

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 20, 2017 TIME: 6:30 PM

AGENDA

- **6:30PM – WORK SESSION REGARDING PORTSMOUTH LISTENS STUDY CIRCLES – CONFERENCE ROOM A**

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

PRESENTATIONS

1. Rockingham County Update - Kevin St. James, Rockingham County Commissioner
2. Coakley Landfill Group Update – Robert P. Sullivan, City Attorney

- V. **ACCEPTANCE OF MINUTES – OCTOBER 2, 2017**

- VI. **PUBLIC COMMENT SESSION**

- VII. **PUBLIC HEARINGS ON ORDINANCES AND/OR RESOLUTIONS**

- A. Public Hearing/Second reading Re: Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. Public Hearing/Second reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

C. Public Hearing/Second 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

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

D. Public Hearing/Second 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

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

E. Second reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language (*Postponed from October 16, 2017 City Council Meeting*)

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grants & Donation:

- Donation from the Estate of Geraldine Webber – Final Disbursement of Funds to the Portsmouth Police Department - \$2,663.47
- Internet Crimes Against Children Task Force Grant – ICAC Task Force satellites in NH - \$264,256.00
- NH Highway Safety Grants
 - a. STEP Grant for Traffic Enforcement - \$15,940.28
 - b. DWI Patrol Grant - \$14,547.00
 - c. Pedestrian/Bicycle Patrol Grant - \$6,157.20
 - d. Sobriety Checkpoints Grant - \$7,426.56
 - e. Distracted Driving Grant - \$7,157.20

(Sample motion – move to accept and approve the grants and donation to the Portsmouth Police Department, as presented)

B. Acceptance of Fire Department Donations:

- Donation of a disbursement check in the amount of \$188,129.88 from the Estate of Geraldine W. Webber. This donation is the final disbursement of funds to the Portsmouth Fire Department
- *Donation from G. Willikers LLC in the amount of \$55.00 for fire prevention and awareness costs

(Sample motion – move to accept and approve the donations to the Portsmouth Fire Department, as presented)

- C. *Acceptance of Community Development Block Grant Funds (**Sample motion – move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$513,580 from the U.S. Department of Housing and Urban Development**)
- D. *Acceptance of Donation Re: John McMaster Memorial Bench (**Sample motion – move to accept and approve the donation for the John McMaster Memorial Bench, as presented**)
- E. Acceptance of sponsorship for Zagster Bike Share Station from Portwalk Place for \$9,000.00 per year for two years (**Sample motion – move to accept and approve the sponsorship from Portwalk Place for the Zagster Bike Share Station**)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Emily Christian, National Multiple Sclerosis Society requesting permission to hold the 2018 Bike MS NH Seacoast Escape on Saturday, August 25, 2018 (**Anticipated action – move to refer to the Acting City Manager with power**)
- B. Letter from Lilia Potter-Schwartz requesting to hold the 3rd Annual Race To Educate on Sunday, May 27, 2018 at 12:30 p.m. (**Anticipated action – move to refer to the Acting City Manager with power**)
- C. Request for License to Install Projecting Sign from Friends of the Music Hall owner of The Music Hall for property located at 28 Chestnut 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*

- D. Request for License to Install Projecting Sign from VPC LLC owner of Office Resources for property located at 28 Deer 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*

- E. Request for License to Install Projecting Sign from Jamer Realty Inc. owner of The Wilder for property located at 174 Fleet Street (**Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request**)

Planning Director's Stipulations:

- *The license shall be approved by the Legal Department as to content and form;*
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- *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*

- F. Request for License to Install Projecting Sign from Andover Portland Avenue Assoc. LLC owner of Pretty Little Things for property located at 10 Vaughn Mall (**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:

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X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (See E-mail Correspondence)
- B. Letter from Greg Mahanna, Pheasant Lane Homeowners Association expressing their, opposition to the proposed expansion of the Gateway Mixed Zoning area, specifically, the inclusion of the St. James church property in the mixed-use expansion (**Anticipated action – move to accept and place the letter on file**)
- C. Letter from Paul Harrington, Diocese of Manchester, regarding Expansion of Gateway Corridor (**Anticipated action – move to accept and place the letter on file**)
- D. Letter from Neil Robinson request for a quit claim to release the City's interest in the paper street portions of Moffat Street adjoining property located at 170 Swett Avenue (**Anticipated action – move to refer to the Planning Board for report back**)
- E. Letter from Mike Somers, President and CEO, New Hampshire Lodging & Restaurant Association, regarding the update of Chapter 4, Articles I-V of the ordinances of the City of Portsmouth
- F. Letter from Karyn P. Forbes, Attorney-at-Law, Shaheen & Gordon, regarding Proposed amendment to Chapter 15, Part III, Fuel Gas Installations

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Acting City Manager's Items Which Require Action:

1. Request for Approval of the Tentative Agreement between the Fire Commission and the Firefighters Association of Portsmouth, New Hampshire Local #1313 Tentative Agreement
2. Request for Approval of the Tentative Agreement between the Fire Commission and The Portsmouth Professional Fire Officers Association Tentative Agreement
3. Report Back from Planning Department Re: Involuntarily Merged Lot at 346 Bartlett Street
4. Holiday Parking
5. Charles Lassen's Proposal for Dock Space
6. Report Back Re: Community Home Solutions PILOT Agreement
7. Request to Dispose of Surplus Vehicles and Equipment
8. Request Re: Installation of Fencing and Signage for the Jay Smith Memorial Garden, the Lower State Street Pocket Park
9. Request to Reschedule November 27, 2017 Work Session Re: McIntyre Property

Acting City Manager's Informational Items:

1. Guiding Principles Related to Code Adoption in Portsmouth
2. Events Listing
3. Letter Re: Uniform Standards of Professional Appraisal Practice 2017 Commercial / Industrial for City of Portsmouth
4. Report Back Re: Revaluation Peer Review
5. Trustees of the Trust Funds Annual Report, MS-9 and MS10
6. Greater Portsmouth Chamber Collaborative Semi-Annual Report
7. Business Retention and Expansion Report
8. Toxic-Free Weed Control
9. Report Back Re: Exploring the Concept of allowing Artists and Others who have a Studio, Gallery, Workplace, or Storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Adrienne Harrison (current alternate) as Regular member to the Conservation Commission
 - Appointment of Nathalie Morison as an Alternate member to the Conservation Commission

- Reappointment of Jim Lee to the Zoning Board of Adjustment
 - Appointment of Peter McDonell (current alternate) as a Regular Member to the Zoning Board of Adjustment
2. *Appointments to be Voted:
 - Appointment of Cyrus Beer as an Alternate to the Historic District Commission
 - Reappointment of Dana Levenson to the Economic Development Commission
 3. Resignations:
 - Matthew Cardin from the Conservation Commission
 - Fred “Ted” Gray, Jr. from the Parking & Traffic Safety Committee effective December 31, 2017
 4. *Appointment of City Councilors to the Joint Budget Committee

C. ASSISTANT MAYOR SPLAINE

1. Re-Thinking the McIntyre Development Process – Creating a Vision before Choosing a Developer

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the November 2, 2017 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the November 2, 2017 Parking & Traffic Safety Committee meeting***)

E. COUNCILOR CYR

1. *Parrott Avenue Parking - half employee parking/half metered parking to be implemented in September 2018, when the Foundry Place Garage is completed (***Sample motion – move to bring back for First Reading at the December 4, 2017 City Council meeting***)

F. COUNCILOR DENTON

1. ***Motion for City Staff to report back on the role the Liquor Enforcement Board plays in regards to the State Liquor Commissions’ liquor license letter requirement, what in the Fire Code could lead people to believe a “No Dancing Policy’ existed, and any potential changes to either the Liquor Enforcement Boards’ policies or the Fire Code that could result in more establishments allowing dancing.**

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 September 12, 2017 and September 21, 2017 meetings of the Planning Board are now available on the City’s website

“Being whole as people”

The goal of Portsmouth Listens housing dialogues was to identify what it means to have a “good place to live” that takes into account the needs of those who live, work and play in Portsmouth. Early on in the dialogue, we coalesced this concept into one main idea:

What is it about a place, specifically housing and neighborhoods, that allows us to “be whole as people.”

What constitutes being whole?

Changing the conversation to focus on this phrase allowed us to expand our view beyond just housing. We also explored what people need when living in an area *as an experience*. When viewed in this light, the group identified the following four key necessities to reach this:

Thoughtfulness in place design

The overall list of ideas brainstormed by our group was large and thorough. The group was given several votes each, but we were able to consolidate some of the ideas to avoid spreading repeats. “Thoughtfulness in place design” was one of these consolidations - combining concepts like green space, lighting, noise mitigation, building scale, and variation of size and layout of the overall community.

Walkability

Critical to the effectiveness of place design was the ability to be in close proximity to services, activities, and social interaction, along with the ability to get to these things either without the need to park, or without the need to have a vehicle in the first place.

Knowing Neighbors and “Having a Sense of Belonging”

At the end of the day, all of these factors contribute to the overall sense of “being whole” that we set as our target. Two of the things identified with this and voted on by the group were having a good relation with neighbors and having a sense of belonging - that the community is open and engaged while still having a place to call one’s own.

Demographic needs

The group also identified the specific needs of certain demographics that either already make up the population of Portsmouth or were expected down the line. These demographic groups included those aging in place with a fear that they would be pushed out of their homes or out of

Portsmouth altogether, young “family creators” who are raising children, and “20 somethings” attracted to the area for its energy and vibrancy.

While the goal is to allow this sense of “being whole” in general, these specific demographics may have particular needs outside the general case. These included:

- The ability to alter properties to allow for families to take care of their older generations on site
- Having more assisted living
- Keeping friends/family from different socioeconomic levels in the area
- Keeping the city affordable so that younger people who leave the city to grow are able to return, and that people can age in place without being priced out of their own homes.

Cultural changes were also discussed - reducing the stigma of using public transportation, reducing “car culture”, etc.

What is needed, and what should we address first?

In week two, we discussed what types of housing would meet the goals described above. While it was recognized that the fundamental reality is that the city needs more housing supply to meet demand, it wasn’t the only factor, and the types of housing necessary varied greatly depending on the target audience.

This gave us an overall picture that what is required was *a mix of different solutions*, including:

- Housing in a variety of sizes and configuration and pricing (also, with yards and gardens)
- A desire for well-designed smaller units and co-housing/multi-age housing
- Mixed use development
- Pocket neighborhoods

The latter solution is notable because the discussion centered around meeting the specific goals identified for “being whole as people” beyond simple housing. Developing more neighborhoods that could be connected by public transportation or non-vehicular (walking, biking) travel reduces costs in ways beyond merely trying to reduce the cost of housing itself. Furthermore, such development meets the needs of finding a sense of belonging and connecting with neighbors. The Atlantic Heights neighborhood was given as example of how this was done well.

The other issue brought forward frequently was whether or not the space exists to build more housing. *Without an open conversation* with existing neighborhoods about how what changes they would accept down the road and how it will impact them, it is difficult to simply decide that existing areas should be re-zoned or planned in other ways. This issue often brought up discussion around Pease, why housing was removed from there originally, and if the possibility of placing neighborhoods “out there” exists. However, the need to become more dense in other areas was still recognized.

Recommendations

While there was not much push-back on the existing plan to revise the Gateway District mixed-use zoning plan, there was a desire to have the 2nd or 3rd readings delayed until the recommendations provided by Portsmouth Listens could be completed. Whether those recommendations will affect those existing proposals is only part of the scope of these working groups - the other part being looking forward to newer proposals.

There was also concern that even with the existing plans that have been put forward over the years, real change has not occurred, or, at the very least, advice has fallen by the wayside. The desire for more frequent progress reports was identified.

Beyond these concerns, the group identified the following four things they would like to see moving forward to meet its goals:

- **Final say on Pease properties** - there has been so much confusion at many different levels (residents, council, city government) on what the reality is with the PDA's charter and contracts. What can be done? What cannot be done? The group wanted a full analysis of the possibilities regarding residential building here in both the near and long term to clarify this and finally have a full set of information on the table. Requesting the City Manager give an overview of the entire Pease charter and agreements over time to the council, or perhaps a commission directly created for this purpose, was a desire.
- **Investigate stock of city properties for these purposes** - engaging with the PHA to develop more housing and examining which properties have this potential. This includes developing RFPs that require certain percentages of workforce housing. The advantage here is that the city owns the property and thus has control over it without stepping on any developer property rights.
- **Focus on the creation of more neighborhoods** - as identified above, meeting the sense of belonging while increasing localization and walkability was most clearly met by allowing new neighborhoods to grow, whether through small well designed units or through mixed-use. Plans can the focus on connecting these neighborhoods to reduce traffic, etc.
- **Hold developers accountable to requirements** - this was identified specifically around creating 30% affordable housing requirements, and change zoning requirements such that the affordable housing developed would not necessarily need to be in the same development as any particular one being proposed. Options such as impact fees and Tax Increment Local Transfers were discussed, but primarily focused on making sure that the impacts of development are well understood and mitigated as part of the process.
- **Create an open dialogue between developers and neighborhoods** - other cities have had success in creating a direct forum for residents to engage with developers who have plans to change things on or nearby their existing homes. It was noted that right now that conversation tends to happen indirectly; residents talk to city government/staff, staff talks to developers, and visa versa. Having an open dialogue at the beginning may get more

buy in from residents and also make sure that the *specific impacts* of changes to each neighborhood is accounted for. It may also reveal many residents who are on-board with having areas at or near them re-zoned to these newer ideas.

This group believes that the goal of solving our housing issues to allow people to “be whole” as stakeholders of Portsmouth is best met by focusing on these five priorities.

Who can act?

While the bullets above are directed at city government, it should be noted that the above does not rest entirely on the shoulders of the council or staff. Much of this public information is available to anyone with the wherewithal to investigate it and share that investigation with other interested parties. Furthermore, it is entirely possible for bottom-up organization to form proper forums connecting neighborhoods with developers, allowing neighborhoods to strategically plan their own growth, etc. The process of living as whole people in Portsmouth is one that takes active engagement, and it is incumbent on all of us to participate in it.

Tuesday Night Group – Portsmouth Listens – Housing - Fall 2017

What makes a great community?

The areas that rose to the top include:

Green component:

Access to Green Spaces
Healthy environment and ecosystems
Reduction and mitigation of human impact

Financial component:

Financial viability, including equitable taxation and ability to maintain home*
Responsive city services including maintenance

People/Neighborhood component:

Connecting with neighbors, sense of community*
Convenience including walk /ride public transportation
Safety

Other:

Lasting memories and shared history
Healthy maritime economy
Integrated diversity of all kinds in neighborhoods
Community resources including arts and culture*

*votes considered to be of particular importance to an individual's **housing** needs

Assessing the current state of Portsmouth's vision for itself – How are we doing in these areas?

(40 points=highest possible. 8 points=lowest possible)

- Vibrant 34
- Authentic 24
- Diverse 20
- Connected 31
- Resilient 22

Recognizing that any discussion on housing encompasses many factors, we tried to tie in the insights and recommendations as outlined in the "Portsmouth Listens Housing Dialogue Phase 1 Common Groups Reports," along with our own perspectives. In addition, it seems clear that, while the city may be interested in hearing these public discussions and obtaining feedback, many private projects are already underway and others have been approved. The city has been looking at repurposing certain commercial parcels, but the viability of pursuing these concepts/potential projects is not known. A particular theme that came out was the notion that the Portsmouth Housing Authority may have

“access” to properties, and what that might mean in the mix of providing economically diverse housing. A majority of our members did not wish to see the City of Portsmouth as landlords/in the housing business. However, the city ought to utilize the expertise of the housing authority to translate any recommendations into viable solutions.

Economically diverse housing, reflecting pricing that service workers, young families, middle-income and fixed income senior populations can reasonably afford is a goal. This “middle” group of residents seems to be the hardest hit in terms of the city’s ability to retain a diverse community. **Initiatives to create new neighborhoods is a good idea, where gateway mixed-use zones could target the missing middle. The majority opinion opposes increasing density in existing neighborhoods. We believe that preserving the character of existing neighborhoods takes priority over increasing housing in these areas.**

Zoning ordinances, and potential changes to them, also took up a good portion of discussion, especially where protecting and sustaining green space is concerned. **Wetland and woodland protection, and buffer zones throughout the city, is a primary concern to our group, even if it means forgoing housing projects that would solve acknowledged shortages.** Understanding that incentives may be part of the solution for private developers to create “affordable” units, one concept put forth was to allow assessments to reflect protection of wetlands by lowering assessed values of that portion of the property that is being preserved.

Stronger regulation could also be considered when it comes to environmental impact. Do not approve the sought-after extension of the zone near the Marine Supply store, which is near wetlands, and behind the Echo Ave. neighborhood.

Adverse impact to the city’s water and sewage facilities is of concern as building and development continues. These may already be overburdened. We do not have unlimited capacity, therefore thoughtful development is a must.

Additional notes from our meetings:

- Cost is a barrier to entry for the young; continued affordability a problem for most.
- More small, affordable apartments are needed (too many high-end condos).
- Concern about shoe horning too many buildings on small lots through granting variances.
- Avoid urban sprawl with its negative impact on the environment.
- Concern about being financially pushed out of affordable places like Hillcrest by gentrification.
- Walkability to basic needs like shops for retirees is important for new developments.
- Facilitate cooperative living facilities as an alternative to nursing homes (currently discouraged by the zoning ordinance.)

A desire to slow down the pace of development to require developers to be clear about a project and hear community questions and concerns? Suggestion of a 1-year moratorium on development of commercial, industrial, and retail because of concerns about unburdening water and sewage. Then after

1 year reassess. Opposing view: this would be kicking the can down the road, leading to developers dumping property and creating legal problems.

Suggestion: one person from the planning department be assigned to follow a building permit start to finish

Workforce housing at Pease?

Ability to develop housing at Pease would alleviate pressure on Portsmouth and gateway zones; although, Pease being a superfund site would make housing development there challenging.

Also, the Pease Development Authority is strongly against housing at Pease.

McIntyre Building – views:

- Ensure this development includes affordable housing for downtown area.
- Rehabilitation of the building will be too expensive to include affordable housing.
- The property is too valuable to accommodate affordable housing, which would reduce revenue for the city over a 10 - 20 year period.
- Hoping the McIntyre building can regenerate the tax coffers.

Portsmouth Listens
Housing Dialogue
Wednesday Evening Group
Final Report (November 2017)

Our group was comprised of Gregg Spaulding (facilitator), Jessica Gorhan (recorder), Diane Stradling, Barbara DeStefano, John Shea, Robert White and John Maher. We met for three evenings to identify the opportunities and challenges to adding more diverse housing stock to the City's existing inventory.

Because we came from diverse sections of the City, we identified the basic characteristics necessary for a home in Portsmouth. In light of the fact that our charge was to focus on affordable, workforce housing in Portsmouth, our group felt that every home should be safe and have access to various modes of transportation. In order to be affordable, we felt that whether it was a single-family home, condominium or an apartment, the size of the unit could be smaller than the zoning laws currently allow. Amenities such as green space or access to shopping were additional goals to incorporate into any new housing plan.

Many changes could occur if the City continues to modify its zoning requirements to allow for more diverse housing to be built in close proximity to one another. There must be a concerted effort to educate the citizens of Portsmouth that these changes are necessary in order to keep Portsmouth as vibrant as it is today. For years, the City has been stopped at its borders with any plan to create a regional approach to the housing issues or problems. Our group encourages the City to revisit any contacts with the surrounding towns to address the housing needs of the region. Our group prioritized the different categories of housing that were in most demand. The four areas of affordable housing that received the most support in our group were, in order, housing for seniors that work or still need to work, housing for lower income families, housing for young adults, and housing for middle income families.

Among the suggestions we discussed to increase and improve affordable housing in Portsmouth were the following: more micro-units, relaxation of some zoning regulations to allow communal living (and more calls for mixed uses everywhere), expanding the square footage limitation of accessory units, and expanding the number of elderly housing units (and increasing the support for those residents who are already in elderly housing in Portsmouth).

On a longer-term basis, we'd like to see the City focus on and carefully study the future status of automobiles, parking, and public transportation in the downtown area and throughout Portsmouth – and alternative transportation (bicycles included).

In the end, we discussed quite a few ideas, recommendations, and priorities (both broad/conceptual and quite specific/detailed) – often agreed with one another and sometimes varied in our views. However, for the purposes of this report, we agreed on three core recommendations. As follows:

(1) REGIONAL COOPERATION – We believe it is essential that the issue of affordable housing in (and around) Portsmouth be tackled with as much regional collaboration as possible. We need to tackle this issue together, find common ground, and work cooperatively. We believe the New Hampshire communities of Rye, Greenland, and Newington are particularly critical. And we'd love to see New Castle involved, too. We'd also urge bi-state collaboration with the Maine communities of Eliot and Kittery. Affordable housing is a regional matter – and demands regional collaboration. And we believe it is everyone's greater interest – and that leverage points surely exist to bring everyone to the table. Traffic, roads, bridges, parking, public and alternative transportation, clean rivers and oceans, safe drinking water, air quality, and secondary education (Portsmouth High School) are among the drivers. We need citizens, city/town governments, and businesses from all seven communities (Portsmouth, Rye, Greenland, Newington, Eliot, Kittery, and New Castle) participating. And state government – both NH and ME. And possibly county governments in the region, if and as makes sense, also participating.

And, not only do we need regional cooperation, we also need a diverse array of interests and skill sets at the table – citizens currently living in all forms of housing, citizens in need of affordable housing, architects, developers, realtors and real estate agents, city planners, transportation interests, environmentalists, etc.

(2) PLANNING BASED ON CRITICAL FUTURE TRENDS – It is hard to predict the future (10, 15, 20, 25, and more years out), but it is critically important that we tackle the affordable housing issue with the best understanding possible of these critical future trends. Four general examples are as follows:

- * The future of work/employment – where we work, when and how much we work, the nature of full-time employment and independent contracting, etc.
- * The future of transportation – cars, sizes of cars, electric cars, driverless/self-driving cars, alternatives to cars, public and alternative transportation, etc.
- * The future of shopping – how we shop, where we shop, e-commerce, delivery, drone delivery, Amazon hubs, etc.
- * Climate change and its implications – size of houses, how their built, how their heated, cooled, and electrified, fossil fuels and transportation, rising sea levels and implications for wetlands and coast lines, etc.

(3) WE FULLY SUPPORT THE “TOWN CENTER, MULTI-USE, GATEWAY” PROJECTS DIRECTION – We are excited about the proposed mixed-use (more densely developed) areas being initiated/planned along Lafayette Road, around I-95 Exit 7 (and the old K-Mart area), and Mirona Road. We like the idea – shopping, entertainment, groceries, restaurants, green space (and playgrounds) all within walking distance. We are particularly excited about including affordable housing within these areas (mixed income by design, smaller overall units/homes with no/smaller private yards, etc.). And we'd like to see more of it – including, for example, on the WBBX property between Islington and Borthwick. There must be creative ways to work with and around the wetlands, possible ways to create a buffer (like a rails-to-trails greenway)

between the development and existing homes, and ways to plan traffic patterns that actually alleviate traffic on Islington.

We, like many others, are very concerned that market forces are changing (and will continue to change) the character of Portsmouth in negative ways. We support doing what is necessary to curb, regulate, and/or work around these forces. The free market is not our first priority; the future character of Portsmouth is our first priority.

Tuesday Night Group – Portsmouth Listens – Housing - Fall 2017

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Safety

Other:

Lasting memories and shared history
Healthy maritime economy
Integrated diversity of all kinds in neighborhoods
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- Resilient 22

Recognizing that any discussion on housing encompasses many factors, we tried to tie in the insights and recommendations as outlined in the "Portsmouth Listens Housing Dialogue Phase 1 Common Groups Reports," along with our own perspectives. In addition, it seems clear that, while the city may be interested in hearing these public discussions and obtaining feedback, many private projects are already underway and others have been approved. The city has been looking at repurposing certain commercial parcels, but the viability of pursuing these concepts/potential projects is not known. A particular theme that came out was the notion that the Portsmouth Housing Authority may have

“access” to properties, and what that might mean in the mix of providing economically diverse housing. A majority of our members did not wish to see the City of Portsmouth as landlords/in the housing business. However, the city ought to utilize the expertise of the housing authority to translate any recommendations into viable solutions.

Economically diverse housing, reflecting pricing that service workers, young families, middle-income and fixed income senior populations can reasonably afford is a goal. This “middle” group of residents seems to be the hardest hit in terms of the city’s ability to retain a diverse community. **Initiatives to create new neighborhoods is a good idea, where gateway mixed-use zones could target the missing middle. The majority opinion opposes increasing density in existing neighborhoods. We believe that preserving the character of existing neighborhoods takes priority over increasing housing in these areas.**

Zoning ordinances, and potential changes to them, also took up a good portion of discussion, especially where protecting and sustaining green space is concerned. **Wetland and woodland protection, and buffer zones throughout the city, is a primary concern to our group, even if it means forgoing housing projects that would solve acknowledged shortages.** Understanding that incentives may be part of the solution for private developers to create “affordable” units, one concept put forth was to allow assessments to reflect protection of wetlands by lowering assessed values of that portion of the property that is being preserved.

Stronger regulation could also be considered when it comes to environmental impact. Do not approve the sought-after extension of the zone near the Marine Supply store, which is near wetlands, and behind the Echo Ave. neighborhood.

Adverse impact to the city’s water and sewage facilities is of concern as building and development continues. These may already be overburdened. We do not have unlimited capacity, therefore thoughtful development is a must.

