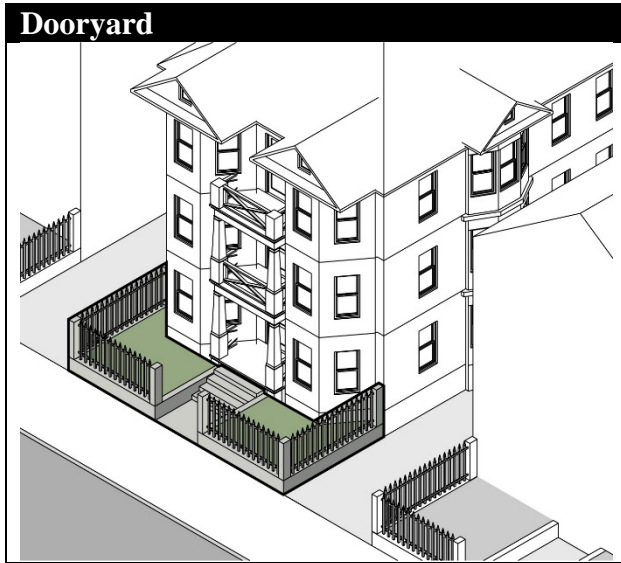
### 10.5B103 Permitted Community Spaces by Development Site Type

Only Community Space Types that are listed as *permitted* shall count toward the required community space coverage requirement specified for the Development Site.

COMMUNITY SPACE TYPES	DEVELOPMENT SITES			
	Mixed Use Development	Pocket Neighborhood	General Residential Development	General Commercial Development
Park	P	P	P	P
Greenway	P	P	P	P
Pedestrian Alley	P		P	P
Wide Pedestrian Sidewalk	P		P	P
Pocket Park	P	P	P	P
Playground	P	P	P	
Recreation Field	P	P	P	
Common or Green	P	P	P	P
Community Garden	P	P	P	
Outdoor Dining Cafe	P			P
Square	P		P	P
Plaza	P		P	P
Courtyard	P	P	P	P

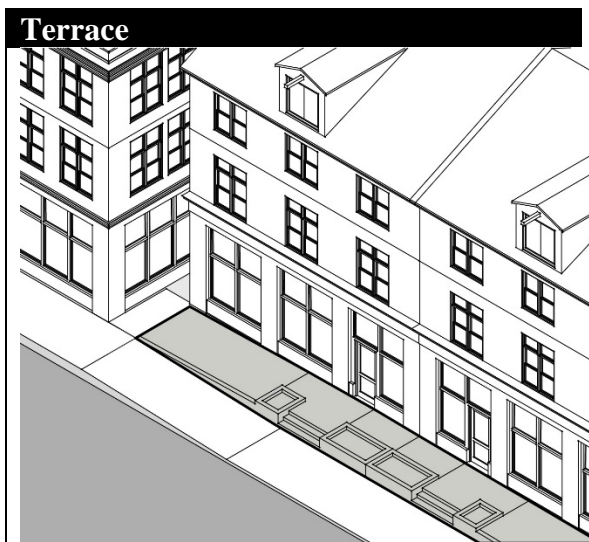
*P = Permitted*

Proposed Amendments to Zoning Ordinance  
Figure 10.5A43.10  
September 19, 2017



Private Frontage where the Building Facade is aligned close to the Street Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private dooryard containing the principal entrance in the front yard. The dooryard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground-floor residential use.

**Permitted districts:** G1, G2



A Private Frontage where the Building Facade is at or near the Street Line with an elevated terrace that may encroach into the front yard setback providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along a Street Line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type is required to be used in conjunction with other Frontage types to define individual or shared entries facing the street.

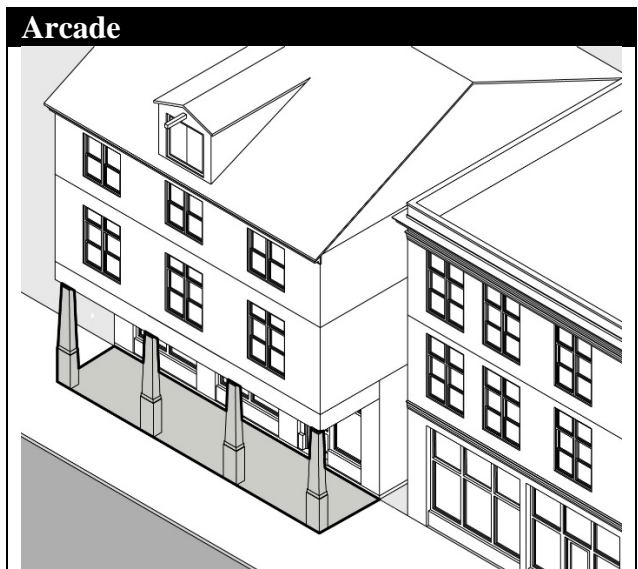
**Permitted districts:** G1, G2





A Private Frontage where the building facade is set back from the Street Line with an attached one or two story cantilevered shed or a lightweight colonnade that is built to the Street Line. This type is intended for buildings with ground floor commercial, hospitality or retail uses. This frontage type is required to be used in conjunction with other types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2



A Private Frontage where only the ground floor level of the building facade is set back from the Street Line. The Building facade for the upper floors is at the Street Line and is supported by a colonnade with habitable space above. This frontage type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other frontage types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2

Proposed Amendments to Zoning Ordinance  
Figure 10.5A43.60  
September 19, 2017

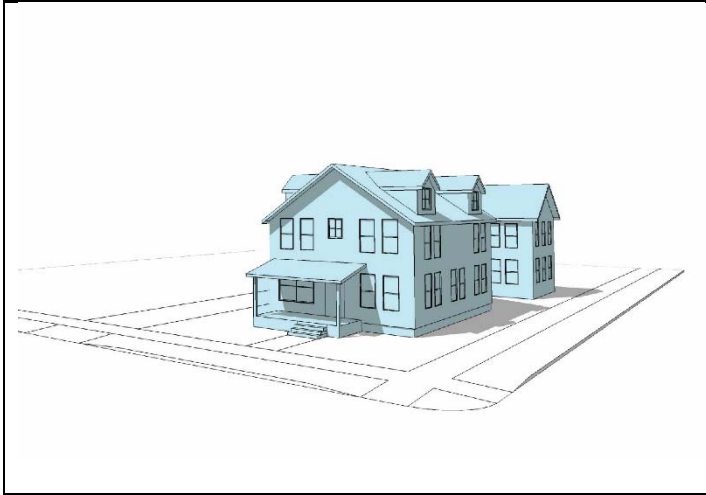
**Cottage**



A small detached single family dwelling with narrow massing.

**Permitted districts:** G1, G2

**Paired House**



A residential building type with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front lot line. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

**Permitted districts:** G1, G2

**Gateway Townhouse**



These small footprint attached single family residential buildings have narrow massing and may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space.

**Permitted districts:** G1, G2

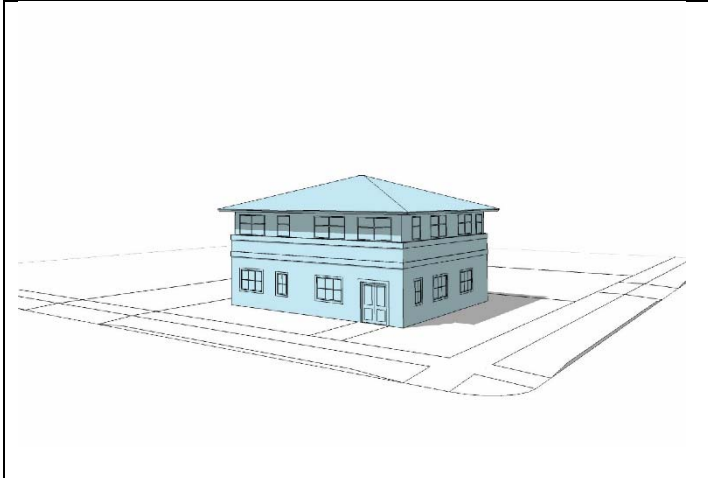
**Mixed Use Building**



A variable footprint building type that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at the scale that compliments the historic character of the neighborhood.

**Permitted districts:** G1, G2

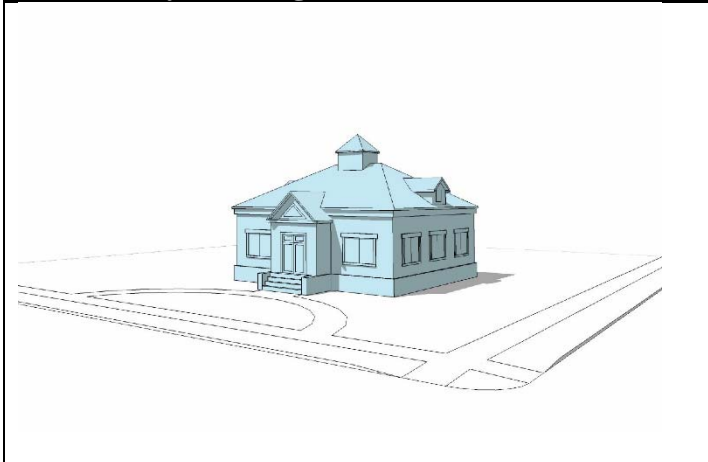
**Flex Space/Fabrication Building**



A building located and designed to accommodate a small footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

**Permitted districts:** G1, G2

**Community Building**



A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces.

Community Buildings may be privately owned and operated as an accessory building and amenity for a residential and mixed use developments.

**Permitted districts:** G1, G2

Proposed Amendments to Zoning Ordinance  
Section 10.5A60  
September 26, 2017

## Section 10.5A60 Definitions

This Section provides definitions for certain terms in Article 5A and Article 5B that are not otherwise defined in Article 5A, Article 5B, or Article 15:

### Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

### Block

The aggregate of private lots, service streets/rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

### Building Stepback

The step-like recession in the profile of a building from the street right-of-way line to control the enclosure of the street and allow light to reach the Public Realm. Where height limitation require, buildings must be setback or setbacked from the street right-of-way line a specified distance for every added height interval.

### Community space

As applicable to Article 5B, An area that is privately-owned and oriented and accessible to the public, or as applicable to Article 5A, an area dedicated for public use with permanent deeded access to the City of Portsmouth. Such areas must~~and conforming~~ to the types shown in Figure 10.5A45.10.

### Development Site

Any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

### Development Site Area

The cumulative area of all contiguous lots that the site is composed of. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

### Entrance spacing

The distance between any two publicly accessible pedestrian entrances to a building along a façade.

### Façade

The side of a building facing a front yard.

### Façade glazing

The portion of a façade that consists of transparent windows and doors.

Proposed Amendments to Zoning Ordinance  
Section 10.5A60  
September 26, 2017

Front lot line buildout

The portion of the width of the required front yard that is occupied by a building.

Liner building

A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

Outbuilding

A building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/ Outbuilding).

Path

A pedestrian way traversing a park, square or other open space, or otherwise separated from streets by landscaped areas, and ideally connecting directly with the urban sidewalk network.

Public realm

Includes exterior open spaces and linkages that are physically and/or visually accessible to the general public, during all business hours, or the majority of the day for residential buildings, regardless of ownership.

Regulating Plan

The zoning map or set of maps that shows the Character districts, Municipal districts, Civic districts and any additional requirements of areas subject to, or potentially subject to, regulation by Article 5A.

Streetscreen

A freestanding wall or fence built on the same plane as a façade to mask a parking lot, structure or use from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

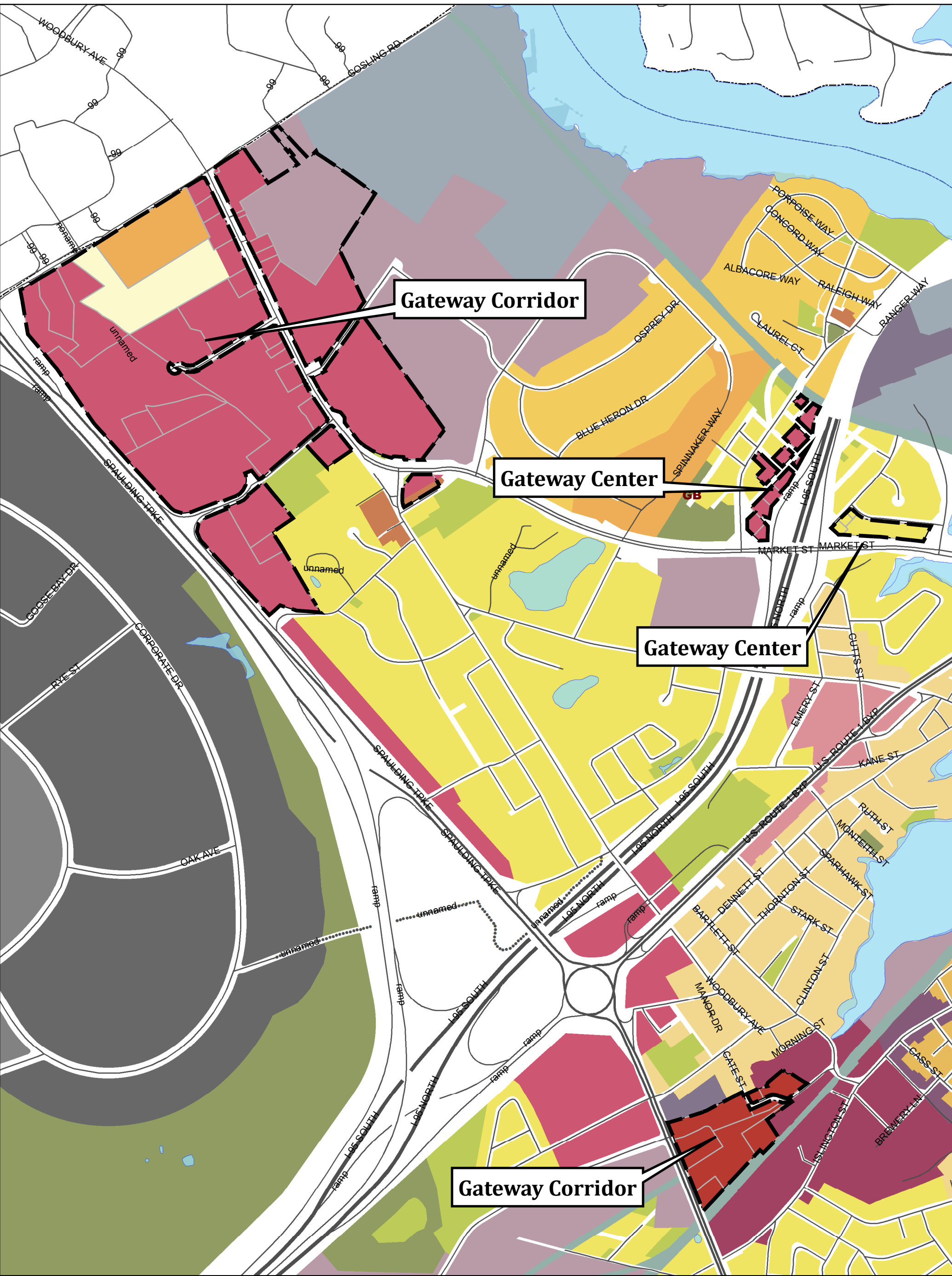
Use	G1	G2
<b>1. Residential and Mixed Uses</b>		
1.10 Single family dwelling	P	P
1.20 Accessory dwelling unit		
1.21 Attached	CU	CU
1.22 Detached	N	N
1.25 Garden Cottage	N	N
1.30 Two-family dwelling	P	P
1.40 Townhouse	P	P
1.50 Multifamily dwelling		
1.51 3 or 4 dwelling units	P	P
1.52 5 to 8 dwelling units	P	P
1.53 More than 8 dwelling units	P	P
1.60 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5		
1.61 To 2 dwelling units	N	N
1.62 To 3 or 4 dwelling units	N	N
1.63 To 5 to 8 dwelling units	N	N
1.64 To more than 8 dwelling units	N	N
1.70 Live/work unit	P	P
1.80 Manufactured housing park	N	N
1.90 Planned unit development (PUD)		
1.91 Open space PUD	N	N
1.92 Residential density incentive PUD	N	N
<b>2. Institutional Residence or Care Facilities</b>		
2.10 Assisted living facility		
2.11 Assisted living center	S	S
2.12 Assisted living home	S	S
2.20 Residential care facility		
2.21 5 or fewer residents	S	S
2.22 More than 5 residents	S	S
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>		
3.10 Place of assembly		
3.11 Religious	S	S
3.12 Other nonprofit	S	S
3.20 School		
3.21 Primary or secondary	S	S
3.30 Post-secondary	S	S
3.30 Historic preservation building	P	P
3.40 Museum	S	S
3.50 Performance facility		
3.51 Indoor performance facility		
3.511 Occupancy up to 500 persons	S	S
3.512 Occupancy more than 500	N	N
3.52 Outdoor performance facility		
3.521 Occupancy up to 500 persons	S	S
3.522 Occupancy more than 500	N	N
3.60 Cemetery	N	N
3.70 Club, fraternal or service organization	S	S
3.80 Municipally operated park and related activities	P	P
<b>4. Recreational Uses</b>		
4.10 Religious, sectarian or private non-profit recreational use	S	S
4.20 Cinema or similar indoor amusement use with no live performance	S	S
4.30 Indoor recreation use, such as bowling alley or arcade	S	S
4.40 Health club, yoga studio, martial arts school, or similar use		
4.41 Up to 2,000 sq. ft. GFA	P	P
4.42 More than 2,000 sq. ft. GFA	S	S
4.50 Outdoor recreation use	P	P
4.60 Amusement park, water park or theme park	N	N
<b>5. Office Uses, Non-Medical</b>		
5.10 Professional office	P	P
5.20 Business office (incl. real estate office)	P	P
5.30 Financial institution		
5.31 Financial services office	P	P
5.32 Retail bank	P	P
5.40 Social service campus		
5.41 Nonresidential	N	N
5.42 Residential	N	N

Use	G1	G2
5.50 Media studio		
5.51 Excluding any transmitting antenna tower	S	S
5.52 Including accessory transmitting antenna tower	N	N
5.60 Publishing facility or similar electronic production operation	P	P
5.70 Call Center	N	N
<b>6. Medical Services and Health Care</b>		
6.10 Hospital	N	N
6.20 Medical offices and clinics (outpatient only)	P	P
6.30 Clinics with inpatient care	S	N
6.40 Ambulatory surgical center	S	N
6.50 Substance abuse treatment facility	N	N
6.60 Psychiatric hospital for the criminally insane	N	N
<b>7. Services, Other Than Health Care</b>		
7.10 Day Care		
7.11 Family day care facility	P	P
7.12 Group day care facility including private preschool and kindergarten	S	S
7.20 Personal services	P	S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	P	S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	P	S
7.50 Veterinary Care	S	S
7.60 Laundry and dry cleaning establishments		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	P	P
7.62 Self-service laundry for use by the general public	P	S
7.63 Dry cleaning establishment with on-site cleaning facilities.	N	N
7.70 Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	S	S
<b>8. Retail Trade</b>		
8.10 Convenience goods		
8.11 Convenience goods 1		
8.111 Hours of operation between 6:00 AM and 11:00 PM	P	P
8.112 24 hours per day operation	S	N
8.12 Convenience goods 2		
8.121 Hours of operation between 6:00 AM and 11:00 PM	P	P
8.122 24 hours per day operation	S	N
8.30 Retail sales conducted within a building		
8.31 Not marine-related	P	P
8.32 Marine-related	P	P
8.40 Shopping center	P	P
8.50 Retail sales, large format	N	N
8.60 Fish market	P	P
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	P	P
8.90 Sexually oriented business	N	N
<b>9. Eating and Drinking Places</b>		
9.10 Nightclub or bar		
9.11 Occupant load less than 250	P	S
9.12 Occupant load from 250 to 500	S	S
9.13 Occupant load greater than 500	N	N
9.20 Restaurant, take-out only	P	P
9.30 Restaurant, fast food	P	P
9.40 Restaurant, place of public assembly or function room		
9.41 Occupant load less than 50	P	P
9.42 Occupant load from 50 to 250	P	S
9.43 Occupant load from 250 to 500	S	S
9.44 Occupant load greater than 500	N	N
9.50 Permanently moored vessel used as restaurant or bar , with occupant load less than 250	N	N
<b>10. Lodging Establishments</b>		
10.10 Boarding house	S	N
10.20 Bed and breakfast		
10.21 Bed and Breakfast 1	S	S
10.22 Bed and Breakfast 2	S	S
10.30 Inn	S	S
10.40 Hotel or motel		
10.41 Up to 125 rooms	S	S
10.42 126 to 250 rooms	S	S
10.42 251 to 500 rooms	S	N
10.43 More than 500 rooms	S	N
10.50 Conference hotel	S	N
10.60 Conference center	S	N

Use	G1	G2
<b>11. Motor Vehicle-Related Uses</b>		
11.10 Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (e.g., lawnmowers), including accessory repair services	S	N
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	S	N
11.30 Sales, rental, leasing, distribution, and repair of trucks over 10,000 lb gross vehicle weight (GVW), recreational vehicles, marine craft or manufactured housing, and related equipment	S	N
11.40 Impound lot (principal or accessory use)	N	N
11.50 Truck fueling facility	N	N
11.60 Truck terminal	N	N
<b>12. Marine Craft Related Uses</b>		
12.10 Boat landings, boat docks, boathouses and associated marine uses		
12.11 Non-commercial	P	P
12.12 Fishing boat landing 1	N	N
12.13 Fishing boat landing 2	N	N
12.20 Marina		
12.21 With no repair, servicing or fueling facilities	N	N
12.22 With repair, servicing or fueling facilities	N	N
12.30 Repair of commercial marine craft and marine-related structures	N	N
12.40 Landside support facility for commercial passenger vessel	N	N
<b>13. Wholesale Trade, Warehousing and Distribution</b>		
13.10 Wholesale use		
13.11 Not marine-dependent	N	N
13.12 Marine-dependent	N	N
13.20 Wholesale sales devoted to, and in the same establishment as, a permitted retail use		
13.21 Occupying up to 20% of gross floor area of establishment	S	N
13.22 Occupying 21% to 40% of gross floor area of establishment	N	N
13.30 Wholesale lumber yards, lumber and contractor sales		
13.31 Not marine-dependent	N	N
13.32 Marine-dependent	N	N
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use		
13.41 Not marine-dependent	N	N
13.42 Marine-dependent	N	N
<b>14. Industrial Uses</b>		
14.10 Light industry		
14.11 Not marine-dependent	S	S
14.12 Marine-dependent	N	N
14.20 Research and development		
14.21 Not marine-dependent	S	N
14.22 Marine-dependent	N	N
14.30 Food processing		
14.31 Not including seafood processing	S	N
14.32 Including seafood processing	N	N
14.40 Electronics manufacturing	S	N
14.50 General manufacturing		
14.51 Not marine-dependent	S	S
14.52 Marine-dependent	N	N
14.60 Biological or chemical laboratory		
14.61 Not marine-dependent	N	N
14.62 Marine-dependent	N	N
14.70 Recycling facility or recycling plant	N	N
14.80 High hazard use, including other uses listed in this section but not including uses described in 14.90	N	N
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N
<b>15. Transportation and Utilities</b>		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building		
15.11 Essential to service the area in which it is located	S	S



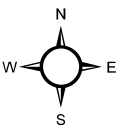
Use	G1	G2
15.12 Providing community-wide or regional service	N	N
15.20 Heliport or helipad		
15.21 Helipad, as an accessory use to a permitted hospital use	N	N
15.22 Heliport	N	N
<b>16. Wireless Telecommunications Facilities</b>		
16.10 Satellite dish receiver 42 inches or less in diameter:		
16.11 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	P	P
16.12 Ground-mounted, complying with all yard requirements for the district	P	P
16.20 Satellite dish receiver more than 42 inches in diameter:		
16.21 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	S	S
16.22 Ground-mounted, complying with all yard requirements for the district	S	S
16.30 Whip antenna not more than 30 feet in height	S	S
16.40 Other wireless telecommunications facility not included above	N	N
<b>17. Agricultural Uses</b>		
17.10 Farm, not including the keeping of farm animals	N	N
17.20 Keeping of farm animals	N	N
<b>18. Temporary Uses</b>		
18.10 Construction trailer	P	P
18.20 Temporary structure		
18.21 Up to 30 days	P	P
18.22 31 to 90 days	S	S
18.23 91 to 180 days	N	N
18.24 More than 180 days	N	N
18.30 Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling		
18.31 Up to 180 days	P	P
18.32 More than 180 days	S	S
18.40 Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	S	N
<b>19. Accessory Uses</b>		
19.10 Accessory use to a permitted principal use, but not including any outdoor storage	P	P
19.20 Home occupation		
19.21 Home occupation 1	P	P
19.22 Home occupation 2	P	P
19.30 Concessions and services located within the principal building	P	P
19.40 Drive-through facility, as accessory use to a permitted principal use	CU	N
<b>20. Accessory Storage</b>		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P
20.20 Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels.	P	P
20.30 Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:		
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P
20.40 Outdoor storage of lobster traps, lobster buoys and associated rope	P	P
20.50 Outdoor storage of raw or partially finished material		
20.51 Not marine-dependent	N	N
20.52 Marine-dependent	N	N
20.60 Outdoor storage of machinery, equipment and vehicles		
20.61 Not marine-dependent	N	N
20.62 Marine-dependent (other than allowed by 20.30 or 20.40 above)	N	N



# Gateway Mixed Use Zoning Districts

## Legend

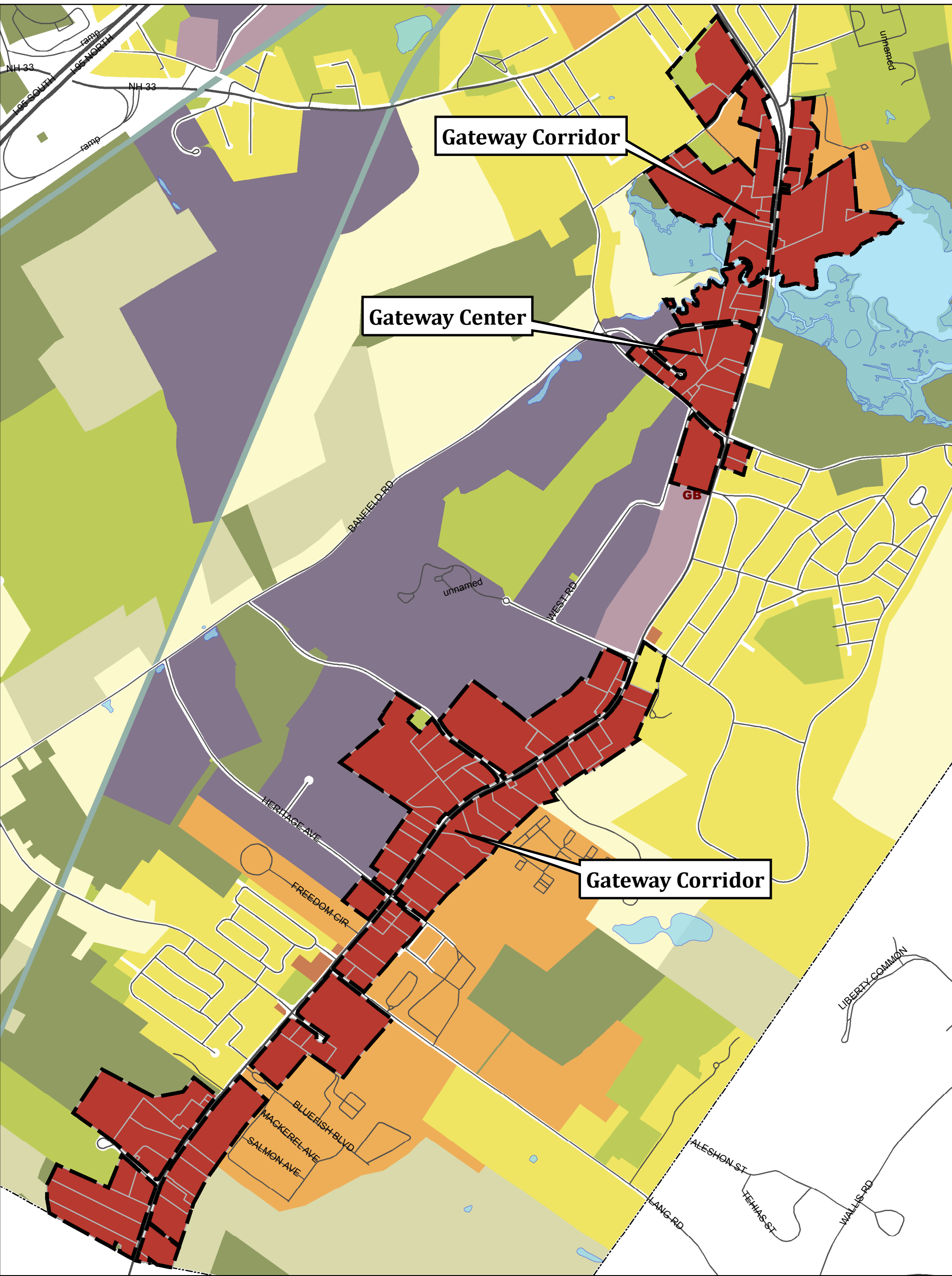
- ▭ Proposed Gateway Districts
- ▭ Current Districts
- ▭ SRB - Single Residence B
- ▭ GA/MH - Garden Apt./Mobile Home Park
- ▭ GW - Gateway
- ▭ OR - Office Research
- ▭ GB - General Business
- ▭ M - Municipal
- ▭ SRA - Single Residence A



0 500 1,000 2,000 Feet

1 inch = 833.3 feet

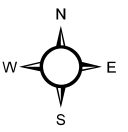
Map created by Portsmouth Planning Department  
September 25, 2017



# Gateway Mixed Use Zoning Districts

## Legend

- Proposed Gateway Districts
- SRB - Single Residence B
- GA/MH - Garden Apt./Mobile Home Park
- GW - Gateway
- GB - General Business
- SRA - Single Residence A
- OR - Office Research
- M - Municipal
- GW\_Existing\_Zoning



0 650 1,300 2,600 Feet

1 inch = 1,125 feet

Map created by Portsmouth Planning Department  
September 25, 2017

**CITY ORDINANCE - CHAPTER 12**  
**Part I**

**INTERNATIONAL BUILDING CODE, 2006**  
**(Adopted 10/19/2009)**

The International Building Code **2009 (IBC), 2006 Edition** as published by the International Code Council, Inc., **and provisions of national codes model codes or standards referred to within the IBC unless specifically excluded by this Chapter:** is hereby adopted as **Chapter 12, Part I** of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions:

**SECTION 101 GENERAL**

*Insert in blank space:*

**101.1 Title.** “the City of Portsmouth, New Hampshire”

*Change subsections to read as follows:*

~~**101.4.1 Gas.** **101.4.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the International Electric Code the reader shall substitute that reference with the National Electric Code, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not adopted Article 80, Administration and Enforcement, of NFPA 70.~~

~~**101.4.2 Gas.** The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the installation of gas piping from the point of delivery to gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of the appliances and the installation and operation of residential and commercial gas appliances and related accessories. Wherever this Code references the International Fuel Gas Code the reader shall substitute that reference with the National Fuel Gas Code, NFPA 54 **as listed in Chapter 35.**~~

*Edit subsection as follows:*

**101.4.34 Plumbing.**

*Delete the last sentence in the subsection:*

~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.~~

*Change subsection to read as follows:*

**101.4.45 Property maintenance.** The City of Portsmouth does not adopt the International Property Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or requirements.

## SECTION 105 PERMITS

*Add the following text to end of subsection:*

**105.1 Required.** “New construction and *general renovation* work requires the issuance of a building permit. *General renovation* is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or structural repairs.
5. Dormers.
6. Renovations to kitchens and bathrooms.
7. Demolition of all or part of a structure.
8. Changing exits or any components of the means of egress in any way.
9. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
10. Above or below grade flammable and combustible liquid tank removal or installation **shall require separate mechanical and gas permitting-**
11. Changes in Use or Occupancy.
12. Electrical work.
13. Plumbing or mechanical work.
14. Fire sprinkler or fire alarm systems

Licensed trade persons shall secure permits for electrical, ~~and~~ plumbing **and fuel gas** work when required under New Hampshire law.”

*Delete the following subsections without substitution:*

~~**105.1.1 Annual permits.**~~

~~**105.1.2 Annual permit records.**~~

*Change subsections to read as follows:*

**105.2 Work exempt from permits.** Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

### **Building:**

- ~~1.~~ **2.** ~~1-~~Ordinary repairs as defined in Section 105.2.2 provided such repairs do not exceed \$3,000 in construction value.
- 3. Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.**
- ~~2.~~**4.**Fences not over ~~68 six~~8 feet high or not in the Historic District.
- ~~3.~~**5.**Sidewalks, driveways or patios constructed on grade with earth products.
- ~~4.~~**6.**Prefabricated (including air inflated) swimming pools, accessory to a Group R-3 occupancy which are less than 18 inches deep, **do not exceed 5,000 gallons** and are entirely above grade.

- ~~5.7.~~ Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.
- ~~6.8.~~ Moveable cases and counters (typical in retail occupancies).
- ~~7.9.~~ Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000 **including labor and materials.**
- 10.** Re-roofing including repairs to existing roof sheathing without regard to cost. (See also Section 105.2.2, Exception 1.) **Roof coverings shall be applied in accordance with the applicable provisions of the IBC, Section 1507, Requirements for roof coverings and Chapter 15. Reroofing shall be compliant with the requirements of the IBC, Section 1510.**
- 11. All roofing and re-roofing within the Historic District requires prior approval and permitting even if the cost is less than \$3,000.00.**

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles in single family dwellings, or in facilities employing full time maintenance personnel, provided the work is performed or supervised by a licensed electrician employed by the facility owner. **(See NH RSA 319-C)**

**Radio and television transmitting stations:** *No change to printed code text.*

**Temporary testing systems:** *No change to printed code text.*

**Gas:**

1. Portable heating appliances for 1 & 2 family occupancies.
2. *No change to printed code text.*

**Mechanical:**

1. Portable heating appliances for 1 & 2 family occupancies.
2. through 7. *No changes to printed code text.*

**Plumbing:** *No change to printed code text.*

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. *Ordinary repairs* are defined as work which is associated with the *normal maintenance* of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)
2. Replacing or repairing flooring or carpeting **in-kind.**
3. Replacing or repairing interior trim.
4. Replacing or repairing cabinets **in kind.**
5. Replacing or repairing countertops **in-kind.**
- ~~6. Replacing or repairing windows and doors (no headers involved).~~
- ~~7. Replacing or repairing siding.~~
- ~~6.8.~~ Reroofing no matter what the cost. (\$3,000 exception does not apply.) **(Unless the structure is located within the Historic District) Roof coverings shall be applied in accordance with the applicable provisions of the IBC, Chapter 15.**

- ~~9. Bathroom renovation (number & location of fixtures & room size not changed).~~
- 710. Repointing masonry.
- ~~11. Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
- 812. Replacing in kind or repairing components of fire protection systems.

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in *general renovations* to structures, then all such items will be included in the construction cost and a permit is required.

DRAFT

Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

**Exceptions:** (i.e. permit is required.)

1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required. This shall include reroofing that changes the roof material.
2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).  
(i.e., a permit is required when repair value is more than \$3,000 **including materials and labor. Homeowner/property owner labor value to be included**)

*Delete subsection without substitution:*

#### **~~105.2.3 Public service agencies.~~**

*Add new sentence to end of subsection:*

**105.3.1 Action on application.** “Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.”

*Change subsection to read as follows:*

**105.3.2 Time limitation of application.** An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit has been issued, ~~except that the building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.~~

*Add new subsection to read as follows:*

**105.3.3 By whom application is made.** Application for a permit shall be made by the owner ~~or lessee~~ of the building or structure, or by the authorized agent of either, or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, ~~lessee~~, applicant and of the responsible officers, if the owner ~~or lessee~~ is a corporate body **it** shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.



*Change subsection to read as follows:*

**105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections. Work elements shall be items associated with the building permit scope of work.

*Add new subsection to read as follows:*

**105.5.1 Minimum progress required to keep permit active.** After an extension has been granted under Section 105.5, work shall begin ~~and~~ within the next twelve (12) month period **and**, shall **have progressed** ~~progress~~ such that a full foundation has been constructed and inspected **in that same twelve (12) months**. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete and inspected to a weather tight condition. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing, work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause the permit to become invalid.

*Change subsection to read as follows:*

**105.7 Placement of permit.** The building permit field copy shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street. Where such posting is impracticable the building permit field copy shall be available on site for public viewing upon request. The building permit field copy may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.

*Delete the following section without substitution:*

~~**SECTION 106 FLOOR AND ROOF DESIGN LOADS**~~

~~**SECTION 107 SUBMITTAL CONSTRUCTION DOCUMENTS**~~

*Add new sentences to end of subsection:*

**~~107.2.2~~~~106.1.1.1~~ Fire protection system shop drawings.** “Plans, specifications, flow calculations and drawings for the installation of fire protection systems shall be submitted to the Inspection Department, along with an application for said work. The Inspection Department will coordinate with the Fire and Water Departments in the review of the design material submitted. Permits shall be issued for fire protection systems which have been approved by the Fire and Water Department officials. **Shop drawings shall contain all information required by the referenced standards in the IBC, Chapter 9.**”

*Change subsection to read as follows:*

**107.3.1 Approval of construction documents.** The building official shall review and approve all submitted documents. The permit holder is responsible for complying with the comments

and notes added during the permit review process. Approved plans and documents shall be maintained as part of the official permit construction documents.

~~**106.3.1 Approval of construction documents.** The building official shall mark up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes. The permit holder is responsible for complying with the comments as shown on the official permit construction documents kept by the building official.~~

DRAFT

*Add new sentence to end of subsection:*

**107106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as the permit application is approved by the City Planning Department and all necessary bonds are posted.”

*Add new subsection to read as follows:*

**107106.3.56 Outside Plan Review Services.** When a project is determined by the building official to be of a scope which exceeds available staff time or expertise, the option to utilize a third party plan review agency shall be exercised. The building official shall determine the scope of review, the agency or qualified firm to conduct the review; and shall direct the permit applicant to submit all plans, specifications and required calculations to the selected agency or firm.

The design professional of record shall work directly with the third party plan review agency or firm to resolve all code deficiencies or omissions on the design documents. The outside plan review agency or firm shall copy all correspondence relevant to the plan review process to the building official. When the plan review process is complete the outside review agency or firm shall certify in writing to the building official that, to the best of their knowledge and belief, the project design documents conform to the adopted construction codes. One set of agency approved design documents shall be forwarded to the building official. The building official, on a case by case basis, may require additional drawing/specification sets or partial sets. All required copies shall be provided to the building official at no charge.

The contractual agreement for the third party review service shall be between the permit applicant and the outside plan review agency or firm. The permit applicant shall pay all fees associated with the third party plan review process directly to the outside plan review agency or firm. The applicable building permit fee(s), paid by the permit applicant to the City of Portsmouth, shall be adjusted based on the fee schedule in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH. For the purposes of this section, the applicable building permit shall mean any building, electric, plumbing, mechanical or fire protection system permit issued against the design documents that have been reviewed by the outside plan review agency or firm.

## **SECTION 108107 TEMPORARY STRUCTURES**

*Change subsection to read as follows:*

**107.1 General.** Pursuant to the approval by the City's Planning Department, the building official may issue a permit for temporary structures or uses. Such permit will be limited to the regulations set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant one (1), 180 day extension for demonstrated cause.

## SECTION 109108 FEES

*Change subsection to read as follows:*

**109108.2 Schedule of permit fees.** Fees shall be determined in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

**Flat Rate Permits are:** Siding, - buried-tank removal or installation, sheds, replacement windows, temporary structures, **pad mounted generators**, fences (in Historic District), change-in-use/occupancy with no construction.

*Change subsection to read as follows:*

**109108.4 Work commencing before permit issuance.** Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

*Change subsection to read as follows:*

**109108.6 Refunds.** The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review effort has been expended.

The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of Section 105.5.

*Add new subsection to read as follows:*

**109108.7 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

## SECTION 110109 INSPECTIONS

*Add new sentence to end of subsection:*

**110109.5 Inspection requests.** “The permit holder shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is scheduled.”

*Add new subsection to read as follows:*

**110109.7 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the building official's report. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the originally deficient work has not been corrected, there will be a reinspection fee assessed as determined in accordance with Chapter 1, Article XVI or similar wording, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

## SECTION 111110 CERTIFICATE OF OCCUPANCY

*Add new sentences to beginning of subsection:*

**111110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon request, for work associated with a valid building permit and under the criteria ~~set forth~~**set forth** in Sections ~~111110.2~~ and ~~111110.3~~ of this code. Certificates are not required for work outlined in Section 105.2.”

*Edit subsection as follows:*

**111110.2 Certificate issued.**

*Add new item 13 to read as follows:*

13. The city zoning map and lot numbers associated with the street address.

*Add new subsection to read as follows:*

**111110.5 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined in accordance with Chapter 1, Article XVI or similar wording, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items; then this third inspection, and any subsequent inspections for the same item(s) will cause the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and will be paid prior to the building official making said inspections. This

procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific procedure for implementing this subsection is outlined in Section 109.7 of these amendments.

## SECTION ~~114~~113 VIOLATIONS

Change subsection to read as follows:

~~Change subsection to read as follows:~~

**114113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

## SECTION ~~115~~114 STOP WORK ORDER

~~Change subsection to read as follows:~~

~~114~~

~~Change subsection to read as follows:~~

**115.3 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section 113.4 of these amendments.

~~Add new section to read as follows:~~

## ~~SECTION 421 LIVE/WORK UNITS~~

~~**421.1 General.** A live/work unit is a dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant and shall comply with Sections 421.1 through 421.8.~~

~~**Exception:** Dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit shall not be classified as a live/work unit.~~

~~**421.1.1 Limitations.** The following shall apply to all live/work areas:~~

- ~~1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m<sup>2</sup>);~~
- ~~2. The nonresidential area is permitted to be a maximum 50 percent of the area of each live/work unit;~~

- ~~3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and~~
- ~~4. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.~~

~~**421.2 Occupancies.** Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit when the live/work unit is in compliance with Section 421. High-hazard and storage occupancies shall not be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.~~

~~**421.3 Means of egress.** Except as modified by this section, the provisions for Group R-2 occupancies in Chapter 10 shall apply to the entire live/work unit.~~

~~**421.3.1 Egress capacity.** The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.~~

~~**421.3.2 Sliding doors.** Where doors in a means of egress are of the horizontal-sliding type, the force to slide the door to its fully open position shall not exceed 50 pounds (220 N) with a perpendicular force against the door of 50 pounds (220 N).~~

~~**421.3.3 Spiral stairways.** Spiral stairways that conform to the requirements of Section 1009.8 shall be permitted.~~

~~**421.3.4 Locks.** Egress doors shall be permitted to be locked in accordance with Exception 4 of Section 1008.1.8.3.~~

~~**421.4 Vertical openings.** Floor openings between floor levels of a live/work unit are permitted without enclosure.~~

~~**421.5 Fire protection.** The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.7.~~

~~**421.6 Structural.** Floor loading for the areas within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.~~

~~**421.7 Accessibility.** Accessibility shall be designed in accordance with Chapter 11.~~

~~**421.8 Ventilation.** The applicable requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.~~

## SECTION 502 DEFINITIONS

*Add new sentence to end of definition:*

**GRADE PLANE.** “Grade points shall be taken at 5 foot intervals around the building perimeter.”

## SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

*General note pertaining to Table 503:*

**Table 503** as published in this Code has been *replaced* with **Table 503** as published by the State of New Hampshire Building Code Review Board. Said new Table 503 is a modified version of the former BOCA Table 503, 1999 Edition. (*Copy attached to these amendments.*)

*Section 506 amendments by the State of New Hampshire Building Code Review Board:*

## **SECTION 506 AREA MODIFICATIONS**

Change ~~subsections~~~~subsection~~ to read as follows:

**506.1 General.** The provisions of this section shall modify the area limitations of the amended Table 503 as herein specified.

~~Delete the following subsection without substitution:~~

### ~~506.1.1 Basements.~~

~~1.~~

~~Change subsection to read as follows:~~

**506.2 Frontage increase.** Where a building or structure has more than 25 percent of the building perimeter fronting on a street or other unoccupied space, the area limitations specified in Table 503 shall be increased 2 percent for each 1 percent of such excess frontage. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 ~~feet~~ (9144 mm) in width and shall have access from a street or posted fire lane not less than 18 feet (5486 mm) in width.

~~Delete the following subsections without substitution:~~

### ~~506.2.1 Width limits.~~

### ~~506.2.2 Open space limits.~~

Change subsection to read as follows:

**506.3 Automatic sprinkler system increase.** Where a building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, the area limitations specified in Table 503 shall be increased 200 percent for one- and two-story buildings and 100 percent for buildings more than two stories in height.

### **Exceptions:**

1. The automatic sprinkler system increase shall not apply buildings with an occupancy of Group H-1.
2. The automatic sprinkler system increase shall not apply to any fire area with an occupancy of Group H-2 or H-3.



Change subsection to read as follows:

**506.4 Multistory buildings.** The area limitations for buildings two stories in height shall be the same as the area limitations provided in Table 503 for one story buildings. In buildings over two stories in height, the area limitations of Table 503 for one story buildings shall be reduced as specified in Table 506.4.

**Table 506.4 Reduction of Area Limitations**

No. of Stories	Types of Construction		
	1A	1B	All Others
1	None	None	None
2	None	None	None
3	None	5%	20%
4	None	10%	20%
5	None	15%	30%
6	None	20%	40%
7	None	25%	50%
8	None	30%	60%
9	None	35%	70%
10	None	40%	80%

*End of State of New Hampshire Building Code Review Board amendments*

## SECTION 507 UNLIMITED AREA BUILDINGS

Change subsection to read as follows:

**507.3 Sprinklered, one story.** The area of a one-story, Group A-4, B, F, M or S building, of Type I or II construction, shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

### Exceptions:

*Exceptions 1 and 2 remain unchanged.*

*Edit first sentence in subsection ~~Change exception 3 to read~~ as follows:*

**507.3.1 Mixed occupancy buildings with Group A-1 and A-2. ~~occupancies~~**

~~3. Delete: “of other than Type V” and Replace with: “of Type I and/or II”. ~~construction shall be permitted, provided:~~~~

~~*Exceptions 3.1, 3.2 and 3.3 remain unchanged.*~~

Change subsection to read as follows:

**507.4 Two story buildings.** The area of a two story, Group B, F, M or S building, of Type I or II construction, shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

## **SECTION 508 MIXED USE AND OCCUPANCY**

*Add new exception to*

*Delete the following subsection without substitution:*

**506.7.7 Group A-3 buildings of Types III and IV construction.**

**508.3 Mixed occupancies.**

**Exception 3.** ~~Uses within live/work units, complying with Section 421 of these amendments, are not considered separate occupancies.~~

*Add new exception to subsection:*

**508.3.1.3 Separation.**

**Exception 2.** ~~Group I-1, R-1, R-2 and R-3 dwelling units and sleeping units shall be separated from other dwelling or sleeping units and from accessory occupancies contiguous to them in accordance with the requirements of Section 421.~~

## **SECTION 706705 FIRE WALLS**

*Change subsection to read as follows:*

**706705.1.1 Party walls.** Any wall located on a property line between adjacent buildings which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section **706705** and shall create separate buildings.

*Exception to remain unchanged.*

*Edit subsection as follows:*

**706**

*Edit subsection as follows:*

**705.8 Openings.**

*Delete Exception 1 without substitution:*

~~**1. 1.** Openings are not permitted in party walls constructed in accordance with Section **706.1705.1**.~~

*Edit Exception 2 as follows:*

**2.** Openings shall not be limited to 156 square feet where both buildings are equipped throughout with and automatic sprinkler system installed in accordance with Section 903.3.1.1 and the wall is not a party wall.

## **SECTION 715 OPENING PROTECTIVES**

*Add new sentences to end of subsection. Exceptions remain unchanged:*

**715.4.87 Door closing.** “The building or fire official shall approve the type of closing device to be used and when magnetic hold-open devices shall be required based on the occupancy classification, door use and location within the building. In Group E Occupancies and in Group B educational occupancies, magnetic hold-open devices shall be installed on all fire doors leading into enclosed exit stairs.”

## SECTION 901 GENERAL

*Add new sentence to end of subsection:*

[F] **901.4 Threads.** “Hand line hose threads for 2-1/2” diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2” or 1-3/4” diameter hose shall be Iron Pipe thread.”

## SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

*Change subsection to read as follows, with exception remaining unchanged:*

[F] **903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in **Sections 903.2.1 through 903.2.12**~~this section~~ or as required by NFPA 101 **as listed in Chapter 35.**

~~Add new item 4 to subsection:~~

[F] **903.2.6 Group M.**

~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered furniture.~~

*Change subsection to read as follows, with exceptions remaining unchanged:*

[F] **903.4.1 Monitoring Signals.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, ~~auxiliary fire alarm system,~~ or proprietary supervising station as defined in NFPA 72 or, when approved by the building or fire official, shall sound an audible and visual signal at a constantly attended location.

## SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

*Add new sentence to end of first paragraph in subsection.*

[F] **907.2 Where required.** “A manual, automatic or combination manual and automatic fire alarm system shall also be provided in accordance with NFPA 101 **as listed in Chapter 35.**”

*Edit subsections as follows:*

~~Edit subsection as follows:~~

[F] **907.2.1 Group A.**

*Delete Exception without substitution.*

~~Edit subsection as follows:~~

**[F] 907.2.2 Group B.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

**[F] 907.2.3 Group E.**

*Delete Exception 3 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.4 Group F.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

**~~[F] 907.2.6. Group I.~~**

~~*Delete Exception without substitution.*~~

~~*Edit subsection as follows:*~~

**[F] 907.2.6.1 Group I-1.**

*Delete Exception 1 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.6.2 Group I-2.**

*Delete Exceptions 1 and 2 without substitution.*

*Edit subsection as follows:*

**~~[F] 907.2.6.3.3 Smoke detectors.~~**

~~*Delete Exceptions 2 and 3 without substitution.*~~

~~*Edit subsection as follows:*~~

**[F] 907.2.7 Group M.**

*Delete Exceptions 1 and 2 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.8.1 Manual fire alarm system.**

*Delete Exception 2 without substitution.*

*Change subsection to read as follows with exception remaining unchanged:*

[F] **907.2.8.2 Automatic fire alarm system.** System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the ~~devices~~device.

*Change subsection to read as follows:*

[F] **907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories above the lowest level of exit discharge; or where any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or when said building contain more than 11 dwelling units.

**Exceptions:**

1. **A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard**~~This exception remains unchanged.~~

**A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1026.6, Exception 4.2.**~~Delete this exception without substitution.~~

~~3. This exception remains unchanged.~~

2. **Add new**

*Change subsection to read as follows:*

[F] **907.2.9.1 Smoke detector coverage.** System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

*Add new item 4 to end of subsection:*

[F] **907.2.1110.1.1 Group R-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system, ~~single-and-Single-or~~ multiple-station smoke ~~alarms~~detectors in common areas shall be interconnected but shall not be interconnected with guest room smoke ~~alarms~~detectors.

Add new item 4 to end of subsection:

**[F] 907.2.1110.1.2 Groups R-2, R-3, R-4, and I-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke ~~alarms/detectors~~. In some Group R-2 or R-3 occupancies, as determined by the building official, additional single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ may be required in the basement, interconnected with a dwelling unit(s) ~~alarms/detector~~(s).

Add new subsection to read as follows:

**[F] 907.2.1110.1.4.1 Smoke alarm circuits.** Smoke alarms in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke alarms in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke alarms shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke alarms are wired.

Add new subsection to read as follows:

**[F] 907.2.11.5 Groups E, I-2 and I-4.** Single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Sections 305.2, 308.3.1, 308.5 and 308.5.2 respectively.

**Exception:** Single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all **common areas and** sleeping rooms.

Add new ~~section/subsection~~ to read as follows:

**SECTION 916 FIRE SERVICE BUILDING ACCESS**

**[F] 916.1 General.** Where required by Chapter 9, IBC Sections ~~916.2 through 916.XX~~, key storage access boxes shall be installed at buildings in the required quantities, and in the required locations as specified ~~at locations approved by the fire code official~~. Access boxes shall be ~~XXXXXXX~~

**[F] 916.2 Buildings requiring access boxes.** ~~XXXXXXXXXXXXXXXXXX~~

**[F] 916.3 Access box make.** ~~XXXXXXXXXXXXXXXXXX~~

**[F] 907.2.10.3.1 Smoke detector circuits.** ~~Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke~~

~~detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.~~

*Change subsection to read as follows with exceptions remaining unchanged:*

~~[F] 907.14 Monitoring. Fire alarm systems required by this chapter or the International Fire Code shall be monitored by an approved supervising station or by a Auxiliary Fire Alarm System in accordance with NFPA 72.~~

## **SECTION 1001 ADMINISTRATION**

*Add new sentences to end of subsection:*

**1001.1 General.** “The building official shall utilize the exit criteria and building fire safety system provisions of the Life Safety Code, NFPA 101, as adopted by the New Hampshire State Fire Marshal’s office, when evaluating the adequacy of means of egress in new or existing buildings. When there are conflicts between this Code and NFPA 101, the building and fire officials shall make the final exit and fire safety system criteria determination.”

## **SECTION 1003 GENERAL MEANS OF EGRESS**

*Change Exception 1 in subsection to read as follows:*

### **1003.5 Elevation change.**

**Exception 1:** A single step with a maximum riser height of 7 inches (178 mm) is permitted for buildings of any occupancy at exterior means of egress doors which are not required to be accessible by Chapter 11 **of the IBC.**

## ~~**SECTION 1005 EGRESS WIDTH**~~

*Table 1005.1 Cautionary Note:*

~~The design professional should consult the capacity factor provisions of the Life Safety Code, NFPA 101, Table 7.3.3.1 in the 2003 & 2006 editions, for more restrictive factors that supersede the Table 1005.1 factors of this code.~~

## ~~**SECTION 1007 ACCESSIBLE MEANS OF EGRESS**~~

*Change and Add exceptions to read as follows with Section text remaining unchanged:*

### ~~**1007.4 Elevators.**~~

#### ~~**Exceptions:**~~

- ~~1. Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking structures.~~

~~2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

## SECTION 1011 EXIT SIGNS

*Change subsection to read as follows with exception remaining unchanged:*

**1011.2 Illumination.** Exit signs shall be internally illuminated with the primary power source from the building electric system. Exit signs shall also be provided with a battery backup power source or from the building emergency power supply system if so equipped. Self-illuminated (nuclear) exit signs are not an approved source of illumination.

*Change subsection to read as follows:*

**1011.5 Externally illuminated exit signs.** When approved by the **building code** official, externally illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

## SECTION ~~1029~~**1026** EMERGENCY ESCAPE AND RESCUE

*Change exception 1 in subsection to read as follows:*

### **1029**1026.1 General.****

**Exception 1:** In buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

~~Add new exception to read as follows:~~

### **1026.2.1 Minimum dimensions.**

~~**Exception:** Double hung, tilt clean style windows shall be acceptable when their size and operation satisfy the criteria stipulated in Sections 1026.2, 1026.3, 1026.4, 1026.5 and this Section. The minimum net clear opening area and net clear opening height shall be computed with both upper and lower sashes removed. Said sash removal shall not require any tools and shall not constitute special knowledge.~~

*Add new subsection to read as follows:*

~~**1026.6 Access through garage.** The basement emergency escape route is allowed to be through an attached garage via a side-hinged swinging door complying with Section 1008.1.1 or door and stair combination, provided this route is not the only door or stair out of the basement. There shall also be a side-hinged swinging door complying with Section 1008.1.1 from the garage to the exit discharge in accordance with Section 1027.1024.~~

## SECTION 1109 OTHER FEATURES AND FACILITIES

*Add new subsection to read as follows:*

**1109.5.3 Occupancies with limited occupants.** In any occupancy classification with a design occupant load of less than 50 persons, a single point of use water cooler may be substituted for the required drinking fountain. The access approach clearances at the cooler shall be maintained based on the dimensions stipulated in ICC/ANSI A117.1.