Additional notes from our meetings:

- Cost is a barrier to entry for the young; continued affordability a problem for most.
- More small, affordable apartments are needed (too many high-end condos).
- Concern about shoe horning too many buildings on small lots through granting variances.
- Avoid urban sprawl with its negative impact on the environment.
- Concern about being financially pushed out of affordable places like Hillcrest by gentrification.
- Walkability to basic needs like shops for retirees is important for new developments.
- Facilitate cooperative living facilities as an alternative to nursing homes (currently discouraged by the zoning ordinance.)

A desire to slow down the pace of development to require developers to be clear about a project and hear community questions and concerns? Suggestion of a 1-year moratorium on development of commercial, industrial, and retail because of concerns about unburdening water and sewage. Then after

1 year reassess. Opposing view: this would be kicking the can down the road, leading to developers dumping property and creating legal problems.

Suggestion: one person from the planning department be assigned to follow a building permit start to finish

Workforce housing at Pease?

Ability to develop housing at Pease would alleviate pressure on Portsmouth and gateway zones; although, Pease being a superfund site would make housing development there challenging.

Also, the Pease Development Authority is strongly against housing at Pease.

McIntyre Building – views:

- Ensure this development includes affordable housing for downtown area.
- Rehabilitation of the building will be too expensive to include affordable housing.
- The property is too valuable to accommodate affordable housing, which would reduce revenue for the city over a 10 - 20 year period.
- Hoping the McIntyre building can regenerate the tax coffers.

SMALL GROUP REPORT

Meeting Time: Thursday Evening | Facilitator: Skye Maher

How can housing, linked to every aspect of our community, make Portsmouth the best place to live, work and play for everyone?

Characteristics of a Good Place to Live

OUR PRIORITIES FOR THE CITY:

- Safety -
 - ◆ Safety is fundamental. Everything else we've discussed about what we want to see is "bells and whistles:" safety, both real and the perception of safety, comes before all. That relates to knowing your neighbours, street lighting, active properties etc.

- Vibrant and Diverse Neighborhoods with Multi-generational Constituents -
 - ◆ We do not want segregated neighborhoods. We want a "mix of people, and people mixing." Diversity in all its facets, age, race, economic level etc, is key.

- Consistent and Accessible Walk/Cycle Amenities
 - ◆ Due to the size of the city walkability/cyclability should not be hindered by lack of pathways, unkempt pathways and/or busy traffic patterns.

SECONDARY FACTORS:

- Active and Diverse Creative Industry (*theaters, music venues, restaurants, galleries*)
- Public Gathering Spaces (*both privately and publicly owned cafes, parks, recreational halls*)
- Diverse Economy that allows Employment Mobility
- Ability to Age-in-Place (*small homes, single-floor living*)
- Affordable Public Transportation (*extending to existing and new neighbours beyond downtown*)
- Traffic Calming Measures (*including the creation of pedestrian-only areas*)
- Variety of Architecture in Commercial Buildings, and Dwellings (*both built & natural landscape*)
- Public Art, and Interactive Creative Spaces
- Community/Neighborhood Gardens

Housing Needs of Everyone Who Lives, Works and/or Plays in Portsmouth

This group recognizes that all demographics have similar needs and desires in housing. However we have defined several groups who we feel are under-supported through housing stock.

- Low-income residents
- Individuals with physical, mental, developmental disabilities
- Individuals transitioning from homelessness
- Young professionals (dual-income no/with kids, single-income no/with kids)
- Students, living with or without roommates
- Fixed income mature residents, those who are both employed and retired

OUR PRIORITIES FOR THE CITY:

→ AFFORDABLE STARTER HOMES

This group prioritized affordable small (<1500 sq ft) homes for individuals starting or continuing their careers in Portsmouth. This included a variety of developments with a mix of people and with and without commercial space. Pathways to ownership ensure that we have residents at all levels of the property ladder.

→ CHANGED ZONING ON CO-HOUSING/HOME-SHARING

The city needs to address its ordinances relating to co-housing. Whether we have individuals 55+ who do not want to be segregated from their communities or low-income individuals, Portsmouth has an opportunity to be an innovator in home-sharing policy and development.

→ GATEWAY ZONING ORDINANCE AMENDMENTS

Ultimately, this group supports the proposed amendments, however only with the inclusion of design standards and character-based zoning that reflects the town, creating truly desirable neighborhoods. Conscious development that creates active, fun, and safe neighborhoods will ensure that they offer something unique and desirable, alleviating some of the strain on downtown.

SECONDARY FACTORS:

→ CREATING PERMANENCY IN AFFORDABLE HOUSING

This group acknowledged the lack of affordable homes within the free market. The group discussed the idea of land trusts holding the value of the land, but allowing the housing to float with the market.

→ SAFE COMMUTING SYSTEMS

The group identified the need for all housing, in current and new neighborhoods, must be connected to accessible walking, cycle, and driving pathways. The group would like to see a pedestrian center in Market Square, and improved bicycle and pedestrian amenities and infrastructure, including bike lanes.

→ PARKING REQUIREMENTS

The city needs to seriously consider the implications of parking requirements. By allowing flexibility and creativity in parking requirements, further developments at various income levels could be supported.

CONCLUSIONS

What do we want the city to know?

Conversations on housing, affordability, equality and speed of development, have existed for decades. The city must act now to safeguard the reasons we all choose to live here.

Ultimately, this group wants to see the gateway amendments pass, contingent upon the inclusion of design standards or character-based zoning. The gateway zones must become real, complete neighborhoods with easy access to downtown. The gateway zones should not become places where we build “housing for the sake of housing” and dump lower income residents.

What can we do next?

This group feels that the next step in creating sustainable, and equitable housing in Portsmouth will be forming a meaningful collaborative task force between residents, developers, entrepreneurs, and decision makers.

Now is the time for innovation, and for Portsmouth to step up as a leader in a social/economic challenge that is facing many towns and cities across the country. We believe that exploring the role of Public Private Partnerships can help us find solutions.

Public and nonprofit entities have the ability to attract millions in tax credit equity for new housing developments in the city, and are experts in the kind of compliance and asset management that is required to operate affordable housing properties. We may also need to address the confinement of legislation that defines the character of affordable and workforce housing.

We believe together we can:

- Be creative and harness the power of public and/or non-profit developers
 - e.g Portsmouth Housing Authority, Housing Partnership
- Encourage resident empowerment
 - e.g Co-operatives and Resident Owned Communities
- Utilize the capital and creativity of the city’s commercial businesses
 - e.g Employer-supported housing, Arts/Culture, Technology or Tourism Industries

ONE-PAGE SUMMARY

Meeting Time: Thursday Evening | Facilitator: Skye Maher
Presented to City Councillor's on Monday, November 20, 6:30 – 7:00

Characteristics of a Good Place to Live

OUR PRIORITIES FOR THE CITY:

→ **SAFETY**

Knowing your neighbours, street lighting, active properties etc.

→ **VIBRANT & DIVERSE NEIGHBORHOODS WITH MULTI-GENERATIONAL CONSTITUENTS**

Diversity in all its facets: age, race, economic level etc, is key.

→ **CONSISTENT & ACCESSIBLE WALK/CYCLE AMENITIES**

Commuting from outlying neighborhoods should not be hindered by lack of/unkept pathways, and/or busy traffic patterns.

Housing Needs of Everyone Who Lives, Works and/or Plays in Portsmouth

OUR PRIORITIES FOR THE CITY:

→ **AFFORDABLE STARTER HOMES**

Pathways to ownership ensure that we have residents at all levels of the property ladder.

→ **CHANGED ZONING ON CO-HOUSING/HOME-SHARING**

Clarification, and possibly change, regarding legislation is needed for home-sharing policy.

→ **GATEWAY ZONING ORDINANCE AMENDMENTS**

Support the proposed amendments, however only with the inclusion of design standards and character-based zoning that creates real, complete and truly desirable neighborhoods.

What can we do next?

This group feels that the next step in creating sustainable, and equitable housing in Portsmouth will be forming a meaningful collaborative task force between **residents, developers, entrepreneurs, and decision makers**.

This task force should be charged with exploring and implementing **Public Private Partnerships** (with organizations such as Portsmouth Housing Authority and Housing Partnership), to create permanency in affordable housing.

Public and nonprofit entities have the ability to attract millions in tax credit equity for new housing developments in the city, and are experts in the kind of compliance and asset management that is required to operate affordable housing properties. We may also need to address the confinement of legislation that defines the character of affordable and workforce housing.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 2, 2017

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., a Work Session was held regarding Commercial Revaluation.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:30 p.m.

II. ROLL CALL

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

Absent: Councilor Pearson

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.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 5, 2017 & SEPTEMBER 18, 2017

Councilor Lown moved to adopt and accept the minutes of the September 5, 2017 and September 18, 2017 meetings. Seconded By Councilor Cyr.

Councilor Denton requested to amend the September 5th minutes on page 4, third sentence to read as follows: *Councilor Denton asked if the vote is delayed, can staff also report back on self-enforcement communities' appeal process for comparison and potential inclusion in our ordinance amendment.* Councilor Dwyer requested to amend the September 18th minutes page 8, 6th paragraph for the sentence to read: *Councilor Dwyer said there are regular fees, impact fees and the concessions from the developer.*

Minutes were passed with amendments presented.

VI. PUBLIC COMMENT SESSION

Rick Horowitz spoke relative to the revaluation and the sale of the Hilton Garden hotel. He said that we should be able to get income figures. He said we have the value of properties with the sale price.

Lee Roberts spoke to the Offshore Wind Resolution and said it needs to be adopted by the Council. She said that this would provide clean energy and urged the support of the City Council.

Gianna Tempura spoke in support of the Offshore Wind Resolution. She advised the City Council that Durham and Dover have signed onto the Resolution. She indicated that the Government would consider if there was enough support behind the Resolution before moving forward.

John Wyckoff spoke regarding the revaluation and said he supports a Peer Review of the process. He spoke of several properties that should have been valued higher and that one property sold for over 65% of the assessment value.

David Baxter, Community Home Solutions, spoke in support of having this property be tax exempted. He said this is a home for the developmental disabled and is currently tax exempted. He said the home is being purchased and it is important that the tax exempted status remains.

Francis Chase said he supports the comments made by Mr. Baxter. He has worked with all City Department on permits for the property Mr. Baxter spoke to and would request that it remain tax exempt.

Dave Hudlin spoke regarding the revaluation and he does not feel it is accurate. He said the overall market is healthy. He addressed vacancy rates and asked why the rate of depreciation has not gone down. He said he does not feel Steve Traub's information is correct.

Doug Bogan spoke in support of the Offshore Wind Resolution. He thanked the Mayor's Committee on Renewable Energy and Sustainability. He asked for the support of the Resolution by the City Council.

Esther Kennedy said we need more education on the processing of assessments. She spoke to her hearing on her property and was told that letters on the assessments would go out but the City decided not to send the letters. She stated that more information regarding the assessments and the process should be on the website for the public to review. Ms. Kennedy said we need to look at the value of sales across the board.

Rick Becksted said he feels this is a quick process and liability issues related to the revaluation will go up. He stated we will need more revenues and we should look at impact fees. He asked why the water and sewer rates are not being paid by commercial properties.

Paige Trace expressed concern that last years' tax cards have been removed from the website. She also spoke opposed to the Offshore Wind Resolution. She said the turbine cables have an effect on the lobsters and we need more answers before voting on the Resolution.

Emma Shapiro-Weiss spoke in support of the Offshore Wind Resolution. She feels Portsmouth makes conservation efforts and we need feasibility studies done and that is what the Resolution would do for us.

VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

Mayor Blalock read the three possible motions as follows:

- A. Adoption of Proposed Resolution Re: Elderly Exemptions
 - 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

Councilor Dwyer moved to adopt Option A, to adopt the Resolution, as presented. Seconded by Councilor Spear.

Acting City Manager Colbert Puff said Option A is to roll back to the prior year figures, which puts us back to where we were before lowering the exemption.

Mayor Blalock reviewed the Resolution with the City Council. He said Option B would raise exemptions by 20%.

Councilor Lown asked about why Option B requires a public hearing. Acting City Manager Colbert Puff explained it is a change from Option A and any substantial change requires a new public hearing. Councilor Lown asked about deferring taxes until the sale of the property. Acting City Manager Colbert Puff said it is outlined in the memorandum which is two different procedures and the answer to the question is no.

Councilor Dwyer said everything we do is shifting the burden onto other taxpayers. She said we need balance and to be fair. She said there is another option to differ payment of taxes.

Assistant Mayor Splaine said on the tax rate increase what is the impact of Option A versus Option B. Acting City Manager Colbert Puff said right now we have \$.4 on the tax rate if we go with Option A it is an increase of \$.1. Assistant Mayor Splaine said it provides some way for the people to hold onto their homes. He said 109 people qualify for it. He said he would like Option B for a 1 ½ cent increase. He also spoke to the need of a homestead exemption.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he supports the motion on the floor.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Perkins said she supports the motion and we need to support the exemption.

Motion passed.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Emergency Management Performance Grant (EMPG)

Councilor Lown moved 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 the 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. Seconded by Councilor Dwyer.

Councilor Dwyer asked about the sources. Acting City Manager Colbert Puff stated it is in-kind staff support.

Motion passed.

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
- Internet Crimes Against Children Task Force State Funding (*No action required as the City Council took action in March 2017 on this matter*)

Councilor Perkins moved to accept and approve the grant to the Portsmouth Police Department, as presented. Seconded by Councilor Cyr and voted.

IX. 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 5th 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***

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

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

Councilor Perkins moved to refer to the City Assessor for report back. Seconded by Councilor Cyr and voted.

- C. Letter from Pat Healy, Creek Athletic Club, requesting the an 8 year extension of their Lease Agreement

Assistant Mayor Splaine moved to refer to the Acting City Manager for report back. Seconded by Councilor Perkins and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

- 1. Adoption of the Hazard Mitigation Plan Update 2017

Acting City Manager Colbert Puff announced that a public hearing was held in June on this plan. She said the State has done its review and supports the plan.

Councilor Spear moved to adopt the Hazard Mitigation Plan Update 2017, as presented, and further, authorize the Acting City Manager to sign the document. Seconded by Councilor Cyr and voted.

- 2, Voluntary Merger of Contiguous Lots Re: Foundry Place and Rock Street Parcels

Acting City Manager Colbert Puff said this is for the new parking garage. She said this is an administrative action by the Planning Director.

Councilor Perkins moved to authorize the Acting City Manager to take any and all steps required to consolidate the Foundry Place lot and the Rock Street lot. Seconded by Councilor Lown.

Discussion was held regarding the meaning of Foundry Place.

Motion passed.

- 3. Request for First Reading Re: Zoning Ordinance Amendments – Off-Street Parking

Acting City Manager Colbert Puff explained the change to the Zoning Ordinance.

Councilor Lown moved 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. Seconded by Councilor Dwyer.

Councilor Spear said it looked like the only change was with the hotel and conference banquet hall. Planning Director Walker said that is correct.

Councilor Spear asked about residential parking and requirements and he would like to reduce all of these by half.

Planning Director Walker said that this was discussed and she is not against the goal to look at the application for other properties. She said she would like to move forward with the ordinance. She also said that she could provide a red line version of the ordinance showing the changes. Councilor Spear would like to see it done by zoning district. He would like to know if the Planning Board could allow for allowances for zip cars.

Councilor Denton said he would like to see initiatives for charge vehicle stations.

Councilor Dwyer said she likes the Planning Board giving conditional use permits in areas and not having to go to the Zoning Board of Adjustment.

Motion passed.

4. Request for First Reading Re; Gateway Mixed Use District Zoning Amendments

Acting City Manager Colbert Puff said that this has been in progress for some time and the outline is in the packet.

Councilor Perkins moved 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. Seconded by Assistant Mayor Splaine.

Councilor Perkins said she supports the amendments and they are quite detailed.

Councilor Dwyer would like to see at the presentation a vision of what this will do for the City.

Assistant Mayor Splaine said the October 16, 2017 meeting is going to be lengthy. He said we should define for the staff what brief means, so the presentations are kept short.

Motion passed.

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

Acting City Manager Colbert Puff said that this will adopt the Building Code, Electrical, Plumbing and Mechanical. She said that this has been in the works since last spring. She stated we need to bring us up to date with the State version of the codes.

Assistant Mayor Splaine moved 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. Seconded by Councilor Spear.

Councilor Dwyer said she listened to the Food Code meeting and would like to propose principles to adopt and implement on how we use the code.

Mayor Blalock said there was some misunderstandings with the food code and rules and regulations.

Motion passed.

Councilor Denton moved to suspend the rules in order to bring forward Item. XI. F.1. – Offshore Wind Development Resolution. Seconded by Assistant Mayor Splaine and voted.

Councilor Denton moved to adopt the Offshore Wind Resolution, as presented. Seconded by Assistant Mayor Splaine.

Councilor Denton said that this would start a study of offshore wind energy. He advised the Council that Dover and Durham have both adopted this Resolution.

Councilor Cyr said NH is the host of the world's first wind farm.

Councilor Perkins said that this Resolution starts a process and this is one step.

Assistant Mayor Splaine said this is far from a new concept and much has been done on offshore wind development.

Councilor Denton asked about an exemption for wind power if a property owner was to install it.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we need to act locally and globally on this matter.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Motion passed.

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

Assistant Mayor Splaine moved 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. Seconded by Councilor Lown and voted.

7. Request for License Agreement Re: 401 State Street – The Rockingham Building

Acting City Manager Colbert Puff said this is to use two parking spaces in front of the building for 6 weeks and there will be no interference with pedestrian traffic.

Councilor Spear moved to approve the License Agreement, and further, authorize the Acting City Manager to execute the Agreement. Seconded by Councilor Cyr.

Councilor Spear said he supports the motion and asked if this type of request can be placed on the Consent Agenda in the future.

Motion passed.

8. Polling Hours – November 7, 2017 Municipal Election

Assistant Mayor Splaine moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 7, 2017. Seconded by Councilor Cyr and voted.

Acting City Manager Colbert Puff said that Coakley Land Fill meeting will take place after the results of the meeting with the EPA.

Mayor Blalock asked about a policy for the use of helmets when using zagster. Planning Director Walker said that zagster does not rent helmets as part of their program. She said individuals could use their own helmets.

Councilor Denton asked if we would be expanding zagster. Planning Director Walker said there are guidelines to not spread the stations out too far.

Councilor Cyr said if a person or business wants to sponsor a zagster, what would they do? Planning Director Walker said they would contact zagster and the Planning Department. She advised the Council that Portwalk purchased a sponsorship and it is for an additional 5 bicycles.

B. MAYOR BLALOCK

1. Appointments 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

The City Council considered the appointments, as presented and these appointments will be voted on at the next City Council meeting.

Mayor Blalock asked to suspend the rules to act on the appointments of the Building Code Board of Appeals.

Assistant Mayor Splaine moved to suspend the rules in order to take action on the reappointments to the Building Code Board of Appeals. Seconded by Councilor Spear and voted.

Councilor Spear moved the reappointment of Lisa DeStefano, Jeffrey Landry, Dennis Moulton and Gary Nadeau to the Building Code Board of Appeals. Seconded by Assistant Mayor Splaine and voted.

1. Appointments to be Voted:
 - Reappointment of Ronald Zolla to the Economic Development Commission

Councilor Spear moved to reappoint Ronald Zolla to the Economic Development Commission until October 1, 2021. Seconded by Assistant Mayor Splaine and voted.

C. COUNCILOR DWYER

1. Commercial Revaluation Audit

Councilor Dwyer said there is interest to do a Peer Revenue to look at a sample.

Councilor Dwyer move to bring back a strategy to hold a Peer Review of the Commercial Revaluation and how much it would cost, how long it would take and to have the Department of Revenue Administration come and speak to the revaluation process. Seconded by Assistant Mayor Splaine.

Councilor Cyr would like to have the properties reviewed that Mr. Wyckoff spoke to during the Public Comment Session.

Motion passed.

D. COUNCILOR SPEAR

1. Statement in support of NFL Players, free expression, and Black Lives Matter

Councilor Spear moved that the Portsmouth City Council resolves:

- **From Peter Norman to Katherine Switzer to Willie O'Ree, courageous athletes have used their public platform to peacefully demonstrate and promote needed changes, 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.**

Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said he was pleased that this was being referred by Councilor Spear. He said this is not about the flag or national anthem this is about diversity and accepting democracy. He said this is an important way to understand important ideals.

Councilor Lown said he would not support the motion. He said that this is about the flag and national anthem. He said those things represent the highest ideals. He said he supports peaceful protest and it should not be taking place during the anthem.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said this is about freedom of speech.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said there have been racist actions in schools. She said she is concerned with how our young athletes are understanding the issues and how our School Department is handling the issues. She would like to connect this to our students and what freedom of speech means and how you connect the message to the actions.

Councilor Spear said the conversation has moved on and it is our place to engage it on our level.

Assistant Mayor Splaine said if the newspapers would mention the Resolution we need more discussion on racism and how we treat one another.

Councilor Spear would like to forward the Resolution to the School Board and asked them how we can help with the issues.

On a roll call vote 7-1, motion passed. Lown voted opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

At 9:30 p.m., Councilor Spear moved to adjourn. Seconded by Assistant Mayor Splaine and voted.

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

Kelli L. Barnaby, MMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 20, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking; Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, and Amend Article 8 – Supplemental Use Standards by deleting the separate off-street parking requirements for accessory dwelling units and garden cottages.. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 20, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking; Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, and Amend Article 8 – Supplemental Use Standards by deleting the separate off-street parking requirements for accessory dwelling units and garden cottages.. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

PH00320964



MEMORANDUM

TO: ACTING CITY MANAGER, NANCY COLBERT PUFF
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: ZONING ORDINANCE AMENDMENTS – OFF-STREET PARKING
DATE: 11/14/2017

Recommended City Council Action

Vote to pass second reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

Description

On October 16, 2017, the City Council voted to pass 1st reading of the proposed amendments to Articles 8, 11, and 15 regarding off-street parking regulations. Since that time, the Planning Department has proposed some minor revisions to the zoning amendments which are listed following the overview below and provided in the attached documents.

Overview of Proposed Zoning

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, 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.

Revisions Since First Reading

- 1) Section 10.1115: Propose changing the residential parking ratio for the Downtown Overlay District to 1.3 spaces/unit. This is slightly less than what is currently required (1.5). Previous draft before Council for 1st reading used the same requirement for residential uses as areas outside of the Downtown Overlay District.
- 2) Section 10.1112.311 and 10.1112.312: Propose reducing parking requirement for dwellings over 750 sq. ft. to 1.3/unit, but adding a requirement for additional visitor spaces to be required for developments with more than 4 units. Previous draft before Council for 1st reading required 1.5 spaces for units with floor area between 750 and 1,200 and 2 spaces for units over 1,200.
- 3) Section 10.1112.321 Table of parking requirements: Proposed changing eating & drinking places requirement back to 1 per 100 sq. ft. (what it is currently).
- 4) 10.1112.52: Added provision to allow Planning Board (by conditional use permit) to grant a reduction in the required minimum parking spaces in addition to allowing a development to exceed the maximum allowed.

- 4) Section 10.1114 Table of Off-Street Parking Dimensions: Propose changing footnote to reduce maneuvering aisle width to 22 feet in parking garages and for aisles serving fewer than 7 spaces.
- 5) Section 10.1114.32: Propose restoring exemption for one- and two-family dwellings.

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 November 13, 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 November 13, 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 (dwelling)	1.3 space per dwelling unit
Hotel or motel	0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities
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
Revised November 13, 2017

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

10.1112.311 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:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft.	0.5 spaces per unit
500-750 sq. ft.	1.0 space per unit
Over 750-1,200 sq. ft.	1.53 spaces per unit
Over 1,200 sq. ft.	2.0 spaces per unit

10.1112.312 In addition to the off-street parking spaces provided in accordance with Sec. 10.1112.311, any dwelling or group of dwellings on a lot containing

more than 4 dwelling units shall provide one visitor parking space for every 5 dwelling units or portion thereof.

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
2. Institutional Residence or Care Facilities		
2.10-2.20	Assisted living facility or Residential care facility	0.5 per bed or resident
3. Educational, Religious, Charitable, Cultural and Public Uses		
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
4. Recreational Uses		
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

Use No.	Use	Requirement
4.50	Outdoor recreation use	Parking demand analysis
4.60	Amusement park, water park or theme park	NA – Prohibited Use
5. Office Uses, Non-Medical		
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
6. Medical Services and Health Care		
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
7. Services, Other Than Health Care		
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
8. Retail Trade		
8.10-8.90	All retail trade uses	1 per 300 sf GFA

Use No.	Use	Requirement
9. Eating and Drinking Places		
9.10-9.50	All eating and drinking places	1 per 75 <u>100</u> sf GFA
10. Lodging Establishments		
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
11. Motor Vehicle-Related Uses		
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
12. Marine Craft Related Uses		
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
13. Wholesale Trade, Warehousing and Distribution		
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

Use No.	Use	Requirement
13.40	Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use	1 per 2000 sf GFA
14. Industrial Uses		
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
15. Transportation and Utilities		
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 helipad	No requirement
16. Wireless Telecommunications Facilities		
16.10-16.40	All wireless telecommunications facilities	No requirement
17. Agricultural Uses		
17.10-17.20	All agricultural use	No requirement
18. Temporary Uses		
18.10	Construction trailer	No requirement
18.20	Temporary structure	No requirement

Use No.	Use	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)
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
19. Accessory Uses		
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
20. Accessory Storage		
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 and Minimum 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 provide less than the minimum required by Section 10.1112.30 or to exceed the maximum ~~permitted~~ number of off-street parking spaces allowed by 10.1112.51. The application for the conditional use permit shall include a parking demand analysis demonstrating that the amount of off-street parking spaces provided is sufficient for the proposed use. ~~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.

a) In addition to a parking demand analysis, requests to provide less than the minimum required by Section 10.1112.30 shall include permanent measures to reduce parking demand, including but not limited to provision of rideshare services servicing the property, proximity to public transit, and shared parking on a separate lot subject to the requirements of Section 10.1112.62.