## SECTION 1208 INTERIOR SPACE DIMENSIONS

*Add new exception 4 to subsection to read as follows:*

### 1208.2 Minimum ceiling heights.

**Exception 4: Within dwelling units the** minimum ceiling height above ~~lavatories~~**lavatories** and water closets shall be 6 foot 8 inches (6'-8"), as measured vertically from the ceiling to the floor at the operating handle end of the fixture. The minimum ceiling height above bathtubs and shower stalls shall be 6 foot 8 inches (6'-8"), as measured vertically from the ceiling to the floor or tub bottom at the operating handle end of the fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls adjacent to the operating handles.

## SECTION 1612 FLOOD LOADS

*Insert in two blank spaces:*

**1612.3 Establishment of flood hazard areas.** ~~"the~~**The** City of Portsmouth, New Hampshire";  
~~and"~~  
"Sep 30, 2002"

## SECTION 1704 SPECIAL INSPECTIONS

*Change subsections*~~Add new subsection~~ to read as follows:

**1704.3.4 Cold-formed steel**~~15 Installation of~~ **trusses.** Special inspections shall be required for all ~~wood or~~ light gauge metal roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, **both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.**

**1704.6.2 Metal-plate-connected wood trusses.** **Special inspections shall be required for all metal-plated-wood roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.**

*Add new subsections to read as follows:*

**1704.17 Fire-resistant penetrations and joints.** In buildings of four or more stories above grade plane, special inspections for through-penetrations, membrane penetration firestops, fire-resistant joint systems, and perimeter fire barrier systems that are tested and listed in accordance with Sections 713.3.1.2, 713.4.1.1.2, 714.3 and 714.4 shall be in accordance with Section 1704.17.1 or 1704.17.2.

**1704.17.1 Penetration firestops.** Inspections of penetration firestop systems that are tested and listed in accordance with Sections 713.3.1.2 and 713.4.1.1.2 shall be conducted by an approved inspection agency in accordance with ASTM E 2174.

**1704.17.2 Fire-resistant joint systems.** Inspection of fire-resistant joint systems that are tested and listed in accordance with Sections 714.3 and 714.4 shall be conducted by an approved inspection agency in accordance with ASTM E 2393.

## **SECTION 1809 SHALLOW ~~1805~~ FOOTINGS AND FOUNDATIONS**

*Amend Item 1 ~~Add new sentence to end~~ of subsection to read as follows:*

**1809.5 ~~1805.2.1~~ Frost protection.** “**1. Extending to Frost line depth for Portsmouth shall be 4** feet (1219 mm),) as measured to the bottom of the footing from the adjoining finish grade.”:

## **SECTION 2701 GENERAL**

*Change subsection to read as follows:*

**2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this Code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the *National Electric Code*, NFPA 70. The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle. The edition that is State adopted at the time of a new electrical **design or** installation shall govern the requirements of that installation.

*Add new sections to read as follows:*

## **SECTION 2703 INSPECTIONS AND TESTS**

**2703.1 Concealing work.** Work in connection with an electric system for which a permit is required, shall not be covered or concealed until such work has been inspected and permission to conceal such work has been given by the building official. It shall be the responsibility of the electric permit holder to contact the building official for said inspections. Furthermore, the permit holder shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is performed.

**2703.2 Service Inspection.** All service equipment shall be installed, grounded and bonded before a request is made for a service inspection. It shall be the responsibility of the permit holder to contact the building official for said inspection. The same inspection notification time allowance is required as in Section 2703.1. After satisfactory completing said inspection, the building official shall issue written notification to the local electric utility to allow for meter installation and power connection. It shall be the responsibility of the permit holder to contact the local electric utility for scheduling this power connection.

**2703.3 Final inspection and tests.** After all work is complete, all systems have been supplied power and all systems have been tested by the installer, a request for final inspection shall be made by the permit holder. The same inspection notification time allowance is required as in Section 2703.1. Copies of all test results shall be provided to the building official at this time. The building official shall inspect the work and cause tests to be made of the operation of the entire system to insure compliance with all requirements.

**2703.4 Records.** Records of all inspections shall be kept by the respective building official. Said records shall list date of inspections, observed nonconformances, corrective actions required and the building official's initials. Follow-up inspections shall be required to confirm the completed corrective actions. All inspection records shall be maintained by the building officials and be available for public access. The owner shall provide for special inspections in accordance with Section 1704.

## SECTION 2704 QUALIFICATIONS OF ELECTRICIANS

**2704.1 General.** All persons performing electrical work in the City of Portsmouth shall be licensed in accordance with the provisions of RSA 319-C of the State of New Hampshire; except owners of detached single family homes, who reside in said home, may do electrical work without a license. All electrical work requires an electrical permit unless exempt by Section 105.2.

**2704.2 Responsibilities of electricians.** When an electrical installation is required to be performed by a licensed New Hampshire Electrician, the permit for said work shall be obtained by the Master Electrician responsible for the work. Said electrician or company shall be responsible for all work done under said permit.

## SECTION 2705 APPENDIX K

**2705.1 General.** Refer to Appendix K for additional administrative provisions for enforcement of the National Electric Code, NFPA 70.

## SECTION [M] 2801 GENERAL

*Change subsection to read as follows:*

**[M] 2801.1 Scope.** Mechanical appliances, equipment and systems shall be designed, constructed, installed and maintained in accordance with the *International Mechanical Code*; the *National Fuel Gas Code*, NFPA 54 and *Installation of Oil-Burning Equipment*, NFPA 31. Refer to Chapter 15, Part II of the City Ordinances (Mechanical Code), for required qualifications of persons installing **fuel** gas piping.

## SECTION [P] 2901 GENERAL

*Change subsection to read as follows:*

**[P] 2901.1 Scope.** The design and installation of building plumbing systems shall conform to Chapter 15, Part I of the City Ordinances (Plumbing Code) and Chapter 29 of this Code. The design and installation of building sewer and building water supply piping (city side of water meters) shall conform to the requirements of the Public Works Department, Water/Sewer Division. Private sewage disposal systems shall conform to the requirements of the State of New Hampshire Water Supply and Pollution Control Subsurface Waste Disposal Division.

## SECTION [P] 2902 MINIMUM PLUMBING FACILITIES

*Change exception 2 in subsection to read as follows:*

**[P] 2902.2 Separate facilities.**

**Exception 2:** In other than mercantile occupancies, separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and

customers of 24 or less. ~~See Section [P] 2902.4.4 of these amendments for mercantile occupancy fixture requirements.~~

*Add new sentences to end of subsection:*

**[P] 2902.3 Require public toilet facilities. “Plumbing features and facilities shall also comply with the accessibility requirements of Section 1109.”**

*Change subsection to read as follows:*

~~**[P] 2902.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The accessible route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces. Public toilet facilities shall be available to the public at all times the building or tenant space is open for business. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall be either separate or combined with public facilities. The minimum number of plumbing fixtures shall be calculated by [P] Table 2902.1, Section [P] 2902.2 and Section [P] 2902.4.4. Plumbing fixtures shall also comply with the accessibility requirements of Chapter 11.~~

~~**[P] 2902.4.4 Group M occupancies.** A minimum of one public single-occupant toilet room shall be provided in~~

*Add new subsection to read as follows:*

~~**[P] 2902.5 Renovations to existing buildings.** or tenant spaces when the total occupant load is more than 24 persons but less than 50 persons. A minimum of two public single-occupant toilet rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point where the provisions of [P] Table 2902.1 would require more than two fixtures.~~

~~**Exception:** Where an existing toilet room **or rooms** is **(are)** present and renovations are being undertaken, the existing toilet room(s) shall not be removed **even if said removal will cause the new occupancy to have less fixtures than what is required under this code for new installations**the occupant load is 24 persons or less. In a case where there are more toilet rooms existing than what are required under this code, toilet rooms in excess of the minimum required may be removed but at least one shall remain.~~

## **SECTION 3001 GENERAL**

*Add new sentence to end of subsection:*

~~**3001.1 Scope.** Wherever the provisions of this chapter refer to the *building official* for purposes of permitting, tests and inspections, certificates of compliance, and maintenance and accidents; said official shall be the State Elevator Inspector as appointed by the New Hampshire Department of Labor, Boiler and Elevator Division. Refer to Chapter 35 for the referenced elevator law.~~

## **[F] SECTION 3003 EMERGENCY OPERATIONS**

*Add new subsection to read as follows:*

**[F] 3003.2.13 Elevator recall key.** Where required by ASME A17.1, all new elevators shall be equipped with a Yale #3502 fire service elevator recall key.

## **SECTION 3107 SIGNS**

*Add new subsection to read as follows*

**3107.2 Zoning ordinance.** The City's *Zoning Ordinance, Chapter 10* of the City's Ordinances, regulates ~~all things~~ temporary signs. ~~, permanent signs, sign size, letter size and sign illumination.~~ Refer to ~~that~~ this document for ~~all sign~~ these criteria.

## **SECTION 3304 SITE WORK**

*Add new subsection to read as follows:*

**3304.2 Site access and hydrant operation.** When roads are created or extended during the construction of new developments and subdivisions, adequate site access for emergency vehicles shall be maintained at all times during construction. The fire department will be the determining agency when evaluating the adequacy of site access. As construction progresses, water hydrants required by the site plan shall be installed, activated, tested and maintained with adequate hydrant access as determined by the fire department. The City of Portsmouth reserves the right to “call” the site bond at any time during construction, when the owner refuses to provide adequate access, as deemed necessary by the fire department, for the protection of life and property.

## **SECTION 3306 PROTECTION OF PEDESTRIANS**

*Add new subsection to read as follows:*

**3306.10 Hazardous excavations.** All open excavations left unattended, when deemed a hazard by the building official, shall be guarded or fenced in accordance with the criteria in Sections 1013.2. and 1013.3. The hazard judgment shall be based on public accessibility to the excavation, time period left open, falling hazard, and the pooling of surface or ground water at the bottom of the excavation. All appeals to the building official’s order shall be made in writing and will follow the appeals process in Section ~~113H2.~~

### ***General note pertaining to Chapter 34:***

**The State of New Hampshire Building Code Review Board has adopted the 2009 Edition of the International Existing Building Code (IEBC) as published by the International Code Council. All Chapter 34 code users shall utilize the technical provisions of the IEBC in lieu of the provisions of Chapter 34 of the IBC. The following Chapter 34 Portsmouth Amendments shall still apply.**

## **SECTION 3401 GENERAL**

*Change subsection to read as follows:*

**3401.3 Compliance with other codes.** Alterations, repairs, additions and changes in occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes in occupancy in the *International Fire Code, National Fuel Gas Code (NFPA 54), International Plumbing Code, International Mechanical Code, International Residential Code and the National Electric Code (NFPA 70).*

## SECTION ~~34093407~~ HISTORIC BUILDINGS

Change subsection to read as follows:

~~Change subsection to read as follows:~~

**34093407.1 Historic buildings.** The provisions of this Code relating to the construction, repair, alteration, enlargement, restoration and movement of buildings or structures shall not be mandatory for historic buildings or structures classified or qualify for classification on the *National Register of Historic Places* as listed by the National Park Services, Interagency Resources Division; when such buildings are judged by the building official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, repair, alteration, enlargement, restoration and relocation. All such approvals shall be based on the applicant's complete submission of professional architectural and engineering plans and specifications bearing the professional seal of the **designer of record** ~~designers~~.

Add new subsection to read as follows:

**34093407.3 Historic District.** The City of Portsmouth has delineated a special Zoning Overlay Historic District, which regulates all work done to the exterior facade of structures within said district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance for specific details.

## SECTION ~~34113409.0~~ ACCESSIBILITY FOR EXISTING BUILDINGS

~~Change subsection to read as follows:~~

*Change subsection to read as follows:*

**34113409.9 Historic buildings.** These provisions shall apply to buildings and facilities designated as historic structures as defined in Section ~~34093407~~.1 of these Code amendments, that undergo alterations or a change in occupancy, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements of Section 3409.9.1 through 3409.9.4 for that element shall be permitted.

## ~~[EB]~~ SECTION ~~34123410~~ COMPLIANCE ALTERNATIVES

Insert in blank space:

**34123410.2 Applicability.** "the effective date of the adoption of this Code"

## CHAPTER 35 REFERENCED STANDARDS

Insert the following Codes and Standards:

**New Hampshire State Building Code**  
Department of Safety  
33 Hazen Drive Drive  
Concord, NH 03305

(603) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

**New Hampshire Architectural Barrier Free Design Code**

Governor's Commission on Disability  
57 Regional Drive  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)  
<http://www.nh.gov/disability/abcommittee.html>

**New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)  
[puc@puc.nh.gov](mailto:puc@puc.nh.gov)

**New Hampshire Elevator Law, RSA 157-B**

NH Labor Department  
Boiler & Elevator Division  
PO Box 2076  
Concord, NH 03302-2076  
(603) 271-6294  
[www.labor.state.nh.us/boilers.asp](http://www.labor.state.nh.us/boilers.asp)

*Insert in the NFPA section the following referenced Codes and Standards:*

<del>31-06</del>	<del>Installation of Oil Burning Equipment</del>	<del>2801.1</del>
54-09	National Fuel Gas Code	101.4.12, 2801.1, 3401.3
70-1108	National Electric Code	<i>Referenced Sections remain unchanged.</i>
<del>101-09.4.1, 2701.1</del>	<hr/>	
101-03	Life Safety Code (Or as Adopted by the <del>SFMEMO</del> )	903.2, 907.2, 1003.2, 1008.5.2

~~211-06~~ ~~Chimneys, Fireplaces,~~ ~~2111, 2113~~  
~~Vents, and Solid~~  
~~Fuel-Burning Appliances~~

*Amend in the NFPA section the following referenced Standards:*

*Change ~~13-0702~~ to ~~13-1307~~ Design & Installation of Sprinkler Systems*

*Change ~~13D-0702~~ to ~~13D-1307~~ Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings*

*Change ~~13R-0702~~ to ~~13R-1307~~ Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less*

*Change ~~72-0702~~ to ~~72-1307~~ National Fire Alarm Code*

*~~Change 409-01 to 409-04 Aircraft Hangers~~ ~~412.2.6, 412.4.5~~*

#### **APPENDIX A - EMPLOYEE QUALIFICATIONS**

*Appendix A is not adopted as part of this ordinance. Refer to the City of Portsmouth Human Resource Department employee job descriptions for employee qualifications.*

#### **APPENDIX B - BOARD OF APPEALS**

*Appendix B is adopted as part of this ordinance subject to the following amendments:*

#### **SECTION B 101 GENERAL**

*Change subsection to read as follows:*

**B101.2.2 Qualifications.** The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional that is a registered architect.
2. Registered design professional that is a registered civil or structural engineer.
3. Registered design professional that is a registered mechanical engineer; or a licensed master plumber with at least ten years experience in building plumbing and/or HVAC systems.
4. Registered design professional that is a registered electrical engineer; or a licensed master electrician with at least ten years experience in building electrical systems.
5. A building contractor with at least ten years experience in construction.

*Delete the following subsection without substitution:*

**~~B101.2.7 Compensation of members.~~**

#### **APPENDIX C - AGRICULTURAL BUILDINGS**

*Appendix C is adopted as part of this ordinance without amendments.*

#### **APPENDIX D THROUGH APPENDIX ~~JK~~**

*Appendix D through K are not adopted as part of this ordinance.*



**APPENDIX K – ADMINISTRATIVE PROVISIONS**  
*Appendix K is adopted as part of this ordinance without amendments.*

***ADOPTED XX Xxx 2013***

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**CITY ORDINANCE - CHAPTER 12**  
**Part II**

**INTERNATIONAL RESIDENTIAL CODE, 2006**  
**(Adopted 10/19/2009)**

The International Residential Code, ~~2009~~2006 Edition (**IRC**) as published by the International Code Council, Inc. is hereby adopted as **Chapter 12, Part II** of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions:

**SECTION R101 ~~TITLE~~, SCOPE AND ADMINISTRATION PURPOSE**

*Insert in blank space:*

**R101.1 Title.** “the City of Portsmouth, New Hampshire”

**SECTION R102 APPLICABILITY**

*Add new subsections to read as follows:*

**R102.4.1 Electrical.** The provisions of the *National Electric Code*, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not adopted Article 80, Administration and Enforcement, of NFPA 70.

**R102.4.2 Gas.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of gas piping from the point of delivery to gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of the appliances and the installation and operation of residential gas appliances and related accessories. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

**R101.4.3 Plumbing.** The City of Portsmouth does not adopt the *International Sewage Disposal Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

**R102.4.4 Property maintenance.** The City of Portsmouth does not adopt the *International Property Maintenance Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

## SECTION R105 PERMITS

*Add the following text to end of subsection:*

**R105.1 Required.** “New construction and *general renovation* work requires the issuance of a building permit. *General renovation* is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:”

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or repairs.
5. Dormers.
6. Demolition of all or part of a structure.
7. Changing exits or exit components in any way.
8. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
9. Above or below grade flammable and combustible liquid tank removal or installation **shall require separate mechanical and gas permitting-**
10. Changes--in--Use or Occupancy.
11. Electrical work.
12. Plumbing or mechanical work.
13. Fire sprinkler systems
14. Fire alarm systems.

**“NH licensed Licensed** trade persons shall secure permits for electrical, ~~and~~ plumbing **and gas piping** work when required under New Hampshire law.”

*Change subsections to read as follows:*

**R105.2 Work exempt from permits.** Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

### **Building:**

1. Ordinary repairs as defined in Section R105.2.2 provided such repairs do not exceed \$3,000 in construction value **including materials and labor.**
2. Fences not over 6 feet high or not in the Historic District.
3. Sidewalks, driveways or patios constructed on grade.
4. Prefabricated (including air inflated) swimming pools which are less than 18 inches deep and are entirely above grade.
5. Swings and other playground equipment.
6. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000.
7. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also Section R105.2.2, Exception 1.) **Re-roofing and Roof coverings shall be applied in accordance with IRC, Chapter 9. ]**

- 8. All roofing and re-roofing within the Historic District requires prior approval and permitting even if the cost is less than \$3,000.00.**

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## Electrical:

A permit is not required for minor repair work, including the replacement of lamps or the connection of portable electrical equipment to permanent receptacles. Contact the electrical inspector for specific questions concerning the need for a permit.

## Gas, Mechanical, Plumbing:

~~A permit is not required for minor repair work, including the replacement of fixtures. Refer to the City Plumbing and Mechanical Codes for details on permits and inspections. Contact the plumbing/mechanical inspector for specific questions concerning the need for a permit.~~

**R105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. *Ordinary repairs* are defined as work which is associated with the *normal maintenance* of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering. no matter what the cost. (\$3,000 exception 2 does not apply.)
2. Replacing or repairing flooring or carpeting **in-kind.**
3. Replacing or repairing interior trim.
4. Replacing or repairing cabinets **in-kind.**
5. Replacing or repairing countertops **in-kind.**
6. ~~Replacing or repairing windows and doors (no headers involved).~~
7. ~~Replacing or repairing siding.~~
8. Reroofing no matter what the cost. (\$3,000 exception 2 does not apply.)**(Unless the structure is located within the Historic District)-)**
9. ~~Bathroom renovation (number & location of fixtures & room size not changed).~~
10. Repointing masonry **unless located in the Historic District.**
11. ~~Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
12. Replacing in kind or repairing components of fire protection systems.

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in *general renovations* to structures, then all such items will be included in the construction cost.

Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

**Exceptions:** (i.e. permit is required.)

1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required. This shall include reroofing that changes the roof material.
2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).

*(i.e., a permit is required when repair value is more than \$3,000)*

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*Delete subsection without substitution:*

**~~R105.2.3 Public service agencies.~~**

*Add new sentence to end of subsection:*

**R105.3.1 Action on application.** “Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.”

*Change subsection to read as follows:*

**R105.3.2 Time limitation of application.** An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit has been issued, except that the building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

*Add new subsection to read as follows:*

**R105.3.3 By whom application is made.** Application for a permit shall be made by the owner or ~~lessee of the building or structure or bby~~ by the authorized agent, ~~of either,~~ or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.

*Change subsection to read as follows:*

**R105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections, within any twelve month period. Work elements shall be items associated with the building permit scope of work.

*Add new subsection to read as follows:*

**R105.5.1 Minimum progress required to keep permit active.** After an extension has been granted under Section R105.5, work shall begin and within the next twelve (12) month period shall progress such that a full foundation has been constructed and inspected. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete to a weather tight condition and inspected. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing,



work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause the permit to become invalid.

*Change subsection to read as follows:*

**R105.7 Placement of permit.** The building permit ~~field-copy (card)~~ shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street **which the permit is issued to.** Where such posting is impracticable the building permit ~~field-copy~~ shall be available on site for public viewing upon request. The building permit ~~field-copy~~ may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.

*Add new subsection to read as follows:*

**R105.9 Qualifications of persons doing trade work.** Electrical, plumbing and mechanical work is allowed to be done by resident homeowners engaged in said trade work and conducted within the **single-family** dwelling in which they reside. Gas piping shall be done by a ~~licensed~~**licensed** plumber or another *qualified person or agency*, individual, firm, corporation or company that either in person or through a representative, is engaged in and is responsible for (a) the installation or replacement of gas piping or (b) the connection, installation, repair or servicing of gas equipment; and who is experienced in such work and is familiar with all the precautions required. For plumbing work refer to State RSA 329-A:13 and for electrical work refer to State RSA 319-C. All trade work require city permits.

## SECTION R106 CONSTRUCTION DOCUMENTS

*Change subsection to read as follows:*

**R106.3.1 Approval of construction documents.** The building official shall **review and approve all submitted documents** ~~mark up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.~~ The permit holder is responsible for complying with the comments **as shown on the and notes added during the permit review process as part of the** official permit construction documents.

*Add new sentence to end of subsection:*

**R106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as the permit application is approved by the City Planning Department and all necessary bonds are posted.”

## SECTION R107 TEMPORARY STRUCTURES

*Change subsection to read as follows:*

**R107.1 General.** Pursuant to the approval by the City's Planning Department, the building official may issue a permit for temporary structures or uses. Such permit will be limited to the regulations set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited

as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant one (1), 180 day extension for demonstrated cause.

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## SECTION R108 FEES

*Change subsection to read as follows:*

**R108.2 Schedule of permit fees.** Fees shall be determined in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

**Flat rate type permits are:** Siding, buried tank removal or installation, sheds, **pad mounted generators**, replacement windows, temporary structures, fences (in Historic District), change-in-use/occupancy with no construction.

*Change subsection to read as follows:*

**R108.5 Refunds.** The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review effort has been expended.

The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of Section 105.5.

*Change subsection ~~Add new subsections~~ to read as follows:*

**R108.6 Work commencing before permit issuance.** Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change-in-use permit shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

*Add new subsection to read as follows:*

**R108.7R108.6 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

~~**R108.7 Work commencing before permit issuance.** Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.~~

## SECTION R109 INSPECTIONS

*Add new sentence to end of subsection:*

**R109.3 Inspection requests.** “Furthermore, the permit holder(s) shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is scheduled.”

*Add new subsection to read as follows:*

**R109.5 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the building official's report. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed as determined in accordance with Chapter 1, Article XVI or similar wording, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

## SECTION R110 CERTIFICATE OF OCCUPANCY

*Add new sentence to beginning of subsection:*

**R110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon request, for work associated with a valid building permit and under the criteria ~~set forth~~**set forth** in Sections R110.3 and R110.4 of this code.”

*Edit subsection as follows:*

**R110.3 Certificate issued.**

*Add new item to read as follows:*

10. The City zoning map and lot numbers associated with the street address.

*Add new subsection to read as follows:*

**R110.6 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined in accordance with Chapter 1, Article XVI or similar wording, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items; then this third inspection, and any subsequent inspections for the same item(s) will cause the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and will be paid prior to the building official making said inspections. This procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific procedure for implementing this subsection is outlined in Section R109.5 of this Code.

## **SECTION R113 VIOLATIONS**

*Change subsection to read as follows:*

**R113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

## **SECTION R114 STOP WORK ORDER**

*Change subsection to read as follows:*

**R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section R113.4 of these amendments.

## **SECTION R301 DESIGN CRITERIA**

*Insert in blank spaces in Table R301.2(1):*

**Ground snow load:** 50 pounds per square foot (PSF)

**Wind speed:** 100 miles per hour (MPH)

**Seismic Design Category:** C

**Weathering:** Severe

**Frost Line Depth:** 4 feet to bottom of footing.

**Termite:** Slight to Moderate

**Winter Design Temp.:** (-)3 degree days

**Ice Barrier Underlayment Required:** Yes

**Flood Hazard:** Current Flood Insurance Study, Sep. 2002

**Air Freezing Index:** 1000

**Mean Annual Temperature:** 47 degrees F

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## SECTION R302 FIRE-RESISTANT CONSTRUCTION ~~R305 CEILING HEIGHTS~~

*Amend*~~Change~~ *Exception 14* in subsection to read as follows:

### R302.3 Two-family dwellings.

**Exception 1:** A fire-resistance rating of ½ hour shall be permitted in two-family dwellings protected throughout with an automatic fire sprinkler system in accordance with Section 2904, NFPA 13R or NFPA 13D as listed in Chapter 44. ~~R305.1 Minimum height.~~

~~**Exception 4:** Bathrooms and kitchens sink areas shall have a minimum ceiling height of 6 feet 8 inches (6' 8") at the front clearance area for fixtures as shown in Figure R307.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (6' 8") above a minimum area 30 inches by 30 inches at the showerhead.~~

## SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS

### R310.1 Emergency escape and rescue required.

All Emergency Escape and Rescue openings on new construction shall meet the requirements outlined in IRC, Section R310. However, Emergency Escape and Rescue openings for structures located within the Historic District will be reviewed on a case by case basis. Change of occupancy shall be considered new construction.

Add new *exception 2*~~exceptions~~ to read as follows:

~~**Exception 2**~~**Exception 2:** Double hung, tilt clean style windows shall be an acceptable element in an emergency means of escape route, when their size and operation satisfy the criteria stipulated in Sections R310.1.1, R 310.1.2, R310.1.3 and R310.1.4. The minimum net clear opening area and net clear opening height shall be computed with both upper and lower sashes removed. Sash removal shall not constitute special knowledge and shall not require use of any tools.

**Exception 3:** Emergency escape and rescue openings are not required when the entire structure is protected throughout with an automatic fire suppression system conforming to ~~Section 2904~~~~NFPA 13~~, NFPA 13R or NFPA 13D as listed in Chapter 44~~3~~.

Add new subsections to read as follows:

~~**R310.6 Access through garage.** The basement emergency escape route is allowed to be through an attached garage via a door complying with Section R311.4.2 or door and stair combination, provided this route is not the only door or stair out of the basement. There shall also be a door complying with Section R311.4.2 from the garage directly to a public way, or to a yard or court that opens to a public way.~~

**R310.7 Renovations to existing finished basements areas.** When existing basements areas are being remodeled for uses other than sleeping rooms and when such basements do not have an emergency escape and rescue opening or route as required by Sections R310.1, R310.2, R310.3 or R310.6; smoke and carbon monoxide ~~alarmsdetectors~~ shall be installed in accordance with Section ~~R314R313.2.1~~ and ~~R315313.5~~ of these amendments.

## **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

*Change subsection to read as follows:*

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13R as listed in Chapter 44.

*Add new subsection to read as follows:*

**R313.1.2 Fire sprinkler system alarm monitoring.** Townhouse fire sprinkler systems shall be monitored for water flow, supervisory and trouble conditions and shall automatically transmit signals to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 and shall sound an audible and visual signal on the building exterior in a publicly ~~visable~~visible location.

**Exception.** When approved by the fire official, townhouse fire sprinkler systems shall sound an audible and visual signal on the building exterior in a publicly ~~visable~~visible location and not require off site monitoring.