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
revised November 13, 2017

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

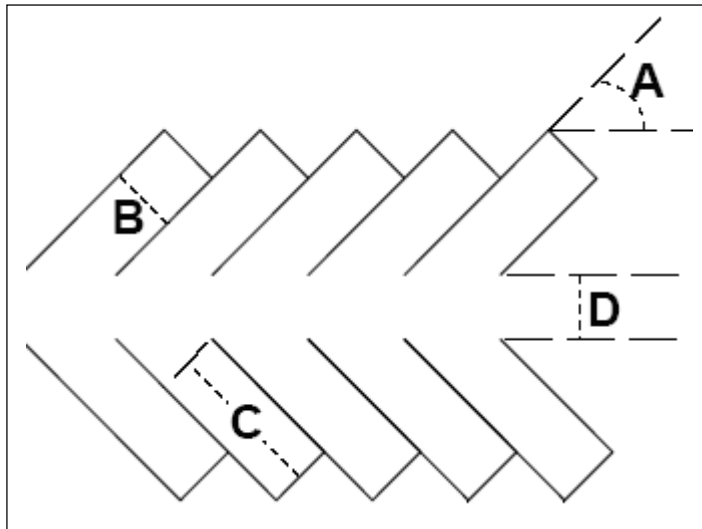
A	B	C	D	
			1-way traffic	2-way traffic
Angle of Parking (degrees)	Width of Parking Space	Depth of Parking Space	Width of Maneuvering Aisle *	
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24'

* The minimum width of a maneuvering aisle shall be 22 feet for (a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or (c) an aisle in a parking structure for 1-way traffic with 90-degree parking.

~~* 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 Except for one-family and two-family dwellings, Aall 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

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.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 20, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10, Article 5B Gateway Mixed Use Districts; Amend Article 5A – Character-Based Zoning; and Amend Article 4 Zoning Districts and Use Regulations. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

PA-00320966



MEMORANDUM

TO: PLANNING BOARD
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: GATEWAY MIXED USE DISTRICT ZONING AMENDMENTS
DATE: 11/14/17

Recommended Action

Vote to pass second reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts.

Description

On October 16, 2017, the City Council voted to pass 1st reading of the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts. Since that time, the Planning Department has proposed some minor revisions to the zoning amendments which are listed following the overview below and provided in the attached documents.

Overview of Proposed Zoning

- 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” revised November 13, 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, 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;
- NOTE: The current draft of the proposed zoning districts does not include the St. James property at the corner of Hoover Dr and Route 1 which was included in the previous draft. This property is currently zoned Single Residence B (SRB) and is currently proposed to remain so.
- 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 Peeverly 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 provided some flexibility to work with developers 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 and then referenced in the new Article 5B. 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 Mixed Use Districts" revised November 13, 2017.

NOTE: The current draft of the proposed zoning districts does not include the St. James property at the corner of Hoover Dr and Route 1 which was included in the previous draft. This property is currently zoned Single Residence B (SRB) and is currently proposed to remain so.

- 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 November 13, 2017.

Revisions Since First Reading

- 1) Section 10.5B11: Purpose statement has been expanded to reiterate the goals of the City's recently adopted Master Plan.
- 2) Further clarification has been added throughout to requirements for building setbacks to distinguish required distances from lot lines, internal separation between buildings, and no-build buffers on the perimeter of development sites.
- 3) 10.5B22.30: Added new section to distinguish building setback requirements for buildings with or without a common wall and building separation when on the same lot.
- 4) 10.5B22.40: Added special setback requirements for Lafayette Rd / Route 1 Bypass, which is consistent with current requirements. The Planning Department understands that the state is planning for a constant right-of-way width for Lafayette Rd and Route 1 Bypass and has been securing easements as from abutting properties. Therefore, this requirement is consistent with the state's plans for this ROW.
- 5) 10.5B25: Inserted a maximum building length requirement for residential and mixed use building types, this is consistent with the current dimensional requirements provided in Section 10.522.
- 6) 10.5B33.20: Created general standards for front lot line occupation. Eliminated the front lot line buildout requirement for each building type.
- 7) 10.5B34: Added minimum side building setback requirements to all building types to support clarifications noted above.
- 8) 10.5B41.70: Simplified and clarified requirements for access standards for the interior of a block.
- 9) 10.5B41.100: Added new requirement to distinguish interior building setbacks to lot lines from setbacks on the perimeter of the site.
- 10) 10.5B43: Created new section for conditional use permit review and approval process that includes the conditional use permit criteria/findings (moved from 10.5B41).

- 11) 10.5B52.10: Modified the requirement for a front addition on a pre-existing building to be less restrictive in order to encourage redevelopment.
- 12) 10.5B52.30: Modified the requirement for side additions to pre-existing building to limit building length for residential and mixed use buildings.
- 13) 10.5B74.30: Expanded which standards can be modified by the Planning Board in granting a conditional use permit for a density bonus incentive.
- 14) 10.5B83.20: Clarified that development sites that include multiple lots shall not be subject to the requirements of 10.1113.10 requiring off-street parking spaces to be located on the same lot as the principal use. Off-street parking spaces shall be located within the same development site for the principal use they are intended to serve.
- 15) 10.5A60: Added front building setback to the definition of front lot line buildout.

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 October 13, 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 November 13, 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 Mixed Use Districts” dated November 13, 2017.

E. Amend Article 5 -- Dimensional and Intensity Standards as follows:

- (1) In Section Table 10.531 Table of Dimensional Standards strike the column headed “Gate” and Note 3.
- (2) In Section 10.533 strike the following text “~~except as permitted under Section 10.730.~~”

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 Amendment to the Zoning Ordinance
Article 5B, Gateway Mixed Use Districts
revised November 13, 2017

Article 5B Gateway Mixed Use Districts

Section 10.5B10 General

10.5B11 Purpose

10.5B11.10 The purpose of Article 5B is to implement and encourage development that supports the goals of the City's Master Plan and Housing Policy to encourage walkable mixed-use development and continued economic vitality - continued economic vitality by creating a diversity of housing and mix of businesses in the City's primary gateway areas, ensure that new development complements and enhances its surroundings, provide housing stock that is suited for changing demographics, and accommodate the housing needs of the City's current and future workforce.

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 from lot lines shall not include the exceptions specified in Section 10.515 and 10.516, as 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 from lot lines, 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, Setback 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 ~~backed~~ 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'

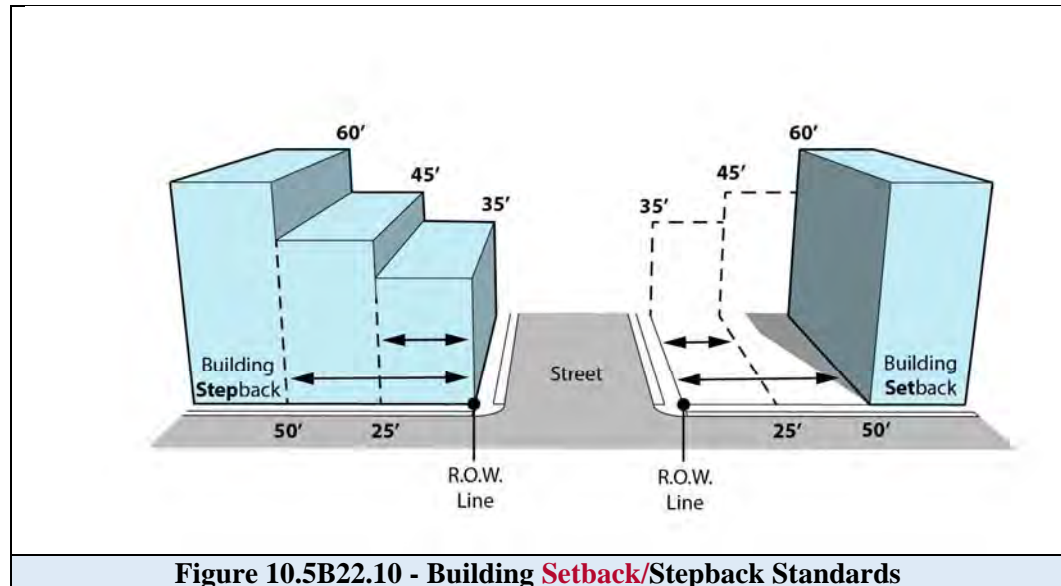


Figure 10.5B22.10 - Building Setback/Stepback Standards

10.5B22.30 Building Setbacks and Separation: Front, side, and rear building setbacks from lot lines are specified by Building Type. Where buildings are located on the same lot and not attached by a common wall, the minimum separation between buildings shall be 10 feet unless otherwise specified in this Section.

10.5B22.40 Special Setback Requirements on Lafayette Road: For all lots and Development Sites with frontage on Lafayette Road buildings shall be setback a minimum of 70 feet and a maximum of 90 feet from the centerline of the road. For all lots and Development Sites with frontage on the Route 1 Bypass buildings shall be setback a minimum of 30 feet and a maximum of 50 feet from the sideline of the road.

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.

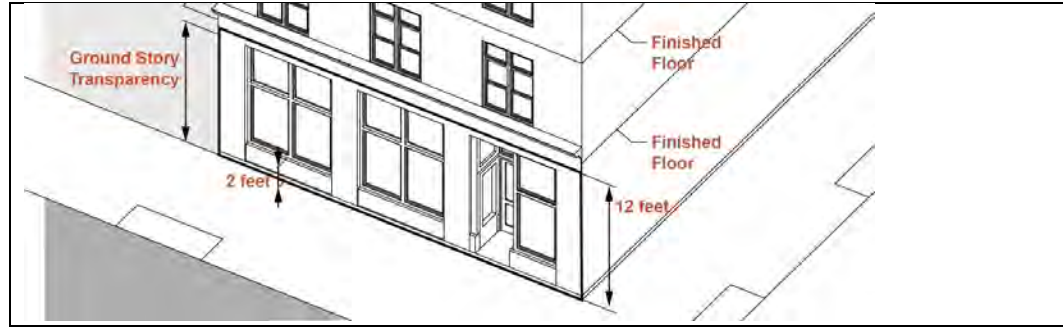


Figure 10.5B23.10 - Ground Floor Façade Glazing

10.5B23.20 Facade 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.

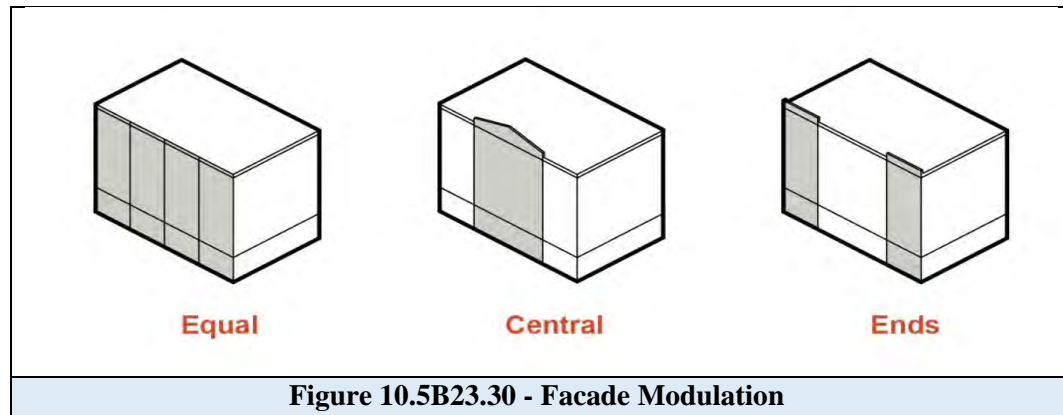


Figure 10.5B23.30 - Facade Modulation

(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.

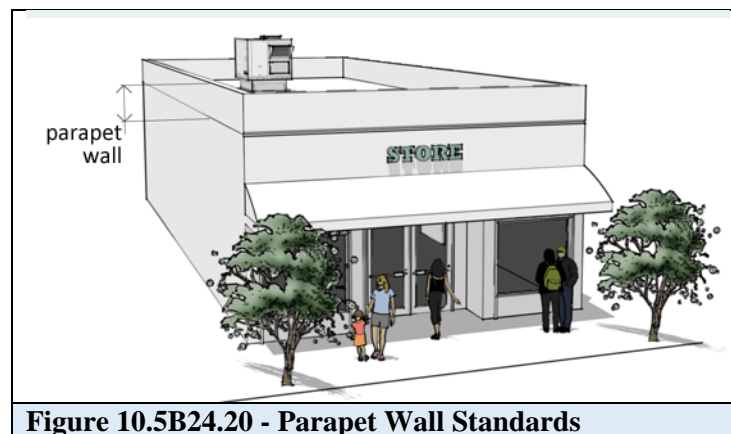
10.5B23.40 Pedestrian Access: Where pedestrian access is required for specific Building Types, entrances shall be located on the street-facing facade of a building, provide both ingress and egress, and be operable and accessible. This requirement does not exclude the building from providing pedestrian 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 façade and its materials, visible from all sides of the building.



10.5B25 Building Length and Number of Dwelling Units

10.5B25.10 The maximum building length for residential and mixed use building types shall be no more than 200 linear feet.

10.5B25.20 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.

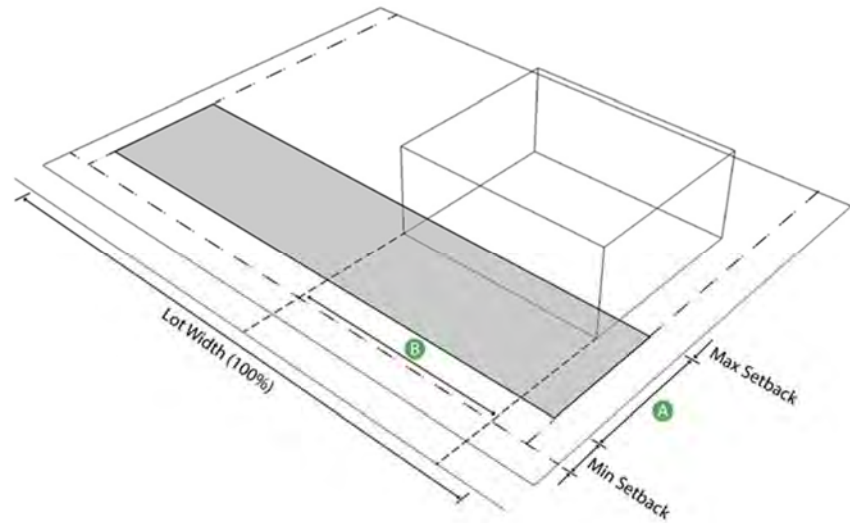
10.5B32 Building Lots

- 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 from lot lines 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 from the lot line 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% for residential and community buildings, and 75% for commercial and mixed use buildings. ~~unless otherwise specified in Section 10.5B34.~~

Figure 10.5B33.21 – Front Building Setback and Front Lot Line Setback and Build Out



A: Minimum and Maximum Building Front Setback from lot lines; B: Front Lot Line Build Out is the width of the front façade of the building or buildings as a percentage of the total Lot Width Percentage.

- 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 <u>from Lot Line</u> (Min./Max.)	5 ft./20 ft.
E. Front Lot Line Buildout (Min.)	80%
E F. Side Building <u>S</u> etback <u>from Lot Line</u> (Min.)	5 ft.
F G. Rear Building <u>s</u> etback <u>from Lot Line</u> (Min.)	10 ft.
G 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 S Setback <u>from Lot Line</u> (Min./Max.)	10 ft./30 ft.
E. Front Lot Line Buildout (Min.)	60%
E F. Side Building S Setback <u>from Lot Line</u> (Min.)	10 ft.
F G. Rear Building S Setback <u>from Lot Line</u> (Min.)	20 ft.
G 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)
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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 S etback from Lot Line (Min./Max.)	5 ft./15 ft.
E. Front Lot Line Buildout (Min.)	80%
E F. Side Building s etback from Lot Line (Min.)	NR 10 ft.
F G. Rear Building s etback from Lot Line (Min.)	15 ft.
G 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.
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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 S setback from Lot Line (Min./Max.)	10 ft./30 ft.
E. Front Lot Line Buildout (Min.)	70%
E F. Side Building s Setback from Lot Line (Min.)	15 ft.
F G. Rear Building S setback from Lot Line (Min.)	20 ft.
G 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 S setback from Lot Line (Min./Max.)	0 ft./15 ft.
E. Front Lot Line Buildout (Min.)	80%
E F. Side Building s Setback from Lot Line (Min.)	0-ft-10 ft.
F G. Rear Building s Setback from Lot Line (Min.)	20 ft.
G 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 s Setback <u>from Lot Line</u> (Min./Max.)	0 ft./2 ft.
E. Front Lot Line Buildout (Min.)	70%
E F. Side Building s Setback <u>from Lot Line</u> (Min.)	0 /10 ft.
F G. Rear Building s Setback <u>from Lot Line</u> (Min.)	15 ft.
G 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 S setback from Lot Line (Min./Max.)	0 ft./50 ft.
E. Front Lot Line Buildout (Min.)	50%
E F. Side Building S setback from Lot Line (Min.)	0/150 ft.
F G. Rear Building S setback from Lot Line (Min.)	15 ft.
G 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 separation	back is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.
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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 s Setback <u>from Lot Line</u> (Min./Max.)	0 ft./50 ft.
E. Front Lot Line Buildout (Min.)	50%
E F. Side Building s Setback <u>from Lot Line</u> (Min./ Max.)	0 ft./ 15 ft.
F G. Rear Building s Setback <u>from Lot Line</u> (Min.)	20 ft.
G 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 separation 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 S Setback from Lot Line (Min./Max.)	0 ft./30 ft.
E. Front Lot Line Buildout (Min.):	50%
E F. Side Building s Setback from Lot Line (Min./Max.)	0 ft if common wall; 20 ft. no common wall
F G. Rear Building s Setback from Lot Line (Min.)	20 ft.
G 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 s Setback <u>from Lot Line</u> (Min./Max.)	10 ft./40 ft.
E. Front Lot Line Buildout (Min.)	50%
EF. Side Building s Setback <u>from Lot Line</u> (Min.)	15 ft.
FG. Rear Building s Setback <u>from Lot Line</u> (Min.)	20 ft.
GH. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

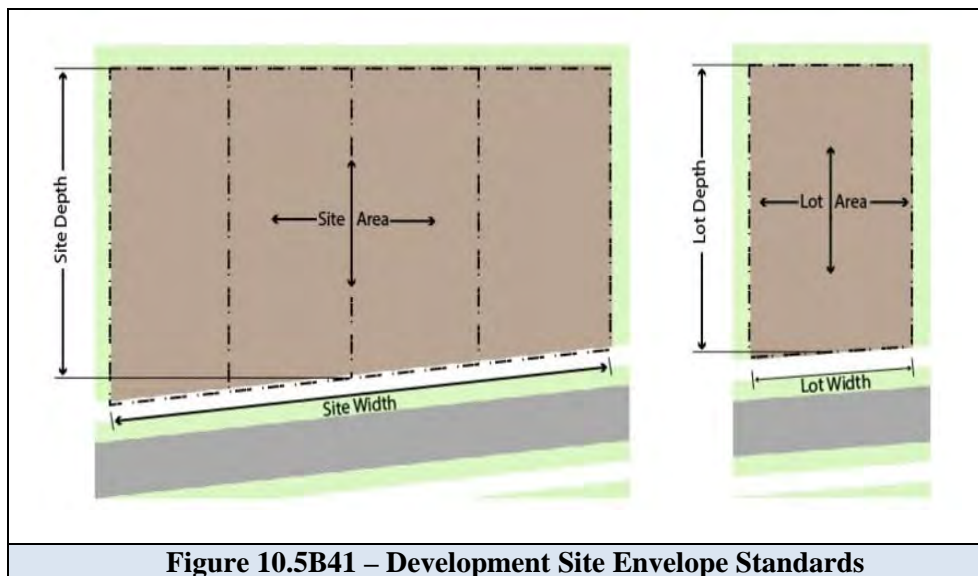
1.3 DESIGN STANDARDS

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

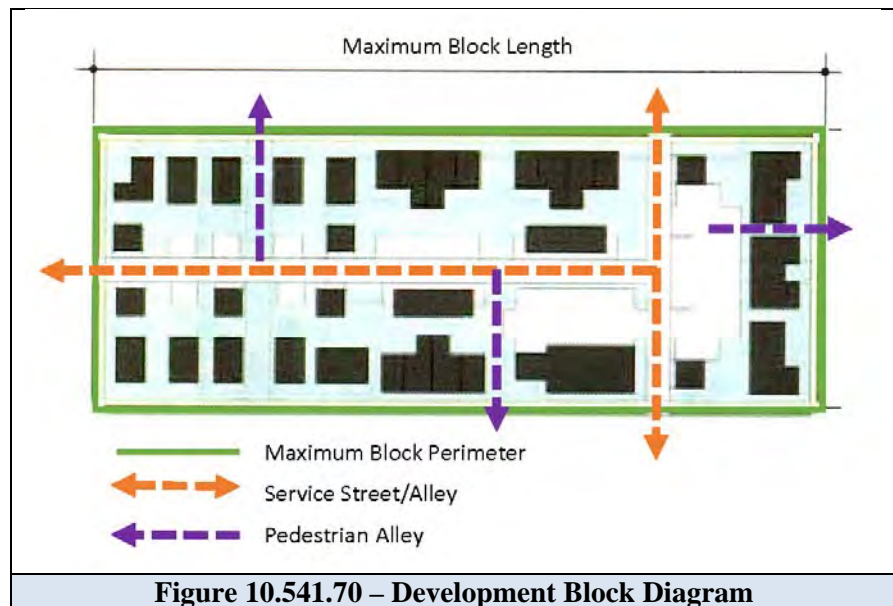
- 10.5B41.10 Allowed by Conditional Use Permit approval from the Planning Board, a Development Site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development and including more than one principal building or Building Type. 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 from lot lines where adjacent land uses may be incompatible. Perimeter buffer requirements supersede parking setback requirements and -building setbacks from lot lines 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: Where shared parking areas or community spaces are located within the interior of the block, a vehicular and/or pedestrian accessway shall be provided every 200 linear feet along a block face. Access to the interior utility area of a block will be made by a paved service street 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 Building Setbacks for Interior Lot Lines: Where a Development Site includes a more than one Building Type, the minimum building setback to interior lot lines shall be 0 feet.

~~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.~~

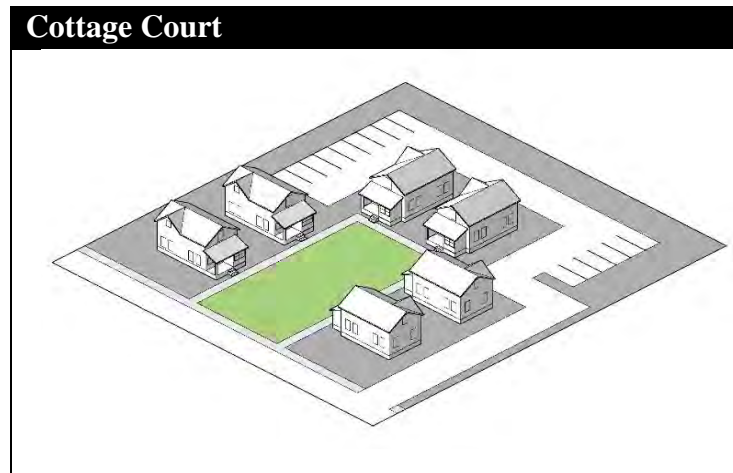
- ~~1) The development project is consistent with the Portsmouth Master Plan.~~
- ~~2) The development project has been designed to allow uses that are appropriate for its context and consistent with City's planning goals and objectives for the area.~~
- ~~3) The project includes measures to mitigate 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
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10.5B43 Review and Approval Process

10.5B443.109 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.

Section 10.5B50 Pre-Existing Buildings and Lots

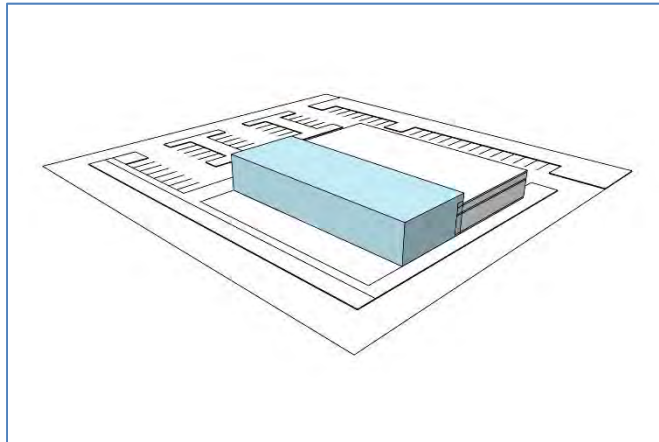
10.5B51 Purpose

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.

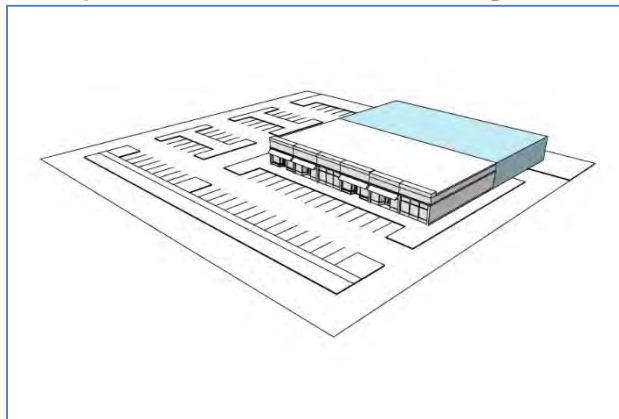
10.5B52 Non-Conforming Building Additions and Retrofits

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:

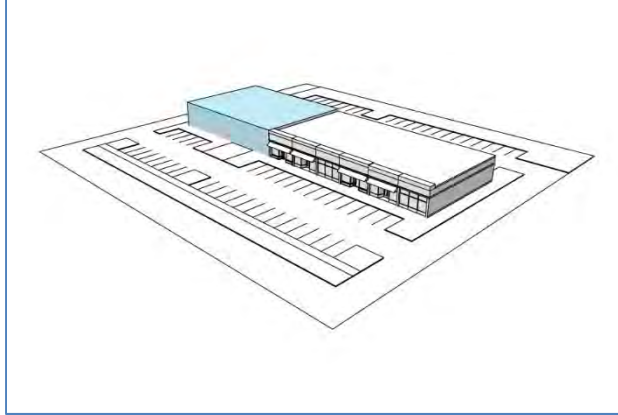
10.5B52.10 **Front Addition:** Any addition to the front of the building is allowed up to the shall comply with the minimum ~~and maximum~~ front building setback from the lot line for the specified Building Type.



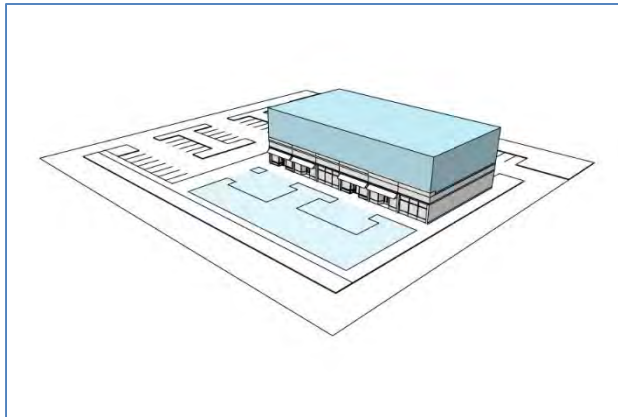
10.5B52.20 **Rear Addition:** Rear additions are allowed up to the minimum rear building setback from the lot line for the specified Building Type.



- 10.5B52.30 Side Addition: Side additions are allowed up to the minimum side building setback from the lot line and to a maximum length of 200 feet for residential and mixed use Building Types and consistent with the 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.

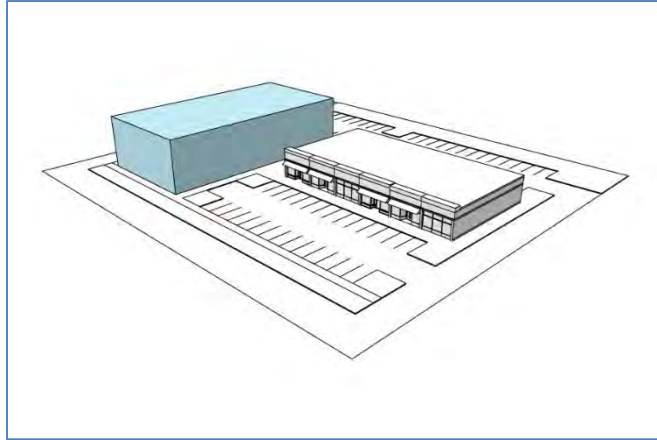


- 10.5B54.10 Residential Density: Maximum Density is 1 Dwelling Unit Per 2,000 Gross Floor Area of the existing building being converted or expanded for residential use.

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 from the lot line.



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 [10.5B20](#), [10.5B30](#), [10.5B40](#) and 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

10.5B83.10 Required off-street parking spaces shall not be located between a principal building and a street or within any required perimeter buffer area.

10.5B83.20 Development Sites that include multiple lots shall not be subject to the requirements of 10.1113.10 requiring off-street parking spaces to be located on the same lot as the principal use. Off-street parking spaces shall be located within the same Development Site for the principal use they are intended to serve.

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.

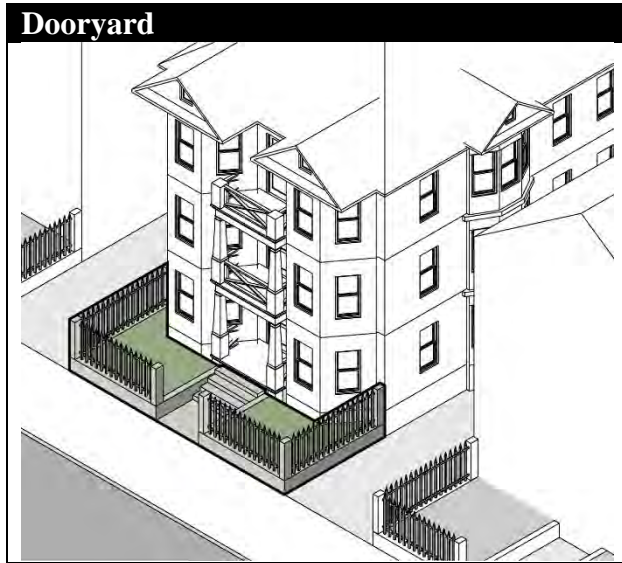
10.5B103 Permitted Community Spaces by Development Site Type

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

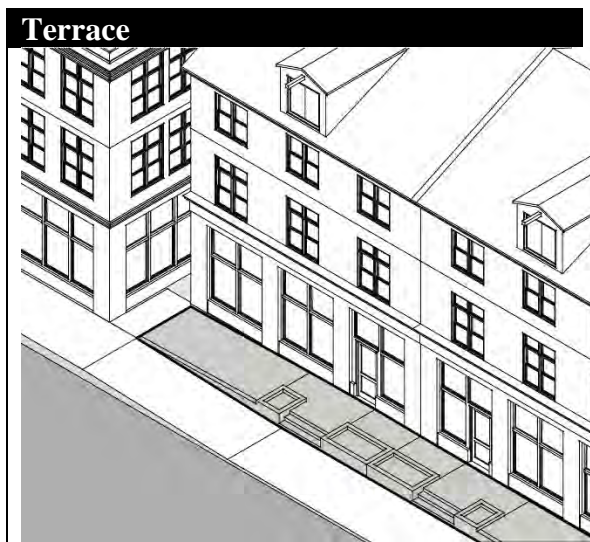
P = Permitted

Proposed Amendments to Zoning Ordinance
Figure 10.5A43.10
September 19, 2017



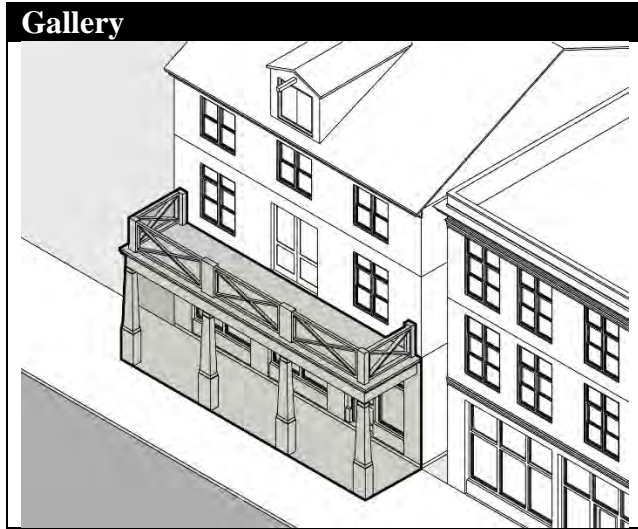
Private Frontage where the Building Facade is aligned close to the Street Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private dooryard containing the principal entrance in the 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



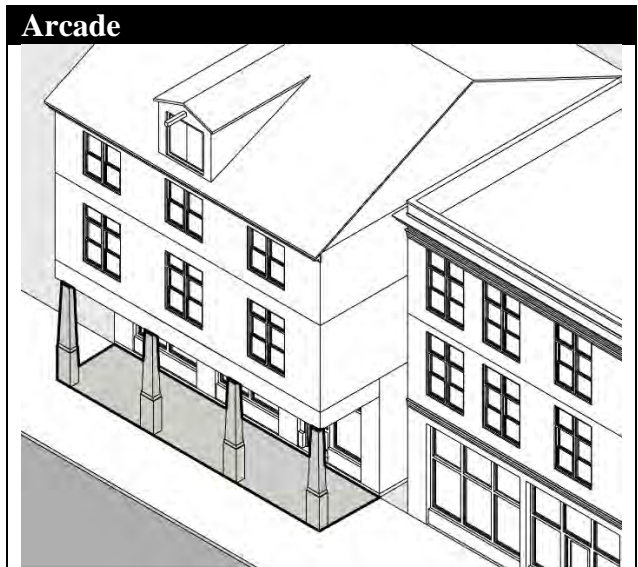
A Private Frontage where the Building Facade is at or near the Street Line with an elevated terrace that may encroach into the front yard setback providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along 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

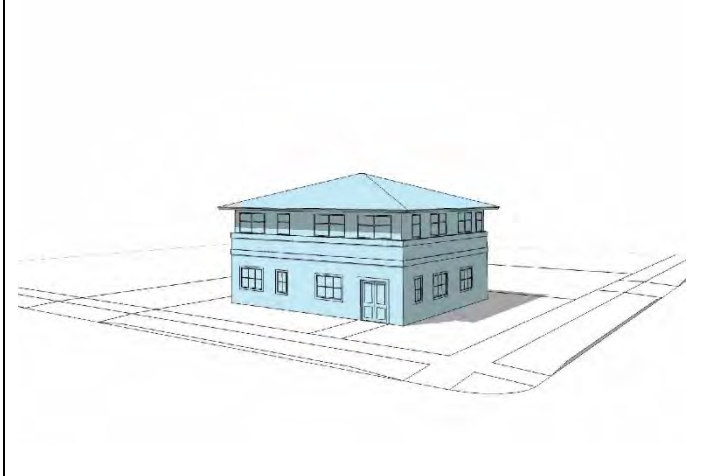
Mixed Use Building



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

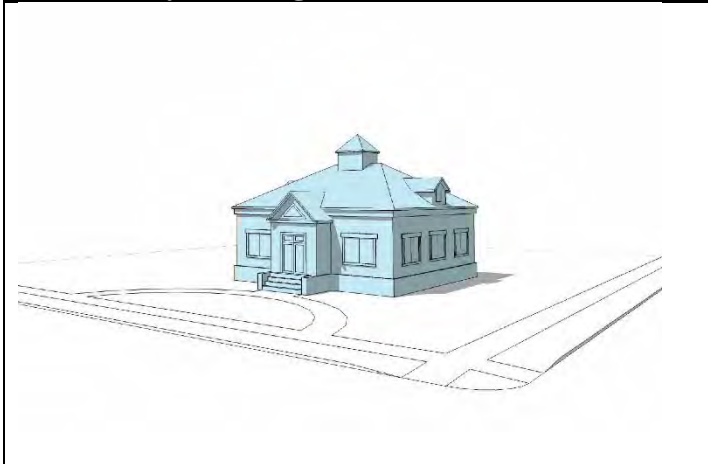
Flex Space/Fabrication Building



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.

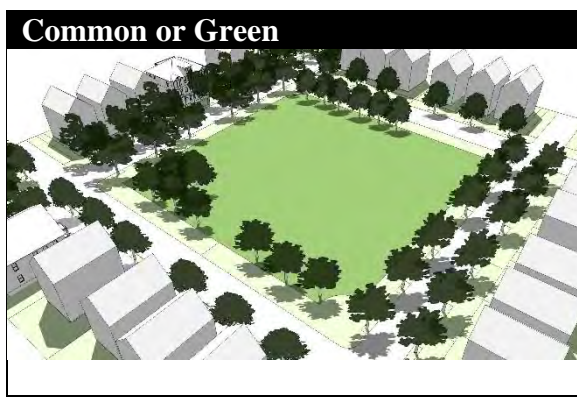
Permitted districts: G1, G2

Proposed Amendments to Zoning Ordinance
Figure 10.5A45.10
September 19, 2017



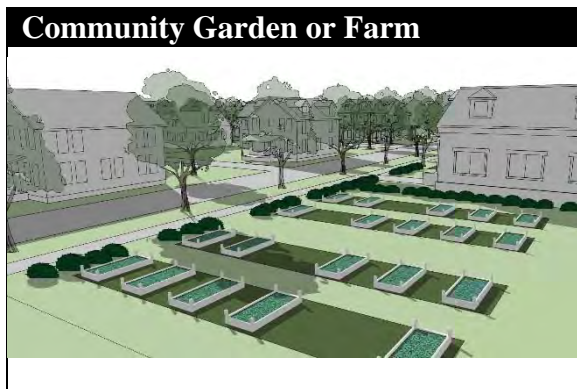
A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, artificial turf, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting events.

Permitted districts: G1, G2



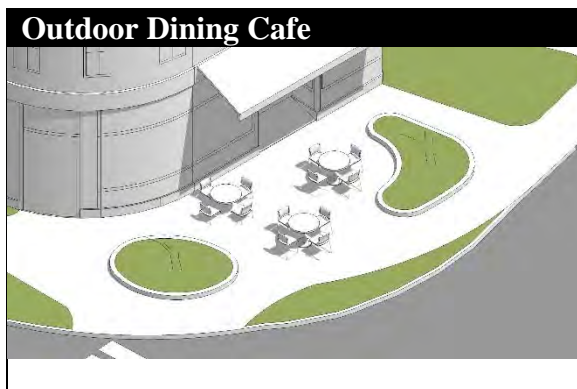
A civic space type for active and passive recreation and gathering purposes. A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees.

Permitted districts: G1, G2



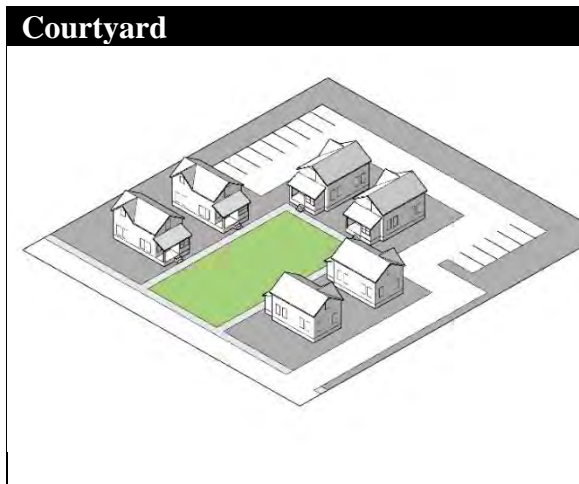
A civic space type designed as individual garden plots available to residents for urban agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood park, or pocket park.

Permitted districts: G1, G2



Outdoor dining cafes are permitted as an ancillary activity of any restaurant, pub, or other food and drink establishment. The operator of the outdoor dining cafe may be granted a permission from the City for locations on side and on the public sidewalk.

Permitted districts: G1, G2



A courtyard or court is an enclosed area, often surrounded by a building or complex, that is open to the sky.

Permitted districts: G1, G2

Proposed Amendments to Zoning Ordinance
Section 10.5A60
November 13, 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:

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, Aan 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~~ing~~ 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.

Front lot line buildout

The portion of the width of the required **front yard** or front building setback that is occupied by a **building**.

Public realm

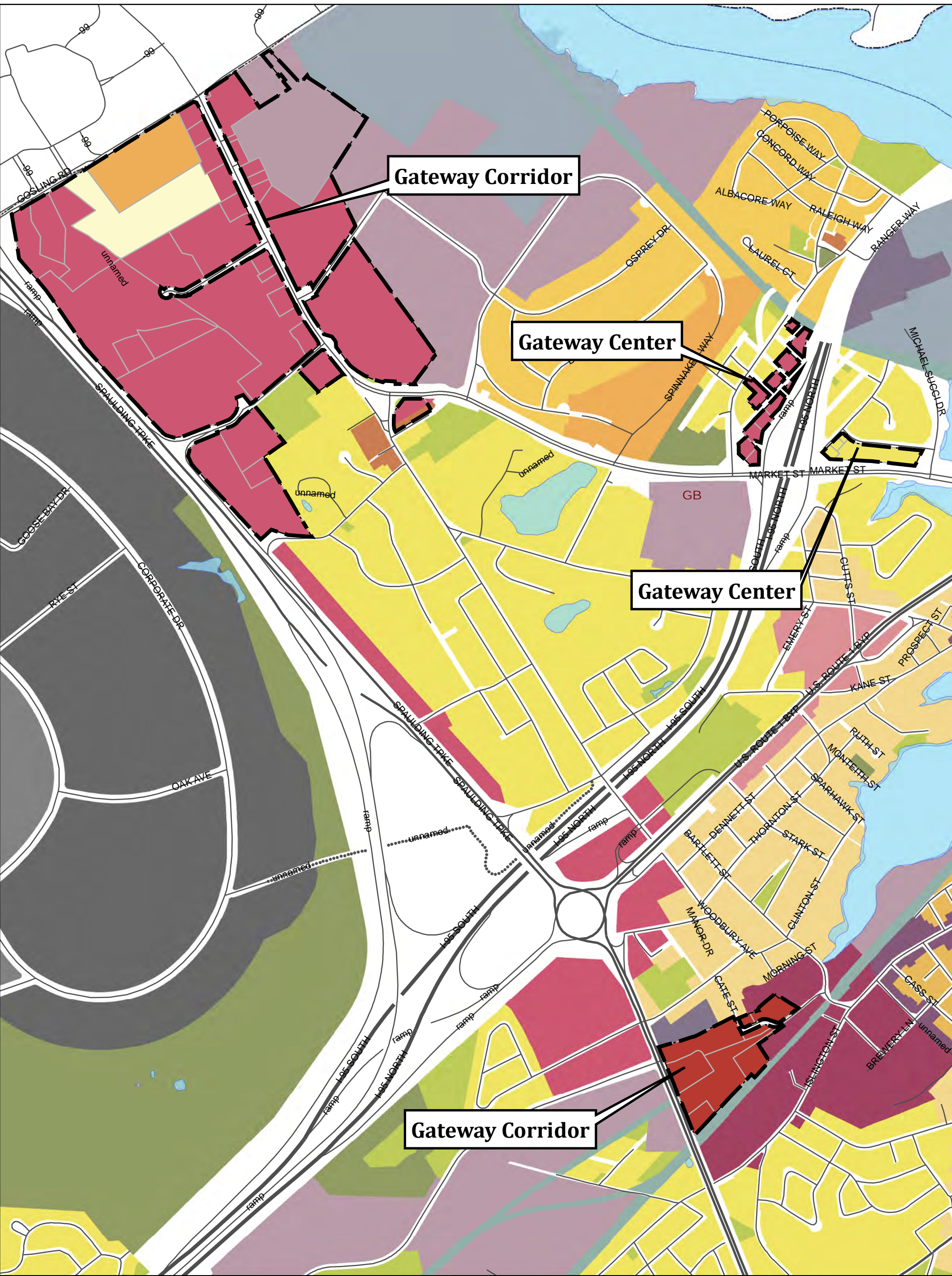
Includes exterior open spaces and linkages that are physically and/or visually accessible to the general public, during all business hours, or the majority of the day for residential buildings, regardless of ownership.

Use	G1	G2
1. Residential and Mixed Uses		
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
2. Institutional Residence or Care Facilities		
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
3. Educational, Religious, Charitable, Cultural and Public Uses		
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
4. Recreational Uses		
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
5. Office Uses, Non-Medical		
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
6. Medical Services and Health Care		
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
7. Services, Other Than Health Care		
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
8. Retail Trade		
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
9. Eating and Drinking Places		
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
10. Lodging Establishments		
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
11. Motor Vehicle-Related Uses		
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
12. Marine Craft Related Uses		
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
13. Wholesale Trade, Warehousing and Distribution		
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
14. Industrial Uses		
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
15. Transportation and Utilities		
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

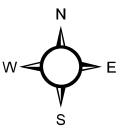
Use	G1	G2
15.12 Providing community-wide or regional service	N	N
15.20 Heliport or helipad		
15.21 Helipad, as an accessory use to a permitted hospital use	N	N
15.22 Heliport	N	N
16. Wireless Telecommunications Facilities		
16.10 Satellite dish receiver 42 inches or less in diameter:		
16.11 Building-mounted, 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
17. Agricultural Uses		
17.10 Farm, not including the keeping of farm animals	N	N
17.20 Keeping of farm animals	N	N
18. Temporary Uses		
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
19. Accessory Uses		
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
20. Accessory Storage		
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

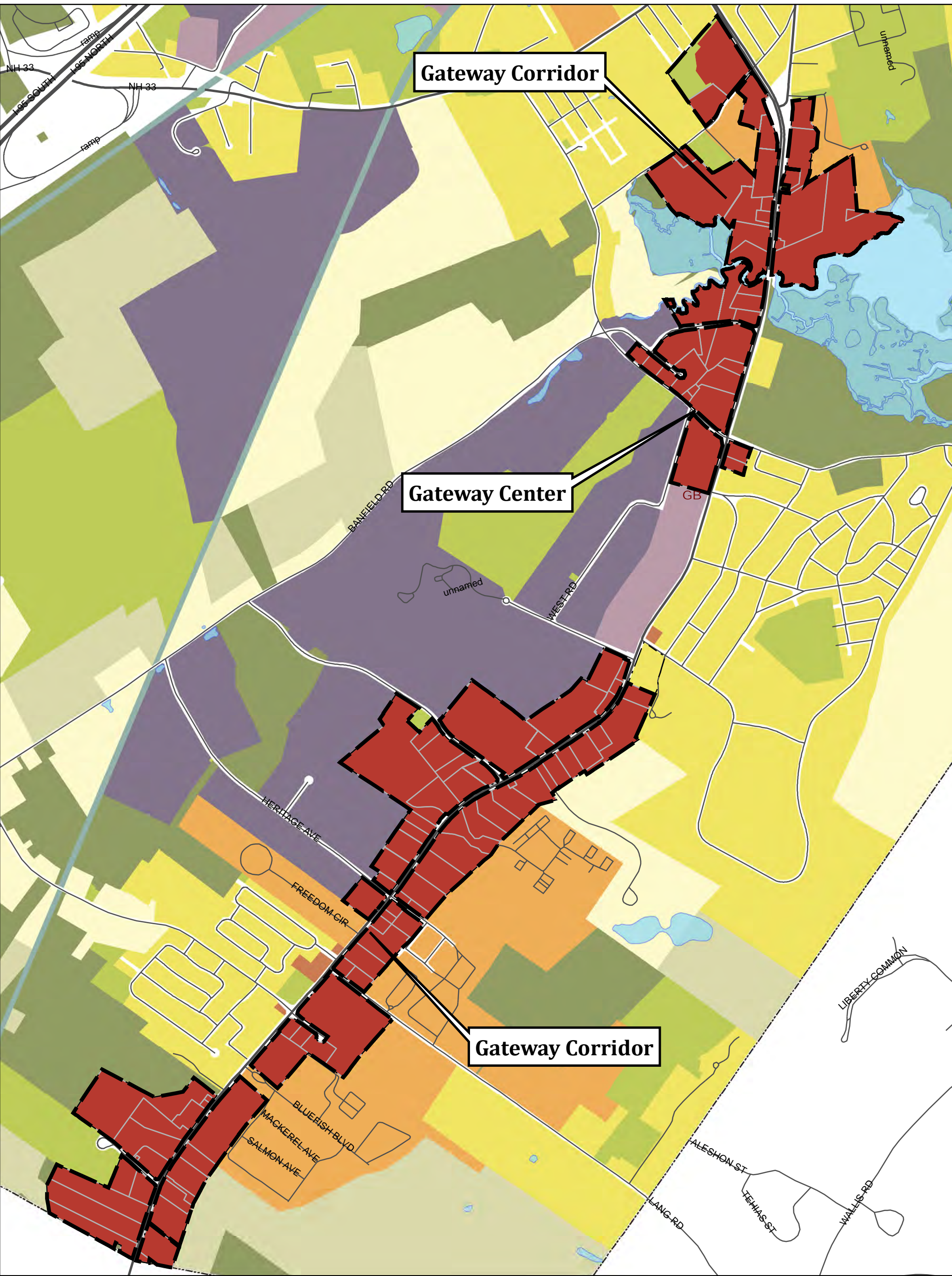
- ▭ Proposed Gateway Districts
- ▭ Current Districts
- ▭ GW - Gateway
- ▭ GB - General Business
- ▭ SRA - Single Residence A
- ▭ SRB - Single Residence B
- ▭ GA/MH - Garden Apt./Mobile Home Park
- ▭ OR - Office Research
- ▭ M - Municipal



0 500 1,000 2,000 Feet

1 inch = 833.3 feet

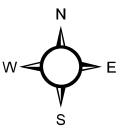
Map created by Portsmouth Planning Department
November 13, 2017



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Legend

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- Current Districts
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0 650 1,300 2,600 Feet

1 inch = 1,125 feet

Map created by Portsmouth Planning Department
November 13, 2017

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 20, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 12 Part I, by adopting the 2009 International Building Code and Chapter 12 Part II, by adopting the 2009 International Residential Code to replace the existing 2006 versions and a proposed Ordinance amending Chapter 15 Part I, by adopting the 2009 International Plumbing Code and Chapter 15 Part II, by adopting the 2009 International Mechanical Code and Chapter 15 Part III, by adopting the 2009 National Fuel Gas Code NHPA 54 to replace the existing 2006 versions and Chapter 15 Part IV, by adopting the 2014 National Electrical Code. The Ordinance amending Chapters 12 and 15 also include local amendments to all of the above reference Codes. A complete copy of all the above referenced Codes and the Ordinances amending Chapters 12 and 15 are available for review in the Inspection Department during regular business hours and online on the City of Portsmouth Website under the Inspection Department webpage. Copies of the Ordinances amending Chapter 12 and Chapter 15 are also available for review in the Office of the City Clerk and the Portsmouth Public Library during regular business hours.