*Delete subsection without substitution:*

~~**R313.2 One and two family dwellings automatic fire systems.**~~

## **SECTION R314 SMOKE ALARMS**

*Add new sentence to end of subsection:*

**R314.4 Power source.** “Smoke alarms shall be supplied by a branch circuit that also supplies lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the electric panel. The branch overcurrent protective device supplying the smoke alarms shall be clearly ~~labeled~~—labeled “Smoke Alarms” in a manner that distinguishes it from other overcurrent protective devices.”

## **SECTION R315 CARBON MONOXIDE ALARMS**

*Change section to read as follows:*

## **~~SECTION R313 ALARMS~~**

~~*Add new sentence to end of subsection:*~~



~~**R313.3 Power source.** “Smoke detectors shall not be the only load on a branch circuit and shall be wired to a branch circuit consisting of lighting loads serving habitable spaces. Smoke detector circuit(s) shall be clearly labeled in the electric panel.”~~

*Add new subsections to read as follows:*

~~**R313.R315.2 Where required** **4 Carbon monoxide alarms in new construction.** In new construction, dwelling units within which fuel-fired appliances are installed or which have attached garages, shall be provided with carbon monoxide alarms installed outside each separate sleeping area in the immediate vicinity of the bedroom(s), and in each room(s) as the fuel-fire appliance(s) is (are) located.~~

~~—— **Exception:** Rooms containing kitchen appliances or cloths dryers.~~

~~**R313.5 Carbon monoxide alarms in existing dwellings.** In existing dwellings within which fuel-fired appliances are present or which have attached garages and where alterations, repairs or additions that require a building permit are being undertaken or when additional sleeping rooms are being created; carbon monoxide alarms shall be installed in locations as required **in Section R315.1**, ~~for new construction~~. The exceptions of Section ~~**R314.4R313.2.1**~~ shall also apply to retrofitting interconnected hard-wired carbon monoxide alarms.~~

*Add new subsection to read as follows:*

~~**R315.4R313.6 Alarm requirements.** Single station carbon monoxide alarms shall be listed as complying with UL 2034-08 and shall be installed in accordance with this code and the manufacture’s installation instructions.~~

~~**R313.6.1 Power source and alarm types.** Single-station carbon monoxide alarms shall be hard wired to the building’s electric system in the same ~~manor~~**manner** as required in Section ~~**R314.4R313.3**~~ for smoke ~~alarms~~**detectors**. Carbon monoxide alarm devices may be individually powered or may be interconnected between devices when the device listing allows for interconnection. Carbon monoxide alarm devices may be combination devices such that they serve both the buildings smoke ~~alarm~~**detection** and carbon monoxide ~~alarm~~**detection** requirements. When combination units are used, they shall be interconnected and shall be capable of sounding different alarm signals for either a smoke or a carbon monoxide condition.~~

## **SECTION ~~R501 GENERAL~~**R317 DWELLING UNIT SEPARATION****

*Add new ~~subsection~~**subsections** to read as follows:*

~~**R501.3 Fire protection of floors.** Floor assemblies, not required elsewhere in this code to be fire-resistance rated, shall be provided with a minimum of 1/2-inch (12.7 mm) gypsum wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing members.~~

**Exceptions:**

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D or NFPA 13R.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies can be unprotected when complying with the following:
  - 3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet per story
  - 3.2. Fire blocking in accordance with Section R302.11.1 shall be installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

~~**R317.2.5 Dwelling unit separation with sprinkler protection.** When a townhouse is protected with a suppression system conforming to NFPA 13 or NFPA 13R as listed in Chapter 43, dwelling unit separation walls shall be a minimum 1-hour fire-resistance-rated assembly, constructed continuous per Section R317.2.1. The wall parapet requirements of Sections R317.2.2 and R317.2.3 and the structural independence requirement of Section R317.2.4 shall not be required. The dwelling unit separation wall shall be constructed in conformance with its listing as tested in accordance with ASTM E 119.~~

~~**R317.2.5.1 Allowed utility systems within dwelling unit separation walls.** Plumbing, mechanical, fire protection and electrical systems shall be allowed in the dwelling unit separation wall except as prohibited in Section R317.2.5.2. Penetrations of the dwelling unit separation wall by these systems shall be in accordance with Section R317.3.~~

~~**R317.2.5.2 Prohibited utility systems within dwelling unit separation walls.** Clothes dryer vents, chimneys and flue gas vents shall not be installed in dwelling unit separation walls. Fire dampers shall not be installed in clothes dryer vents, chimneys or flue gas vents.~~

~~**R317.3.3 Fire damper listing.** Fire dampers used as a method to maintain the rating of a fire-resistance-rated assembly shall comply with the requirements of Underwriters Laboratory Standard, *UL 555, Fire Dampers* and shall be installed based on the fire damper listing. Fire dampers shall have a minimum fire-protection rating of 1-hour.~~

~~**R317.3.4 Alarm monitoring.** Water flow, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, auxiliary fire alarm system, or proprietary supervising station as defined in NFPA 72 or, when approved by the fire official, shall sound an audible and visual signal on the building exterior in a publicly visible location.~~

*Add new section to read as follows:*

## **SECTION R325 TOWNHOUSE FIRE SPRINKLER SYSTEMS**

~~**R325.1 Where required.** When a townhouse structure contains four (4) or more dwelling units, the structure shall be protected with an automatic fire sprinkler system designed in accordance with NFPA 13 or NFPA 13R.~~

~~**R325.2 Alarm monitoring.** Sprinkler systems shall be monitored by a fire alarm system complying with Section R317.3.4 of these amendments.~~

~~**R325.3 Separation walls and mechanical penetrations.** Townhouse unit separation walls, parapets, mechanical system penetrations and fire dampers shall have minimum construction features as stipulated in Sections R317.2.5, R317.2.5.1 R317.2.5.2 and R317.3.3 of these amendments.~~

## SECTION R1001 MASONRY FIREPLACES

*Add new sentence to end of subsection:*

**R1001.1 General.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*, NFPA 211, is also allowed by this code to be used for the design and installation of masonry fireplaces.”

## SECTION R1003 MASONRY CHIMNEYS

*Add new sentence to end of subsection:*

**R1003.1 Definitions.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*, NFPA 211 is also allowed by this code to be used for the design and installation of masonry chimneys.”

## **~~CHAPTER 11 ENERGY EFFICIENCY~~**

*Change Table N1101.2 to read as follows:*

~~New Hampshire. Zone 6 for entire State.~~

### **SECTION M1201 GENERAL**

*Add new subsection to read as follows:*

**M1201.3 Additional codes and standards.** In addition to the requirements of Chapters ~~1213~~ through ~~2423~~ of this Code; the design, installation, maintenance, alteration and inspection of new mechanical systems and new gas delivery systems shall also be in accordance with the *International Mechanical Code* (IMC) as adopted and amended by the City of Portsmouth. The Portsmouth Mechanical Code is found in Chapter 15, Part 2 of the City Ordinances. When there is a conflict between this code and the IMC in the design or installation of mechanical systems, the requirements of the IMC shall take precedence.

*Delete entire chapter and replace with the following:*

## **CHAPTER 24 FUEL GAS**

*Change subsection to read as follows:*

**G2401.1 Application.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of new gas piping and gas appliances. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of the appliances and the installation and operation of residential gas appliances and related accessories.

### **SECTION P2501 GENERAL**

*Add new subsection to read as follows:*

**P2501.3 Additional codes and standards.** In addition to the requirements of Chapters 25 through 32 of this Code; the design, installation, maintenance, alteration and inspection of new plumbing systems and fixtures shall also be in accordance with the *International Plumbing Code* (IPC) as adopted and amended by the City of Portsmouth. The Portsmouth Plumbing Code is found in Chapter 15, Part 1 of the City Ordinances. When there is a conflict between this Code and the IPC in the design or installation of plumbing systems, the requirements of the IPC shall take precedence.

### **SECTION ~~E3401E3301~~ GENERAL**

*Add new sentence to end of subsection:*

**~~E3401E3301.1~~ Applicability.** “The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle. The edition that is State adopted at the time of a new electrical installation shall govern the requirements of that installation.”

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## CHAPTER 35 REFERENCED STANDARDS

*Insert the following Codes and Standards:*

### **New Hampshire State Building Code**

Department of Safety  
33 Hazen Drive Drive  
Concord, NH 03305  
(603) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

### **New Hampshire Architectural Barrier Free Design Code**

Governor's Commission on Disability  
57 Regional Drive  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)  
<http://www.nh.gov/disability/abcommittee.html>

### **New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)  
[puc@puc.nh.gov](mailto:puc@puc.nh.gov)

### **New Hampshire Elevator Law, RSA 157-B**

NH Labor Department  
Boiler & Elevator Division  
PO Box 2076  
Concord, NH 03302-2076  
(603) 271-6294  
[www.labor.state.nh.us/boilers.asp](http://www.labor.state.nh.us/boilers.asp)

*Insert in the NFPA section the following referenced Codes and Standards:*

**13D-1307** Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings **R302.3,**  
**R310.1**

**13R-1307** Design & Installation of Sprinkler Systems in  
Residential Occupancies 4 Stories in Height or Less **R310.1, R313.1, R317.2.5,**  
**R325.1**

**54-1209** National Fuel Gas Code **R102.4.2, G2501.1**

**211-1306** Chimneys, Fireplaces,  
Vents, and Solid  
Fuel-Burning Appliances **R1001.1, R1003.1**

Amend in the *NFPA* section the following referenced Standards:

~~Change: 13-02 to 13-07 Design & Installation of Sprinkler Systems R310.1, R317.1, R317.2.5, R325.1~~

Change: ~~70-0805~~ to **70-1108** National Electric Code **R102R104.4.1,**  
~~E3401E3301.1~~

Change: ~~72-0702~~ to **72-1307** National Fire Alarm Code R313.1, ~~R317.3.4, R325.2~~

#### **APPENDIX A THROUGH APPENDIX F**

Appendix A through Appendix F are **not** adopted as part of this ordinance.

#### **APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS**

Appendix G **is** adopted as part of this ordinance without amendments.

#### **APPENDIX H THROUGH APPENDIX L**

Appendix H through Appendix L are **not** adopted as part of this ordinance.

#### **APPENDIX M – HOME DAY CARE, – R-3 OCCUPANCY**

Appendix M **is** adopted as part of this ordinance as amended below:

Edit subsection as follows:

##### **AM103.1.1 Exits access prohibited.**

Add new exception 2 to read as follows:

**Exception 2:** Exit access passing through an attached garage complying with Section R310.6 of these code amendments.

Change subsection to read as follows with exception remaining unchanged:

**AM103.1.2 Basements.** If the basement of a dwelling is to be used in the day-care operation, two exits are required from the basement regardless of the occupant load. One of the exits may pass through the dwelling and the other must lead directly to the exterior of the dwelling or lead through an attached garage that complies with Section R310.6 of these code amendments. Stairs leading from the basement are not required to be enclosed.

#### **APPENDIX N - VENTING METHODS**

#### **APPENDIX O - GRAY WATER RECYCLING SYSTEMS**

Appendix N and Appendix O **are** adopted as part of this ordinance without amendments.

#### **APPENDIX P – SIZING OF WATER PIPING SYSTEM–SPRINKLING**

Appendix P is **not** adopted as part of this ordinance.

#### **APPENDIX Q – INTERNATIONAL RESIDENTIAL CODE ELECTRICAL PROVISIONS / NATIONAL ELECTRIC CODE CROSS REFERENCE**

Appendix Q **is** adopted as part of this ordinance without amendments.

*ADOPTED XX XXX 20XX*

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~~CHAPTER 15~~

CITY ORDINANCE - CHAPTER 15

Part I

INTERNATIONAL PLUMBING CODE, 2006  
(Adopted 10/19/2009)

The International Plumbing Code, ~~2009~~2006 Edition (**IPC**) as published by the International Code Council, Inc. is hereby adopted as **Chapter 15, Part I**, of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions. ~~Chapter 15, Part I, also adopts in its entirety, the latest edition of the State Plumbing Code as published by the State Plumbing Licensing Board under authority of RSA 329 A:15. When there are conflicts between the amendments herein and the State Plumbing Code, the Portsmouth Amendments shall take precedence.~~

**SECTION 101 GENERAL**

*Insert in blank space:*

**101.1 Title.** “the City of Portsmouth, New Hampshire.”

*Edit subsection as follows:*

**101.2 Scope.** *Delete* the second sentence in its entirety. In the last sentence *delete* reference to the “~~International Fuel Gas Code~~” and *replace* text with the “National Fuel Gas Code, NFPA 54”.

*Add new subsection to read as follows:*

**101.5 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. Appendices B, C, D, E and F are adopted.

**SECTION 102 APPLICABILITY**

*Add new subsections to read as follows:*

**102.8.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the International Electric Code the reader shall substitute that reference with the National Electric Code, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. Refer to Chapter 12 of the city ordinances (Building Code) for the electric code administration process.

**102.8.2 Gas.** The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the installation of fuel gas piping from the point of delivery (meter) to the gas appliances, equipment,

or related accessories as covered in this Code. Wherever this Code references the International ~~Fuel~~ Gas Code the reader shall substitute that reference with the National Fuel Gas Code, NFPA 54.

**102.8.3 Property maintenance.** The City of Portsmouth does not adopt the International Property Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or requirements.

**102.8.4 Sewage disposal.** The City of Portsmouth does not adopt the International Sewage Disposal Code and any reference to it in this Code shall not direct the reader to its contents or requirements. Private sewage disposal systems shall meet the requirements of State Law, RSA 485-A:29-44.

## SECTION 103 DEPARTMENT OF BUILDING SAFETY

*Change subsection to read as follows:*

**103.1 General.** The ~~Department of Building Safety~~ ~~Safety is created and the Inspection Department's~~ executive official ~~thereof shall be known as is~~ the Chief Building Inspector. There shall be a Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be referred to as the *code official*.

## ~~SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL~~

*Edit subsection as follows:*

~~**104.2 Rule-making Authority.** Add the word "written" in front of the word "rules" in the first sentence.~~

## SECTION 106 PERMITS

*Change subsection to read as follows:*

**106.3 Plumbing permits.** Plumbing permits shall be issued on the form provided by the Building Inspection Department. A separate permit application is not required.

*Add new subsection to read as follows:*

**106.3.1.12 Food establishment documentation.** All new and renovated food establishments shall submit plumbing designs as required in Section 106.3.1.

*Delete the following subsection without substitution:*

**~~106.4 By whom application is made.~~**

*Change subsection to read as follows:*

**106.5 Permit issuance.** The construction documents and other data filled by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall be done in accordance with the submitted construction documents presented at the time of permit issuance.

Plumbing permits shall only be issued to current New Hampshire Master Plumbers; resident owners of single family homes for work in said home and in which the owner currently resides; and to persons engaged in the installation and servicing of water softeners or swimming pools. (Reference State RSA 329-A:13). All permits shall be obtained in person by the qualified person taking responsibility for the work. Plumbing permits shall not be transferable. All work shall be done in accordance with the submitted construction documents.

The code official shall have the authority to issue a permit for the construction of part of a plumbing system before the entire construction documents for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own risk without assurance that the permit for the entire plumbing system will be granted.

*Delete the following subsection without substitution:*

**~~106.5.1 Approved construction documents.~~**

*Change subsection to read as follows:*

**106.5.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any local laws or ordinances governing the construction work. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections. Work elements shall be items associated with the plumbing permit scope of work.

*Delete the following subsection without substitution:*

**~~106.5.4 Extensions.~~**

*Add new subsection to read as follows:*

**106.5.97 Outstanding permits.** Any person or company with outstanding or expired permits, for work that has been completed and not inspected, may be denied issuance of new permits, until all prior work has passed all required inspections.

*Delete the following subsection without substitution:*

**~~106.5.6 Retention of construction documents.~~**

*Change subsections to read as follows:*

**106.6.1 Work commencing before permit issuance.** Any person who commences any work on plumbing systems, equipment, pipes, or fixtures without first obtaining the required permit(s) shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

**106.6.2 Fee schedule.** Fees shall be determined in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued. No work will be inspected unless all fees are paid in full. See Section 107.1.2.4 for reinspection fees.

**106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refund of any fee paid, except upon written request filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of Section 106.5.3.

*Add new subsection to read as follows:*

**106.6.4 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done

by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

## SECTION 107 INSPECTIONS AND TESTING

*Add sentence to end of subsection to read as follows:*

**~~107.1~~ 107.2 Required inspections and testing.** “The permit holder shall allow a minimum of two work days (48 hours) from the time the inspector is notified to the time the inspection is scheduled and shall be present during the required inspections.”

*Add new subsection to read as follows:*

**107.2.5.4 Reinspection fees.** If, upon being called for any inspection, and the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the code official’s report. The permit holder shall be responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed in accordance with Chapter 1, Article XVI or similar wording, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the code official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the code official’s report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

## SECTION 108 VIOLATIONS

*Change subsection to read as follows:*

**108.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building

or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

## SECTION 109 MEANS OF APPEAL

*Delete entire Section 109 and substitute with the following:*

**109.1 Application for appeals.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended (City Building Code), for the procedure to follow when an appeal from the provisions of this Code is being requested and for the membership and qualifications of the Board of Appeals.

## SECTION 202 GENERAL DEFINITIONS

*Change the following definitions to read as follows:*

**Hot Water:** Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

**Tempered Water:** Water having a temperature range between 85 degrees F (29 degrees C) and 110 degrees F (43.3 degrees C).

*Amend Section 202 by adding the following definition:*

**Food service establishment:** Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

## SECTION 305 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

*Change subsection to read as follows:*

**305.6 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

*Change subsection to read as follows:*

**305.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches(1219 mm) below grade or be adequately

insulated to afford the same protection whenever a condition arises that the 48 inches(1219 mm) cannot be attained.

## SECTION 312 TESTS AND INSPECTIONS

*Change subsection to read as follows:*

**312.1 Required tests.** The permit holder shall make the applicable tests prescribed in Sections 312.2, 312.3, through 312.9 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice (2 work days) to the code official when the plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or air.

*Edit subsection as follows:*

**312.5 Water supply system test.** *Delete* the words: “~~or, for piping systems other than plastic~~” in the first sentence.

## SECTION 403 MINIMUM PLUMBING FACILITIES

*Change exception 2 in subsection to read as follows:*

### **403.2 Separate facilities.**

**Exception 2:** In other than mercantile occupancies, separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 24 or less. See Section 403.4.4 of these amendments for mercantile occupancy fixture requirements.

*Change subsection to read as follows:*

~~**403.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The accessible route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces. Public toilet facilities shall be available to the public at all times the building or tenant space is open for business. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall be either separate or combined with public facilities. The minimum number of plumbing fixtures shall be calculated by Table 403.1, Section 403.2 and Section 403.4.4. Plumbing fixtures shall also comply with the accessibility requirements of Section 404.1.~~



*Add new subsection to read as follows:*

**403.34.54.4 Group M occupancies.** A minimum of one public single occupant toilet room shall be provided in buildings or tenant spaces when the total occupant load is more than 24 persons but less than 50 persons. A minimum of two public single occupant toilet rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point where the provisions of Table 403.1 would require more than two fixtures.↵

**Exception:** Where an existing toilet room is present and renovations are being undertaken, the existing toilet room shall not be removed even if the occupant load is 24 persons or less. In a case where there are more toilet rooms existing than what are required under this code, toilet rooms in excess of the minimum required may be removed but at least one shall remain.

## **SECTION 404 ACCESSIBLE PLUMBING FACILITIES**

*Change subsection to read as follows:*

**404.1 Where required.** Accessible plumbing facilities and fixtures shall be provided in accordance with the International Building Code and State of New Hampshire Architectural Barrier Free Design Standards as listed in Chapter 13.

## **SECTION 405 INSTALLATION OF FIXTURES**

*Add new subsections to read as follows:*

**405.3.3 Bathtubs and showers.** The clear space in front of a bathtub or shower shall be a minimum of 30-inches wide and 24-inches deep.

**405.3.4 Ceiling height above fixtures.** Bathrooms and kitchens sink areas shall have a minimum ceiling height of 6 feet 8 inches (6'-8") at the front clearance areas for fixtures as shown in Figure 405.3.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (6'-8") above a minimum area 30 inches by 30 inches at the showerhead.

**Exception:** Showers complying with the Exception in Section 417.4 shall have a minimum ceiling height of 6'-8" above an area 25 inches by 30 inches at the showerhead

## SECTION 410 DRINKING FOUNTAINS

*Add new subsection to read as follows:*

~~**410.1.1 Occupancies with limited occupants.** In any occupancy classification with a design occupant load of less than 50 persons, a single point of use water cooler may be substituted for the required drinking fountain. Refer to Chapter 11 of the Building Code for required drinking fountain accessibility features.~~

## SECTION 418 SINKS

*Add new subsections to read as follows:*

**418.4 Service/utility sinks or curbed mop base.** Use groups requiring service sinks are found in Table 403.1. Service sink faucet spouts which accommodate a hose connection shall require backflow protection as required in Section 608.2. Food service establishments shall have a service/utility sink or curbed mop base installed on the main food preparation floor level and on any floor level where food is prepared and where dish or pot washing takes place. This sink shall be placed close to the kitchen area or as approved by the Health Department.

**418.5 Pre-rinse sink.** All food service establishment kitchens shall have a pre-rinse sink adjacent to the automatic dishwasher. The pre-rinse sink shall be adjacent to the 3 compartment pot sink in kitchens allowed to omit the dishwasher. The pre-rinse sink shall drain to the grease interceptor.

## SECTION 419 URINALS

*Change subsection to read as follows:*

**419.1 Approval.** Urinals shall conform to ANSI Z124.9, ASME A112.19.2M, CSA B45.1, or CSA B45.5. Urinals shall conform to the water consumption requirements of Section 604.4. Water supplied urinals shall conform to the hydraulic performance requirements of ASME A112.19.6, CSA B45.1 or CSA B45.5. If a no-water urinal is installed, a water supply line shall be sized and installed as if a water supplied urinal were being installed. Said supply line shall be properly capped and may be buried within the building construction at the urinal location.

## SECTION 501 GENERAL

*Change subsections to read as follows:*

**501.2 Water heater as space heater.** Where combination potable water heating and space heating systems require water for space heating, a master thermostatic mixing valve complying with ASSE 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a

temperature of 130 degrees F (54 degrees C) maximum. The potability of the water shall be maintained throughout the system.

**501.6 Water temperature control in piping from tankless heaters.** The temperature of water from tankless heaters shall be a maximum of 130 degrees F (54 degrees C) when intended for domestic uses. When a tempering device is used to limit the maximum water distribution system temperature it shall conform to ASSE 1017. This provision shall not supersede the requirement for protective shower valves in accordance with Section 424.3.

*Add new subsection to read as follows:*

**501.9 Minimum water heater temperatures. Tank type water heaters and indirect fired hot water storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the maximum hot water temperature to faucets as required by this code.**

## SECTION 603 WATER SERVICE

*Change subsection to read as follows:*

**603.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the structure in quantities and at the pressures required in this code. The minimum diameter of water service pipe shall be 1 inch.

## SECTION 605 MATERIALS, JOINTS AND CONNECTIONS

*Amend Table 605.3 as follows:*

**Table 605.3 Water service pipe.** Delete all materials except type K copper for all pipe up to and including 3 inches (3") in diameter **and** cement lined ductile iron for pipe over 3 inches (3") in diameter.

*Edit subsection as follows:*

**605.22.2 Solvent cementing.** Delete the word "~~purple~~" in the second sentence.

## SECTION 607 HOT WATER SUPPLY SYSTEMS

*Add new subsection to read as follows:*

**607.1.1 Child care and Group E water temperatures.** Water for hand washing sinks in child care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F (49 degrees C).

*Change subsection to read as follows:*

**607.2 Hot water supply temperature maintenance.** Where the developed length of hot water piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15.24 m), the hot water supply system shall be provided with a method of maintaining the temperature in accordance with the International Energy Code.

## **SECTION 608 PROTECTION OF POTABLE WATER SUPPLY**

*Change subsection to read as follows:*

**608.14 Portsmouth Water Department backflow prevention criteria.** Backflow prevention at the water meter shall be accordance with Section 608.14.1 through 608.14.5, and Section 608.16.5.

*Delete the following subsection without substitution:*

~~**608.14.1 Outdoor enclosures for backflow prevention.**~~

*Add new subsections to read as follows:*

**608.14.1 Multiple tenant spaces.** All buildings that have more than three tenants or tenant spaces being served by one water service shall have two backflow preventers installed in parallel for uninterrupted service. When the building or tenant space does not have a known tenant, the water service to that building or tenant space shall have a reduced pressure zone backflow preventer installed on the building side of the water meter.

**608.14.1.2 Dual check valve assemblies.** All new residential water services of less than or equal to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly conforming to ASSE 1024 listed in Chapter 13. Said assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per Section 607.3.2.

**608.14.2.1.3 Existing water service.** When replacing or upgrading an existing water distribution piping system, a dual check valve backflow prevention assembly shall be installed on the water

distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per Section 607.3.2

**608.14.1.43 Double check-valve assemblies.** All new residential water services greater than 1 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City of Portsmouth *Cross Connection Control and Backflow Prevention Ordinance* listed in Chapter 13.

**608.14.1.54 Bypass lines.** Bypass lines around required backflow preventers shall be protected with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth *Cross Connection Control and Backflow Prevention Ordinance* listed in Chapter 13 for additional backflow prevention requirements

**608.14.1.65 Auxiliary wells or water supplies.** Whenever an auxiliary well or water supply serves property that also has a domestic water service, the domestic water service shall have a reduced pressure principle backflow preventer installed on the water distribution side of the water meter in accordance with the City of Portsmouth *Cross Connection Control and Backflow Prevention Ordinance* listed in Chapter 13

*Change subsection to read as follows:*

**608.16.5 Connection to lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

*Edit subsections as follows:*

**608.16.8 Portable cleaning equipment.** *Delete reference to Section 608.13.7 and insert reference to Section 608.13.5.*

**608.16.9 Dental pump equipment.** *Delete reference to Section 608.13.6.*

## SECTION 701 GENERAL

*Change subsection to read as follows:*

**701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where available or an approved private disposal system. A building is considered available to a public sewer when said building is within 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan shall document it's location on the lot. Subsurface systems shall meet the requirements of

RSA 485-A:29-44.

## SECTION 705 JOINTS

*Edit subsections as follows:*

**705.8.2 Solvent cementing.** *Delete* the word “~~purple~~” in the second sentence.

**705.14.2 Solvent cementing.** *Delete* the word “~~purple~~” in the second sentence.

## **SECTION 905 VENT CONNECTIONS AND GRADES**

*Change subsection to read as follows:*

**905.6 Vent for future fixtures.** **Within an habitable or occupiable space at the lowest level of a structure where plumbing fixtures are not installed, there shall be made available an accessible vent connection, not less than 2” inch diameter, which is properly connected to the vent system to provide for future venting.**

## SECTION 909 WET VENTING

*Amend Table 909.3 as follows:*

**Table 909.3 Wet Vent Sizing.** *Delete* 1-1/2 inch Wet Vent Pipe Size and 1 Drainage Fixture Unit Load from table.

## SECTION 917 AIR ADMITTANCE VALVES

*Change subsection to read as follows:*

**917.3 Where permitted.** Air admittance valves are not a substitute for a conventional venting system. Air admittance valves shall only be used when structural conditions prevent conventional venting of fixtures. Use of air admittance valves shall be pre-approved by the code official on a case-by-case basis. When approved, individual branch and circuit vents shall be permitted to terminate with a connection to an individual or branch type air admittance valve. Stack vents and vent stacks shall be permitted to terminate to stack type air admittance valves. Individual and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain. The horizontal branch drain having individual and branch type air admittance valves shall conform to Section 917.3.1 or 917.3.2. Stack type air admittance valves shall conform to Section 917.3.3.

## SECTION 1003 INTERCEPTORS AND SEPARATORS

*Change subsection to read as follows:*

**1003.2 Approval.** All interceptors and separators shall be of the type and capacity approved by the City Engineer. Each interceptor and each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. When exceptions are granted under the conditions of Section 1003.3, the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste exempted from treatment by the City Engineer, shall not be discharged into separators or interceptors.