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

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NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 20, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 12 Part I, by adopting the 2009 International Building Code and Chapter 12 Part II, by adopting the 2009 International Residential Code to replace the existing 2006 versions and a proposed Ordinance amending Chapter 15 Part I, by adopting the 2009 International Plumbing Code and Chapter 15 Part II, by adopting the 2009 International Mechanical Code and Chapter 15 Part III, by adopting the 2009 National Fuel Gas Code NHPA 54 to replace the existing 2006 versions and Chapter 15 Part IV, by adopting the 2014 National Electrical Code. The Ordinance amending Chapters 12 and 15 also include local amendments to all of the above reference Codes. A complete copy of all the above referenced Codes and the Ordinances amending Chapters 12 and 15 are available for review in the Inspection Department during regular business hours and online on the City of Portsmouth Website under the Inspection Department webpage. Copies of the Ordinances amending Chapter 12 and Chapter 15 are also available for review in the Office of the City Clerk and the Portsmouth Public Library during regular business hours.

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

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: NOVEMBER 15, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

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

RE: AMENDMENTS TO CHAPTER 12

After first reading and further review by the Legal Department, we would recommend that the form of the ordinance amending Chapter 12, Part I, the International Building Code and Chapter 12, Part II, the International Residential Code, which went to first reading, be amended to address stylistic and formatting issues and to amend the effective date. The proposed amendments are as follows:

A. *Incorporate the following amendment as the introduction to Chapter 12, Part 1 the INTERNATIONAL BUILDING CODE:*

That Chapter 12, Part I – INTERNATIONAL BUILDING CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

B. *Incorporate the following amendment as the effective date of the ordinance:*

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

C. Incorporate the following amendment as the introduction to Chapter 12, Part II of the INTERNATIONAL RESIDENTIAL CODE:

That Chapter 12, Part II – INTERNATIONAL RESIDENTIAL CODE of the Ordinances of the City of Portsmouth be amended which shall read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

D. Incorporate the following amendment as to the effective date of the ordinance:

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Proposed Motion: Move to amend the form of the ordinance amending Chapter 12 that went to first reading as set forth in the Memorandum from the Legal Department to the Acting City Manager dated November 15, 2017.

Proposed Motion: Move to pass Chapter 12 as amended and to bring forward for third and final reading on December 4, 2017.

1
2 **CITY ORDINANCE - CHAPTER 12**
3 **Part I**

4
5 **INTERNATIONAL BUILDING CODE, 2006**
6 **(Adopted 10/19/2009)**
7

8 The International Building Code **2009 (IBC), 2006 Edition** as published by the International Code
9 Council, Inc., **and provisions of national codes model codes or standards referred to within**
10 **the IBC unless specifically excluded by this Chapter-** is hereby adopted as **Chapter 12, Part I**
11 of the Ordinances of the City of Portsmouth, New Hampshire subject to the following
12 amendments, additions and deletions:
13

14 **SECTION 101 GENERAL**

15
16 *Insert in blank space:*

17
18 **101.1 Title.** “the City of Portsmouth, New Hampshire”

19
20 *Change subsections to read as follows:*

21
22 ~~**101.4.1 Gas.** **101.4.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall~~
23 ~~apply to the installation of electrical systems including alterations, repairs, replacement,~~
24 ~~equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references~~
25 ~~the International Electric Code the reader shall substitute that reference with the National Electric~~
26 ~~Code, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not~~
27 ~~adopted Article 80, Administration and Enforcement, of NFPA 70.~~

28
29 ~~**101.4.2 Gas.**~~ The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the
30 installation of gas piping from the point of delivery to gas appliances and related accessories as
31 covered in this Code. These requirements apply to gas piping systems extending from the point of
32 delivery to the inlet connections of the appliances and the installation and operation of residential
33 and commercial gas appliances and related accessories. Wherever this Code references the
34 International Fuel Gas Code the reader shall substitute that reference with the National Fuel Gas
35 Code, NFPA 54 **as listed in Chapter 35.**

36
37 *Edit subsection as follows:*

38
39 **101.4.34 Plumbing.**

40
41 *Delete the last sentence in the subsection:*

42
43 ~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage~~
44 ~~disposal systems.~~

45
46 *Change subsection to read as follows:*

47
48 **101.4.45 Property maintenance.** The City of Portsmouth does not adopt the International
49 Property Maintenance Code and any reference to it in this Code shall not direct the reader to its
50 contents or requirements.
51
52

53 SECTION 105 PERMITS

54
55 *Add the following text to end of subsection:*

56
57 **105.1 Required.** “New construction and *general renovation* work requires the issuance of a
58 building permit. *General renovation* is defined as work which changes the overall size of a building
59 or portions thereof or which involves the creation of rooms or spaces, which did not previously
60 exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also
61 considered general renovation. Types of work, which may be so classified, are:

- 62 1. Additions of any size.
- 63 2. Enlarging existing structures, rooms or spaces.
- 64 3. Creating new rooms or spaces within a structure.
- 65 4. Structural changes or structural repairs.
- 66 5. Dormers.
- 67 6. Renovations to kitchens and bathrooms.
- 68 7. Demolition of all or part of a structure.
- 69 8. Changing exits or any components of the means of egress in any way.
- 70 9. New structures including sheds, gazebos, pools (above and below ground),
- 71 decks, garages, carports, tents, awnings, etc.
- 72 10. Above or below grade flammable and combustible liquid tank removal or
- 73 installation **shall require separate mechanical and gas permitting-**
- 74 11. Changes in Use or Occupancy.
- 75 12. Electrical work.
- 76 13. Plumbing or mechanical work.
- 77 14. Fire sprinkler or fire alarm systems

78
79
80 Licensed trade persons shall secure permits for electrical, ~~and~~ plumbing **and fuel gas** work when
81 required under New Hampshire law.”

82
83 *Delete the following subsections without substitution:*

- 84 ~~105.1.1 Annual permits.~~
- 85 ~~105.1.2 Annual permit records.~~

86
87
88 *Change subsections to read as follows:*

89
90 **105.2 Work exempt from permits.** Exemptions from permit requirements of this Code shall not
91 be deemed to grant authorization for any work to be done in any manner in violation of the
92 provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required
93 for the following:

94
95 **Building:**

- 96 2. ~~1-~~ Ordinary repairs as defined in Section 105.2.2 provided such repairs do not exceed
- 97 \$3,000 in construction value.
- 98 3. **Any painting or wall papering; and tiling when not part of a kitchen or bath**
- 99 **remodel.**
- 100 ~~2-~~4. Fences not over ~~68 six~~8 feet high or not in the Historic District.
- 101 ~~3-~~5. Sidewalks, driveways or patios constructed on grade with earth products.
- 102 ~~4-~~6. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3
- 103 occupancy which are less than 18 inches deep, **do not exceed 5,000 gallons** and are
- 104 entirely above grade.
- 105

106 ~~5.7.~~Swings and other playground equipment accessory to dwellings and which are erected
107 or assembled from a kit.

108 ~~6.8.~~Moveable cases and counters (typical in retail occupancies).

109 ~~7.9.~~Cabinets, countertops and similar finish work when total construction value does not
110 exceed \$3,000 **including labor and materials.**

111 **10.** Re-roofing including repairs to existing roof sheathing without regard to cost. (See also
112 Section 105.2.2, Exception 1.) **Roof coverings shall be applied in accordance with**
113 **the applicable provisions of the IBC, Section 1507, Requirements for Roof**
114 **Ceoverings and Chapter 15. Reroofing shall be compliant with the requirements**
115 **of the IBC, Section 1510.**

116 **11. All roofing and re-roofing within the Historic District requires prior approval and**
117 **permitting even if the cost is less than \$3,000.00.**

118
119 **Electrical:**

120
121 **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the
122 connection of approved portable electrical equipment to approved permanently installed
123 receptacles in single family dwellings, or in facilities employing full time maintenance
124 personnel, provided the work is performed or supervised by a licensed electrician employed
125 by the facility owner. **(See NH RSA 319-C)**

126
127 **Radio and television transmitting stations:** *No change to printed code text.*

128
129 **Temporary testing systems:** *No change to printed code text.*

130
131 **Gas:**

132
133 1. Portable heating appliances for 1 & 2 family occupancies.

134 2. *No change to printed code text.*

135
136 **Mechanical:**

137
138 1. Portable heating appliances for 1 & 2 family occupancies.

139 2. *through 7. No changes to printed code text.*

140
141 **Plumbing:** *No change to printed code text.*

142
143 **105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs
144 to structures. *Ordinary repairs* are defined as work which is associated with the *normal*
145 *maintenance* of a property and which affects only the surface or finish characteristics of a structure.
146 Types of work, which may be so classified, are:

147
148 1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not
149 apply.)

150 2. Replacing or repairing flooring or carpeting **in-kind.**

151 3. Replacing or repairing interior trim.

152 4. Replacing or repairing cabinets **in kind.**

153 5. Replacing or repairing countertops **in-kind-**

154 ~~6. Replacing or repairing windows and doors (no headers involved).~~

155 ~~7. Replacing or repairing siding.~~

156 ~~68.~~ Reroofing no matter what the cost. (\$3,000 exception does not apply **and roof**
157 **covering shall be applied in accordance with the applicable provisions of the IBC, Chapter**
158 **15. Note – This provision does not apply to structures located in the Historic District.→**

- 160 ~~9. Bathroom renovation (number & location of fixtures & room size not changed).~~
- 161 710. Repointing masonry.
- 162 ~~11. Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
- 163 812. Replacing in kind or repairing components of fire protection systems.
- 164

165 In general, for a work element to be considered a repair or replacement, the item, which is being
166 repaired, must already exist. The above items are intended to represent individual replacement or
167 repair work. When one or more of the above items are included in *general renovations* to
168 structures, then all such items will be included in the construction cost and a permit is required.
169

170
171 Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist,
172 rafter or bearing support, or the removal or change of any required means of egress, or
173 rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do
174 not include additions to, alterations of, replacement or relocation of any fire protection system,
175 water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring
176 or mechanical equipment or other work affecting public health or general safety.

177
178 **Exceptions:** (i.e. permit is required.)

179
180 1. Repairs or renovations made to the exterior facade of structures in the Historic District
181 shall require a building permit application review by the Planning Department. When it is
182 determined that Historic District Commission approval is required, then a building permit
183 shall also be required. This shall include reroofing that changes the roof material.

184
185 2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).
186 (i.e., a permit is required when repair value is more than \$3,000 **including materials and**
187 **labor. Homeowner/property owner labor value to be included**)

188
189 *Delete subsection without substitution:*

190
191 ~~**105.2.3 Public service agencies.**~~

192
193 *Add new sentence to end of subsection:*

194
195 **105.3.1 Action on application.** “Permits shall not be issued when there is found to be outstanding,
196 non-inspected permit(s) already issued against a given property or when there are known non-
197 conformances on the property. Only when said permit(s) is (are) closed out and/or the non-
198 conformances corrected, shall a new permit be issued.”

199
200 *Change subsection to read as follows:*

201
202 **105.3.2 Time limitation of application.** An application for a permit shall be deemed to have been
203 abandoned one year after the date of filing, unless such application has been diligently prosecuted
204 or a permit has been issued, except that the building official may grant one (1) extension of time
205 not exceeding twelve (12) months if there is reasonable cause and only when requested in writing
206 prior to the application expiration date.

207
208 *Add new subsection to read as follows:*

209
210 **105.3.3 By whom application is made.** Application for a permit shall be made by the owner ~~or~~
211 ~~lessee~~ of the building or structure, or by the authorized agent of either, or by the authorized
212 contractor, registered design professional, employed by the owner, in connection with the proposed
213 work. The full names and addresses of the owner, ~~lessee~~, applicant and of the responsible officers,
214 if the owner ~~or lessee~~ is a corporate body **it** shall be stated on the application. When the applicant
215 is not the owner, it is assumed by the City that the owner is aware of the proposed work being
216 applied for and that the applicant takes full responsibility for the information represented.

217

218 *Change subsection to read as follows:*
219

220 **105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not
221 commenced within one year after issuance of the permit, or if the authorized work is suspended or
222 abandoned for a period of one year after the time of commencing the work. The building official
223 may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause
224 and only when requested in writing prior to the permit expiration date. Said extension will only be
225 authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a
226 permit to be considered active, periodic inspections must be requested and work progress
227 documented by inspections. Work elements shall be items associated with the building permit
228 scope of work.
229

230 *Add new subsection to read as follows:*
231

232 **105.5.1 Minimum progress required to keep permit active.** After an extension has been granted
233 under Section 105.5, work shall begin ~~and~~ within the next twelve (12) month period **and,** shall
234 **have progressed**~~progress~~ such that a full foundation has been constructed and inspected **in that**
235 **same twelve (12) months.** If the scope of work does not include a foundation, then within the
236 same (first) twelve month period, framing shall be complete and inspected to a weather tight
237 condition. When work involves a foundation, framing to a weather tight condition shall be
238 complete and inspected within the next (second) twelve (12) month period. If the scope of work
239 does not involve either a foundation or weather tight framing, work progress shall be at a final
240 inspection stage within twenty-four (24) months from the date of granting the permit extension
241 under Section 105.5. Failure to achieve these milestones, shall cause the permit to become invalid.
242

243 *Change subsection to read as follows:*
244

245 **105.7 Placement of permit.** The building permit field copy shall be posted in a window or other
246 suitable location on site, such that said permit is visible from the primary city street. Where such
247 posting is impracticable the building permit field copy shall be available on site for public viewing
248 upon request. The building permit field copy may be removed once the certificate of occupancy
249 has been issued or upon expiration of the building permit.
250

251 *Delete the following section without substitution:*
252

253 ~~SECTION 106 FLOOR AND ROOF DESIGN LOADS~~

254 ~~SECTION 107 SUBMITTAL CONSTRUCTION DOCUMENTS~~

255
256
257 *Add new sentences to end of subsection:*
258

259 ~~107.2.2106.1.1.1~~ **Fire protection system shop drawings.** “Plans, specifications, flow calculations
260 and drawings for the installation of fire protection systems shall be submitted to the Inspection
261 Department, along with an application for said work. The Inspection Department will coordinate
262 with the Fire and ~~Water~~ **Public Works** Departments in the review of the design material submitted.
263 Permits shall be issued for fire protection systems which have been approved by the Fire and ~~Water~~
264 **Public Works** Department officials. **Shop drawings shall contain all information required by**
265 **the referenced standards in the IBC, Chapter 9.”**
266

267 *Change subsection to read as follows:*
268

269 **107.3.1 Approval of construction documents.** **The building official shall review and approve**
270 **all submitted documents. The permit holder is responsible for complying with the comments**

271 **and notes added during the permit review process. Approved plans and documents shall be**
272 **maintained as part of the official permit construction documents.**

273
274 ~~**106.3.1 Approval of construction documents.** The building official shall mark up one (1) set of~~
275 ~~plans with the necessary comments. This set shall become the official permit plan set. It is the~~
276 ~~responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.~~
277 ~~The permit holder is responsible for complying with the comments as shown on the official permit~~
278 ~~construction documents kept by the building official.~~

279
280
281

282 *Add new sentence to end of subsection:*

283

284 **107106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as
285 the permit application is approved by the City Planning Department and all necessary bonds are
286 posted.”

287

288 *Add new subsection to read as follows:*

289

290 **107106.3.56 Outside Plan Review Services.** When a project is determined by the building official
291 to be of a scope which exceeds available staff time or expertise, the option to utilize a third party
292 plan review agency shall be exercised. The building official shall determine the scope of review,
293 the agency or qualified firm to conduct the review; and shall direct the permit applicant to submit
294 all plans, specifications and required calculations to the selected agency or firm.

295

296 The design professional of record shall work directly with the third party plan review agency or
297 firm to resolve all code deficiencies or omissions on the design documents. The outside plan review
298 agency or firm shall copy all correspondence relevant to the plan review process to the building
299 official. When the plan review process is complete the outside review agency or firm shall certify
300 in writing to the building official that, to the best of their knowledge and belief, the project design
301 documents conform to the adopted construction codes. One set of agency approved design
302 documents shall be forwarded to the building official. The building official, on a case by case
303 basis, may require additional drawing/specification sets or partial sets. All required copies shall be
304 provided to the building official at no charge.

305

306 The contractual agreement for the third party review service shall be between the permit applicant
307 and the outside plan review agency or firm. The permit applicant shall pay all fees associated with
308 the third party plan review process directly to the outside plan review agency or firm. The
309 applicable building permit fee(s), paid by the permit applicant to the City of Portsmouth, shall be
310 adjusted based on the fee schedule **as determined by the adoption of fees by budget resolution**
311 **of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of the
312 Ordinances of the City of Portsmouth, NH. For the purposes of this section, the applicable building
313 permit shall mean any building, electric, plumbing, mechanical or fire protection system permit
314 issued against the design documents that have been reviewed by the outside plan review agency
315 or firm.

316

317 **SECTION 108107 TEMPORARY STRUCTURES**

318

319 *Change subsection to read as follows:*

320

321 **107.1 General.** Pursuant to the approval by the City's Planning Department, the building official
322 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations
323 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited
324 as to time of service, but shall not be permitted for more than 180 days. The building official is
325 authorized to grant one (1), 180 day extension for demonstrated cause.

326

327 **SECTION 109108 FEES**

328
329 *Change subsection to read as follows:*

330
331 **109108.2 Schedule of permit fees.** Fees shall be determined in accordance with Chapter 1, Article
332 XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

333
334 **Flat Rate Permits are:** Siding, - buried-tank removal or installation, sheds, replacement
335 windows, temporary structures, **pad mounted generators**, fences (in Historic District),
336 change-in-use/occupancy with no construction.

337
338 *Change subsection to read as follows:*

339
340 **109108.4 Work commencing before permit issuance.** Any person who is found to have
341 demolished, constructed, altered, removed, or changed the use of a building or structure without
342 the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon
343 issuance of said permit(s), be assessed a fee **as determined by the adoption of fees by budget**
344 **resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of
345 the Ordinances of the City of Portsmouth, NH.

346
347 *Change subsection to read as follows:*

348
349 **109108.6 Refunds.** The building official shall authorize the refunding of fees as follows:

- 350
351 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
352
353 2. Not more than 50% of the permit fee paid when no work has been done under a permit
354 issued in accordance with this Code.
355
356 3. Not more than 50% of the plan review fee paid when an application for a permit for
357 which a plan review fee has been paid, is withdrawn or canceled before any plan review
358 effort has been expended.

359
360 The building official shall only authorize a fee refund when a written request is filed by the original
361 permittee not later than one year after the date of fee payment. Refunds shall not be issued on
362 permits that have expired under the conditions of Section 105.5.

363
364 *Add new subsection to read as follows:*

365
366 **109108.7 City construction projects.** Fees shall not be assessed for work associated with projects
367 undertaken by the City of Portsmouth. These projects may also include contract work done by
368 private contracting firms hired directly by the City. This exemption shall not apply to projects done
369 by the State Department of Public Works, Pease Development Authority, State Port Authority or
370 the Portsmouth Housing Authority.
371

372 SECTION 110109 INSPECTIONS

373
374 *Add new sentence to end of subsection:*

375
376 **110109.5 Inspection requests.** “The permit holder shall allow a minimum of two work days (48
377 hours) from the time the building official is notified to the time the inspection is scheduled.”

378
379 *Add new subsection to read as follows:*

380
381 **110109.7 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance
382 with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be
383 noted on the building official's report. The permit holder shall be responsible for correcting the
384 item(s) and for notifying the building official to reinspect said deficiencies. If when called to
385 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the
386 first reinspection, the originally deficient work has not been corrected, there will be a reinspection
387 fee assessed as determined **by the adoption of fees by budget resolution of the City Council** in
388 accordance with Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection
389 Office before a third inspection will be made. For each subsequent reinspection of the same
390 deficiency or deficiencies, a like procedure and fee shall be assessed.

391
392 During any inspection, the building official may find new item(s), not previously discovered, to
393 be nonconforming. These item(s) will be noted on the building official's report, and will require
394 reinspections. Reinspection fees will not be assessed for items newly found or for their first
395 reinspection. However, said fees shall be assessed for these items if a third inspection is required.
396 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be
397 just cause to revoke the permit under which the work was being done. Furthermore, no future
398 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until
399 all outstanding fees are paid.

400
401 SECTION 111410 CERTIFICATE OF OCCUPANCY

402
403 *Add new sentences to beginning of subsection:*

404
405 **111410.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon
406 request, for work associated with a valid building permit and under the criteria ~~set forth~~**set forth** in
407 Sections ~~111410.2~~ and ~~111410.3~~ of this code. Certificates are not required for work outlined in
408 Section 105.2.”

409
410 *Edit subsection as follows:*

411
412 **111410.2 Certificate issued.**

413
414 *Add new item 13 to read as follows:*

- 415
416 13. The city zoning map and lot numbers associated with the street address.

417
418 *Add new subsection to read as follows:*

419
420 **111410.5 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined
421 **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1,
422 Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate
423 of Use and Occupancy when the following condition exists: When, during the final inspection
424 phase, the building official is required to make a third inspection on a nonconforming item or
425 items; then this third inspection, and any subsequent inspections for the same item(s) will cause

426 the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and
427 will be paid prior to the building official making said inspections. This procedure shall apply to
428 building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific
429 procedure for implementing this subsection is outlined in Section 109.7 of these amendments.

430 SECTION 114113 VIOLATIONS

431
432
433 Change subsection to read as follows:

434
435
436 ~~Change subsection to read as follows:~~

437
438 **114113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail
439 to comply with any of the requirements thereof or who shall erect, construct, alter or repair a
440 building or structure in violation of an approved plan or directive of the building official, or of a
441 permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions
442 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.
443 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

444 445 446 447 448 SECTION 115114 STOP WORK ORDER

449
450
451 ~~Change subsection to read as follows:~~

452
453 **114**

454 Change subsection to read as follows:

455
456 **115.3 Unlawful continuance.** Any person who shall continue any work in or about the structure
457 after having been served with a stop work order, except such work as that person is directed to
458 perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section
459 1143.4 of these amendments.

460
461 ~~Delete the Entire Section 421 LIVE/WORK UNITS without substitution.~~

462
463 ~~Add new section to read as follows:~~

464 465 SECTION 421 LIVE/WORK UNITS

466
467 ~~**421.1 General.** A live/work unit is a dwelling unit or sleeping unit in which a significant portion
468 of the space includes a nonresidential use that is operated by the tenant and shall comply with
469 Sections 421.1 through 421.8.~~

470
471 ~~**Exception:** Dwelling or sleeping units that include an office that is less than 10 percent of
472 the area of the dwelling unit shall not be classified as a live/work unit.~~

473
474 ~~**421.1.1 Limitations.** The following shall apply to all live/work areas:~~

- 475
476 ~~1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m2);~~
477
478 ~~2. The nonresidential area is permitted to be a maximum 50 percent of the area of each
479 live/work unit;~~

480
481 ~~3. The nonresidential area function shall be limited to the first or main floor only of the~~
482 ~~live/work unit; and~~

483
484 ~~4. A maximum of five nonresidential workers or employees are allowed to occupy the~~
485 ~~nonresidential area at any one time.~~

486
487 **421.2 Occupancies.** ~~Live/work units shall be classified as a Group R-2 occupancy. Separation~~
488 ~~requirements found in Sections 420 and 508 shall not apply within the live/work unit when the~~
489 ~~live/work unit is in compliance with Section 421. High hazard and storage occupancies shall not~~
490 ~~be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the~~
491 ~~live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.~~

492
493 **421.3 Means of egress.** ~~Except as modified by this section, the provisions for Group R-2~~
494 ~~occupancies in Chapter 10 shall apply to the entire live/work unit.~~

495
496 **421.3.1 Egress capacity.** ~~The egress capacity for each element of the live/work unit shall~~
497 ~~be based on the occupant load for the function served in accordance with Table 1004.1.1.~~

498
499 **421.3.2 Sliding doors.** ~~Where doors in a means of egress are of the horizontal-sliding type,~~
500 ~~the force to slide the door to its fully open position shall not exceed 50 pounds (220 N)~~
501 ~~with a perpendicular force against the door of 50 pounds (220 N).~~

502
503 **421.3.3 Spiral stairways.** ~~Spiral stairways that conform to the requirements of Section~~
504 ~~1009.8 shall be permitted.~~

505
506 **421.3.4 Locks.** ~~Egress doors shall be permitted to be locked in accordance with Exception~~
507 ~~4 of Section 1008.1.8.3.~~

508
509 **421.4 Vertical openings.** ~~Floor openings between floor levels of a live/work unit are permitted~~
510 ~~without enclosure.~~

511
512 **421.5 Fire protection.** ~~The live/work unit shall be provided with a monitored fire alarm system~~
513 ~~where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section~~
514 ~~903.2.7.~~

515
516 **421.6 Structural.** ~~Floor loading for the areas within a live/work unit shall be designed to conform~~
517 ~~to Table 1607.1 based on the function within the space.~~

518
519 **421.7 Accessibility.** ~~Accessibility shall be designed in accordance with Chapter 11.~~

520
521 **421.8 Ventilation.** ~~The applicable requirements of the International Mechanical Code shall apply~~
522 ~~to each area within the live/work unit for the function within that space.~~

523
524 **SECTION 502 DEFINITIONS**

525
526 *Add new sentence to end of definition:*

527
528 **GRADE PLANE.** “Grade points shall be taken at 5 foot intervals around the building perimeter.”

529
530 **SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS**

531
532 *General note pertaining to Table 503:*

533
534 **Table 503** as published in this Code has been *replaced* with **Table 503** as published by the State
535 of New Hampshire Building Code Review Board. Said new Table 503 is a modified version of the
536 former BOCA Table 503, ~~1999 Edition~~**2009**. ~~(Copy attached to these amendments.)~~

537
538
539 *Section 506 amendments by the State of New Hampshire Building Code Review Board:*

540
541 **SECTION 506 AREA MODIFICATIONS**

542
543 *Change ~~subsections~~subsection to read as follows:*

544
545 **506.1 General.** The provisions of this section shall modify the area limitations of the amended
546 Table 503 as herein specified.