*Change subsection to read as follows:*

**1003.3 Food service grease interceptors required.** New and remodeled food service establishments shall install a 1000 gallon in-ground grease interceptor located outside the building envelope in addition to all required grease interceptors at fixtures inside the building. The grease interceptor shall receive drainage from fixtures and equipment with grease laden waste as stated in Section 1003.3.1.

**Exception 1:** When adequate in-ground space is not available outside on the lot, ~~an automatic-grease~~ **interceptor approved by the City Engineer and removal unit (AGRU) sized in accordance with section 1003.3.4 for the load** shall be installed inside.

**Exception 2:** When the Health officer and City Engineer do not feel the type of food service establishment warrants such protection.

**Exception 3:** If the drain line connecting a grease laden fixture(s) to the in-ground interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with a grease removal device ~~or an AGRU~~ as listed in Section 1003.3.4 ~~or 1003.3.5.~~

*Add sentence to end of subsection to read as follows:*

**1003.4 Oil separators required.** “The City Engineer shall approve all oil separator designs.”

*Change subsection to read as follows:*

**1003.10 Access and maintenance of interceptors and separators.** All interceptors and separators shall be located to provide easy access for cleaning and inspection. Interceptors shall not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned and repaired regularly as needed by the building owner at their expense. The building owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to periodic review by the City Engineer, City Health Officer or Code Official. Only licensed waste disposal companies shall perform removal and disposal operations of the collected materials.

## CHAPTER 13 REFERENCED STANDARDS

*Insert the following referenced codes and regulations:*

### **New Hampshire State Building Code**

Department of Safety  
33 Hazen Drive Drive  
Concord, NH 03305  
(603) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

### **New Hampshire Architectural Barrier Free Design Code**

Governor’s Commission on Disability  
57 Regional Drive  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)  
<http://www.nh.gov/disability/abcommittee.html>

### **New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)  
[puc@puc.nh.gov](mailto:puc@puc.nh.gov)



**Cross Connection Control and Backflow Prevention Ordinance** 608.14  
City of Portsmouth New Hampshire 608.16.5  
Department of Public Works, Water Division  
680 Peverly Hill Road  
Portsmouth, NH 03801  
(603) 766-1413

*Add in the NFPA section the following referenced Standards:*

**54-09** National Fuel Gas Code 101.2, 102.8.2

*Amend in the NFPA section the following referenced Standards:*

*Change 70-02 to 70-08* National Electric Code 102.8.1, 502.1,  
504.3, 1113.1.3

**APPENDIX A – PLUMBING PERMIT FEE SCHEDULE**

*Appendix A is not adopted as part of this ordinance.*

**APPENDIX B – RATES OF RAINFALL FOR VARIOUS CITIES**

*Appendix B is adopted as part of this ordinance without amendments.*

**APPENDIX C – GRAY WATER RECYCLING SYSTEMS**

*Appendix C is adopted as part of this ordinance without amendments.*

**APPENDIX D – DEGREE DAY DESIGN TEMPERATURES**

*Appendix D is adopted as part of this ordinance without amendments.*

**APPENDIX E – SIZING OF WATER PIPING SYSTEM**

*Appendix E is adopted as part of this ordinance without amendments.*

**APPENDIX F – STRUCTURAL SAFETY**

*Appendix F is adopted as part of this ordinance without amendments*

**APPENDIX G – VACUUM DRAINAGE SYSTEM**

*Appendix G is not adopted as part of this ordinance.*

**ADOPTED: 20 Oct 2009**

**CITY ORDINANCE -**

## CHAPTER 15

### ~~CITY ORDINANCE – CHAPTER 15~~

#### Part II

### **INTERNATIONAL -MECHANICAL -CODE, -2006** **(Adopted 10/20/2009)**

The International Mechanical Code, **20092006 Edition (IMC)** as published by International Code Council is hereby adopted as **Chapter 15, Part II**, of the Ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions:

#### **SECTION 101 GENERAL**

*Insert in blank space:*

**101.1 Title.** “the City of Portsmouth, New Hampshire”

*Edit subsection as follows:*

**101.2 Scope.** *Delete the reference, “~~International Fuel Gas Code~~” and replace with the reference, “National Fuel Gas Code, NFPA 54.”*

#### **SECTION 102 APPLICABILITY**

*Add new subsections to read as follows:*

**102.8.1 Electrical code.** The provisions of the *National Electric Code*, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Where ever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. Refer to Chapter 12 of the city ordinances (Building Code) for the electric code administration process.

**102.8.2 Gas code.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of gas piping from the point of delivery (meter) to gas appliances and related accessories as covered in this code. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54. Refer to Chapter 16 of these amendments for modifications to NFPA 54.

**102.8.3 Liquefied petroleum gas code.** The provisions of the *Liquefied Petroleum (LP) Gas Code*, NFPA 58, shall apply to the installation of propane containers and the first- and second stage pressure regulators.

**102.8.4 Commercial cooking.** The requirements of NFPA 96, the *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, **Chapter 10: Fire-Extinguishing Systems, Chapter 11: Procedures for the Use and Maintenance of Equipment and Chapter 14: Solid Fuel Cooking Operations** shall apply ~~to all hoods, ducts and to Type I hoods fire suppression systems~~ in occupancies with commercial food preparation services.

## SECTION 103 DEPARTMENT OF BUILDING SAFETY

*Change subsection to read as follows:*

**103.1 General.** The ~~Department of Building Safety is created and the Inspection Department's~~ executive official ~~thereof shall be known as is~~ -the Chief Building Inspector. There shall be a Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be referred to as the *code official*.

## SECTION 106 PERMITS

*Change subsection to read as follows:*

**106.3 Mechanical permits.** Mechanical permits shall be issued on the form provided by the Building Inspection Department. A separate permit application is not required.

*Change subsection to read as follows:*

**106.4 Permit issuance.** The construction documents and other data filled by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall be done in accordance with the submitted construction documents presented at the time of permit issuance.

Mechanical permits shall only be issued to resident owners of single family homes for work in said home in which the owner currently resides, and to businesses engaged in the installation of any heating, cooling, air-conditioning or domestic water heating systems. All permits shall be obtained in person by the *qualified person or agency* taking responsibility for the work. Mechanical permits shall not be transferable.

For gas piping work and the installation and repair of all gas fired equipment, a *qualified person* shall be any person who conforms to the SAFE-C-8000 *Licensing of Fuel Gas Fitters* rules, as regulated by The State of New Hampshire Division of Fire Safety.

The code official shall have the authority to issue a permit for the construction of part of a mechanical system before the entire construction documents for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with

all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own risk without assurance that the permit for the entire mechanical system will be granted.

*Delete the following subsection without substitution:*

**~~106.4.1 Approved construction documents.~~**

*Change subsection to read as follows:*

**106.4.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any local laws or ordinances governing the construction work. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections. Work elements shall be items associated with the mechanical permit scope of work.

*Delete the following subsection without substitution:*

**~~106.4.4 Extensions.~~**

*Add new subsection to read as follows:*

**106.4.97 Outstanding permits.** Any person or company with outstanding or expired permits, for work that has been completed and not inspected, may be denied issuance of new permits, until all prior work has passed all required inspections.

*Change subsections to read as follows:*

**106.5.1 Commencing work before permit issuance.** Any person who commences any work on mechanical equipment, systems, pipes, ducts or fixtures without first obtaining the required permit(s) shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

**106.5.2 Fee schedule.** Fees shall be determined in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued. No work will be inspected unless all fees are paid in full. See Section 107.6 for reinspection fees.

*Edit subsection as follows:*

**106.5.3 Fee refunds:**

*Insert in blank spaces:* 2. “50%”; 3. “50%”

*In last paragraph substitute “one year” in place of “180 days”.*

*Add sentence to end of last paragraph:*

“Refunds shall not be issued on permits that have expired under the conditions of Section 106.4.3.”

*Add new subsection to read as follows:*

**106.5.4 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

## **SECTION 107 INSPECTIONS AND TESTING**

*Add new subsection to read as follows:*

**107.5 107.3.4 Reinspection fees:** If, upon being called for any inspection, and the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the code official’s report. The permit holder shall be responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed in accordance with Chapter 1, Article XVI or similar wording, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the code official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the code official’s report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

*Add sentence to end of subsection:*

**107.43 Approval.** “Said notice shall be the completed permit inspection log form.”

## **SECTION 108.0 VIOLATIONS**

*Change subsection to read as follows:*

**108.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

**108.5 Stop work orders:** *Insert in the first blank: "\$100.00"; Insert in the second blank: "\$1000.00".*

## **SECTION 109 MEANS OF APPEAL**

*Delete the entire section and substitute with the following:*

**109.1 Application for appeal.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended (City Building Code), for the procedure to follow when an appeal from the provisions of this Code is being requested and for the membership and qualifications of the Board of Appeals.

## **SECTION 202 GENERAL DEFINITIONS**

*Add new definition to subsection:*

**Food service establishment.** Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

## **SECTION 303 EQUIPMENT AND APPLIANCE LOCATION**

*Add new subsection to read as follows:*

**303.9 Equipment noise.** Refer to the City of *Portsmouth Zoning Ordinance*, for the limitations of excessive noise from mechanical equipment operations. Noise from mechanical equipment shall not exceed the levels so stated.

## **SECTION 501 GENERAL**



*Add new subsection to read as follows:*

**501.5 Mechanical equipment and terminations in the Historic District.** Mechanical equipment and equipment terminations shall comply with the *City of Portsmouth Zoning Ordinance* with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

### ~~SECTION 506 COMMERCIAL KITCHEN HOOD VENTILATION SYSTEM DUCTS AND EXHAUST EQUIPMENT~~

*Change subsection to read as follows:*

~~**506.1 General.** The requirements of NFPA 96, *the Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations* shall apply to all hoods, ducts, make-up air and suppression systems in commercial food service establishments. The provisions of NFPA 96 governing hoods shall mean a Type I hood as defined in this code.~~

*Change subsection to read as follows:*

~~**506.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this code:~~

#### ~~Chapter 10 Fire-Extinguishing Equipment~~

*Add new subsections to read as follows:*

#### ~~**10.9.3 Initial System Tests.**~~

~~**10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as required by the *City of Portsmouth Range Hood Test Report Form*. The suppression test shall use a substitute non-flammable gas in place of the UL 300 suppression agent.~~

~~**10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in Section 10.9.3.1 shall be performed.~~

## **Chapter 11 Procedures for the Use and Maintenance of Equipment**

*Add new sentence to end of subsection:*

### **11.6 Cleaning of Exhaust Systems.**

**11.6.2\*** “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure A.11.6.2 shall become mandatory requirements of this Section.”

*End of NFPA 96 Amendments.*

*Delete the following subsections without substitution:*

**506.3 through 506.3.12.3 Ducts serving Type I hoods.**

### **SECTION 507 COMMERCIAL KITCHEN HOODS**

*Add exception 4 in subsection to read as follows:*

**Exception 4.** Cooking equipment that has been listed in accordance with ANSI/UL 197 or an equivalent standard for reduced emissions shall not be required to be provided with an exhaust system. Spaces in which such systems are located shall be considered to be kitchens and shall be ventilated in accordance with table 403.3. For the purposes of determining the floor area required to be ventilated, each individual appliance shall be considered as occupying not less than 100 square feet.(9,3m<sup>2</sup>).

*Add new subsection to read as follows:*

**507.2.3.1 Cooking appliances for accessory uses.** All free standing domestic ranges used for cooking demonstrations/classes, employee break rooms, or similar “mini” kitchens, shall have Type II range hoods complying with Sections 507.5 and 507.7.2. Range hood vent terminations shall comply with Section 506.4.1. Ranges used for such accessory purposes shall not be used to prepare food sold to the general public.

*Delete the following section without substitution:*

### ~~SECTION~~ **SECTION 509 FIRE SUPPRESSION SYSTEMS**

*Add subsection to read as follows:*

**509.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this code:

## Chapter 10 Fire-Extinguishing Equipment

*Add new subsections to read as follows:*

### 10.9.3 Initial System Tests.

**10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as required by the *City of Portsmouth Range Hood Test Report Form*. The suppression test shall use a substitute non-flammable gas in place of the UL 300 suppression agent.

**10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in Section 10.9.3.1 shall be performed.

## Chapter 11 Procedures for the Use and Maintenance of Equipment

*Add new sentence to end of subsection:*

### 11.6 Cleaning of Exhaust Systems.

**11.6.2\*** “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure A.11.6.2 shall become mandatory requirements of this Section.”

*End of NFPA 96 Amendments.*

~~508 COMMERCIAL KITCHEN MAKEUP AIR~~

## CHAPTER- 8 CHIMNEYS AND VENTS

### SECTION 801 GENERAL

*Change subsections to read as follows:*

**801.1 Scope.** This chapter shall govern the installation, maintenance, repair and approval of factory-built chimneys, chimney liners, vents and connectors. This chapter shall also govern the utilization of masonry chimneys. Gas-fired appliances shall be regulated in accordance with the *National Fuel Gas Code*, NFPA 54.

**801.3 Masonry chimneys.** Masonry chimneys shall be constructed in accordance with the *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*.

### SECTION 902 MASONRY FIREPLACES

*Change subsection to read as follows:*

**902.1 General.** Masonry fireplaces shall be constructed in accordance with the *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*.

## CHAPTER 15 REFERENCED STANDARDS

*Insert the following Codes and Regulations:*

### **New Hampshire State Building Code**

Department of Safety  
33 Hazen Drive Drive  
Concord, NH 03305  
(603) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

**Guidelines Manual for Two (2) PSIG Gas Systems.** 1601.2 (NFPA 54, 5.5.1)

Unitil Corporation.  
PO Box 508  
325 West Road, Portsmouth, NH 03802-0508,  
1-800-552-3047

### **New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)  
puc@puc.nh.gov

*Add in the NFPA section the following referenced Standards:*

<b>54-09</b> National Fuel Gas Code 1601.2	101.2, 102.8.2, 801.1,	1601.1,
<b>70-05</b> National Electric Code	102.8.1	
<b>96-1108</b> Ventilation Control and Fire Protection of Commercial Cooking Operations	102.8.4, <del>506.1</del>	

*Amend in the NFPA section the following referenced Standards:*

*Change 31-~~0601~~ to 31-1106* Standard for Installation of Oil Burning Equipment

*Change 58-~~0401~~ to 58-1404* Liquefied Petroleum Gas Code

*Change 211-~~0to03~~ to 211-1306* Standards for Chimneys,  
Fireplaces, Vents and Solid Fuel-Burning Appliance

*Add a new Chapter 16 to read as follows:*

## **CHAPTER 16 FUEL GAS INSTALLATIONS**

### **SECTION 1601 GENERAL**

**1601.1 Scope.** This chapter shall govern the installation, modification and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories. All such installations shall be regulated by the *National Fuel Gas Code*, NFPA 54 subject to the following additions, amendments and deletions.

**1601.2 Amendments to the National Fuel Gas Code.** The following text refers to the *National Fuel Gas Code*, NFPA 54 listed in Chapter 15.

#### **Section 5.5 Piping System Operating Pressure Limitations.**

*Add new subsection to read as follows:*

**5.5.1.1 Two pound gas systems.** Two pound gas delivery systems shall be designed and installed as outlined in the *Guidelines Manual for 2 psig Gas Systems* listed in Chapter 15.

#### **Section 5.6 Acceptable Piping Materials and Joining Methods.**

~~*Change subsection to read as follows:*~~

~~5.6.2.2 Steel and wrought iron. Black steel pipe complying with ANSI/ASME B36.10 or ASTM A 53 shall be used for all gas delivery systems after the point of delivery.~~

*Delete the following subsections without substitution:*

~~5.6.2.3 Copper and Brass~~

~~5.6.2.4 Threaded Copper, Brass, and Aluminum~~

~~5.6.2.5 Aluminum Alloy~~

~~5.6.2.6 Aluminum Installation~~

~~5.6.3 Metallic Tubing~~

~~5.6.3.1 Steel~~

~~5.6.3.2 Copper and Brass~~

~~5.6.3.3 Aluminum~~

*Change subsection to read as follows:*

**5.6.3.4 Corrugated Stainless Steel.** Corrugated stainless Steel Tubing shall be listed in accordance with ANSI LC 1/CSA 6.26, *Fuel gas Piping Systems Using Corrugated Stainless Steel Tubing*. Corrugated stainless steel tubing may only be used in 1 and 2 family dwelling units and townhouses with firewalls constructed per Section 706 of the 2009 International Building Code.

## **Section 7.2 Installation of Piping.**

*Add new subsections to read as follows:*

**7.2.8.1 Exterior Meter Connections.** CSST shall not be connected to an exterior meter. The tubing shall terminate at the foundation wall with a termination fitting, and the gas meter shall be rigidly connected with steel piping to the building structure.

**7.2.8.2 Fireplace Log Installations.** CSST shall terminate with a termination fitting at the entrance to the masonry fire box. The workmanship shall be performed and completed in such a manner so that the termination will not be exposed to any mechanical damage.

**7.2.8.3 Fixed Appliance Connection Using CSST.** CSST may be directly connected to a fixed appliance when all the following conditions are met:

1. The tubing is securely attached to the building structure or other means of solid support.
2. Tubing shall not run exposed for a distance greater than or equal to 30 inches without being physically attached to the building structure or other means of solid support.
3. CSST terminates with a proper fitting and gas cock.

**7.2.8.4 CSST Used as an Appliance Connection.** CSST shall not be used as a flexible appliance connector downstream of the appliance shutoff device.

**7.2.8.5 Testing Requirements for CSST Systems.** When CSST piping systems are installed in new construction or remodeling, the system shall be tested before any piping is covered as part of the inspections prescribed in Chapter 8.1. Before placing appliances and equipment in operation a second pressure test as prescribed in Chapter 8.1 shall be completed and inspected.

**7.2.8.6 CSST Piping Installed on Roofs.** CSST shall be installed for roof top equipment only when it is supported by one of the following methods:

1. The CSST tubing is installed within a metal or plastic conduit that is securely attached by an appropriate method every six feet to the roof structure. Where the piping system requires a tee to be installed within the line, the sleeve shall terminate no more than 12 inches from the tee on both main and branch line runs.
2. For CSST tubing having sizes of 1½ inch and two inches and having a UV stabilized jacket, all the following requirements shall be satisfied:
  - a. The CSST shall be supported on blocks which are spaced not more than 48 inches apart.
  - b. The blocks shall be constructed of materials appropriate for outdoor conditions and shall be securely attached by an appropriate method to the roof structure, and
  - c. The method used to attach the CSST to the block shall not damage the plastic coating.
3. The maximum length of tubing not supported by any method listed shall not exceed 30-inches when connected to a gas fired roof top unit or similar gas equipment.

**Section 12.9 Through the wall vent termination.**

*Add new subsection to read as follows:*

**12.9.6** Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

*End of NFPA 54 Amendments.*

**APPENDIX A – COMBUSTION AIR OPENINGS AND  
CHIMNEY CONNECTOR PASS-THROUGH**

*Appendix A is adopted as part of this ordinance.*

**APPENDIX B – RECOMMENDED PERMIT FEE SCHEDULE**

*Appendix B is not adopted as part of this ordinance.*

~~**ADOPTED 20**~~**ADOPTED 20 Oct 2009**



**CITY ORDINANCE – CHAPTER 15**

**PART III**

**NATIONAL ELECTRIC CODE, 2014**

The National Electrical Code, 2014 (NEC), is hereby adopted as Chapter 15, Part III, of the ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions:

*Change subsection to read:*

**210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

Ground-fault circuit-interrupter protection for personnel shall be provided as required in 210.8(A) through (E). The ground- fault circuit interrupter shall be installed in a readily accessible location.

For the purposes of this section, when determining distance from receptacles the distance shall be measured as the shortest path the cord of an appliance connected to the receptacle would follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door, doorway, or window.

(A) **Dwelling Units.** All 125-volt, **and 240 volts** single-phase, 15-thru ~~20~~ **50** ampere receptacles installed in the locations specified in 210.8(A)( 1) through (10) shall have ground-fault circuit interrupter protection for personnel.

1) Bathrooms

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use

(3) Outdoors

*Exception to (3): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

(4) Crawl spaces — at or below grade level

(5) Unfinished portions or areas of the basement not intended as habitable rooms

*Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground fault circuit-interrupter protection.*

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens — where the receptacles are installed to serve the countertop surfaces

(7) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

(8) Boathouses

(9) Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall

(10) Laundry areas

**B) All Area Including Dwelling Unit ~~Other Than Dwelling Units~~.** All single-phase receptacles rated 150 volts to ground or less, 50 amperes or less and three phase receptacles rated 150 volts to ground or less, 100 amperes or less installed in the following locations shall have ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms

(2) Kitchens

(3) Rooftops

*Exception: Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.*

(4) Outdoors

*Exception No. 1 to (3) and (4): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

*Exception No. 2 to (4): In industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program as specified in 590.6(B)(3) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or having a design that is not compatible with GFCI protection.*

(5) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

*Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection.*

*Exception No. 2 to (5): For receptacles located in patient bed locations of general care (Category 2) or critical care (Category 1) spaces of health*

*care facilities other than those covered under 210.8(B)(1), GFCI protection shall not be required.*

- (6) Indoor wet locations
- (7) Locker rooms with associated showering facilities
- (8) Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms
- (9) Crawl spaces — at or below grade level
- (10) Unfinished portions or areas of the basement not intended as habitable rooms
- (C) Boat Hoists.** GFCI protection shall be provided for outlets not exceeding 240 volts that supply boat hoists installed in dwelling unit locations.
- (D) Kitchen Dishwasher Branch Circuit.** GFCI protection shall be provided for outlets that supply dishwashers installed in dwelling unit locations.
- (E) Kitchen Microwaves, Range Hood Branch Circuits.** GFCI protection shall be provided for outlets, or hard wired microwaves and range hood in dwelling unit locations.
- (F) Kitchen Refrigerator Branch Circuits.** GFCI protection shall be provided for outlets that supply refrigerators installed in dwelling unit location.
- (G) Kitchen Garbage Disposal, and Trash Compactors Branch Circuits.** GFCI protection shall be provided for outlets that supply garbage disposals and trash compactors installed in dwelling units.
- (H) Kitchen Electric Ranges Branch Circuits.** GFCI protection shall be provided for all electric ranges 120 volts thru 240 volts 50 amps and less in dwelling units.
- (I) Electric Dryers in Bathrooms, Basements and Laundry Room Rooms.** GFCI protection shall be provided for circuits for 120 volt thru 240 volts 50 amps or less that supply electric dryers in dwelling units.
- (J)-~~(E)~~ Crawl Space Lighting Outlets.** GFCI protection shall be provided for lighting outlets not exceeding 120 volts installed in crawl space.

*Change subsection to read as follows:*

## **Part VI. Service Equipment — Disconnecting Means.**

**230.70 General.** Means shall be provided to disconnect all conductors in a building or other structure from the service entrance conductors.

**(A) Location.** The service disconnecting means shall be installed in accordance with 230.70(A)(1), (A)(2), and (A)(3) except for one and two family dwellings, the disconnecting means shall be located on the outside of the dwelling in a readily accessible location nearest point of the conductors entering the building or structure.

**(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors.

**(2) Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

**(3) Remote Control.** Where a remote control device(s) is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A) (1).

**(B) Marking.** Each service disconnect shall be permanently marked to identify it as a service disconnect.

**(C) Suitable for Use.** Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of Articles 500 through 501

*Change subsection to read as follows:*

**Part II. Installation**

**334.10 Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following, except as prohibited in 334.12:

(1) One- and two-family dwellings and their attached or detached garages, and their storage buildings.

~~(2) Multi-family dwellings permitted to be of Types III, IV, and V construction.~~

~~(3) Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

~~Informational Note No. 1: Types of building construction and occupancy classifications are defined in NFPA 220-2015, *Standard on Types of Building Construction*, or the applicable building code, or both.~~

~~Informational Note No. 2: See Informative Annex E for determination of building types [NFPA 220, Table 3-1].~~

~~(4) Cable trays in structures permitted to be Types III, IV, or V where the cables are identified for the use.~~

~~Informational Note: See 310.15(A) (3) for temperature limitation of conductors.~~

~~(5) Types I and II construction where installed within raceways permitted to be installed in Types I and II construction.~~

(A) **Type NM.** Type NM cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations **in one and two family dwelling except as prohibited in 334.10(3)**

(2) To be installed or fished in air voids in masonry block or tile walls

**334.12 Uses Not Permitted.**

(A) **Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in 334.10(1), ~~(2), (3), and (5)~~

(2) Exposed in a dropped or suspended ceiling in other than one- and two-family ~~and multifamily dwellings~~

(3) As service-entrance cable

~~(4) In commercial garages having hazardous (classified) locations as defined in 511.3~~

~~(5) In theaters and similar locations, except where permitted in 518.4(B)~~

~~(6) In motion picture studios~~

~~(7) In storage battery rooms~~

~~(8) In hoist ways or on elevators or escalators~~

~~(9) Embedded in poured cement, concrete, or aggregate~~

~~(10) In hazardous (classified) locations, except where specifically permitted by other articles in this Code~~

~~(B) Types NM and NMS. Types NM and NMS cables shall not be used under the following conditions or in the following locations:~~

~~(1) Where exposed to corrosive fumes or vapors~~

~~(2) Where embedded in masonry, concrete, adobe, fill, or plaster~~

~~(3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe, or similar finish~~

~~(4) In wet or damp locations.~~

### 334.15 Exposed Work **in one and two family dwelling.**

In exposed work, except as provided in 300.11(A), cable shall be installed as specified in 334.15(A) through (C).

(A) **To Follow Surface.** Cable shall closely follow the surface of the building finish or of running boards.

(B) **Protection from Physical Damage.** Cable shall be protected from physical damage where necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with the suffix -XW, or other approved means. Where passing through a floor, the cable shall be enclosed in rigid metal conduit, Type RTRC marked with the suffix -XW, or other approved means extending at least 150 mm (6 in.) above the floor.

Type NMC cable installed in shallow chases or grooves in masonry, concrete, or adobe shall be protected in accordance with the requirements in 300.4(F) and covered with plaster, adobe, or similar finish.

(C) **In Unfinished Basements and Crawl Spaces in one and two family dwellings.** Where cable is run at angles with joists in unfinished basements and crawl spaces, it shall be permissible to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower edges of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. Nonmetallic sheathed cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The sheath of the nonmetallic-sheathed cable shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm ( $\frac{1}{4}$  in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal with the provisions of 250.86 and 250.148.

334.17 **Through or Parallel to Framing Members.** Types NM, NMC, or NMS cable shall be protected in accordance with 300.4 where installed through or parallel to framing members.

Grommets used as required in 300.4(B) (1) shall remain in place and be listed for the purpose of cable protection.

### 334.23 **In Accessible Attics in one and two family dwellings.**

The installation of cable in accessible attics or roof spaces shall also comply with 320.23.

*Change subsection to read as follows:*

## **Part II. Installation**

### **338.10 Uses Permitted.**

**(A) Service-Entrance Conductors for one and two family dwellings.** Service-entrance cable shall be permitted to be used as service-entrance conductors and shall be installed in accordance with 230.6, 230.7, and Parts II, III, and IV of Article 230.

**(B) Branch Circuits or Feeders.**

**(1) Grounded Conductor Insulated.** Type SE service-entrance cables shall be permitted in wiring systems where all of the circuit conductors of the cable are of the thermoset or thermoplastic type.

**2) Use of Uninsulated Conductor.** Type SE service-entrance cable shall be permitted for use where the insulated conductors are used for circuit wiring and the uninsulated conductor is used only for equipment grounding purposes.

**(3) Temperature Limitations.** Type SE service-entrance cable used to supply appliances shall not be subject to conductor temperatures in excess of the temperature specified for the type of insulation involved.

**(4) Installation Methods for Branch Circuits and Feeders.**

**(a) Interior Installations.** In addition to the provisions of this article, Type SE service-entrance cable used for interior wiring shall comply with the installation requirements of Part II of Article 334, excluding 334.80.

For Type SE cable with ungrounded conductor sizes 10 AWG and smaller, where installed in thermal insulation, the ampacity shall be in accordance with 60°C (140°F) conductor temperature rating. The maximum conductor temperature rating shall be permitted to be used for ampacity adjustment and correction purposes, if the final derated ampacity does not exceed that for a 60°C (140°F) rated conductor.

*Change subsection to read as follows:*

**338.12 Uses Not Permitted.**

**(A) Service-Entrance Cable.** Service-entrance cable (SE) shall not be used under the following conditions or in the following locations, other than one and two family dwellings.

(1) Where subject to physical damage unless protected in accordance with 230.50(B)

(2) Underground with or without a raceway

(3) For exterior branch circuits and feeder wiring unless the installation complies with the provisions of Part I of Article

225 and is supported in accordance with 334.30 or is used as messenger-supported wiring as permitted in

Part II of Article 396

## CHAPTER 5

### FIRE DEPARTMENT AND PREVENTION REGULATIONS

Article I	Fire Department	5.101 - 5.104
Article II	Reserved for future use	5.201
Article III	Reserved for future use	5.301
Article IV	<del>Petroleum and its Products</del> <b>Reserved for future use</b>	5.401 - 5.409
Article V	Municipal Fire Alarm and Communication Systems	5.501 - 5.504
Article VI	Fire Department Emergency Medical Services Costs	5.601
Article VII	Blasting	5.701
Article VIII	Alarm Systems <del>Monitored by the City</del>	5.801 - 5.806
Article IX	<del>International Fire Code / 2006 Edition</del> <b>Adopted Fire Codes</b>	Sec. F-100.0

#### ARTICLE I: FIRE DEPARTMENT

##### Section 5.101: PERSONNEL

The Fire Department shall consist of ~~the a~~ Fire Chief, ~~permanent firemen, call firemen and such substitutes as may be provided. Of the permanent firemen, three shall be chosen as first, second and third~~ Deputy Chiefs, **fire officers, firefighters, and administrative personnel as recommended by the fire chief and approved by the Board of Fire Commissioners.** ~~respectively, two as Captains, and two as Lieutenants, and shall devote their full time to such offices.~~

##### Section 5.102: ~~APPARATUS TO BE KEPT IN CITY AID OUTSIDE CITY~~

~~No engine, horn, wagon or hook and ladder truck or other piece of fire apparatus shall be taken to a fire out of the City, without permission of the Fire Chief, or in his absence the officer in charge, nor shall any of the apparatus of the Fire Department be taken from the City, except in case of fire, without permission from the Board of Fire Commissioners. (Amended 8/15/88; former Sections 5.102 and 5.103 deleted 10/22/12)~~

**The Fire Chief is authorized to allow department apparatus, vehicles, and/or personnel to provide aid outside the City, in or out of state, for the purposes of extinguishing a fire, rendering other emergency assistance, or performing any detail as requested.**

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**ARTICLE IV: ~~PETROLEUM AND ITS PRODUCTS, Burn Permits (Amended 4/1/96)~~**

**Section 5:401: ~~LICENSE~~**

~~No person shall store or handle any gasoline or similar fluids within the City without first obtaining a license from the City License Officer for the purpose and without said license having been endorsed by the Fire Chief and Building Inspector.~~

**Section 5:402: ~~FEE~~**

~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002)~~

**Section 5:403: ~~LIMITATIONS~~**

~~For the purpose of preventing excessive fire hazards, no license, other than a renewal of an existing license, for the storage of more than 300 gallons of crude petroleum or any of the products thereof within the district described in Section 5:404 hereof, shall be granted unless such storage is to be in underground tanks.~~

**Section 5:404: ~~STORAGE DISTRICT~~**

~~Section 5:403 of this ordinance shall apply to the area bounded as follows:~~

~~Commencing at the Piscataqua River opposite the easterly end of Court Street; and running westerly to said easterly end of Court Street; thence westerly through Court Street to Middle Street; thence northeasterly through Middle Street to Islington Street; thence westerly through Islington Street to the westerly boundary of said land of the Morley Company to the Boston and Maine Railroad tracks; thence easterly along said tracks to a point opposite the westerly end of the North Mill Pond; thence northerly to the westerly end of the North Mill Pond; thence following the northerly boundary of the North Mill Pond to the Piscataqua River; thence by the Piscataqua River to the point of beginning.~~

**Section 5:405: ~~DUTIES OF THE PETROLEUM INSPECTOR~~**

~~The duties of the Petroleum Inspector shall be those prescribed for the duties of such officers in Chapter 339 of the N.H. RSA.~~

**Section 5:406: ~~FEE OF INSPECTOR~~**

~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002)~~

**~~Section 5:407: ANNUAL REPORT~~**

~~Said inspector shall annually as early as practical in January, but not later than the second Thursday, report in writing to the City Council all inspections made by him during the preceding year.~~

**~~Section 5:408: PENALTY~~**

~~If any person shall violate any of the provisions of Sections 5:401 or 5:403 of this Chapter, he shall be fined not less than \$1.00 nor more than \$100.00 for each day the violation shall continue.~~

**~~Section 5:409: BURNING PERMITS~~**

~~All burning permits shall be issued by the Fire Department; the licensing process and fees required are governed by New Hampshire State Law, currently designated as RSA 244. (Adopted 4/1/96)~~

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**~~ARTICLE V: MUNICIPAL FIRE ALARM AND COMMUNICATION SYSTEMS~~**

**~~Section 5.501: RESPONSIBILITY~~**

~~The Chief of the Fire Department or his designee shall be responsible for the proper installation, maintenance and supervision of the municipal fire alarm and communication systems.~~

~~(Adopted 1/26/87)~~

**~~Section 5.502: POLE AND DUCT SYSTEMS~~**

~~It shall be the responsibility of the Chief of the Fire Department or his designee to coordinate with the Public Utilities for the supply and spacing of poles or ducts for municipal use.~~

~~(Adopted 1/26/87)~~

**~~Section 5.503: LOCATION OF FIRE ALARM BOXES AND SIGNALS~~**

~~The Chief of the Fire Department or his designee shall located fire alarm call boxes, and other signaling devices as public interest may require. However, permanent removal of fire alarm boxes shall only be at the direction of the City Council. (Adopted 1/26/87)~~

**~~Section 5.504: PENALTY FOR INJURE OR POSTING~~**

~~If any person shall willfully injure, or attempt to injure; or post any paper or placard; paint or deface any pole, fire alarm box, signal pole, pedestal, manhole, pull box, gong, wire or other component of the Municipal Signal Systems, shall be fined \$100 plus the costs of repair or replacement. (Adopted 1/26/87)~~

**ARTICLE VI: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

**Section 5.601: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

The rates to be charged for Emergency Medical Services shall be established and adjusted as necessary by the City Manager with approval of the Board of Fire Commissioners. Where applicable, the rates shall be equal to or less than the usual and customary rates, which are charged for those services by private service providers in the geographic area. The rates shall be established pursuant to the following terms and conditions:

- A. Medicare patients shall be charged the current Medicare allowable rate for any Medicare covered service, and Medicare patients are to be responsible for co-pays and deductibles.
- B. The rates may include a fee for mileage traveled by municipal vehicles.
- C. The rates may include a fee for special services provided by the Fire Department such as extrication of individuals from motor vehicles or similar services.
- D. The rates may include a fee for non-emergency transfer of patients from one location to another location.
- E. The rates may contain a provision allowing for a reduction or waiver of the established rates in the case of need or other good cause shown by the recipient of the service.

(Article VI deleted in its entirety and replaced 6/1/98)

## **ARTICLE VII: BLASTING**

### **Section 5:701 BLASTING PERMIT REQUIRED**

No person shall perform or cause to be performed any blasting within the City limits unless a Blasting Permit is obtained from the City Engineer. This permit shall not be issued until the following terms and conditions have been satisfied by the applicant:

- A. All abutters within five hundred (500) feet of the area where the blasting will occur shall receive notice by certified mail two full business days (excluding Saturday, Sunday and holidays) in advance of the blasting. The term “abutter” shall be defined in the manner used for the notification of zoning abutters. (Amended 9/17/2001)
- B. That the City Engineer’s office as well as the Building Inspector shall receive the same notice, also sent by certified mail, at least two full business days (excluding Saturday, Sunday and holidays) in advance of the blasting.
- C. The name and address of the blasting company be provided.
- D. The name of a company representative be provided and the twenty-four (24) hour telephone number of the representative; such representative being a person who is capable of responding to claims and issues arising from the blasting performed.
- E. A pre-blast survey shall be completed by the blasting company for an area within five hundred (500) feet of the proposed blasting. (Amended 9/17/2001)
- F. Any reports, measurements or video tapes made in connection with this pre-blast survey or with the subsequent blasting shall be made available upon request to all abutters within five hundred (500) feet of the area. (Amended 9/17/2001)
- G. That the cost of such a pre-blast survey shall be borne by the blasting company.
- H. The Use and Transport License of the hauler shall be designated.
- I. The route of removing blasting material shall be designated.
- J. The location of the blasting shall be designated.
- K. The blasting shall take place within the hours of 8:00 A.M. to 5:00 P.M. Monday through Friday.
- L. An Insurance Certificate shall be posted with the City Engineer in an amount and type deemed appropriate by the City Engineer and the City Attorney. (Amended 9/20/93)
- M. The Public Works Director is hereby authorized to promulgate blasting rules consistent with the intent of this ordinance, such rules shall become effective on acceptance by the City Council. (Item M. adopted 9/17/2001)

## **ARTICLE VIII: ALARM SYSTEMS ~~MONITORED BY THE CITY~~**

### **Section 5.801: DEFINITIONS**

For the purpose of this Article, the following definitions shall be applicable:

**Alarm System:** Any assembly of equipment and/or devices which, with or without human involvement, is reasonably calculated to notify either police or fire officials and lead them to believe that there is a situation requiring their urgent attention.

**Unfounded Emergency Call:** Any response by police or fire officials to the activation of an alarm system, when no objective indication of a situation requiring their urgent attention is found by the responding police or fire offices; false alarm.

### **Section 5.802: SERVICE FEE**

The owner of any premises served by an alarm system shall be obligated to pay a service fee to the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number of such calls permitted by this Article. This service fee shall be in such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. (Amended 1/25/88; amended 04/16/2012)

### **Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS ~~[Amended 04/16/2012]~~**

The owner of any premises served by an alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service fee:

- A. Unfounded Emergency Calls to Police Department  
Five calls per calendar year (Amended 1/25/88)
- B. Unfounded Emergency Calls to Fire Department  
~~Two~~ **Four** calls per six calendar month period (January to June inclusive or July to December inclusive)

### **~~Section 5.804: ALARM SYSTEMS MONITORED BY THE CITY~~**

~~Any person, firm, or corporation maintaining an alarm system located wholly or in part on City premises shall be subject to the following provisions:~~

- ~~A. Such alarm systems shall be maintained in strict conformance to any operating standards that may be from time to time promulgated by the Department Head with jurisdiction over the premises in which the alarm system is located.~~

~~B. — A service charge shall be paid to the City department which monitors any alarm system. The rates to be charged for these alarm systems shall be established and adjusted as necessary by the City Manager with the approval of the Police Commission or Fire Commission, in the event the system is monitored by either department. This fee shall be payable in advance and no part thereof may be refunded or transferred.~~

~~(Amended title of Ordinance & Section 5.804 and replaced Item B in its entirety 5/3/99)~~

~~**Section 5.805: — PROHIBITIONS**~~

~~Direct Dialers: — The use of so-called direct dialer tape alarm systems, which automatically engage available telephone lines, is prohibited within the City of Portsmouth~~

~~**Section 5.806: — PENALTY**~~

~~Any person, firm or corporation who violates any provision of Section 5.805 of this Ordinance shall be subject to a fine of not more than \$100.00 upon conviction.~~

## CITY ORDINANCE - CHAPTER 5

### ARTICLE IX: ~~INTERNATIONAL FIRE CODE, 2006~~ (Adopted 10/19/2009) ADOPTED FIRE CODES

The City of Portsmouth formally adopts Saf-C 6000, State Fire Code, published by the National Fire Protection Association as amended.

The International Fire Code, ~~2006~~ 2015 Edition (IFC) and the provisions of any other national code, model code or standard referred to in the IFC as published by the International Code Council, is hereby adopted as **Chapter 5, Article IX**, of the ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions:

#### SECTION 101 GENERAL

*Insert in blank space:*

**101.1 Title:** “the City of Portsmouth, New Hampshire”

#### SECTION 102 APPLICABILITY

*Add new subsections to read as follows:*

~~102.6.1~~ **102.7.3 Specific electrical code reference.** Wherever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire.

~~102.6.2~~ **102.7.4 Specific gas code reference.** Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

*Change section title to read as follows:*

#### SECTION 103 BUREAU OF FIRE PREVENTION

*Change subsection to read as follows:*

**103.1 General.** The Bureau of Fire Prevention and Control is hereby created within the City of Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire Chief, ~~the Fire Marshal~~, or any duly authorized representative, to enforce the provisions of this Code. The designated enforcement officer of this Code shall be referred to as the fire code official.

*Add new sentence to end of subsection to read as follows:*

**103.3 Deputies.** “Deputy officials shall include but not be limited to: the Deputy Fire Chief, Fire ~~Inspector, Prevention/Safety Officer, Fire Marshal~~, all Fire Officers, Chief Building Inspector, Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works Director or City Engineer.”



## SECTION 105 PERMITS

*Change subsections to read as follows:*

~~**105.1.1 Permits required.** All permits required by this Code, or any other ordinance or state law shall be obtained through the Building Inspection Department or Fire Prevention Bureau. Issued permits shall be kept on the premise designated therein at all times and shall be subject to inspection by the fire code official.~~

**105.1.1 Permits required.** All permits required by this Code for the installation, modification, or maintenance of fire alarm or fire sprinkler systems shall be obtained prior to the initiation of any work being performed. Issued permits shall be kept on the premises designated therein at all times and shall be subject to inspection by the fire code official.

~~**105.2 Application.** Application for permits shall be made to the Building Inspection Department or Fire Prevention Bureau on the appropriate form provided. Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.~~

**105.2 Application.** Application for permits shall be made using the City's on-line permitting system located at <https://portsmouthnh.viewpointcloud.com/> Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.

*Change subsections to read as follows:*

**105.2.3 Time limitation of application.** An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit has been issued, except that the fire code official shall grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

*Change subsections to read as follows:*

**105.3.1 Expiration.** An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing work

**105.3.2 Extensions.** The fire code official shall grant one (1) extension of time not exceeding twelve (12) months, if there is reasonable cause and only when requested in writing prior to the expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

**105.4.1 Submittals.** Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared and stamped by a licensed professional engineer acceptable to the fire code official.

**105.4.6 Retention of construction documents.** The fire code official shall mark-up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes. The permit holder is responsible for complying with the comments as shown on the official permit construction documents kept by the fire code official. **Upon project completion, a complete set of "as built" construction documents will be provided to the fire code official in an approved electronic format.**

**105.6 Required operational permits.** Permits shall be required by the fire code official in accordance with Sections ~~105.6.1 through 105.6.3.~~ **105.6.32 and 105.6.36.**

*Delete subsections 105.6.1 through 105.6.31 without substitution.*

**105.6.1 105.6.32 Open Burning.** The City of Portsmouth Fire Department shall issue open burning permits under the requirements of ~~City Ordinance Chapter 5,~~ Section ~~5:409.~~ **307.**

*Delete subsections 105.6.31 through 105.6.35 without substitution.*

**105.6.2 105.6.36 Places of Public Assembly.** The City of Portsmouth Fire Department shall issue places of public assembly permits under the requirements of State RSA 155:17 and 155:18.

*Delete subsections 105.6.37 through 105.6.48 without substitution.*

~~**105.6.3 Pyrotechnic special effects material or performances.** The City of Portsmouth Fire Department shall issue permits for the outdoor display of 1.3G fireworks. Refer to Section 3308 (as amended) of this Code and State RSA 160-B for further requirements of outdoor fireworks displays. Pursuant to State RSA 153:5, the State Fire Code, Part Saf C 6018 and Part Saf C 6019, any person engaged in the discharge of proximate audience pyrotechnic displays shall be licensed and obtain a permit from the State Fire Marshal.~~

*Delete subsections 105.6.4 through 105.6.46 without substitution.*

*Change subsections to read as follows:*

**105.7 Required fire system construction permits.** Permits shall be required by the **fire** code official in accordance with Sections 105.7.1 through ~~105.7.3~~ **105.7.17.**

**105.7.1 Automatic fire-extinguishing systems including fire pumps.** Applications for fixed fire-extinguishing systems may be obtained from the ~~fire prevention bureau or the city~~ building inspection department.

**105.7.2 105.7.6 Fire alarm and detection systems and related equipment.** Applications for fire alarm systems may be obtained from the ~~fire prevention bureau or the city~~ building inspection department.

**105.7.3 105.7.17 Standpipe systems.** Applications for standpipe systems may be obtained from ~~the fire prevention bureau or~~ the city building inspection department.

*Delete subsections 105.7.4 through 105.7.13 without substitution.*

## SECTION 108 BOARD OF APPEALS

*Add sentence to end of subsection to read as follows:*

**108.1 Board of appeals established.** Refer to Appendix A of this Code and Chapter 12 of the Portsmouth City Ordinances (International Building Code) for the establishment of the Board of Appeals.

## SECTION 109 VIOLATIONS

*Change subsection to read as follows:*

**109.3 109.4 Violations penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference New Hampshire RSA's 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

## SECTION 307 OPEN BURNING

*Change subsections to read as follows:*

**307.1 General** All open burning shall conform to all applicable State Laws (RSA 227-L) and Administrative Rules of the NH Department of Resources and Economic Development, Division of Forests and Lands and any other Federal, State, Local laws or ordinances which are applicable.

**307.1.1 Prohibited Open Burning.** Due to narrow roadways, restricted access to rear yards, and the proximity of structures, open burning is prohibited in the “South End” of the City. This area is defined as south of State Street, east of Pleasant Street, east of Junkins Avenue, and north of South Street. Also included is the area along Marcy Street to New Castle Avenue.

**307.2 Permit required.** Open burning shall be allowed after obtaining a permit from the Fire Department. ~~and paying the appropriate fee as set forth by the City of Portsmouth, NH.~~

*Delete subsection 307.4 through 307.5 without substitution.*

## SECTION 503 FIRE APPARATUS ACCESS ROADS

*Add new subsection to read as follows:*

**503.7 Fire Lanes.** Fire lanes shall be maintained in areas so posted. All fire lanes shall conform to City Ordinance, Chapter 7, *Vehicles, Traffic & Parking*, Article XV, *Emergency Lanes*.

## SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

*Change subsection to read as follows:*

**605.11 Solar photovoltaic power systems.** Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code*, and NFPA 70.

**605.11.1.2 Solar photovoltaic systems for Group R-3 buildings.**

*Delete Exception without substitution.*

*Change subsection to read as follows:*

**605.11.1.2.2 Hip roof layouts.** Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a 3.5-foot-wide (1067 mm) clear access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location acceptable to the fire code official.

*Delete Exception and replace with the following:*

**Exception:** Access pathway requirement may be waived when structure protected by a code compliant automatic sprinkler system

*Change subsection to read as follows:*

**605.11.1.2.3 Single-ridge roofs.** Panels and modules installed on Group R-3 buildings with a single ridge shall be located in a manner that provides one, 3.5-foot-wide (1067 mm) access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location acceptable to the fire code official.

*Delete Exception and replace with the following:*

**Exception:** Access pathway requirement may be waived when structure protected by a code compliant automatic sprinkler system

*Edit subsection as follows:*

**605.11.1.2.4 Roofs with hips and valleys.**

*Delete Exception without substitution.*

## **SECTION 609 COMMERCIAL KITCHEN HOODS**

*Change subsection to read as follows:*

**[M]609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* and NFPA 96, *Ventilation Control and Fire Protection of Commercial Cooking Operations*.

## **SECTION 903 AUTOMATIC SPRINKLER SYSTEMS**

*Change subsection to read as follows with exception remaining unchanged:*

~~**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section and as required by NFPA 101.~~

*Change subsection to read as follows:*

**903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 10,000 square feet (928 m<sup>2</sup>).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

*Change subsection to read as follows:*

**903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided for all Group A-2 occupancies and intervening floors of the building.

*Change subsection to read as follows:*

**903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet (464 m<sup>2</sup>).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (928 m<sup>2</sup>).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).

*Change subsection to read as follows:*

**903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 10,000 square feet (928 m<sup>2</sup>).
2. A Group S-1 fire area is located more than three stories above or any number of stories below grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1856 m<sup>2</sup>).
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (232 m<sup>2</sup>).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).

*Add new item 4 to subsection:*

**903.2.6 Group M.**

~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered furniture.~~

*Change subsection to read as follows, with exceptions remaining unchanged:*

**903.4.1 Signals Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, ~~auxiliary fire alarm system~~ or proprietary supervising station as defined in NFPA 72 or, when approved by the building or fire official shall sound an audible and visual signal at a constantly attended location.

## SECTION 905 STANDPIPE SYSTEMS

*Add new subsection to read as follows:*

**905.12 Threads.** Threads provided for fire department connections to standpipe systems shall be compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for 2-1/2" diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2" or 1-3/4" diameter hose shall be Iron Pipe thread.

## SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

*Add new sentence to end of first paragraph in subsection.*

~~**907.2 Where required --- new buildings and structures.** "A manual, automatic or combination manual and automatic fire alarm system shall also be provided in accordance with NFPA 101."~~

*Edit subsection as follows:*

### **907.2.1 Group A.**

*Delete Exception without substitution.*

*Change subsection to read as follows with Exception remaining unchanged:*

**907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 300 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.**

*Edit subsection as follows:*

### **907.2.2 Group B.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

### **907.2.3 Group E.**

*Delete Exception 3 and 4 without substitution.*

*Edit subsection as follows:*

### **907.2.4 Group F.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

### **907.2.6. Group I.**

~~*Delete Exception without substitution.*~~

*Edit subsection as follows:*

### **907.2.6.1 Group I-1.**

*Delete Exception 1 without substitution.*

*Edit subsection as follows:*

### **907.2.6.2 Group I-2.**

*Delete Exceptions 1 and 2 without substitution.*

*Edit subsection as follows:*

### **907.2.6.3.3 ~~Smoke detectors.~~ Automatic smoke detection system.**

*Delete Exceptions 2 and 3 without substitution.*

*Edit subsection as follows:*

### **907.2.7 Group M.**

*Delete Exceptions 1 and 2 without substitution.*

*Edit subsection as follows:*

### **907.2.8.1 Manual fire alarm system.**

*Delete Exception 2 without substitution.*

*Change Add new subsection to read as follows. ~~with exception remaining unchanged:~~*

**907.2.8.2.1 Automatic fire alarm system.** System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements, and shall be installed to provide coverage based on the manufacturers listing for the device.

*Change subsection to read as follows:*

~~**907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories above the lowest level of exit discharge; or where any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or when said building contain more than 11 dwelling units.~~

*Change subsection to read as follows:*

### **907.2.9.1 Manual fire alarm system.**

**3. The building contains more than 11 dwelling units or sleeping units.**

#### **Exceptions:**

1. *This exception remains unchanged.*

2. Delete this exception without substitution.

3. This exception remains unchanged.

*Add new Change subsection to read as follows:*

**907.2.9.1.3 Smoke detector coverage.** System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

*Add new item 4 to end of subsection:*

**907.2.10.1.1 907.2.11.1 Group R-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with guest room smoke detectors.

*Add new item 4 to end of subsection:*

**907.2.10.1.2 907.2.11.2 Groups R-2, R-3, R-4, and I-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke detectors. In some Group R-2 or R-3 occupancies, as determined by the fire official, additional single-or multiple-station smoke detectors may be required in the basement, interconnected with a dwelling unit(s) detector(s).

*Add new subsection to read as follows:*

**907.2.10.1.4 907.2.11.2.1 Groups E, I-2 and I-4.** Single-or multiple-station smoke detectors shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Section 202.

**Exception:** Single-or multiple-station smoke detectors shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

*Add new subsection to read as follows:*

~~**907.2.10.3.1 Smoke detector circuits.** Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.~~

*Add new subsection to read as follows:*



~~907.3.2.3.1 Smoke detector circuits.~~ Where interconnected smoke detectors are provided they shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.

*Change subsection to read as follows with exceptions remaining unchanged:*

~~907.15 Monitoring.~~ Fire alarm systems required by this chapter or the *International Building Code* shall be monitored by an approved supervising station or by an Auxiliary Fire Alarm System in accordance with NFPA 72.

## SECTION 915 CARBON MONOXIDE DETECTION

*Change subsection to read as follows:*

**915.1 General.** Carbon monoxide detection shall be installed in new buildings in accordance with Section 915.1.1 through 915.6 and Saf-C 6015. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9 and Saf-C 6015.

## CHAPTER 10 MEANS OF EGRESS

*Delete all sections within this chapter and replace with the following subsections:*

### SECTION 1001 ADMINISTRATION

*Change subsections to read as follows:*

**1001.1 General.** ~~The provisions of the *Life Safety Code*, NFPA 101, shall govern the minimum means of egress requirements in all new and existing buildings and structures. Buildings or portions thereof shall be provided with a means of egress system as required by this chapter and Saf-C 6000. The provisions of this chapter and Saf-C 6000 shall control the design, construction, and arrangement of means of egress components required to provide an approved means of egress from structures and portions thereof. Sections 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings.~~

**Exception:** ~~The provisions of [B] Section 1007, *Accessible Means of Egress* as written in this code, shall apply to new construction.~~

**1001.2 Minimum requirements.** It shall be unlawful to alter a building or structure in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by the code referenced in Section 1001.1.

### SECTION ~~2301~~ 3201 GENERAL

~~2301.1~~ **3201.1 Scope.** *Delete in item 4, the reference to NFPA 230 and replace with NFPA 1.*

### SECTION ~~1410~~ 3310 ACCESS FOR FIREFIGHTING

*Change subsection to read as follows:*

**~~1410.1 3310.1~~ Site access and hydrant operation.** When roads are created or extended during the construction of new developments and subdivisions, adequate site access for emergency vehicles shall be maintained at all times during construction. The fire department will be the determining agency when evaluating the adequacy of site access. As construction progresses, water hydrants required by the site plan shall be installed, activated, tested and maintained with adequate hydrant access as determined by the fire department. The City of Portsmouth reserves the right to “call” the site bond at any time during construction, when the owner refuses to provide adequate site access and water supply, as deemed necessary by the fire department, for the protection of life and property.

### **SECTION 2308 RACK STORAGE**

**~~2308.4~~ Column protection.** *Delete the reference to NFPA 230 and replace with NFPA-1.*

### **SECTION 2310 SPECIALTY STORAGE**

**~~2310.1~~ General.** *Delete the reference to NFPA 230 and replace with NFPA-1.*

### **SECTION 2501 GENERAL**

**~~2501.1~~ Scope.** *Delete the reference to NFPA 230 and replace with NFPA-1.*

### **SECTION ~~3301~~ 5601 GENERAL**

*Amend subsection as follows:*

**~~3301.1.3~~ 5601.1.3 Fireworks.** *Delete exception 4 with remainder of subsection unchanged.*

*Change subsection to read as follows:*

**~~3301.2.4.1~~ 5601.2.4.1 Blasting.** Blasting operations are regulated in Chapter 5, Article VII, Section 5:701 of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting regulations and the permitting process.

### **SECTION ~~3308~~ 5608 FIREWORKS DISPLAYS**

*Add sentences to end of subsections to read as follows:*

**~~3308.1~~ 5608.1 General.** The display, sale and discharge of 1.4G fireworks is prohibited within the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

**~~3308.2.1~~ Outdoor displays.** Application for fireworks displays shall be made in writing at least 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current version of the State of NH approved form. The discharge of fireworks shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any approval be extended beyond the dates set out therein.