547
548 ~~*Delete the following subsection without substitution:*~~

549
550 **~~506.1.1 Basements.~~**

551
552
553
554
555
556
557 ~~1.~~

558
559 ~~*Change subsection to read as follows:*~~

560
561 **506.2 Frontage increase.** Where a building or structure has more than 25 percent of the building
562 perimeter fronting on a street or other unoccupied space, the area limitations specified in Table
563 503 shall be increased 2 percent for each 1 percent of such excess frontage. The unoccupied space
564 shall be on the same lot or dedicated for public use, shall not be less than 30 ~~feeteet~~ (9144 mm) in
565 width and shall have access from a street or posted fire lane not less than 18 feet (5486 mm) in
566 width.

567
568 ~~*Delete the following subsections without substitution:*~~

569
570 ~~**506.2.1 Width limits.**~~

571 ~~**506.2.2 Open space limits.**~~

572
573 *Change subsection to read as follows:*

574
575 **506.3 Automatic sprinkler system increase.** Where a building is equipped throughout with an
576 automatic sprinkler system installed in accordance with Section 903.3.1.1, the area limitations
577 specified in Table 503 shall be increased 200 percent for one- and two-story buildings and 100
578 percent for buildings more than two stories in height.

579
580 **Exceptions:**

- 581
582 1. The automatic sprinkler system increase shall not apply buildings with an occupancy
583 of Group H-1.
584 2. The automatic sprinkler system increase shall not apply to any fire area with an
585 occupancy of Group H-2 or H-3.

586

587 *Change subsection to read as follows:*

588

589 **506.4 Multistory buildings.** The area limitations for buildings two stories in height shall be the
590 same as the area limitations provided in Table 503 for one story buildings. In buildings over two
591 stories in height, the area limitations of Table 503 for one story buildings shall be reduced as
592 specified in Table 506.4.

593

594 **Table 506.4 Reduction of Area Limitations**

595

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%

596

597 *End of State of New Hampshire Building Code Review Board amendments*

598

SECTION 507 UNLIMITED AREA BUILDINGS

599

600 *Change subsection to read as follows:*

601

602 **507.3 Sprinklered, one story.** The area of a one-story, Group A-4, B, F, M or S building, of Type
603 I or II construction, shall not be limited when the building is equipped throughout with an
604 automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined
605 by public ways or yards not less than 60 feet (18,288 mm) in width.

606

Exceptions:

607

608 *Exceptions 1 and 2 remain unchanged.*

609

610 *Edit first sentence in subsection ~~Change exception 3 to read~~ as follows:*

611

612 **507.3.1 Mixed occupancy buildings with Group A-1 and A-2. ~~occupancies~~**

613

614 ~~3. Delete: “of other than Type V” and Replace with: “of Type I and or II”. ~~construction shall~~~~
615 ~~be permitted, provided:~~

616

617 *~~Exceptions 3.1, 3.2 and 3.3 remain unchanged.~~*

618

619 *Change subsection to read as follows:*

620

621 **507.4 Two story buildings.** The area of a two story, Group B, F, M or S building, of Type I or II
622 construction, shall not be limited when the building is equipped throughout with an automatic
623 sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public
624 ways or yards not less than 60 feet (18,288 mm) in width.

625

626

627
628 **SECTION 508 MIXED USE AND OCCUPANCY**
629

630 *Add new exception to*

631 Delete the following subsection without substitution:

632
633 ~~**506.7.7 Group A-3 buildings of Types III and IV construction.**~~

634
635 ~~**508.3 Mixed occupancies.**~~

636
637 ~~**Exception 3.** Uses within live/work units, complying with Section 421 of these~~
638 ~~amendments, are not considered separate occupancies.~~

639 *Add new exception to subsection:*

640
641
642 ~~**508.3.1.3 Separation.**~~

643
644 ~~**Exception 2.** Group I-1, R-1, R-2 and R-3 dwelling units and sleeping units shall be~~
645 ~~separated from other dwelling or sleeping units and from accessory occupancies contiguous~~
646 ~~to them in accordance with the requirements of Section 421.~~

647
648 **SECTION 706705 FIRE WALLS**
649

650 *Change subsection to read as follows:*

651
652 **706705.1.1 Party walls.** Any wall located on a property line between adjacent buildings which is
653 used or adapted for joint service between the two buildings, shall be constructed as a fire wall in
654 accordance with Section ~~706705~~ and shall create separate buildings.

655
656 *Exception to remain unchanged.*

657
658 Edit subsection as follows:

659
660 **706**

661
662 *Edit subsection as follows:*

663
664 **705.8 Openings.**

665
666 *Delete Exception 1 without substitution:*

667
668 ~~**1.** 1. Openings are not permitted in party walls constructed in accordance with Section~~
669 ~~**706.1705.1.**~~

670
671 *Edit Exception 2 as follows:*

672
673 **2. Openings shall not be limited to 156 square feet where both buildings are equipped**
674 **throughout with and automatic sprinkler system installed in accordance with Section**
675 **903.3.1.1 and the wall is not a party wall.**

676
677 **SECTION 715 OPENING PROTECTIVES**
678

679 *Add new sentences to end of subsection. Exceptions remain unchanged:*

680

681 **715.4.87 Door closing.** “The building or fire official shall approve the type of closing device to be
682 used and when magnetic hold-open devices shall be required based on the occupancy
683 classification, door use and location within the building. In Group E Occupancies and in Group B
684 educational occupancies, magnetic hold-open devices shall be installed on all fire doors leading
685 into enclosed exit stairs.”

686

687

SECTION 901 GENERAL

688

689 *Add new sentence to end of subsection:*

690

691 **[F] 901.4 Threads.** “Hand line hose threads for 2-1/2” diameter hose shall be National Standard
692 thread. Hand line hose threads for 1-1/2” or 1-3/4” diameter hose shall be Iron Pipe thread.”

693

694

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

695

696 *Change subsection to read as follows, with exception remaining unchanged:*

697

698 **[F] 903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures
699 shall be provided in the locations described in **Sections 903.2.1 through 903.2.12**~~this section~~ or
700 as required by NFPA 101 **as listed in Chapter 35.**

701

702 ~~*Add new item 4 to subsection:*~~

703

704 ~~**[F] 903.2.6 Group M.**~~

705

706 ~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered
707 furniture.~~

708

709 *Change subsection to read as follows, with exceptions remaining unchanged:*

710

711 **[F] 903.4.1 Monitoring Signals.** Alarm, supervisory and trouble signals shall be distinctly
712 different and shall be automatically transmitted to an approved central station, remote supervising
713 station, ~~auxiliary fire alarm system,~~ or proprietary supervising station as defined in NFPA 72 or,
714 when approved by the building or fire official, shall sound an audible and visual signal at a
715 constantly attended location.

716

717

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

718

719 *Add new sentence to end of first paragraph in subsection.*

720

721 **[F] 907.2 Where required.** “A manual, automatic or combination manual and automatic fire alarm
722 system shall also be provided in accordance with NFPA 101 **as listed in Chapter 35.**”

723

724 ~~*Edit subsections as follows:*~~

725

726

727 ~~*Edit subsection as follows:*~~

728

729 **[F] 907.2.1 Group A.**

730

731 ~~*Delete Exception without substitution.*~~

732

733 ~~*Edit subsection as follows:*~~

734

735 **[F] 907.2.2 Group B.**
736
737 *Delete Exception without substitution.*
738
739 *Edit subsection as follows:*
740
741 **[F] 907.2.3 Group E.**
742
743 *Delete Exception 3 without substitution.*
744
745 *Edit subsection as follows:*
746
747 **[F] 907.2.4 Group F.**
748
749 *Delete Exception without substitution.*
750
751 *Edit subsection as follows:*
752
753 ~~**[F] 907.2.6. Group I.**~~
754
755 ~~*Delete Exception without substitution.*~~
756
757 *Edit subsection as follows:*
758
759 **[F] 907.2.6.1 Group I-1.**
760
761 *Delete Exception 1 without substitution.*
762
763 *Edit subsection as follows:*
764
765 **[F] 907.2.6.2 Group I-2.**
766
767 *Delete Exceptions 1 and 2 without substitution.*
768
769 *Edit subsection as follows:*
770
771 ~~**[F] 907.2.6.3.3 Smoke detectors.**~~
772
773 ~~*Delete Exceptions 2 and 3 without substitution.*~~
774
775 *Edit subsection as follows:*
776
777 **[F] 907.2.7 Group M.**
778
779 *Delete Exceptions 1 and 2 without substitution.*
780 *Edit subsection as follows:*
781
782 **[F] 907.2.8.1 Manual fire alarm system.**
783
784 *Delete Exception 2 without substitution.*
785
786 *Change subsection to read as follows with exception remaining unchanged:*
787

788 [F] 907.2.8.2 Automatic fire alarm system. System smoke detectors shall be installed in all
789 common spaces and in means of egress components such as exit access corridors, exit enclosure
790 stairs and basements and shall be installed to provide coverage based on the manufacturers listing
791 for the ~~devices~~device.

792

793 *Change subsection to read as follows:*

794

795 [F] 907.2.9 Group R-2. A manual and automatic fire alarm system shall be installed and
796 maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories
797 above the lowest level of exit discharge; or where any dwelling unit is located more than one story
798 below the highest level of exit discharge of exits serving the dwelling unit; or when said building
799 contain more than 11 dwelling units.

800

801 **Exceptions:**

802

803 1. **A fire alarm system is not required in buildings not more than two stories in height**
804 **where all dwelling units or sleeping units and contiguous attic and crawl spaces**
805 **are separated from each other and public or common areas by at least 1-hour fire**
806 **partitions and each dwelling unit or sleeping unit has an exit directly to a public**
807 **way, egress court or yard**~~This exception remains unchanged.~~

808

809 **A fire alarm system is not required in buildings that do not have interior corridors**
810 **serving dwelling units and are protected by an approved automatic sprinkler system**
811 **installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling**
812 **units either have a means of egress door opening directly to an exterior exit access**
813 **that leads directly to the exits or are served by open-ended corridors designed in**
814 **accordance with Section 1026.6, Exception 4.2.**~~Delete this exception without~~
815 ~~substitution.~~

816

817 ~~3. This exception remains unchanged.~~

818

819 **2. Add new**

820

821 *Change subsection to read as follows:*

822

823 [F] 907.2.9.1 Smoke detector coverage. System smoke detectors shall be installed in all common
824 spaces and in means of egress components such as exit access corridors, exit enclosure stairs and
825 basements and shall be installed to provide coverage based on the manufacturers listing for the
826 device.

827

828 *Add new item 4 to end of subsection:*

829

830 [F] 907.2.1110.1.1 Group R-1.

831

832 4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor
833 level, including basements, when the building is not equipped with an automatic fire alarm
834 system, ~~single-and-Single-or~~ multiple-station smoke ~~alarms~~detectors in common areas
835 shall be interconnected but shall not be interconnected with guest room smoke
836 ~~alarms~~detectors.

837

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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 XXXXXX~~

~~[F] 916.2 Buildings requiring access boxes. XXXXXXXXXXXXXXXX~~

~~[F] 916.3 Access box make. XXXXXXXXXXXXXXXX~~

~~[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~~

895 ~~detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly~~
896 ~~labeled as to which circuit the smoke detectors are wired.~~

897

898 *Change subsection to read as follows with exceptions remaining unchanged:*

899

900 ~~[F] 907.14 Monitoring. Fire alarm systems required by this chapter or the International Fire Code~~
901 ~~shall be monitored by an approved supervising station or by a Auxiliary Fire Alarm System in~~
902 ~~accordance with NFPA 72.~~

903

904 SECTION 1001 ADMINISTRATION

905

906 *Add new sentences to end of subsection:*

907

908 **1001.1 General.** “The building official shall utilize the exit criteria and building fire safety system
909 provisions of the Life Safety Code, NFPA 101, as adopted by the New Hampshire State Fire
910 Marshal’s office, when evaluating the adequacy of means of egress in new or existing buildings.
911 When there are conflicts between this Code and NFPA 101, the building and fire officials shall
912 make the final exit and fire safety system criteria determination.”

913

914

915

916

917

918

919

920

921 SECTION 1003 GENERAL MEANS OF EGRESS

922

923 *Change Exception 1 in subsection to read as follows:*

924

925 **1003.5 Elevation change.**

926

927 **Exception 1:** A single step with a maximum riser height of 7 inches (178 mm) is permitted
928 for buildings of any occupancy at exterior means of egress doors which are not required to
929 be accessible by Chapter 11 **of the IBC.**

930

931

932 ~~SECTION 1005 EGRESS WIDTH~~

933

934 *Table 1005.1 Cautionary Note:*

935

936 ~~The design professional should consult the capacity factor provisions of the Life Safety Code,~~
937 ~~NFPA 101, Table 7.3.3.1 in the 2003 & 2006 editions, for more restrictive factors that supersede~~
938 ~~the Table 1005.1 factors of this code.~~

939

940 ~~SECTION 1007 ACCESSIBLE MEANS OF EGRESS~~

941

942 *Change and Add exceptions to read as follows with Section text remaining unchanged:*

943

944 **1007.4 Elevators.**

945

946 **Exceptions:**

947

948 ~~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 **buildingcode** 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.

1002 SECTION 1208 INTERIOR SPACE DIMENSIONS

1003
1004 *Add new exception 4 to subsection to read as follows:*

1005
1006 **1208.2 Minimum ceiling heights.**

1007
1008 **Exception 4: Within dwelling units the** minimum ceiling height above
1009 ~~lavatories~~**lavatories** and water closets shall be 6 foot 8 inches (6'-8"), as measured
1010 vertically from the ceiling to the floor at the operating handle end of the fixture. The
1011 minimum ceiling height above bathtubs and shower stalls shall be 6 foot 8 inches (6'-8"),
1012 as measured vertically from the ceiling to the floor or tub bottom at the operating handle
1013 end of the fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls
1014 adjacent to the operating handles.

1015
1016 SECTION 1612 FLOOD LOADS

1017
1018 *Insert in two blank spaces:*

1019
1020 **1612.3 Establishment of flood hazard areas.** ~~“the~~**The** City of Portsmouth, New Hampshire”;
1021 **and”**
1022 “Sep 30, 2002”

1023
1024
1025
1026
1027
1028 SECTION 1704 SPECIAL INSPECTIONS

1029
1030
1031 *Change subsections*~~Add new subsection~~ *to read as follows:*

1032
1033 **1704.3.4 Cold-formed steel**~~15 Installation of~~ **trusses.** Special inspections shall be required for
1034 all ~~wood or~~ light gauge metal roof or floor truss installations. The special inspection shall verify
1035 and document the proper installation of all required bracing, **both temporary and permanent,**
1036 **and any special connection details required by either the design professional or the truss**
1037 **manufacturer.**

1038
1039 **1704.6.2 Metal-plate-connected wood trusses.** Special inspections shall be required for all
1040 **metal-plated-wood roof or floor truss installations. The special inspection shall verify and**
1041 **document the proper installation of all required bracing, both temporary and permanent,**
1042 and any special connection details required by either the design professional or the truss
1043 manufacturer.

1044
1045 *Add new subsections to read as follows:*

1046
1047 **1704.17 Fire-resistant penetrations and joints.** In buildings of four or more stories above
1048 grade plane, special inspections for through-penetrations, membrane penetration firestops,
1049 fire-resistant joint systems, and perimeter fire barrier systems that are tested and listed in
1050 accordance with Sections 713.3.1.2, 713.4.1.1.2, 714.3 and 714.4 shall be in accordance with
1051 Section 1704.17.1 or 1704.17.2.

1053 **1704.17.1 Penetration firestops. Inspections of penetration firestop systems that are**
1054 **tested and listed in accordance with Sections 713.3.1.2 and 713.4.1.1.2 shall be**
1055 **conducted by an approved inspection agency in accordance with ASTM E 2174.**
1056

1057 **1704.17.2 Fire-resistant joint systems. Inspection of fire-resistant joint systems that**
1058 **are tested and listed in accordance with Sections 714.3 and 714.4 shall be conducted**
1059 **by an approved inspection agency in accordance with ASTM E 2393.**
1060

1061 **SECTION 1809 SHALLOW ~~1805 FOOTINGS AND~~ FOUNDATIONS**

1062
1063 *Amend Item 1 ~~Add new sentence to end of subsection to read as follows:~~*
1064

1065 **1809.5 ~~1805.2.1~~ Frost protection. “1. Extending to Frost line depth for Portsmouth shall be 4**
1066 **feet (1219 mm),) as measured to the bottom of the footing from the adjoining finish grade.”-**
1067

1068 **SECTION 2701 GENERAL**

1069
1070 *Change subsection to read as follows:*
1071

1072 **2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in
1073 buildings and structures covered by this Code. Electrical components, equipment and systems shall
1074 be designed and constructed in accordance with the provisions of the *National Electric Code*,
1075 NFPA 70. The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle.
1076 The edition that is State adopted at the time of a new electrical **design or** installation shall govern
1077 the requirements of that installation.
1078

1079 *Add new sections to read as follows:*
1080

1081 **SECTION 2703 INSPECTIONS AND TESTS**

1082
1083 **2703.1 Concealing work.** Work in connection with an electric system for which a permit is
1084 required, shall not be covered or concealed until such work has been inspected and permission to
1085 conceal such work has been given by the building official. It shall be the responsibility of the
1086 electric permit holder to contact the building official for said inspections. Furthermore, the permit
1087 holder shall allow a minimum of two work days (48 hours) from the time the building official is
1088 notified to the time the inspection is performed.
1089

1090 **2703.2 Service Inspection.** All service equipment shall be installed, grounded and bonded before
1091 a request is made for a service inspection. It shall be the responsibility of the permit holder to
1092 contact the building official for said inspection. The same inspection notification time allowance
1093 is required as in Section 2703.1. After satisfactory completing said inspection, the building official
1094 shall issue written notification to the local electric utility to allow for meter installation and power
1095 connection. It shall be the responsibility of the permit holder to contact the local electric utility for
1096 scheduling this power connection.
1097

1098 **2703.3 Final inspection and tests.** After all work is complete, all systems have been supplied
1099 power and all systems have been tested by the installer, a request for final inspection shall be made
1100 by the permit holder. The same inspection notification time allowance is required as in Section
1101 2703.1. Copies of all test results shall be provided to the building official at this time. The building
1102 official shall inspect the work and cause tests to be made of the operation of the entire system to
1103 insure compliance with all requirements.
1104

1105 **2703.4 Records.** Records of all inspections shall be kept by the respective building official. Said
1106 records shall list date of inspections, observed nonconformances, corrective actions required and
1107 the building official’s initials. Follow-up inspections shall be required to confirm the completed
1108 corrective actions. All inspection records shall be maintained by the building officials and be
1109 available for public access. The owner shall provide for special inspections in accordance with
1110 Section 1704.

1111

1112 SECTION 2704 QUALIFICATIONS OF ELECTRICIANS

1113

1114 **2704.1 General.** All persons performing electrical work in the City of Portsmouth shall be
1115 licensed in accordance with the provisions of RSA 319-C of the State of New Hampshire; except
1116 owners of detached single family homes, who reside in said home, may do electrical work without
1117 a license. All electrical work requires an electrical permit unless exempt by Section 105.2.

1118

1119 **2704.2 Responsibilities of electricians.** When an electrical installation is required to be performed
1120 by a licensed New Hampshire Electrician, the permit for said work shall be obtained by the Master
1121 Electrician responsible for the work. Said electrician or company, shall be responsible for all
1122 work done under said permit.

1123

1124 SECTION 2705 APPENDIX K

1125

1126 **2705.1 General.** Refer to Appendix K for additional administrative provisions for
1127 enforcement of the National Electric Code, NFPA 70.

1128

1129 SECTION [M] 2801 GENERAL

1130

1131 *Change subsection to read as follows:*

1132

1133 **[M] 2801.1 Scope.** Mechanical appliances, equipment and systems shall be designed, constructed,
1134 installed and maintained in accordance with the *International Mechanical Code*; the *National Fuel*
1135 *Gas Code*, NFPA 54 and *Installation of Oil-Burning Equipment*, NFPA 31. Refer to Chapter 15,
1136 Part II of the City Ordinances (Mechanical Code), for required qualifications of persons installing
1137 **fuel** gas piping.

1138

1139 SECTION [P] 2901 GENERAL

1140

1141 *Change subsection to read as follows:*

1142

1143 **[P] 2901.1 Scope.** The design and installation of building plumbing systems shall conform to
1144 Chapter 15, Part I of the City Ordinances (Plumbing Code) and Chapter 29 of this Code. The
1145 design and installation of building sewer and building water supply piping (city side of water
1146 meters) shall conform to the requirements of the Public Works Department, Water/Sewer Division.
1147 Private sewage disposal systems shall conform to the requirements of the State of New Hampshire
1148 Water Supply and Pollution Control Subsurface Waste Disposal Division.

1149

1150 SECTION [P] 2902 MINIMUM PLUMBING FACILITIES

1151

1152 *Change exception 2 in subsection to read as follows:*

1153

1154 **[P] 2902.2 Separate facilities.**

1155

1156 **Exception 2:** In other than mercantile occupancies, separate facilities shall not be required
1157 in structures or tenant spaces with a total occupant load, including both employees and

1158 customers of 24 or less. ~~See Section [P] 2902.4.4 of these amendments for mercantile~~
1159 ~~occupancy fixture requirements.~~

1160
1161 *Add new sentences to end of subsection:*

1162
1163 **[P] 2902.3 Require public toilet facilities. “Plumbing features and facilities shall also comply**
1164 **with the accessibility requirements of Section 1109.”**

1165
1166
1167 *Change subsection to read as follows:*

1168
1169 ~~**[P] 2902.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with~~
1170 ~~public toilet facilities in structures and tenant spaces intended for public utilization. The accessible~~
1171 ~~route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces.~~
1172 ~~Public toilet facilities shall be available to the public at all times the building or tenant space is~~
1173 ~~open for business. Employees shall be provided with toilet facilities in all occupancies. Employee~~
1174 ~~toilet facilities shall be either separate or combined with public facilities. The minimum number~~
1175 ~~of plumbing fixtures shall be calculated by [P] Table 2902.1, Section [P] 2902.2 and Section [P]~~
1176 ~~2902.4.4. Plumbing fixtures shall also comply with the accessibility requirements of Chapter 11.~~

1177
1178 ~~**[P] 2902.4.4 Group M occupancies.** A minimum of one public single occupant toilet room shall~~
1179 ~~be provided in~~

1180 *Add new subsection to read as follows:*

1181
1182 **[P] 2902.5 Renovations to existing buildings.** ~~or tenant spaces when the total occupant load is~~
1183 ~~more than 24 persons but less than 50 persons. A minimum of two public single occupant toilet~~
1184 ~~rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons~~
1185 ~~or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point~~
1186 ~~where the provisions of [P] Table 2902.1 would require more than two fixtures.~~

1187
1188 **Exception:** Where an existing toilet room **or rooms** is **(are)** present and renovations are being
1189 undertaken, the existing toilet room(s) shall not be removed ~~even if said removal will cause the~~
1190 ~~new occupancy to have less fixtures than what is required under this code for new~~
1191 ~~installations~~ ~~the occupant load is 24 persons or less.~~ In a case where there are more toilet rooms
1192 existing than what are required under this code, toilet rooms in excess of the minimum required
1193 may be removed but at less one shall remain.

1194 1195 SECTION 3001 GENERAL

1196
1197 *Add new sentence to end of subsection:*

1198
1199 **3001.1 Scope.** ~~Wherever the provisions of this chapter refer to the *building official* for purposes~~
1200 ~~of permitting, tests and inspections, certificates of compliance, and maintenance and accidents;~~
1201 ~~said official shall be the State Elevator Inspector as appointed by the New Hampshire Department~~
1202 ~~of Labor, Boiler and Elevator Division. Refer to Chapter 35 for the referenced elevator law.~~

1203 1204 **[F] SECTION 3003 EMERGENCY OPERATIONS**

1205
1206 *Add new subsection to read as follows:*

1207
1208 **[F] 3003.2.13 Elevator recall key.** Where required by ASME A17.1, all new elevators shall be
1209 equipped with a Yale #3502 fire service elevator recall key.

1210 1211 SECTION 3107 SIGNS

1212
1213 *Add new subsection to read as follows*

1214
1215 **3107.2 Zoning ordinance.** The City's *Zoning Ordinance, Chapter 10* of the City's Ordinances,
1216 regulates ~~all things~~temporary signs. ~~permanent signs, sign size, letter size and sign illumination.~~
1217 Refer to ~~that~~this document for ~~all sign~~these criteria.

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SECTION 3304 SITE WORK

1223
1224
1225 *Add new subsection to read as follows:*

1226
1227 **3304.2 Site access and hydrant operation.** When roads are created or extended during the
1228 construction of new developments and subdivisions, adequate site access for emergency vehicles
1229 shall be maintained at all times during construction. The fire department will be the determining
1230 agency when evaluating the adequacy of site access. As construction progresses, water hydrants
1231 required by the site plan shall be installed, activated, tested and maintained with adequate hydrant
1232 access as determined by the fire department. The City of Portsmouth reserves the right to “call”
1233 the site bond at any time during construction, when the owner refuses to provide adequate access,
1234 as deemed necessary by the fire department, for the protection of life and property.