*Delete following subsection without substitution:*

**3308.11 Retail display and sale.**

**SECTION 3404 STORAGE**

**3404.3.3.9 Idle combustible pallets.** *Delete the reference to NFPA 230 and replace with NFPA 1.*

**CHAPTER 45 80 REFERENCED STANDARDS**

*Insert the following Codes and Standards:*

**New Hampshire State Building Code**

Department of Safety  
33 Hazen Drive ~~Drive~~  
Concord, NH 03305  
(603) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

**New Hampshire Architectural Barrier Free Design Code**

Governor's Commission on Disability  
~~57 Regional Drive~~ **121 South Fruit Street, Suite 101**  
Concord, NH 03301-~~8518~~  
(603) 271-2773  
1-800-852-3405 (NH)  
<https://www.nh.gov/disability/abcommittee.html>

**New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
~~[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)~~ [www.puc.state.nh.us/EnergyCodes/energypg.htm](http://www.puc.state.nh.us/EnergyCodes/energypg.htm)  
~~[puc@puc.nh.gov](mailto:puc@puc.nh.gov)~~

**New Hampshire Elevator Law, RSA 157-B**

NH Labor Department  
Boiler & Elevator Division  
PO Box 2076  
Concord, NH 03302-2076  
(603) 271-~~6294~~ **2584**  
~~[www.labor.state.nh.us/boilers.asp](http://www.labor.state.nh.us/boilers.asp)~~ [www.nh.gov/labor/inspection/boilers-elevators.htm](http://www.nh.gov/labor/inspection/boilers-elevators.htm)

*Amend in the NFPA Section the following referenced Standards:*

Change **13-02** to ~~**13-07**~~ **13-13** Design & Installation of Sprinkler Systems

Change **13D-02** to ~~**13D-07**~~ **13D-13** Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings

Change **13R-02** to ~~13R-07~~ **13R-13** Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less

Change **30-03** to ~~30-08~~ **30-12** Flammable and Combustible Liquids Code

Change **30A-03** to ~~30A-08~~ **30A-15** Code for Motor Fuel-dispensing Facilities and Repair Garages

Change **30B-02** to ~~30B-07~~ **30B-15** Manufacture and Storage of Aerosol Products

Change **31-01** to ~~31-06~~ **31-11** Installation of Oil-Burning Equipment

Change **58-04** to ~~58-08~~ **58-14** Liquefied Petroleum Gas Code

Change **72-02** to ~~72-07~~ **72-13** National Fire Alarm Code

Change **211-03** to ~~211-06~~ **211-13** Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances

Change **230-03** to ~~01-06~~ **01-09** Uniform Fire Code

Change **409-01** to ~~409-04~~ **409-11** Aircraft Hangers  
~~70-08~~

Insert in the *NFPA* Section the following referenced Codes and Standards:

~~54-09~~ **54-15** National Fuel Gas Code

~~70-08~~ **70-14** National Electric Code

~~96-08~~ **96-14** Ventilation Control and Fire Protection of Commercial Cooking Operations

## **APPENDIX A - BOARD OF APPEALS**

Appendix A is adopted as part of this ordinance subject to the following amendments:

Delete all subsections and replace with the following subsection to read as follows:

### **SECTION A101 GENERAL**

**A101.1 Scope.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended, (City Building Code), for the establishment of the Board of Appeals.

## **APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

Appendix B is adopted as part of this ordinance without amendments.

## **APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

Appendix C is not adopted as part of this ordinance. New water hydrant locations are regulated through the City Planning / Site Development process.

## **APPENDIX D - FIRE APPARATUS ACCESS ROADS**

*Appendix D is ~~not~~ adopted as part of this ordinance.*

## **APPENDIX E – HAZARD CATEGORIES**

*Appendix E is adopted as part of this ordinance without amendments.*

## **APPENDIX F – HAZARD RANKING**

*Appendix F is adopted as part of this ordinance without amendments.*

## **APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS**

*Appendix G is adopted as part of this ordinance without amendments.*

DRAFT



**OFFICE OF THE CITY CLERK**

**MEMORANDUM**

TO: Nancy Colbert Puff, Acting City Manager

FROM: Kelli L. Barnaby, City Clerk

DATE: September 18, 2017

SUBJECT: Polling Hours for Municipal Election

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In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the Municipal Election on November 7, 2017 be set from 8:00 a.m. - 7:00 p.m.

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

Run: 9/28/17  
8:33AM

## Event Listing by Date

Page: 1

Starting Date: 9/18/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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 Festi	2/ 6/2017
9/23/2017 9/24/2017	FUND Caroline Amport Piper is the contact person for this event. This event is the Fairy House Tours that runs on Saturday, September 23rd and September 24, 2017. 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	4/ 3/2017
9/23/2017 9/24/2017	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
10/13/2017 10/15/2017	FILM EXPO Amber Day is the contact for this event. (603) 534-0905	Chestnut Street	New Hampshire Film Festival	6/ 5/2017
10/14/2017 10/14/2017	FESTIVAL Amber Day is the contact for this event.	Vaughn Mall	NH Film Festival	9/ 5/2017
10/31/2017 10/31/2017	PARADE Abigail Wiggin is the contact for this event.	Starting at Peirce Island - thru downtown - Ending	Portsmouth Halloween Committee	6/ 5/2017
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/ 2/2017 12/ 2/2017	PARADE Brinn Sullivan is the contact for this event. Tel. (603) 610-4433	800 Islington Street to Market Square	City of Portsmouth - Holiday P	/ /
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
12/31/2017 12/31/2017	CELEBRATIC Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth - First Night	8/21/2017





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**MEMORANDUM**

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**TO:** NANCY COLBERT PUFF, ACTING CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** ZAGSTER BIKE SHARE SEPTEMBER REPORT  
**DATE:** 9/26/17

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Attached to this memorandum is a membership and ridership summary and comparative data provided by Zagster for the period of May 3 (program launch) to September 17th. The summary includes:

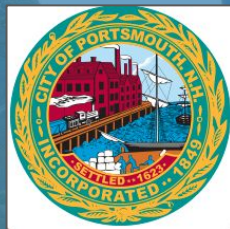
- 1) Total number of members by member type
- 2) Total ridership (rentals) and average trip lengths
- 3) Comparative analysis of Portsmouth against the municipal average for Zagster communities
- 4) Overall activity for each of the 6 bike stations
- 5) Quarter 2 (May to June) revenue collected (from membership dues). Q3 Revenue will be available in mid-October. Zagster's finance team is also working on providing a more thorough breakdown/revenue report for future reference.

We had also requested that Zagster provide us with zip code data on the riders in Portsmouth's program so that we could get a sense of who is using the program (e.g. visitors vs residents). Unfortunately, Zagster has realized that, due to a software glitch, the zip code data was not being collected during the period of May through early September. They have fixed the bug and are hopeful they will be able to provide us with more details on ridership next month.

We are also working with the Zagster staff to design a survey to distribute to all registered users of the system to learn more about their reasons for using the bike share program, who they are, and how they use it.



# Portsmouth, NH Bike Share Review



May 3rd - September 17th, 2017

# Report Agenda

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- Program Snapshot
- Membership Overview
- Utilization Overview
- Who's Riding?
- Comparative Data: Program Size & Market Penetration
- Heat Map Review
- Q2 Revenue Report



# Since Portsmouth's Launch on May 3rd...\*

## Membership



**861** new members  
joined the program...

## Ridership



...contributing to over  
**1,600** trips taken...

## Time Ridden



...totaling **443,387**  
minutes of riding...

## Sustainability



...offsetting **73,897** lbs\* of  
CO<sub>2</sub> emissions!



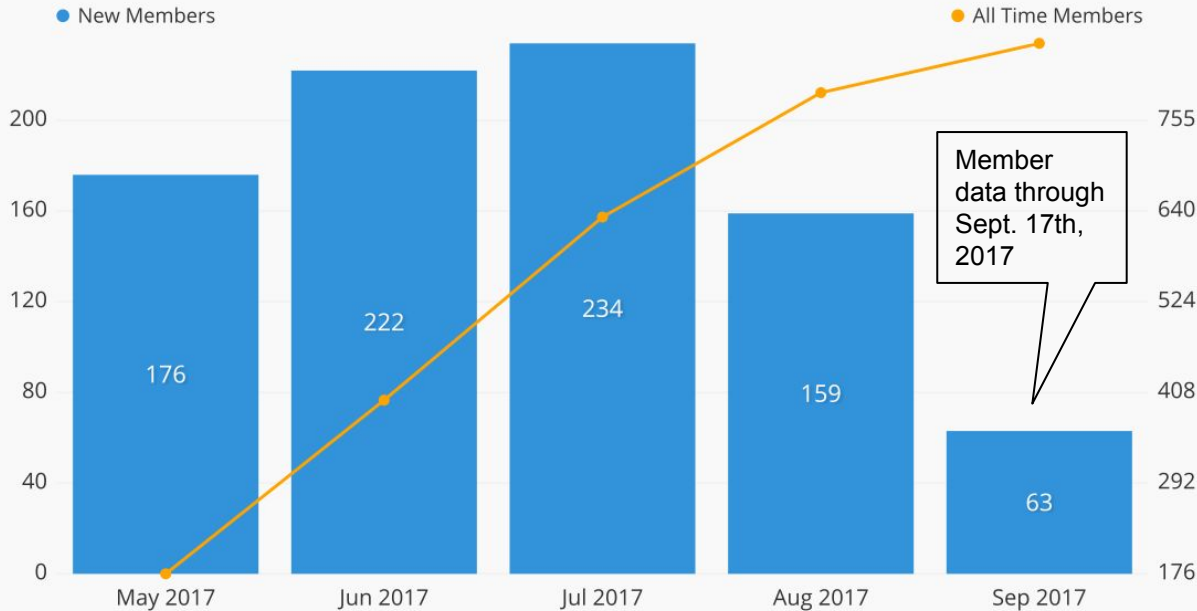
\* Metrics from launch date, May 3rd, 2017 - September 17th, 2017

\* Estimate based on 1 lb CO<sub>2</sub> saved per 1 mile ridden, average bike speed 10mph.

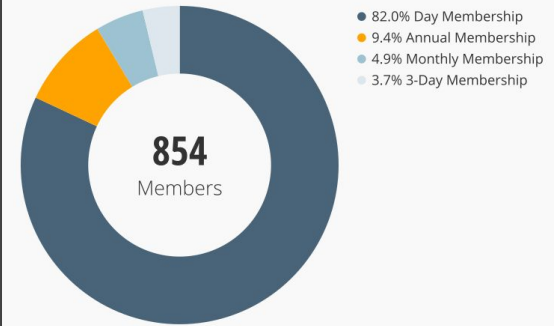


# Membership Overview

## New and All-Time Members by Month



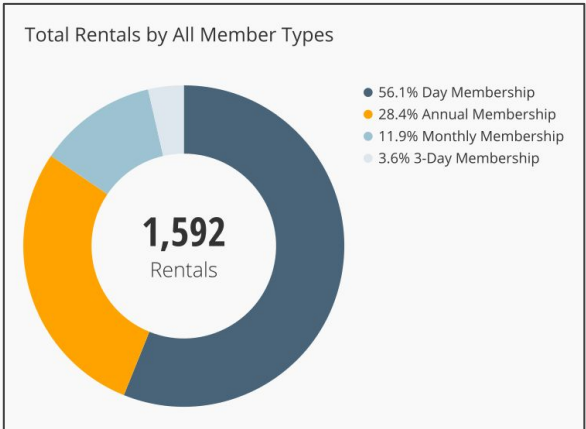
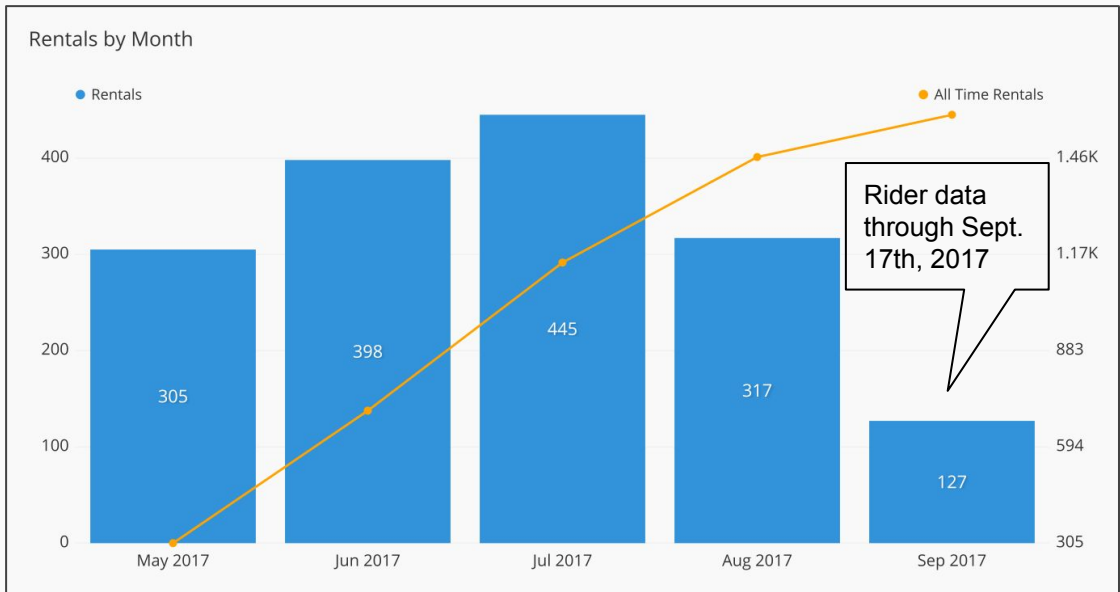
## Total Memberships by Type



<b>Day Pass Membership</b>	<b>700</b>
<b>Annual Members</b>	<b>80</b>
<b>Monthly Members</b>	<b>43</b>
<b>3-Day pass Members</b>	<b>32</b>



# Utilization Overview



<b>Day Pass Members</b>	<b>893</b>
<b>Annual Rentals</b>	<b>452</b>
<b>Monthly Members</b>	<b>190</b>
<b>3-Day pass Members</b>	<b>57</b>

Median Trip Duration

**59** MINUTES

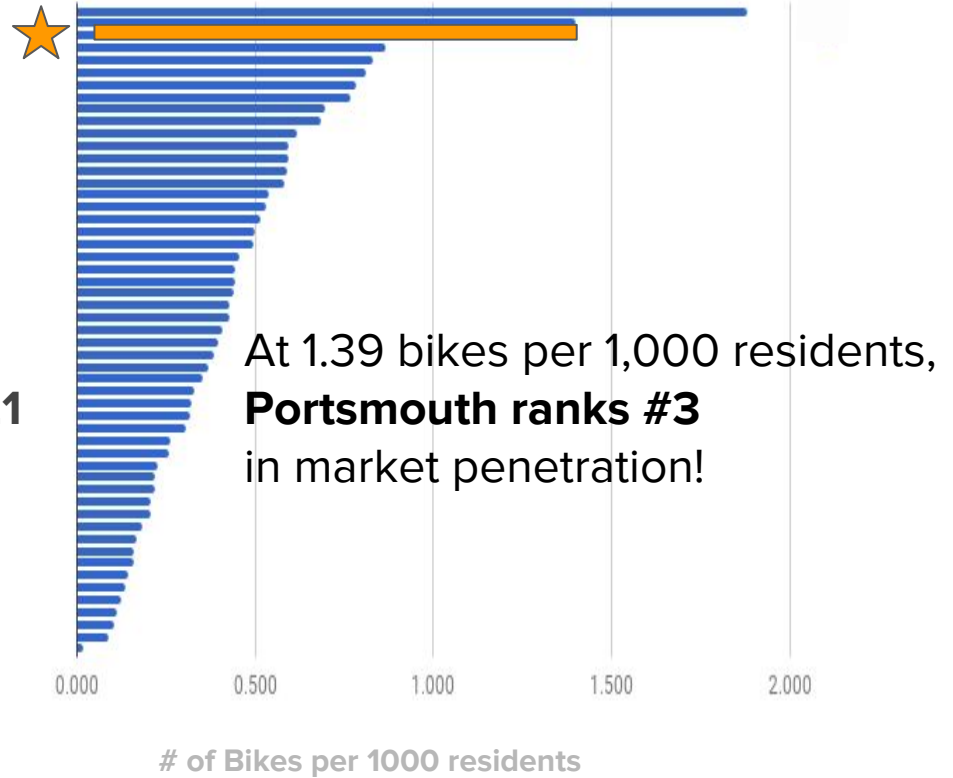
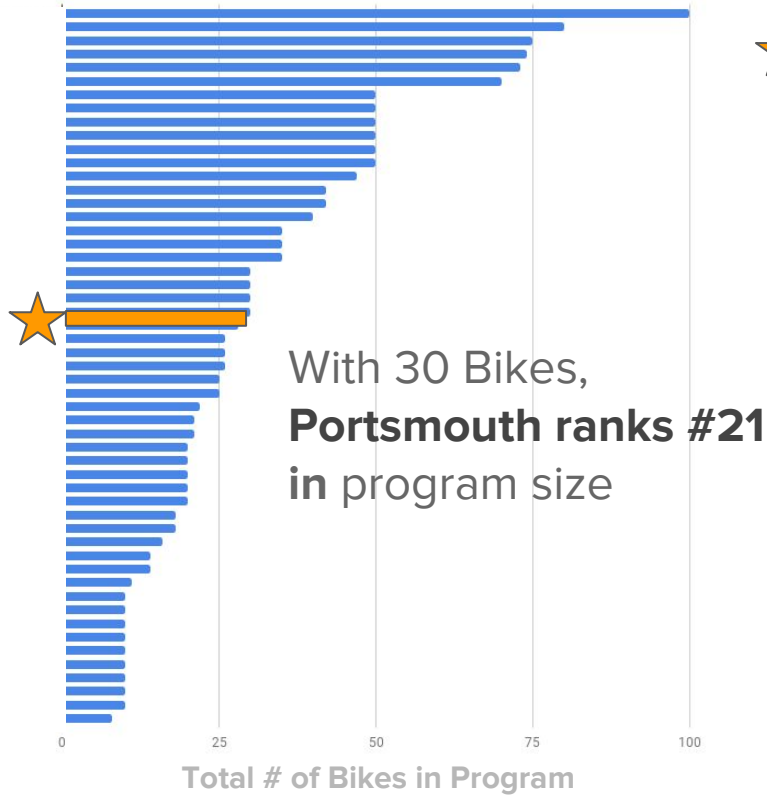
% Members 1st Ride

**90%**

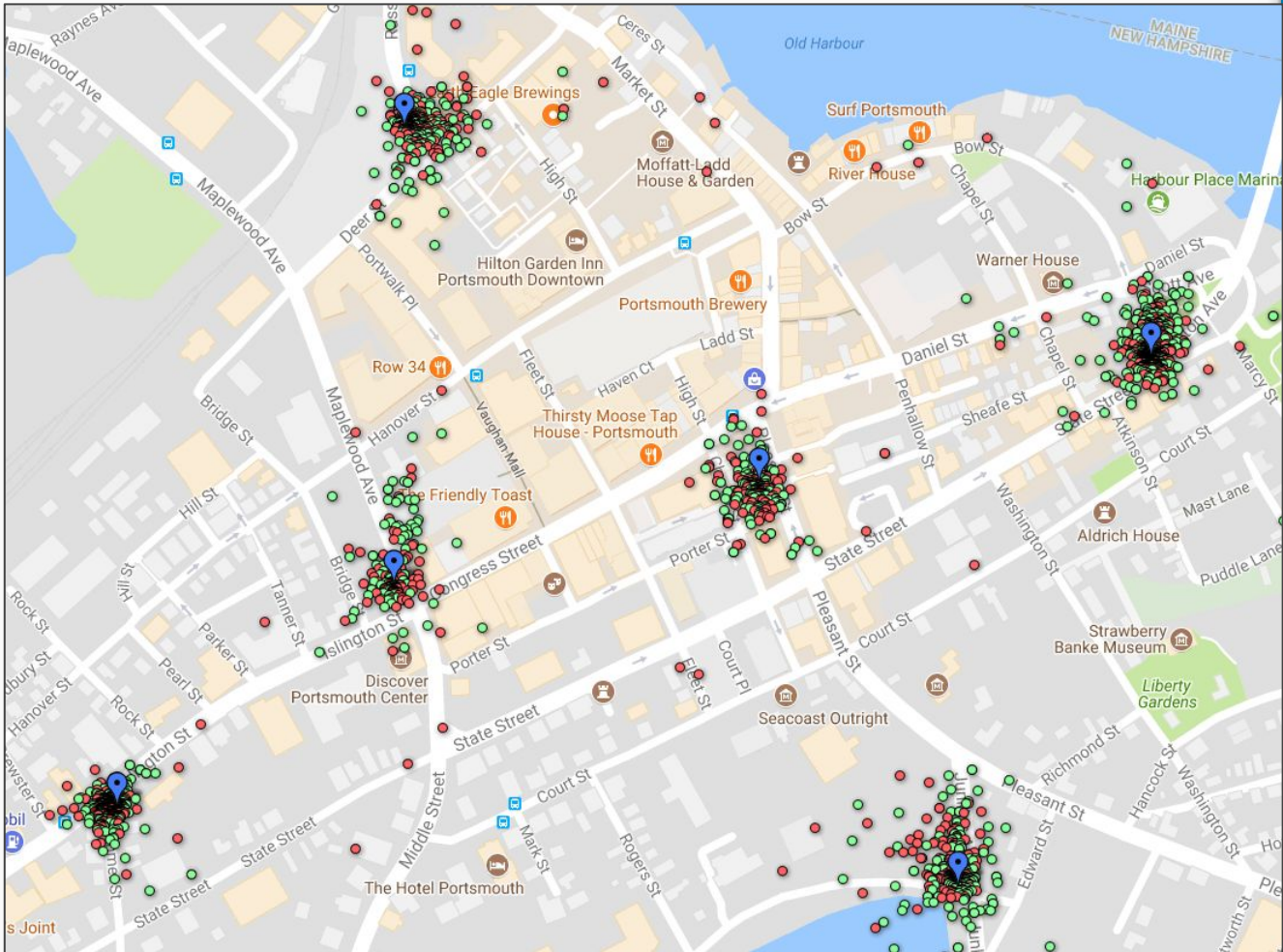
Municipal  
Avg: 83%

# Program Size & Market Penetration

All Municipal Zagster Programs



# Station Utilization



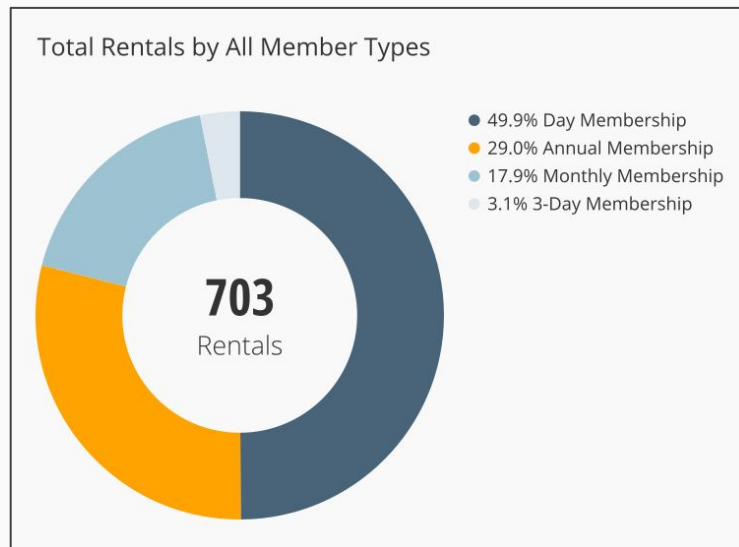
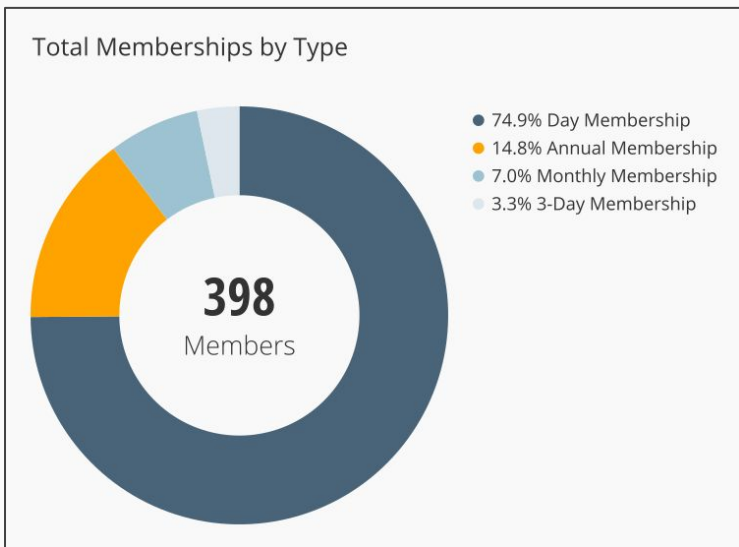
Station	% Usage
(1) Memorial Bridge Lot Station	27%
(2) Summer St. Station	19%
(3) Parrot Ave Station	18%
(4) Russell St. Station	18%
(5) Market Square Station	11%
(6) Bridge St. Lot Station	7%





# Q2 Revenue Breakdown (April - June, 2017)

- Total Rider Revenue accrued (Q2, 2017): **\$3,432.00**
- Check value (93%): **\$3,191.76**



\*Q3 Rider Revenue will available in mid-October, 2017



# 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: Cable TV and Communication Commission

**Initial applicant**

Name: Amrishi Chicooree \_\_\_\_\_ Telephone: 978-317-2973 \_\_\_\_\_

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

Street address: 90 FW Hartford Dr, Portsmouth NH 03801 \_\_\_\_\_

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

Email address (for clerk's office communication): achicooree@gmail.com \_\_\_\_\_

How long have you been a resident of Portsmouth? 2 years \_\_\_\_\_

Occupational background: Business Analyst/Leadd Auditor (Medical

Devices \_\_\_\_\_

Civil Air Patrol : New Hampshire Wing Inspector General \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please list experience you have in respect to this Board/Commission: First time  
applying to a board since I'm fairly new in Portsmouth. I want to get involved with the  
community. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

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

Reasons for wishing to serve: To help my community and be eventually help the citizens.

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

Civil Air Patrol : New Hampshire Wing

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

1) Joan Bauer : 603-498-8833 \_\_\_\_\_  
Name, address, telephone number

2) Steve Bauer : 603-918-4191 \_\_\_\_\_  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  \_\_\_\_\_ Date: 9/15/2017

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

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



received  
9/18/17

# 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: Alternate on the Conservation Commission Initial applicant

Name: Thadders Jankowski Telephone: 207.650.6428

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

Street address: 27 Franklin Street

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

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

How long have you been a resident of Portsmouth? 25 years - with a couple of breaks

Occupational background:  
Public administration  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

30+ years of municipal management experience. Led to city's effort to conserve 300 acres of land in the Great Bog.  
\_\_\_\_\_  
\_\_\_\_\_

OVER  
➔

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

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

Reasons for wishing to serve: I would like to assist the Conservation Commission in helping to educate the public about the benefits of following organic property maintenance practices.

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

Non-Toxic Portsmouth

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

- 1) Erica Dodge, 14 Shoote St., 603.812.5173  
Name, address, telephone number
- 2) Buzzie Dodge, 14 Shoote St., "  
Name, address, telephone number

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

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

Signature: [Signature] Date: 9/16/17

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



# 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: Historic District Commission **Initial applicant**

Name: Martin L. Ryan Telephone: 603-502-8635

Could you be contacted at work? YES/NO If so, telephone # Yes- 207-438-5537

Street address: 221 Woodbury Avenue

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

Email address (for clerk's office communication): mlr\_email@yahoo.com

How long have you been a resident of Portsmouth? 20 years

### Occupational background:

I am a licensed Architect in the State of NH and Massachusetts

I am currently working for the Portsmouth Naval Shipyard in the  
~~Architecture Department. I have owned my own practice for~~  
several years in the City of Portsmouth serving several non-profit  
agencies in the region. Prior to my own practice I was employed by  
two different local architectural firms. I have spent the last 25  
years working in the field of architecture.