1235
1236
1237

SECTION 3306 PROTECTION OF PEDESTRIANS

1238 *Add new subsection to read as follows:*

1239
1240 **3306.10 Hazardous excavations.** All open excavations left unattended, when deemed a hazard by
1241 the building official, shall be guarded or fenced in accordance with the criteria in Sections 1013.2.
1242 and 1013.3. The hazard judgment shall be based on public accessibility to the excavation, time
1243 period left open, falling hazard, and the pooling of surface or ground water at the bottom of the
1244 excavation. All appeals to the building official’s order shall be made in writing and will follow the
1245 appeals process in Section ~~113H2~~.

1246
1247

General note pertaining to Chapter 34:

1248
1249 **The State of New Hampshire Building Code Review Board has adopted the 2009 Edition of**
1250 **the International Existing Building Code (IEBC) as published by the International Code**
1251 **Council. All IBC Chapter 34 code users shall utilize the technical provisions of the IEBC in**
1252 **lieu of the provisions of Chapter 34 of the IBC. The following amendments to chapter 35 of**
1253 **the IBC apply.**

1254
1255

SECTION 3401 GENERAL

1256
1257 *Change subsection to read as follows:*

1258
1259 **3401.3 Compliance with other codes.** Alterations, repairs, additions and changes in occupancy
1260 to existing structures shall comply with the provisions for alterations, repairs, additions and
1261 changes in occupancy in the *International Fire Code, National Fuel Gas Code (NFPA 54),*
1262 *International Plumbing Code, International Mechanical Code, International Residential Code and*
1263 *the National Electric Code (NFPA 70).*

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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

1318 (603) 271-3294
1319 bldgcodebrd@dos.nh.gov

1320
1321 **New Hampshire Architectural Barrier Free Design Code**
1322 Governor's Commission on Disability
1323 ~~57 Regional Drive~~ **121 South Fruit Street, Suite 101**
1324 Concord, NH 03301-8518
1325 (603) 271-2773
1326 1-800-852-3405 (NH)
1327 <http://www.nh.gov/disability/abcommittee.html>

1328
1329 **New Hampshire Energy Code**
1330 Public Utilities Commission
1331 21 South Fruit Street, Suite 10
1332 Concord, NH 03301-2429
1333 (603) 271-2431
1334 ~~www.puc.nh.gov/index.htm~~ www.puc.state.nh.gov/EnergyCodes/energyppg.htm
1335 puc@puc.nh.gov

1336
1337 **New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**
1338 NH Labor Department
1339 Boiler & Elevator Division
1340 PO Box 2076
1341 Concord, NH 03302-2076
1342 (603) 271-6294
1343 ~~www.labor.state.nh.us/boilers.asp~~ www.nh.gov/labor/inspection/boilers-elevators.htm

1344
1345 *Insert in the NFPA section the following referenced Codes and Standards:*

1346
1347 ~~31-06~~ ~~Installation of Oil-Burning Equipment~~ ~~2801.1~~
1348
1349 **54-09** National Fuel Gas Code 101.4.1~~2~~, 2801.1, 3401.3
1350
1351 **70-1108** National Electric Code *Referenced Sections remain unchanged.*
1352
1353 ~~101-09.4.1, 2701.1~~
1354
1355 **101-03** Life Safety Code (Or as Adopted by the ~~SFMEMO~~) 903.2, 907.2, 1003.2,
1356 1008.5.2
1357
1358

1359 ~~211-06~~ ~~Chimneys, Fireplaces,~~ ~~2111, 2113~~
1360 ~~Vents, and Solid~~
1361 ~~Fuel-Burning Appliances~~
1362

1363 *Amend in the NFPA section the following referenced Standards:*

1364 *Change 13-0702 to 13-1307 Design & Installation of Sprinkler Systems*

1365 *Change 13D-0702 to 13D-1307 Design & Installation of Sprinkler Systems in 1 & 2*
1366 *Family Dwellings*

1367 *Change 13R-0702 to 13R-1307 Design & Installation of Sprinkler Systems in*
1368 *Residential Occupancies 4 Stories in Height or Less*

1369 *Change 72-0702 to 72-1307 National Fire Alarm Code*

1370 *Change 409-01 to 409-04 Aircraft Hangers* ~~412.2.6, 412.4.5~~
1371

APPENDIX A - EMPLOYEE QUALIFICATIONS

1372 *Appendix A is not adopted as part of this ordinance. Refer to the City of Portsmouth Human*
1373 *Resource Department employee job descriptions for employee qualifications.*

APPENDIX B - BOARD OF APPEALS

1374 *Appendix B is adopted as part of this ordinance subject to the following amendments:*

SECTION B 101 GENERAL

1375 *Change subsection to read as follows:*

1376 **B101.2.2 Qualifications.** The board of appeals shall consist of five individuals, one from each of
1377 the following professions or disciplines:

- 1378 1. Registered design professional that is a registered architect.
- 1379 2. Registered design professional that is a registered civil or structural engineer.
- 1380 3. Registered design professional that is a registered mechanical engineer; or a
1381 licensed master plumber with at least ten years experience in building plumbing and/or
1382 HVAC systems.
- 1383 4. Registered design professional that is a registered electrical engineer; or a
1384 licensed master electrician with at least ten years experience in building electrical
1385 systems.
- 1386 5. A building contractor with at least ten years experience in construction.

1387 *Delete the following subsection without substitution:*

1388 ~~**B101.2.7 Compensation of members.**~~

APPENDIX C - AGRICULTURAL BUILDINGS

1389 *Appendix C is adopted as part of this ordinance without amendments.*

APPENDIX D THROUGH APPENDIX JK

1390 *Appendix D through K are not adopted as part of this ordinance.*

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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 ADMINISTRATIONPURPOSE

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.

1463 **SECTION R105 PERMITS**

1464
1465 *Add the following text to end of subsection:*

1466
1467 **R105.1 Required.** “New construction and *general renovation* work requires the issuance of a
1468 building permit. *General renovation* is defined as work which changes the overall size of a building
1469 or portions thereof or which involves the creation of rooms or spaces, which did not previously
1470 exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also
1471 considered general renovation. Types of work, which may be so classified, are:”

- 1472 1. Additions of any size.
- 1473 2. Enlarging existing structures, rooms or spaces.
- 1474 3. Creating new rooms or spaces within a structure.
- 1475 4. Structural changes or repairs.
- 1476 5. Dormers.
- 1477 6. Demolition of all or part of a structure.
- 1478 7. Changing exits or exit components in any way.
- 1479 8. New structures including sheds, gazebos, pools (above and below ground),
- 1480 decks, garages, carports, tents, awnings, etc.
- 1481 9. Above or below grade flammable and combustible liquid tank removal or
- 1482 installation **shall require separate mechanical and gas permitting-**
- 1483 10. Changes--in--Use or Occupancy.
- 1484 11. Electrical work.
- 1485 12. Plumbing or mechanical work.
- 1486 13. Fire sprinkler systems
- 1487 14. Fire alarm systems.

1488
1489
1490 **“NH licensed Licensed** trade persons shall secure permits for electrical, ~~and~~ plumbing **and gas**
1491 **pipng** work when required under New Hampshire law.”

1492
1493 *Change subsections to read as follows:*

1494
1495 **R105.2 Work exempt from permits.** Exemption from permit requirements of this Code shall not
1496 be deemed to grant authorization for any work to be done in any manner in violation of the
1497 provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required
1498 for the following:

1499 **Building:**

- 1500 1. Ordinary repairs as defined in Section R105.2.2 provided such repairs do not exceed
- 1501 \$3,000 in construction value **including materials and labor.**
- 1502 2. Fences not over 6 feet high or not in the Historic District.
- 1503 3. Sidewalks, driveways or patios constructed on grade.
- 1504 4. Prefabricated (including air inflated) swimming pools which are less than 18 inches
- 1505 deep and are entirely above grade.
- 1506 5. Swings and other playground equipment.
- 1507 6. Cabinets, countertops and similar finish work when total construction value does not
- 1508 exceed \$3,000.
- 1509 7. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also
- 1510 Section R105.2.2, Exception 1.) **Re-roofing and Roof coverings shall be applied in**
- 1511 **accordance with IRC, Chapter 9.]**
- 1512
- 1513

1514
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- 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.**

1517 **Electrical:**

1518
1519 A permit is not required for minor repair work, including the replacement of lamps or the
1520 connection of portable electrical equipment to permanent receptacles. Contact the electrical
1521 inspector for specific questions concerning the need for a permit.
1522

1523 **Gas, Mechanical, Plumbing:**

1524
1525 ~~A permit is not required for minor repair work, including the replacement of fixtures. Refer~~
1526 ~~to the City Plumbing and Mechanical Codes for details on permits and inspections. Contact~~
1527 ~~the plumbing/mechanical inspector for specific questions concerning the need for a permit.~~
1528

1529 **R105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs
1530 to structures. *Ordinary repairs* are defined as work which is associated with the *normal*
1531 *maintenance* of a property and which affects only the surface or finish characteristics of a structure.
1532 Types of work, which may be so classified, are:

- 1533 1. Painting and wallpapering. no matter what the cost. (\$3,000 exception **2 below**
1534 does not apply.)
- 1535 2. Replacing or repairing flooring or carpeting **in-kind.**
- 1536 3. Replacing or repairing interior trim.
- 1537 4. Replacing or repairing cabinets **in-kind.**
- 1538 5. Replacing or repairing countertops **in-kind.**
- 1539 6. ~~Replacing or repairing windows and doors (no headers involved).~~
- 1540 7. ~~Replacing or repairing siding.~~
- 1541 8. Reroofing no matter what the cost. (\$3,000 exception **2 below** does not
1542 apply.)(**Note: This provision does not apply if Unless the structure is located within the**
1543 **Historic District)-**)
- 1544 9. ~~Bathroom renovation (number & location of fixtures & room size not changed).~~
- 1545 10. Repointing masonry **unless located in the Historic District.**
- 1546 11. ~~Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
- 1547 12. Replacing in kind or repairing components of fire protection systems.
1548
1549

1550 In general, for a work element to be considered a repair or replacement, the item, which is being
1551 repaired, must already exist. The above items are intended to represent individual replacement or
1552 repair work. When one or more of the above items are included in *general renovations* to
1553 structures, then all such items will be included in the construction cost.
1554

1555 Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist,
1556 rafter or bearing support, or the removal or change of any required means of egress, or
1557 rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do
1558 not include additions to, alterations of, replacement or relocation of any fire protection system,
1559 water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring
1560 or mechanical equipment or other work affecting public health or general safety.
1561

1562 **Exceptions:** (i.e. permit **is** required.)

- 1563 1. Repairs or renovations made to the exterior facade of structures in the Historic District
1564 shall require a building permit application review by the Planning Department. When it is
1565 determined that Historic District Commission approval is required, then a building permit
1566 shall also be required. This shall include reroofing that changes the roof material.
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1568

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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)

1572 *Delete subsection without substitution:*

1573

1574 **~~R105.2.3 Public service agencies.~~**

1575

1576 *Add new sentence to end of subsection:*

1577

1578 **R105.3.1 Action on application.** “Permits shall not be issued when there is found to be
1579 outstanding, non-inspected permit(s) already issued against a given property or when there are
1580 known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the
1581 non-conformances corrected, shall a new permit be issued.”

1582

1583

1584

1585 *Change subsection to read as follows:*

1586

1587 **R105.3.2 Time limitation of application.** An application for a permit shall be deemed to have
1588 been abandoned one year after the date of filing, unless such application has been diligently
1589 prosecuted or a permit has been issued, except that the building official may grant one (1) extension
1590 of time not exceeding twelve (12) months if there is reasonable cause and only when requested in
1591 writing prior to the application expiration date.

1592

1593 *Add new subsection to read as follows:*

1594

1595 **R105.3.3 By whom application is made.** Application for a permit shall be made by the owner or
1596 ~~lessee of the building or structure or bby~~ by the authorized agent, ~~of either,~~ or by the authorized
1597 contractor, registered design professional, employed by the owner, in connection with the proposed
1598 work. The full names and addresses of the owner, ~~lessee~~, applicant and of the responsible officers,
1599 if the owner or lessee is a corporate body shall be stated on the application. When the applicant is
1600 not the owner, it is assumed by the City that the owner is aware of the proposed work being applied
1601 for and that the applicant takes full responsibility for the information represented.

1602

1603 *Change subsection to read as follows:*

1604

1605 **R105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not
1606 commenced within one year after issuance of the permit, or if the authorized work is suspended or
1607 abandoned for a period of one year after the time of commencing the work. The building official
1608 may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause
1609 and only when requested in writing prior to the permit expiration date. Said extension will only be
1610 authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a
1611 permit to be considered active, periodic inspections must be requested and work progress
1612 documented by inspections, within any twelve month period. Work elements shall be items
1613 associated with the building permit scope of work.

1614

1615 *Add new subsection to read as follows:*

1616

1617 **R105.5.1 Minimum progress required to keep permit active.** After an extension has been
1618 granted under Section R105.5, work shall begin and within the next twelve (12) month period shall
1619 progress such that a full foundation has been constructed and inspected. If the scope of work does
1620 not include a foundation, then within the same (first) twelve month period, framing shall be
1621 complete to a weather tight condition and inspected. When work involves a foundation, framing
1622 to a weather tight condition shall be complete and inspected within the next (second) twelve (12)
1623 month period. If the scope of work does not involve either a foundation or weather tight framing,

1624 work progress shall be at a final inspection stage within twenty-four (24) months from the date of
1625 granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause
1626 the permit to become invalid.

1627
1628 *Change subsection to read as follows:*

1629
1630 **R105.7 Placement of permit.** The building permit ~~field copy (card)~~ shall be posted in a window
1631 or other suitable location on site, such that said permit is visible from the primary city street **which**
1632 **the permit is issued to.** Where such posting is impracticable the building permit ~~field copy~~ shall
1633 be available on site for public viewing upon request. The building permit ~~field copy~~ may be
1634 removed once the certificate of occupancy has been issued or upon expiration of the building
1635 permit.

1636
1637
1638
1639 *Add new subsection to read as follows:*

1640
1641 **R105.9 Qualifications of persons doing trade work.** Electrical, plumbing and mechanical work
1642 is allowed to be done by resident homeowners engaged in said trade work and conducted within
1643 the **single-family** dwelling in which they reside. Gas piping shall be done by a ~~licensee~~**licensed**
1644 plumber or another *qualified person or agency*, individual, firm, corporation or company that
1645 either in person or through a representative, is engaged in and is responsible for (a) the installation
1646 or replacement of gas piping or (b) the connection, installation, repair or servicing of gas
1647 equipment; and who is experienced in such work and is familiar with all the precautions required.
1648 For plumbing work refer to State RSA 329-A:13 and for electrical work refer to State RSA 319-
1649 C. All trade work require city permits.

1650
1651 **SECTION R106 CONSTRUCTION DOCUMENTS**

1652
1653 *Change subsection to read as follows:*

1654
1655 **R106.3.1 Approval of construction documents.** The building official shall **review and approve**
1656 **all submitted documents** ~~mark up one (1) set of plans with the necessary comments. This set~~
1657 ~~shall become the official permit plan set. It is the responsibility of the permit holder to transfer~~
1658 ~~these comments to whatever medium he/she wishes.~~ The permit holder is responsible for
1659 complying with the comments **as shown on the and notes added during the permit review**
1660 **process as part of the** official permit construction documents.

1661
1662 *Add new sentence to end of subsection:*

1663
1664 **R106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as the
1665 permit application is approved by the City Planning Department and all necessary bonds are
1666 posted.”

1667
1668 **SECTION R107 TEMPORARY STRUCTURES**

1669
1670 *Change subsection to read as follows:*

1671
1672 **R107.1 General.** Pursuant to the approval by the City's Planning Department, the building official
1673 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations
1674 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited

1675 as to time of service, but shall not be permitted for more than 180 days. The building official is
1676 authorized to grant one (1), 180 day extension for demonstrated cause.
1677

1678 **SECTION R108 FEES**

1679
1680 *Change subsection to read as follows:*

1681
1682 **R108.2 Schedule of permit fees.** Fees shall be determined **by the adoption of fees by budget**
1683 **resolution of the City Council** in accordance with Chapter 1, Article XVI, of the Ordinances of
1684 the City of Portsmouth, NH.

1685
1686 **Flat rate type permits are:** Siding, buried tank removal or installation, sheds, **pad**
1687 **mounted generators,** replacement windows, temporary structures, fences (in Historic
1688 District), change-in-use/occupancy with no construction.

1689
1690
1691
1692
1693
1694
1695 *Change subsection to read as follows:*

1696
1697 **R108.5 Refunds.** The building official shall authorize the refunding of fees as follows:

- 1698
1699 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
1700
1701 2. Not more than 50% of the permit fee paid when no work has been done under a permit
1702 issued in accordance with this Code.
1703
1704 3. Not more than 50% of the plan review fee paid when an application for a permit for
1705 which a plan review fee has been paid, is withdrawn or canceled before any plan review
1706 effort has been expended.

1707
1708 The building official shall only authorize a fee refund when a written request is filed by the original
1709 permittee not later than one year after the date of fee payment. Refunds shall not be issued on
1710 permits that have expired under the conditions of Section 105.5.

1711
1712 *Change subsection ~~Add new subsections~~ to read as follows:*

1713
1714 **R108.6 Work commencing before permit issuance.** Any person who is found to have
1715 **demolished, constructed, altered, removed, or changed the use of a building or structure**
1716 **without the benefit of a building, electrical, plumbing, mechanical, or change-in-use permit**
1717 **shall, upon issuance of said permit(s), be assessed a fee as determined by the adoption of fees**
1718 **by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the**
1719 **Ordinances of the City of Portsmouth, NH.**

1720
1721 *Add new subsection to read as follows:*

1722
1723 **R108.7R108.6 City construction projects.** Fees shall not be assessed for work associated with
1724 projects undertaken by the City of Portsmouth. These projects may also include contract work
1725 done by private contracting firms hired directly by the City. This exemption shall not apply to
1726 projects done by the State Department of Public Works, Pease Development Authority, State Port
1727 Authority or the Portsmouth Housing Authority.

1730 ~~R108.7 Work commencing before permit issuance. Any person who is found to have~~
1731 ~~demolished, constructed, altered, removed, or changed the use of a building or structure without~~
1732 ~~the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon~~
1733 ~~issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar~~
1734 ~~wording, of the Ordinances of the City of Portsmouth, NH.~~

SECTION R109 INSPECTIONS

1735
1736
1737
1738 *Add new sentence to end of subsection:*

1739
1740 **R109.3 Inspection requests.** “Furthermore, the permit holder(s) shall allow a minimum of two
1741 work days (48 hours) from the time the building official is notified to the time the inspection is
1742 scheduled.”

1743
1744 *Add new subsection to read as follows:*

1745
1746 **R109.5 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance
1747 with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be
1748 noted on the building official's report. The permit holder shall be responsible for correcting the
1749 item(s) and for notifying the building official to reinspect said deficiencies. If when called to
1750 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the
1751 first reinspection, the work in question has not been corrected, there will be a reinspection fee
1752 assessed as determined **by the adoption of fees by budget resolution of the City Council** in
1753 accordance with Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection
1754 Office before a third inspection will be made. For each subsequent reinspection of the same
1755 deficiency or deficiencies, a like procedure and fee shall be assessed.

1756
1757 During any inspection, the building official may find new item(s), not previously discovered, to
1758 be nonconforming. These item(s) will be noted on the building official's report, and will require
1759 reinspections. Reinspection fees will not be assessed for items newly found or for their first
1760 reinspection. However, said fees shall be assessed for these items if a third inspection is required.
1761 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be
1762 just cause to revoke the permit under which the work was being done. Furthermore, no future
1763 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until
1764 all outstanding fees are paid.

SECTION R110 CERTIFICATE OF OCCUPANCY

1765
1766
1767
1768 *Add new sentence to beginning of subsection:*

1769
1770 **R110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon request,
1771 for work associated with a valid building permit and under the criteria ~~set forth~~ **set forth** in Sections
1772 R110.3 and R110.4 of this code.”

1773
1774 *Edit subsection as follows:*

1775
1776 **R110.3 Certificate issued.**

1777
1778 *Add new item to read as follows:*

- 1779
1780 10. The City zoning map and lot numbers associated with the street address.
1781

1782 *Add new subsection to read as follows:*

1783
1784 **R110.6 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined
1785 **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1,
1786 Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate
1787 of Use and Occupancy when the following condition exists: When, during the final inspection
1788 phase, the building official is required to make a third inspection on a nonconforming item or
1789 items; then this third inspection, and any subsequent inspections for the same item(s) will cause
1790 the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and
1791 will be paid prior to the building official making said inspections. This procedure shall apply to
1792 building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific
1793 procedure for implementing this subsection is outlined in Section R109.5 of this Code.

1794
1795 **SECTION R113 VIOLATIONS**

1796
1797 *Change subsection to read as follows:*

1798
1799 **R113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail
1800 to comply with any of the requirements thereof or who shall erect, construct, alter or repair a
1801 building or structure in violation of an approved plan or directive of the building official, or of a
1802 permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions
1803 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.
1804 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

1805
1806
1807
1808
1809
1810 **SECTION R114 STOP WORK ORDER**

1811
1812 *Change subsection to read as follows:*

1813
1814 **R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure
1815 after having been served with a stop work order, except such work as that person is directed to
1816 perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section
1817 R113.4 of these amendments.

1818
1819 **SECTION R301 DESIGN CRITERIA**

1820
1821 *Insert in blank spaces in Table R301.2(1):*

1822
1823 **Ground snow load:** 50 pounds per square foot (PSF)

1824
1825 **Wind speed:** 100 miles per hour (MPH)

1826
1827 **Seismic Design Category:** C

1828
1829 **Weathering:** Severe

1830
1831 **Frost Line Depth:** 4 feet to bottom of footing.

1832
1833 **Termite:** Slight to Moderate

1834
1835 **Winter Design Temp.:** (-)3 degree days
1836
1837 **Ice Barrier Underlayment Required:** Yes
1838
1839 **Flood Hazard:** Current Flood Insurance Study, Sep. 2002
1840
1841 **Air Freezing Index:** 1000
1842
1843 **Mean Annual Temperature:** 47 degrees F
1844

1845 **SECTION R302 FIRE-RESISTANT CONSTRUCTION**~~R305 CEILING HEIGHTS~~

1846
1847 *Amend*~~Change~~ *Exception 14* in subsection to read as follows:

1848
1849 **R302.3 Two-family dwellings.**

1850
1851 **Exception 1:** A fire-resistance rating of ½ hour shall be permitted in two-family dwellings
1852 protected throughout with an automatic fire sprinkler system in accordance with Section
1853 2904, NFPA 13R or NFPA 13D as listed in Chapter 44.~~R305.1 Minimum height.~~

1854
1855 ~~**Exception 4:** Bathrooms and kitchens sink areas shall have a minimum ceiling height of 6~~
1856 ~~feet 8 inches (6' 8") at the front clearance area for fixtures as shown in Figure R307.1. The~~
1857 ~~ceiling height above fixtures shall be such that the fixture is capable of being used for its~~
1858 ~~intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum~~
1859 ~~ceiling height of 6 feet 8 inches (6' 8") above a minimum area 30 inches by 30 inches at~~
1860 ~~the showerhead.~~

1861
1862
1863
1864
1865
1866
1867
1868 **SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS**

1869
1870 **R310.1 Emergency escape and rescue required.**

1871
1872 **All Emergency Escape and Rescue openings on new construction shall meet the requirements**
1873 **outlined in IRC, Section R310. However, Emergency Escape and Rescue openings for**
1874 **structures located within the Historic District will be reviewed on a case by case basis.**
1875 **Change of occupancy shall be considered new construction.**

1876
1877 *Add new exception 2*~~exceptions~~ *to read as follows:*

1878
1879 ~~**Exception 2:** Double hung, tilt clean style windows shall be an acceptable~~
1880 ~~element in an emergency means of escape route, when their size and operation satisfy the~~
1881 ~~criteria stipulated in Sections R310.1.1, R 310.1.2, R310.1.3 and R310.1.4. The minimum~~
1882 ~~net clear opening area and net clear opening height shall be computed with both upper and~~
1883 ~~lower sashes removed. Sash removal shall not constitute special knowledge and shall not~~
1884 ~~require use of any tools.~~

1885
1886 ~~**Exception 3:** Emergency escape and rescue openings are not required when the entire~~
1887 ~~structure is protected throughout with an automatic fire suppression system conforming to~~
1888 ~~Section 2904~~~~NFPA 13~~, NFPA 13R or NFPA 13D as listed in Chapter 44~~43~~.

1889
1890 *Add new subsections to read as follows:*

1891
1892 ~~**R310.6 Access through garage.** The basement emergency escape route is allowed to be through~~
1893 ~~an attached garage via a door complying with Section R311311.4.2 or door and stair combination,~~
1894 ~~provided this route is not the only door or stair out of the basement. There shall also be a door~~
1895 ~~complying with Section R311311.4.2 from the garage directly to a public way, or to a yard or court~~
1896 ~~that opens to a public way.~~

1897
1898 **R310.7 Renovations to existing finished basements areas.** When existing basements areas are
1899 being remodeled for uses other than sleeping rooms and when such basements do not have an
1900 emergency escape and rescue opening or route as required by Sections R310.1, R310.2, R310.3 or
1901 R310.6; smoke and carbon monoxide ~~alarmsdetectors~~ shall be installed in accordance with
1902 Section ~~R314R313.2.1~~ and ~~R315313.5~~ of these amendments.

1903
1904
1905 **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

1906
1907 *Change subsection to read as follows:*

1908
1909 **R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for
1910 townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13R
1911 as listed in Chapter 44.

1912
1913 *Add new subsection to read as follows:*

1914
1915 **R313.1.2 Fire sprinkler system alarm monitoring.** Townhouse fire sprinkler systems shall be
1916 monitored for water flow, supervisory and trouble conditions and shall automatically
1917 transmit signals to an approved central station, remote supervising station or proprietary
1918 supervising station as defined in NFPA 72 and shall sound an audible and visual signal on
1919 the building exterior in a publicly ~~visable~~visible location.