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

I am a current alternate member of the Historic District  
commission since January of 2017. I am seeking to fill a permanent  
position on the  
board.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

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

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

I have been a resident and home owner in Portsmouth since 1995. I recognize that the City possess a wide and unique architectural heritage that needs to be properly preserved while the city needs to continue to grow and remain viable. I believe I have the experience, education and judgment necessary to serve on this commission.

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

I have served on the Portsmouth Listens Group.

~~I am a member of NCARB~~

I am a current member of the Historic District Commission.

Please list two character references not related to you or city staff members:

1) Joe Almeida, 33 Blossom St. Portsmouth 603-502-8605

Name, address, telephone number

2) Rachel Hopkins, 9 Middle Road, Portsmouth 603-427-5105

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: \_\_\_\_\_

Digitally signed by RYAN.MARTIN.L.1392571589  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USN, cn=RYAN.MARTIN.L.1392571589  
Date: 2017.09.26 14:47:01 -04'00'

Date: 9/26/17

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes \_\_\_\_\_ No  not at this time.

**Please submit application to the 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: BOARD of LOCAL BO of APPEALS **Renewing applicant**

Name: USA B. DESPANO Telephone: 603.498.3050

Could you be contacted at work?  YES/NO - if so, telephone # 603.431.9701

Street address: 6040 Middle St, PORTS.

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

Email address (for clerk's office communication): LDESPANO@DESPANOARCHITECTS.COM

How long have you been a resident of Portsmouth? 54 years

Occupational background:

Architect  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Reasons for wishing to continue serving: ITS AN IMPORTANT  
BOARD TO BE A SET OF EARS AND  
EYES ON PROJECTS  
\_\_\_\_\_  
\_\_\_\_\_



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

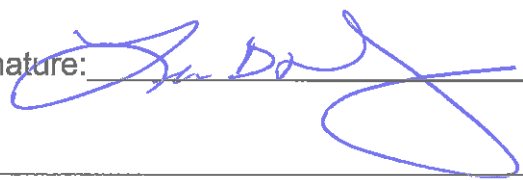
WILLOUVE ST. BAPTIST CHURCH - TRUSTEE  
THE PORTSMOUTH BANK - DIRECTOR

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

- 1) JOE ALMEIDA 603.502.8605  
Name, address, telephone number
- 2) DAVE MAUSFIELD 1.978.834.8554  
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: 09.22.17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_  
Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_  
Date of Original Appointment: \_\_\_\_\_

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: Building Code Board of Appeals

Renewing applicant

Name: Jeffrey G Landry Telephone: 603-436-1931

Could you be contacted at work?  YES  NO - If so, telephone # 207-438-2743

Street address: 72 Nathaniel Dr, Portsmouth, NH, 03801

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

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

How long have you been a resident of Portsmouth? 50+ years

Occupational background:

Formerly Woodworker Leader, current Freight Specialist  
Former Realtor, Welder, Property Maintenance Business  
Owner, Maintenance Mechanic

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

Reasons for wishing to continue serving: enjoy serving town I  
grew up in and have raise my family



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

School Board, Facilities Improvement Community  
Library Trustee

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

1) John Donahue, Colonial Dr Ports, 603 969-2081  
Name, address, telephone number

2) Bill Fales, Middle Rd Ports 207-451-7776  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature: Jeffrey S. Sanders Date: 9/25/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: \_\_\_\_\_

**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: Building Code Board of Appeals **Renewing applicant**

Name: Dennis M Moulton Telephone: 603-812-1745

Could you be contacted at work? YES/NO - If so, telephone # Y / 603-812-1745

Street address: 190 Hillside Drive, Portsmouth, NH 03801

Mailing address (if different): Same

Email address (for clerk's office communication): d-moulton@comcast.net

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

### Occupational background:

Civil Engineer specializing in site plan development. Prior experience includes working as a building code official for the City of Pittsburgh, PA, working for the NH Department of Transportation, and working as a structural engineer for an engineering firm in Boston, MA

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

Reasons for wishing to continue serving: \_\_\_\_\_

Although seldom used, I find the board keeps me involved in building code issues. My prior experience as a building code official in a major metropolitan area gives me insight on many aspects of the building code and its application.



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

Member of American Society of Civil Engineers

Member National Society of Professional Engineers.

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

1) Eric Weinrieb, PE, Altus Engineering, Inc. 133 Court Street, Portsmouth, NH 03801, 603-433-2335

Name, address, telephone number

2) John P Lorden, PE, MSC Engineers, 170 Commerce Way, Suite 102, Portsmouth, NH 03801, 603-431-2222

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 9/27/2017

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: \_\_\_\_\_

**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: Building Code Board of Appeals **Renewing applicant**

Name: Gary Nadeau Telephone: 603 436 8289

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

Street address: 138 Rockland St

Mailing address (if different): Same

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

How long have you been a resident of Portsmouth? 24 yrs

Occupational background:

Mechanical/Manufacturing engineer  
@ Telecom Company (Nokia)

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

Reasons for wishing to continue serving: \_\_\_\_\_

Is continue to serve the city

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

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

- 1) John Brams, 28 Sherburne Ave, 978 764-3962  
Name, address, telephone number
- 2) Jack Nelson, 122 Rockland St, 603 759-8384  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature: Gery Norbun Date: 9/25/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: \_\_\_\_\_

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





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

Advisory Council - Currier Museum of  
Art in Manchester, NH.  
Women's City Club - Portsmouth,  
New Hampshire Art Association

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Nancy Clayburgh FW Hartford Dr 475-3037  
Name, address, telephone number

2) Shari Donnermeyer 193 Gosport Rd 495-5785  
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
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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: 

Date: 9/13/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2020

Annual Number of Meetings: ~~(2016)~~ 8 Number of Meetings Absent: 3

Date of Original Appointment: 10/6/14

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

1 **BE IT RESOLVED:** Endorsement to Petition Governor Sununu to Move Forward Toward Offshore  
2 Wind Development

3 **WHEREAS**, the New England Governors and Eastern Canadian Premiers agreed on regional greenhouse  
4 gas emission targets for 2030 and 2050, and the State of New Hampshire has established a Climate Change  
5 Policy Taskforce that recommends an 80 percent reduction in greenhouse gases by 2050, and has  
6 developed The New Hampshire Climate Action Plan to achieve that goal, and needs to work toward a  
7 sustainable energy system to ensure protection of the health of its people, environment, and economy  
8 before this date; and

9 **WHEREAS**, the City Council voted unanimously to declare Portsmouth an Eco-Municipality in 2007  
10 and signed a resolution which fully acknowledges Portsmouth's commitment and desire to become more  
11 sustainable; and

12 **WHEREAS**, through the development of the Portsmouth 2025 Master Plan residents expressed a strong  
13 desire for the City to be more resilient to the adverse effects of climate change and more proactive in  
14 reducing greenhouse gas emissions and conserve resources to help mitigate the impacts of climate change  
15 for future generations; and

16 **WHEREAS**, the City Council voted unanimously to authorize the Mayor to sign a letter promoting the  
17 Paris Climate Agreement's goals in 2017 calling for increasing efforts to cut greenhouse gas emissions,  
18 create a clean energy economy, and stand for environmental justice; and

19 **WHEREAS**, the federal Department of Energy's National Renewable Energy Laboratory has determined  
20 that the Gulf of Maine has significant potential wind power capacity in excess of 50 gigawatts within 50  
21 miles of the coasts of New Hampshire, Maine and northeast Massachusetts, and that utilizing just a small  
22 percentage of this potential, combined with other renewable resources, could provide much of the future  
23 power needs of our region; and

24 **WHEREAS**, operation of floating wind farms 10 to 50 miles off our coast is expected to provide  
25 environmental and public health benefits relative to existing conventional power sources; and

26 **WHEREAS**, a bipartisan 2015 New Hampshire legislative study committee concluded that "The wind  
27 resource off of New Hampshire's coast has the potential to generate significant amounts of electricity,"  
28 and that services supporting "offshore wind development has the potential to generate significant  
29 economic activity within Portsmouth Harbor"; and

30 **WHEREAS**, the 2015 New Hampshire legislative study committee recommends that the Governor  
31 explore cooperative offshore wind industry development with Maine and Massachusetts, including  
32 regional long-term resource planning facilitated by the federal Bureau of Ocean Energy Management,  
33 which requires the Governor to request formation of an intergovernmental Task Force and stakeholder  
34 process to plan for regional offshore wind development with Maine and / or Massachusetts.

35 **NOW THEREFORE BE IT RESOLVED** that the City of Portsmouth hereby supports efforts to develop  
36 wind power off the New Hampshire coast and urges Governor Sununu to engage other regional leaders  
37 on this important economic development opportunity and supports a formal request to the federal Bureau  
38 of Ocean Energy Management to form a Task Force and stakeholder process to plan for regional offshore  
39 wind development in the Gulf of Maine.

40 This Resolution shall take effect upon passage and written notice of support will be sent to Governor  
41 Sununu.

42 APPROVED:

43

\_\_\_\_\_

44

JACK BLALOCK, MAYOR

45 ADOPTED BY THE CITY COUNCIL:

# **Report of the Committee to Study Offshore Wind Energy and the Development of Other Ocean Power Technology**

**HB 1312 (Chapter 180, Laws of 2014)**

## Membership

Representative Robert Cushing, Chair	Senator Martha Fuller Clark
Representative Herbert Vadney	Senator Jeff Woodburn
Representative David Borden	Senator Russell Prescott

## **Summary**

This Study Committee held seven meetings at which it heard numerous presentations from various experts in the field of offshore energy production.<sup>1</sup> The Committee wishes to thank these individuals for taking the time to come to Concord, oftentimes from out-of-state, to meet with us and share their knowledge. Many interested parties also attended these meetings, including those from state and federal agencies, businesses, academia, and environmental groups. One of the meetings was a public informational session and hearing held on the seacoast at the New Castle Public Library. About 20 members of the public attended.

After considering all of the information presented and the comments received from the public, the Committee has come to the following conclusions.

## Key Findings

- The wind resource off of New Hampshire's coast has the potential to generate significant amounts of electricity, whereas tidal or wave energy do not.
- The best place to develop offshore wind power appears to be three or more miles beyond the Isles of Shoals due to the area's increased wind strength and consistency, reduced boat traffic congestion, and reduced onshore visual impact from the tall structures.
- However, this area has waters that are too deep for conventional foundation attachments to the seabed, and so it is probable that floating platforms would

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<sup>1</sup> See Attachment 1 for list of presenters.

need to be used. Each tower, turbine, and blade assembly would sit atop its own platform and be tethered in place to the seabed.

- Floating platforms are used extensively for oil and gas extraction, but are not yet a proven, cost-effective technology for wind generation. However, demonstration projects have already been deployed in ocean waters and more are to come.
- Offshore wind development has the potential to generate significant economic activity within Portsmouth Harbor, other coastal communities, and even communities farther inland. Even if the large components of the generation units are not manufactured or assembled here, there are extensive supply chain and service needs that New Hampshire businesses and workers could provide, including cabling, support services and vessels, substation and shore grid connections, engineering, environmental services, and the operation and maintenance of the wind farms over the long-term.
- The area 3 or more miles beyond the Isles of Shoals is in federal waters which the Bureau of Ocean Energy Management (BOEM) is responsible for leasing to developers. BOEM has a process called “Smart from the Start” to identify suitable areas where wind development would be compatible with existing uses and not harm the fisheries resource or other wildlife. It is a process that engages multiple stakeholders and is transparent in nature.
- The wind resources off the coasts of our neighboring states are much greater than ours due to their longer coastlines. It makes sense for New Hampshire to work cooperatively with Maine and Massachusetts in developing offshore wind as a regional resource. Connecting future wind farms built off the coasts of Maine, New Hampshire, Massachusetts, Rhode Island and perhaps even farther south with a common undersea transmission line that parallels the coast may prove to be the most efficient means of moving the power to where it is needed onshore.

### Recommendations

- The Committee sees its work as just the beginning of a necessary long-term discussion on the development of wind power off the coast of New Hampshire. Even though there are many outstanding technical, logistical and economic issues concerning the viability of offshore wind generation, especially using floating platforms, the state should prepare itself to take part in the industry’s development if the opportunity arises and it is in our best interest.
- The Committee encourages the Governor to reach out to the Governors of Maine and Massachusetts in an effort to identify ways in which the states can work cooperatively in the development of offshore wind. The Committee also hopes

that the Governors can agree on a joint request to BOEM to form a multi-state task force and stakeholder process to plan for regional offshore wind and transmission line development. It is the Committee's understanding that a state's participation in such a BOEM sponsored process does not obligate the state to contribute any money towards such effort.

## **Background**

The technology used to generate electricity from wind has advanced significantly over the past couple of decades. The turbines and rotors are much larger now and more efficient at converting wind energy into electricity. Costs have also declined making wind much more competitive with other methods of generating electricity. Hundreds of commercial wind farms have been constructed across the United States in the past decade such that wind produced 4% of all the electricity in the nation in 2013.

A wind farm requires a relatively large tract of land for its construction because it is composed of multiple tower, turbine, and blade assemblies that are erected a significant distance apart from each other. This combined with the fact that each structure is very large makes a wind farm a very noticeable feature on the landscape, which can limit where one can be acceptably sited. Another limitation on siting is that wind farms do best, of course, where the winds are strong and consistent. This is less of a consideration in some areas of the nation that are flat and windy by nature, such as the plains of the Midwest. However, in New Hampshire the wind blows best across the top of ridgelines, and constructing a wind farm there tends to make it more prominent.

## **Advantages and Challenges of Offshore Wind**

Both of these potential issues (visual impact and limited areas of sufficient wind strength) are nicely addressed by the siting of wind farms many miles offshore. The winds are very strong and consistent there and the structures are barely if at all visible from land. An added advantage is that since the visual impact is less of a concern, the turbine and blade assemblies can be sized even larger and placed on taller towers. This allows them to capture more wind per unit and to take advantage of the even stronger winds found at higher elevations. As a result, more electricity can be generated per structure which lowers overall costs due to economies of scale.

Unfortunately, constructing wind farms offshore is a challenging and, at this point, costly endeavor. Towers must be attached to the seabed in waters depths up to 50 meters in depth. A specialized and extremely expensive vessel is needed to erect each

tower, place the main turbine body on the tower, and finally to attach the blades, all in an oftentimes harsh marine environment. In additions, there is no existing transmission infrastructure out at sea for a wind farm to “plug into”, so transmission lines must be laid and associated electrical components installed in order to bring the power from the offshore wind farm to land where it can be fed into the electrical grid.

## **Development of Offshore Wind**

Despite these challenges, many countries in the world have moved forward in developing offshore wind farms. Presently, there are approximately 7 GW (7,000 MW) of offshore wind installed worldwide, with more projects in the pipeline. The majority of the installations are located in northwestern Europe. This has resulted in Europe becoming the world leader in this industry, with the necessary knowledge and experience, technologies, manufacturing and installation infrastructures, supply chains, and workforce skills to more efficiently plan and build offshore wind farms. China and Japan are poised to becoming major players in offshore development as well.

As of yet, no commercial-scale projects have been constructed in the United States, though there are two nearby New England projects that are considered to be in their initial phases of construction. The largest is the well publicized 468 MW Cape Wind project to be composed of 130 turbines and located within Nantucket Sound. First proposed in 2001, it has been controversial from the start and aggressively challenged in court and in the public arena by those opposed to where it is to be sited. The project owners have successfully persevered, though recently experienced a major and perhaps fatal setback when the two public utilities that were to purchase over three quarters of the project’s electrical output terminated their contracts with Cape Wind. If constructed, the project would provide about three quarters of the electricity needs of Cape Cod. The other nearby but much smaller project is the 30 MW Block Island Offshore Wind Farm composed of just 5 turbines. It will provide power to the island as well as the mainland through a bi-directional, buried cable. This project is targeted for completion in 2016.

The winds that blow in the Gulf of Maine off of New England’s coastline are very strong and have the potential to produce huge amounts of electricity (>150 GW). New Hampshire’s share of that is quite small due to its limited coastline. Nonetheless, it is estimated that up to 2.8 GW of generation capacity exists 3 or more miles off of our coast, seaward of the Isles of Shoals. For comparison purposes, Seabrook Station is a 1.2 GW facility that generates at 87% of its capacity on a yearly average, whereas the percentage for an offshore wind farm generally would be less than 50%.

## **Floating Platforms**

Most of the area 3 or more miles off of our coast and seaward of the Isles of Shoals has waters too deep (>50m) for fixed seabed foundations. The alternative proposed for such deep waters is to affix the towers and turbines to floating platforms that would be held in place by tethers anchored to the seabed. Floating platforms are used extensively for oil and gas extraction, but are not yet a proven, cost-effective technology for wind generation. Demonstration projects consisting of single platform/turbine (2 MW) installations using different platform technologies have already been deployed off the coasts of Portugal, Japan and Norway, while groups of 2 to 6 floating platforms with larger turbines (5 to 7 MW) are planned in the next few years off the coasts of Oregon, Japan, and Scotland.

If these demonstration projects prove that floating platforms are a suitable technology for supporting wind turbines and a cost effective means of deploying them, then the deep water areas off the coast of New Hampshire and other parts of the Gulf of Maine can be utilized for power generation. One expected advantage that floating platforms will have over fixed seabed installations is that the platform, tower, turbine body, and blades can be assembled in the safe confines of a specialized port facility rather than at sea. Once assembled, the entire floating structure can simply be towed to the wind farm location and tethered in place, with little disturbance to the marine environment.

## **BOEM Process**

Locating a wind farm 3 or more miles from land requires a lease from the federal government because it would lie in federal waters. The Bureau of Ocean Energy Management (BOEM) oversees the development of wind energy in federal waters along with other energy sources. BOEM created the “Smart From the Start” process for identifying suitable areas for wind development in cooperation with states. BOEM’s stated philosophy is centered on engagement of stakeholders, transparency, and providing opportunities for public input through formal and informal processes.

The process is initiated by Governor request. Once that is received, BOEM establishes an intergovernmental task force composed of elected local and state officials as well as state and federal agency personnel. The task force works with BOEM to:

- Provide a regional perspective to the leasing process



- Engage federal, state, and other entities in long-term resource planning
- Facilitate site selection through stakeholder coordination
- Promote issue identification and mitigation of potential impacts
- Collaborate on the use of scientific research and information
- Enhance environmental monitoring and mitigation strategies

Twelve such task forces are in place along the Atlantic and Pacific coasts. Some have progressed to the point where BOEM has been able to identify suitable areas (7 in total) for wind development. One of these areas is off the southern coast of Massachusetts. It is 742,974 acres in size and capable of supporting up to 5 GW of generation. Competitive auctions have been held and leases awarded in some of the identified areas, with more auctions scheduled in the near future.

### **Multi-state Cooperation**

BOEM can also form a multi-state task force when two or more states see an advantage in working together. Massachusetts and Rhode Island came to this conclusion back in 2010 resulting in BOEM establishing a joint task force of the two states. The process led to the designation of a wind energy area along their joint border and the subsequent auction and lease of a portion of it to a developer in 2013. The Deepwater One project has a capacity potential of 1 GW.

The multi-state approach provides the opportunity for integrated, regional planning. One place where this could prove especially valuable is when considering how power from multiple wind farms in a region can be most efficiently transmitted to the mainland. Rather than each wind farm having to lay its own cable to shore and interconnecting it to the grid, perhaps laying in a common transmission backbone that parallels the coast and comes ashore at a few key locations makes more economic sense. The wind farms could then just “plug into” that system. Such a system might also be useful as a valuable offshore transmission corridor that may alleviate some of the congestion and stress on New England’s transmission system by helping to move power to where it is needed within the region.

### **Economic Activity**

The development of offshore wind has the potential of creating significant economic activity within Portsmouth Harbor, other coastal communities, and even communities farther inland. Even if the large components of the generation units are

not manufactured or assembled here, there are extensive supply chain and service needs that New Hampshire businesses and workers could provide, including cabling, support services and vessels, substation and shore grid connections, engineering, environmental services, and the operation and maintenance of the wind farms over the long-term.

This type of economic activity is not dependent on wind farms being built off of New Hampshire's coast. For example, Cianbro, a Maine company, is currently under contract to produce electric service platforms for the Cape Wind project in Massachusetts. The Maine Ocean and Wind Industry Initiative is an example of an industry-led effort to identify workforce and supply chain strengths in the Gulf of Maine. Several New Hampshire companies are included in the Initiative's regional supply chain database.

It is hard to know when offshore wind will truly take off in the region, but it is clear that our neighbors to the north and the south are making serious efforts to develop the industry. Massachusetts is one of the leaders in the country at the moment in this regard. It therefore behoves New Hampshire to become more involved in this potentially significant area of economic growth, even with the limited coastline that we have. There is no reason why the proverbial saying that "a rising tide lifts all boats" should not apply to New Hampshire when it comes to offshore wind development.

Information and documents supplied to the Committee can be found at:  
<http://www.gencourt.state.nh.us/statstudcomm/committees/2151/documents.aspx>



## Attachment 1

### List of Presenters

<u>Name</u>	<u>Organization</u>
Jeffrey Browning	Bureau of Ocean Energy Management
William O'Hara	Northeast Utilities
Val Stori	Clean Energy Group
Christian Williams	NH Dept. of Environmental Services - Coastal Program
Paul Williamson	Maine Ocean and Wind Energy Initiative
Bill White	Mass. Clean Energy Center
Joel Whitman	Whitman Consulting Group
Martin Wosnik & Ken Baldwin	UNH - Center for Ocean Renewable Energy

## Wind Energy Commercial Leasing Process

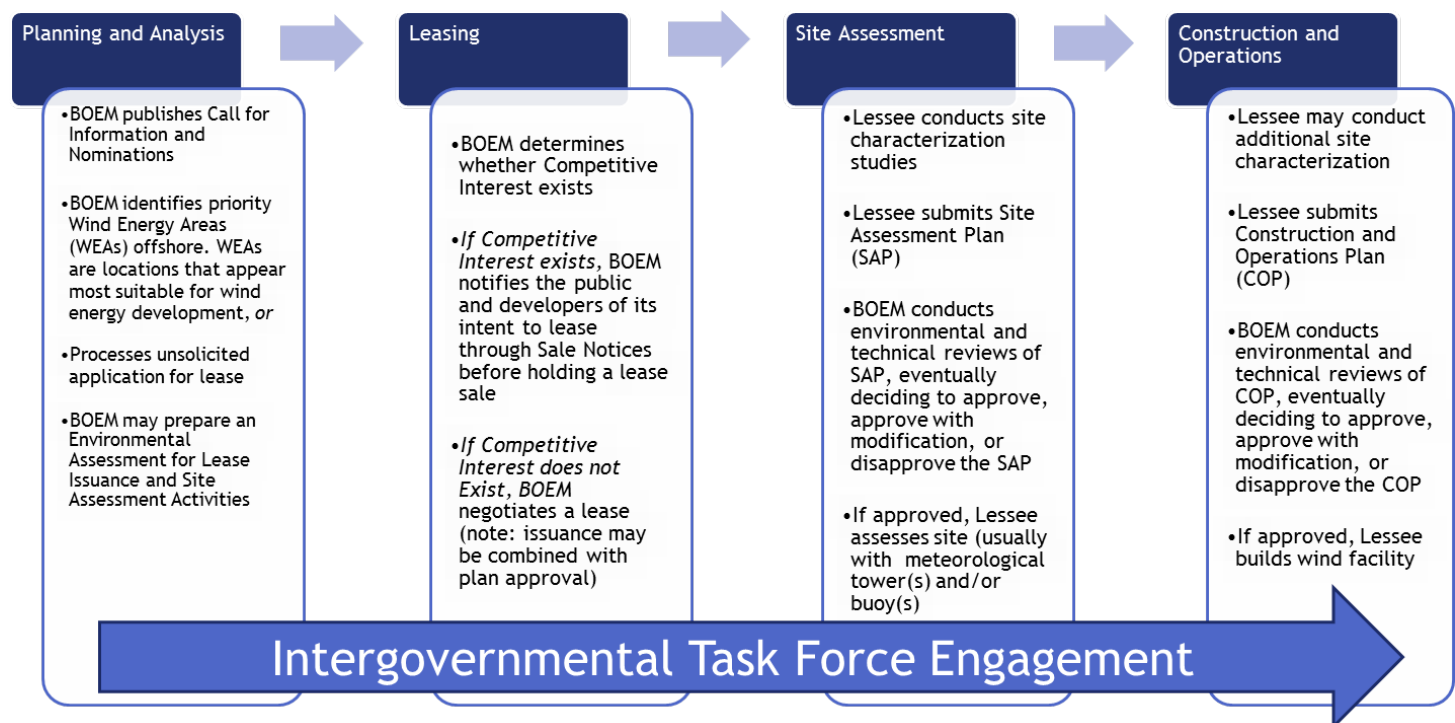
In 2009, Department of the Interior announced final regulations for the Outer Continental Shelf (OCS) Renewable Energy Program, which was authorized by the Energy Policy Act of 2005 (EPAAct). DOI's Bureau of Ocean Energy Management (BOEM) is responsible for implementing these regulations, which provide a framework for issuing leases, easements and rights-of-way for OCS activities that support production and transmission of renewable energy, including offshore wind, ocean wave energy, and ocean current energy.

### Importance of Stakeholder Engagement

To help inform BOEM's planning and leasing process, BOEM has established Intergovernmental Renewable Energy Task Forces in states that have expressed interest in development of offshore renewable energy. The role of each Task Force is to collect and share relevant information that would be useful to BOEM during its decision-making process. To date, 14 BOEM Intergovernmental Task Forces have been established in California, Delaware, Florida, Hawaii, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, and Virginia. Task Force meetings have helped identify areas of significant promise for offshore development and provided early identification of, and steps toward resolving, potential conflicts.

### The Process

BOEM's renewable energy program occurs in four distinct phases: (1) planning and analysis, (2) lease issuance, (3) site assessment, and (4) construction and operations. The figure below outlines BOEM's process for authorizing wind energy leases.



**Planning and Analysis.** The Planning and Analysis phase seeks to identify suitable areas for wind energy leasing consideration through collaborative, consultative, and analytical processes that engage stakeholders, tribes, and State and Federal government agencies. This is the phase when BOEM conducts environmental compliance reviews and consultations with Tribes, States, and natural resource agencies.

**Leasing.** The leasing phase results in the issuance of a commercial wind energy lease. Leases may be issued either through a competitive or noncompetitive process. A commercial lease gives the lessee the exclusive right to subsequently seek BOEM approval for the development of the leasehold. The lease does not grant the lessee the right to construct any facilities; rather, the lease grants the right to use the lease area to develop its plans, which must be approved by BOEM before the lessee can move on to the next stage of the process.

**Site Assessment.** The site assessment phase includes the submission of a Site Assessment Plan (SAP), which contains the lessee's detailed proposal for the construction of a meteorological tower and/or the installation of meteorological buoys on the leasehold. The lessee's SAP must be approved by BOEM before it conducts these "site assessment" activities on the leasehold. BOEM may approve, approve with modification, or disapprove a lessee's SAP. It is also during this phase that the lessee would conduct site characterization surveys and studies (e.g., avian, marine mammal, archeological).

**Construction and Operations.** The construction and operations phase consists of the submission of a Construction and Operations Plan (COP), which is a detailed plan for the construction and operation of a wind energy project on the lease. BOEM conducts environmental and technical reviews of the COP and decides whether to approve, approve with modification, or disapprove the COP. Prior to the end of the lease term, the developer must submit a plan to decommission facilities.

### **Need for Ongoing Research**

The Renewable Energy Program is supported by a substantial investment in research and data collection. The areas that are appropriate for renewable energy development have likely never been studied for such development and, in some cases, there is information lacking about the physical and biological environment. BOEM engages the Task Forces, as well as a broad spectrum of agencies, universities and other stakeholders, to identify the critical data gaps and independently or through partnerships seeks to fund studies through its Environmental Studies Program. The need for continuing to pursue information to ensure access to the OCS for renewable energy development and to ensure that such development is environmentally appropriate is a high priority for BOEM.

### **For more information**

Email us at [renewableenergy@boem.gov](mailto:renewableenergy@boem.gov) or visit us at <http://www.boem.gov/Renewable-Energy>.