1920
1921 **Exception.** When approved by the fire official, townhouse fire sprinkler systems shall sound
1922 an audible and visual signal on the building exterior in a publicly ~~visable~~visible location and
1923 not require off site monitoring.

1924
1925 *Delete subsection without substitution:*

1926
1927 ~~**R313.2 One and two family dwellings automatic fire systems.**~~

1928
1929 **SECTION R314 SMOKE ALARMS**

1930
1931 *Add new sentence to end of subsection:*

1932
1933 **R314.4 Power source.** “Smoke alarms shall be supplied by a branch circuit that also supplies
1934 lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the
1935 electric panel. The branch overcurrent protective device supplying the smoke alarms shall
1936 be clearly ~~labeled~~—“labeled “Smoke Alarms” in a manner that distinguishes it from other
1937 overcurrent protective devices.”

1938
1939 **SECTION R315 CARBON MONOXIDE ALARMS**

1940
1941 *Change section to read as follows:*

1942
1943 **~~SECTION R313 ALARMS~~**

1944
1945 ~~*Add new sentence to end of subsection:*~~

1947 ~~**R313.3 Power source.** “Smoke detectors shall not be the only load on a branch circuit and shall~~
1948 ~~be wired to a branch circuit consisting of lighting loads serving habitable spaces. Smoke detector~~
1949 ~~circuit(s) shall be clearly labeled in the electric panel.”~~

1950
1951 *Add new subsections to read as follows:*

1952
1953 ~~**R313.R315.2 Where required**~~ ~~**4 Carbon monoxide alarms in new construction.**~~ ~~In new~~
1954 ~~construction, dwelling units within which fuel-fired appliances are installed or which have attached~~
1955 ~~garages, shall be provided with carbon monoxide alarms installed outside each separate sleeping~~
1956 ~~area in the immediate vicinity of the bedroom(s), and in each room(s) as the fuel-fire appliance(s)~~
1957 ~~is (are) located.~~

1958
1959 ~~—— **Exception:** Rooms containing kitchen appliances or cloths dryers.~~

1960
1961
1962
1963
1964

1965 ~~**R313.5 Carbon monoxide alarms in existing dwellings.**~~ In existing dwellings within which fuel-
1966 fired appliances are present or which have attached garages and where alterations, repairs or
1967 additions that require a building permit are being undertaken or when additional sleeping rooms
1968 are being created; carbon monoxide alarms shall be installed in locations as required **in Section**
1969 ~~**R315.1 for new construction.**~~ The exceptions of Section ~~**R314.4R313.2.1**~~ shall also apply to
1970 retrofitting interconnected hard-wired carbon monoxide alarms.

1971
1972 *Add new subsection to read as follows:*

1973
1974 ~~**R315.4R313.6 Alarm requirements.**~~ Single-station carbon monoxide alarms shall be listed as
1975 ~~complying with UL 2034-08 and shall be installed in accordance with this code and the~~
1976 ~~manufacturer’s installation instructions.~~

1977
1978 ~~**R313.6.1 Power source and alarm types.**~~ Single-station carbon monoxide alarms shall be hard
1979 wired to the building’s electric system in the same ~~manor~~**manner** as required in Section
1980 ~~**R314.4R313.3**~~ for smoke ~~alarms~~**alarmsdetectors**. Carbon monoxide alarm devices may be individually
1981 powered or may be interconnected between devices when the device listing allows for
1982 interconnection. Carbon monoxide alarm devices may be combination devices such that they serve
1983 both the buildings smoke ~~alarm~~**alarmdetection** and carbon monoxide ~~alarm~~**alarmdetection** requirements.
1984 When combination units are used, they shall be interconnected and shall be capable of sounding
1985 different alarm signals for either a smoke or a carbon monoxide condition.

1986
1987 **SECTION R501 GENERAL**~~**R317 DWELLING UNIT SEPARATION**~~

1988
1989 *Add new subsections to read as follows:*

1990
1991 ~~**R501.3 Fire protection of floors.**~~ Floor assemblies, not required elsewhere in this code to be
1992 ~~fire-resistance rated, shall be provided with a minimum of 1/2-inch (12.7 mm) gypsum~~
1993 ~~wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on~~
1994 ~~the underside of the floor framing members.~~

1995 **Exceptions:**

- 1996 **1. Floor assemblies located directly over a space protected by an automatic sprinkler**
1997 **system in accordance with Section P2904, NFPA 13D or NFPA 13R.**
1998 **2. Floor assemblies located directly over a crawl space not intended for storage or**
1999 **fuel-fired appliances.**
2000 **3. Portions of floor assemblies can be unprotected when complying with the following:**
2001 **3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet**
2002 **per story**
2003 **3.2. Fire blocking in accordance with Section R302.11.1 shall be installed along the**
2004 **perimeter of the unprotected portion to separate the unprotected portion from the**
2005 **remainder of the floor assembly.**
2006 **4. Wood floor assemblies using dimension lumber or structural composite lumber**
2007 **equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension,**
2008 **or other approved floor assemblies demonstrating equivalent fire performance.**

2009 ~~**R317.2.5 Dwelling unit separation with sprinkler protection.** When a townhouse is protected~~
2010 ~~with a suppression system conforming to NFPA 13 or NFPA 13R as listed in Chapter 43, dwelling~~
2011 ~~unit separation walls shall be a minimum 1-hour fire resistance-rated assembly, constructed~~
2012 ~~continuous per Section R317.2.1. The wall parapet requirements of Sections R317.2.2 and~~
2013 ~~R317.2.3 and the structural independence requirement of Section R317.2.4 shall not be required.~~
2014 ~~The dwelling unit separation wall shall be constructed in conformance with its listing as tested in~~
2015 ~~accordance with ASTM E 119.~~

2016 ~~**R317.2.5.1 Allowed utility systems within dwelling unit separation walls.** Plumbing,~~
2017 ~~mechanical, fire protection and electrical systems shall be allowed in the dwelling unit separation~~
2018 ~~wall except as prohibited in Section R317.2.5.2. Penetrations of the dwelling unit separation wall~~
2019 ~~by these systems shall be in accordance with Section R317.3.~~

2020 ~~**R317.2.5.2 Prohibited utility systems within dwelling unit separation walls.** Clothes dryer~~
2021 ~~vents, chimneys and flue gas vents shall not be installed in dwelling unit separation walls. Fire~~
2022 ~~dampers shall not be installed in clothes dryer vents, chimneys or flue gas vents.~~

2023 ~~**R317.3.3 Fire damper listing.** Fire dampers used as a method to maintain the rating of a fire-~~
2024 ~~resistance-rated assembly shall comply with the requirements of Underwriters Laboratory~~
2025 ~~Standard, *UL 555, Fire Dampers* and shall be installed based on the fire damper listing. Fire~~
2026 ~~dampers shall have a minimum fire protection rating of 1 hour.~~

2027 ~~**R317.3.4 Alarm monitoring.** Water flow, supervisory and trouble signals shall be distinctly~~
2028 ~~different and shall be automatically transmitted to an approved central station, remote supervising~~
2029 ~~station, auxiliary fire alarm system, or proprietary supervising station as defined in NFPA 72 or,~~
2030 ~~when approved by the fire official, shall sound an audible and visual signal on the building exterior~~
2031 ~~in a publicly visible location.~~

2032
2033
2034
2035
2036
2037
2038
2039 *Add new section to read as follows:*

2040 **SECTION R325 TOWNHOUSE FIRE SPRINKLER SYSTEMS**

2041 ~~**R325.1 Where required.** When a townhouse structure contains four (4) or more dwelling units,~~
2042 ~~the structure shall be protected with an automatic fire sprinkler system designed in accordance~~
2043 ~~with NFPA 13 or NFPA 13R.~~

2047 ~~**R325.2 Alarm monitoring.** Sprinkler systems shall be monitored by a fire alarm system~~
2048 ~~complying with Section R317.3.4 of these amendments.~~

2049
2050 ~~**R325.3 Separation walls and mechanical penetrations.** Townhouse unit separation walls,~~
2051 ~~parapets, mechanical system penetrations and fire dampers shall have minimum construction~~
2052 ~~features as stipulated in Sections R317.2.5, R317.2.5.1 R317.2.5.2 and R317.3.3 of these~~
2053 ~~amendments.~~

2054
2055 **SECTION R1001 MASONRY FIREPLACES**

2056
2057 *Add new sentence to end of subsection:*

2058
2059 **R1001.1 General.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*
2060 *Appliances*, NFPA 211, is also allowed by this code to be used for the design and installation of
2061 masonry fireplaces.”

2062
2063 **SECTION R1003 MASONRY CHIMNEYS**

2064
2065 *Add new sentence to end of subsection:*

2066
2067 **R1003.1 Definitions.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*
2068 *Appliances*, NFPA 211 is also allowed by this code to be used for the design and installation of
2069 masonry chimneys.”

2070

2071 **CHAPTER 11 ENERGY EFFICIENCY**

2072
2073 *Change Table N1101.2 to read as follows:*

2074
2075 ~~New Hampshire. Zone 6 for entire State.~~

2076
2077 **SECTION M1201 GENERAL**

2078
2079 *Add new subsection to read as follows:*

2080
2081 **M1201.3 Additional codes and standards.** In addition to the requirements of Chapters ~~1213~~
2082 through ~~2423~~ of this Code; the design, installation, maintenance, alteration and inspection of new
2083 mechanical systems and new gas delivery systems shall also be in accordance with the
2084 *International Mechanical Code* (IMC) as adopted and amended by the City of Portsmouth. The
2085 Portsmouth Mechanical Code is found in Chapter 15, Part 2 of the City Ordinances. When there
2086 is a conflict between this code and the IMC in the design or installation of mechanical systems,
2087 the requirements of the IMC shall take precedence.

2088
2089
2090
2091
2092
2093 *Delete entire chapter and replace with the following:*

2094 **CHAPTER 24 FUEL GAS**

2095
2096
2097 *Change subsection to read as follows:*

2098
2099 **G2401.1 Application.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to
2100 the installation of new gas piping and gas appliances. These requirements apply to gas piping
2101 systems extending from the point of delivery to the inlet connections of the appliances and the
2102 installation and operation of residential gas appliances and related accessories.

2103
2104 **SECTION P2501 GENERAL**

2105
2106 *Add new subsection to read as follows:*

2107
2108 **P2501.3 Additional codes and standards.** In addition to the requirements of Chapters 25 through
2109 32 of this Code; the design, installation, maintenance, alteration and inspection of new plumbing
2110 systems and fixtures shall also be in accordance with the *International Plumbing Code* (IPC) as
2111 adopted and amended by the City of Portsmouth. The Portsmouth Plumbing Code is found in
2112 Chapter 15, Part 1 of the City Ordinances. When there is a conflict between this Code and the IPC
2113 in the design or installation of plumbing systems, the requirements of the IPC shall take
2114 precedence.

2115 **SECTION ~~E3401E3301~~ GENERAL**

2116
2117 *Add new sentence to end of subsection:*

2118
2119 **~~E3401E3301.1~~ Applicability.** “The State of New Hampshire adopts new editions of NFPA 70 on
2120 a three year cycle. The edition that is State adopted at the time of a new electrical installation shall
2121 govern the requirements of that installation.”

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CHAPTER 35 REFERENCED STANDARDS

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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

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)
<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/EnergyCodes/energypg.htm ~~index.htm~~
puc@puc.nh.gov

New Hampshire Elevator and Accessibility Lift 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~~ www.nh.gov/labor/inspection/boilers-elevators.htm

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, R313.1.1R317.2.5,**
~~**R325.1**~~

54-1209 National Fuel Gas Code **R102.4.2, G2501.1**

211-1306 Chimneys, Fireplaces,
Vents, and Solid **R1001.1, R1003.1**
Fuel-Burning Appliances

2182 Amend in the *NFPA* section the following referenced Standards:

2183

2184 ~~Change: 13-02 to 13-07 Design & Installation of Sprinkler Systems R310.1, R317.1, R317.2.5,~~
2185 ~~R325.1~~

2186

2187 Change: 70-0805 to 70-1108 National Electric Code R102R101.4.1,

2188 E3401E3301.1

2189

2190 Change: 72-0702 to 72-1307 National Fire Alarm Code R313.1, R317.3.4, R325.2

2191

2192

2193 **APPENDIX A THROUGH APPENDIX F**

2194 Appendix A through Appendix F are **not** adopted as part of this ordinance.

2195

2196 **APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS**

2197 Appendix G **is** adopted as part of this ordinance without amendments.

2198

2199 **APPENDIX H THROUGH APPENDIX L**

2200 Appendix H through Appendix L are **not** adopted as part of this ordinance.

2201

2202 **APPENDIX M – HOME DAY CARE, – R-3 OCCUPANCY**

2203

2204 Appendix M **is** adopted as part of this ordinance as amended below:

2205

2206 Edit subsection as follows:

2207

2208 **AM103.1.1 Exits access prohibited.**

2209

2210 Add new exception 2 to read as follows:

2211

2212 **Exception 2:** Exit access passing through an attached garage complying with Section R310.6 of
2213 these code amendments.

2214

2215 Change subsection to read as follows with exception remaining unchanged:

2216

2217 **AM103.1.2 Basements.** If the basement of a dwelling is to be used in the day-care operation, two
2218 exits are required from the basement regardless of the occupant load. One of the exits may pass
2219 through the dwelling and the other must lead directly to the exterior of the dwelling or lead through
2220 an attached garage that complies with Section R310.6 of these code amendments. Stairs leading
2221 from the basement are not required to be enclosed.

2222

2223 **APPENDIX N - VENTING METHODS**

2224 **APPENDIX O - GRAY WATER RECYCLING SYSTEMS**

2225 Appendix N and Appendix O **are** adopted as part of this ordinance without amendments.

2226

2227 **APPENDIX P – SIZING OF WATER PIPING SYSTEM–SPRINKLING**

2228 Appendix P is **not** adopted as part of this ordinance.

2229

2230 **APPENDIX Q – INTERNATIONAL RESIDENTIAL CODE ELECTRICAL**

2231 **PROVISIONS / NATIONAL ELECTRIC CODE CROSS REFERENCE**

2232 Appendix Q **is** adopted as part of this ordinance without amendments.

2233


2234
2235

ADOPTED XX XXX 20XX

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: NOVEMBER 15, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

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

RE: AMENDMENTS TO CHAPTER 15

After first reading and further review by the Legal Department, we would recommend that the form of the ordinance amending Chapter 15, Part I the International Plumbing Code; Part II the International Mechanical Code; Part III, Fuel Gas Installations; Part IV the National Electrical Code, which went to first reading, be amended to address stylistic and formatting issues, to amend the effective date, to revise an amendment regarding Corrugated Stainless Steel Tubing and to revise the date of the National Electrical Code from 2014 to 2017 because the 2017 version will be adopted by the State on January 1, 2018. The proposed amendments are as follows:

Chapter 15, Part 1 the INTERNATIONAL PLUMBING CODE

A. *Incorporate the following amendment as the introduction to Chapter 15, Part 1 the INTERNATIONAL PLUMBING CODE:*

That Chapter 15, Part I – INTERNATIONAL PLUMBING CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

B. *Incorporate the following amendment as to the effective date of the ordinance:*

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Chapter 15, Part II of the INTERNATIONAL MECHANICAL CODE

C. Incorporate the following amendment as the introduction to Chapter 15, Part II of the INTERNATIONAL MECHANICAL CODE:

That Chapter 15, Part II – INTERNATIONAL MECHANICAL CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

D. Incorporate the following amendment as the effective date of the ordinance:

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Chapter 15, Part III of FUEL GAS INSTALLATION

E. Incorporate the following amendment as the introduction to Chapter 15, Part III of FUEL GAS INSTALLATION:

That Chapter 15, Part III – FUEL GAS INSTALLATION of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing

language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

- F. Amend subsection 5.6.3.4 by deleting the following sentence at line 1141 through 1143 and replace with the sentence below:**

~~**Corrugated stainless steel tubing may only be used in 1 and 2 family dwelling units and townhouses with firewalls constructed per Section 7006 of the 2009 International Building Code.**~~

Corrugated Stainless Steel Tubing must be installed in accordance with the manufacturers' installation instructions for specific construction types. A third party inspection may be required pursuant to Chapter 17, Section 1704 of the International Building Code.

- G. Incorporate the following amendment as the effective date of the ordinance:**

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Chapter 15, Part IV the NATIONAL ELECTRICAL CODE

- H. Incorporate the following amendment to correct the date of the current version of the NATIONAL ELECTRICAL CODE by amending Chapter 15, Part IV of the ordinance:**

PART IV
NATIONAL ELECTRIC**AL** CODE ~~2014~~ **2017**

The **City of Portsmouth adopts the State Building Code, which adopts by reference The** National Electrical Code, **2014 2017** (NEC), ~~is hereby adopted~~ as Chapter 15, Part ~~IIIV~~, of the ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, deletions and deletions:

I. Incorporate the following amendment as the introduction to Chapter 15, Part IV of the NATIONAL ELECTRICAL CODE:

That Chapter 15, Part IV – NATIONAL ELCTRICAL CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

J. Incorporate the following amendment as the effective date of the ordinance:

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Proposed Motion: Move to amend the form of the ordinance amending Chapter 15 that went to first reading as set forth in the Memorandum from the Legal Department to the Acting City Manager dated November 15, 2017.

Proposed Motion: Move to pass Chapter 15 as amended and to bring forward for third and final reading on December 4, 2017.

1
2
3 **CITY ORDINANCE - CHAPTER 15**
4 **Part I**

5
6 **INTERNATIONAL PLUMBING CODE, 2006**
7 **~~(Adopted 10/19/2009)~~**
8

9 **The City of Portsmouth adopts the State Building Code, which adopts by reference t**The
10 International Plumbing Code, ~~2006-2009~~ Edition (**IPC**) as published by the International Code
11 Council, Inc. is hereby adopted as **Chapter 15, Part I**, of the Ordinances of the City of Portsmouth,
12 New Hampshire subject to the following amendments, additions and deletions. ~~Chapter 15, Part~~
13 ~~I, also adopts in its entirety, the latest edition of the State Plumbing Code as published by the State~~
14 ~~Plumbing Licensing Board under authority of RSA 329 A:15. When there are conflicts between~~
15 ~~the amendments herein and the State Plumbing Code, the Portsmouth Amendments shall take~~
16 ~~precedence.~~
17

18 **SECTION 101 GENERAL**
19

20 *Insert in blank space:*
21

22 **101.1 Title.** “the City of Portsmouth, New Hampshire.”
23

24 *Edit subsection as follows:*
25

26 **101.2 Scope.** *Delete* the second sentence in its entirety. In the last sentence *delete* reference to the
27 “~~International Fuel Gas Code~~” and *replace* text with the “National Fuel Gas Code, NFPA 54”.
28

29 *Add new subsection to read as follows:*
30

31 **101.5 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.
32 Appendices B, C, D, E and F are adopted.
33

34 **SECTION 102 APPLICABILITY**
35

36 *Add new subsections to read as follows:*
37

38 **102.8.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall apply to the
39 installation of electrical systems including alterations, repairs, replacement, equipment,
40 appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the
41 International Electric Code the reader shall substitute that reference with the National Electric
42 Code, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and*
43 *Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. ~~Refer to Chapter 12 of the~~
44 ~~city ordinances (Building Code) for the electric code administration process.~~
45

46 **102.8.2 Gas.** The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the
47 installation of fuel gas piping from the point of delivery (meter) to the gas appliances, equipment,
48 or related accessories as covered in this Code. Wherever this Code references the International
49 **Fuel** Gas Code the reader shall substitute that reference with the National Fuel Gas Code, NFPA
50 54.

51
52 **102.8.3 Property maintenance.** The City of Portsmouth does not adopt the International Property
53 Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or
54 requirements.

55
56 **102.8.4 Sewage disposal.** The City of Portsmouth does not adopt the International Sewage
57 Disposal Code and any reference to it in this Code shall not direct the reader to its contents or
58 requirements. Private sewage disposal systems shall meet the requirements of **City Ordinances,**
59 State Law **and,** RSA 485-A:29-44.

60
61 **SECTION 103 DEPARTMENT OF BUILDING SAFETY**

62
63 *Change subsection to read as follows:*

64
65 **103.1 General.** The ~~Department of Building Safety is created and the~~ Inspection Department's
66 executive official ~~thereof shall be known as~~ is the Chief Building Inspector. There shall be a
67 Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief
68 Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be
69 referred to as the *code official*.

70
71 ~~**SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**~~

72
73 ~~*Edit subsection as follows:*~~

74
75 ~~**104.2 Rule-making Authority.** Add the word "written" in front of the word "rules" in the first~~
76 ~~sentence.~~

77
78 **SECTION 106 PERMITS**

79
80 *Change subsection to read as follows:*

81
82 **106.3 Plumbing permits.** Plumbing permits shall be issued on the form provided by the
83 Building Inspection Department. A separate permit application is not required.

84
85 *Add new subsection to read as follows:*

86
87 **106.3.1.12 Food establishment documentation.** All new and renovated food establishments
88 shall submit plumbing designs as required in Section 106.3.1.

89
90 *Delete the following subsection without substitution:*

91

92 **~~106.4 By whom application is made.~~**

93

94 *Change subsection to read as follows:*

95

96 **106.5 Permit issuance.** The construction documents and other data filled by an applicant for a
97 permit shall be reviewed by the code official. If the code official finds that the proposed work
98 conforms to the requirements of this code and all laws and ordinances applicable thereto, and the
99 fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall
100 be done in accordance with the submitted construction documents presented at the time of permit
101 issuance.

102

103 Plumbing permits shall only be issued to current New Hampshire Master Plumbers; resident
104 owners of single family homes for work in said home and in which the owner currently resides;
105 and to persons engaged in the installation and servicing of water softeners or swimming pools.
106 ~~(Reference State RSA 329-A:13).~~ All permits shall be obtained in person by the qualified person
107 taking responsibility for the work. Plumbing permits shall not be transferable. All work shall be
108 done in accordance with the submitted construction documents.

109

110 The code official shall have the authority to issue a permit for the construction of part of a plumbing
111 system before the entire construction documents for the whole system have been submitted,
112 provided adequate information and detailed statements have been filed complying with all
113 pertinent requirements of this Code. The holder of the partial permit shall proceed at their own risk
114 without assurance that the permit for the entire plumbing system will be granted.

115

116 *Delete the following subsection without substitution:*

117

118 **~~106.5.1 Approved construction documents.~~**

119

120 *Change subsection to read as follows:*

121

122 **106.5.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized
123 work is not commenced within one year after issuance of the permit, or if the authorized work is
124 suspended or abandoned for a period of one year after the time of commencing the work. The
125 building official may grant one (1), extension of time not exceeding twelve (12) months if there is
126 reasonable cause and only when requested in writing prior to the permit expiration date. Said
127 extension will only be authorized when it does not conflict with any local laws or ordinances
128 governing the construction work. For a permit to be considered active, periodic inspections must
129 be requested and work progress documented by inspections. Work elements shall be items
130 associated with the plumbing permit scope of work.

131

132 *Delete the following subsection without substitution:*

133

134 **~~106.5.4 Extensions.~~**

135

136 *Add new subsection to read as follows:*

137

138 **106.5.97 Outstanding permits.** Any person or company with outstanding or expired permits, for
139 work that has been completed and not inspected, may be denied issuance of new permits, until all
140 prior work has passed all required inspections.

141
142 *Delete the following subsection without substitution:*

143
144 ~~**106.5.6 Retention of construction documents.**~~

145
146 *Change subsections to read as follows:*

147
148 **106.6.1 Work commencing before permit issuance.** Any person who commences any work on
149 plumbing systems, equipment, pipes, or fixtures without first obtaining the required permit(s)
150 shall, upon issuance of said permit(s), be assessed a fee **as determined by the adoption of fees**
151 **by budget resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar~~
152 ~~wording,~~ of the Ordinances of the City of Portsmouth, NH.

153
154 **106.6.2 Fee schedule.** Fees shall be determined **by the adoption of fees by budget resolution of**
155 **the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording,~~ of the Ordinances
156 of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued.
157 No work will be inspected unless all fees are paid in full. See Section 107.1.2.4 for reinspection
158 fees.

159
160 **106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

- 161
162 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
163
164 2. Not more than 50% of the permit fee paid when no work has been done under a permit issued
165 in accordance with this Code.
166
167 3. Not more than 50% of the plan review fee paid when an application for a permit for which a
168 plan review fee has been paid, is withdrawn or canceled before any plan review effort has been
169 expended.

170
171 The code official shall not authorize the refund of any fee paid, except upon written request filed
172 by the original permittee not later than one year after the date of fee payment. Refunds shall not
173 be issued on permits that have expired under the conditions of Section 106.5.3.

174
175 *Add new subsection to read as follows:*

176
177 **106.6.4 City construction projects.** Fees shall not be assessed for work associated with projects
178 undertaken by the City of Portsmouth. These projects may also include contract work done by
179 private contracting firms hired directly by the City. This exemption shall not apply to projects done
180 by the State Department of Public Works, Pease Development Authority, State Port Authority or
181 the Portsmouth Housing Authority.

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SECTION 107 INSPECTIONS AND TESTING

Add sentence to end of subsection to read as follows:

107.21 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 **as determined by the adoption of fees by budget resolution of the City Council, 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.

230 **SECTION 109 MEANS OF APPEAL**

231
232 *Delete entire Section 109 and substitute with the following:*

233
234 **109.1 Application for appeals.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as
235 amended (City Building Code), for the procedure to follow when an appeal from the provisions of
236 this Code is being requested and for the membership and qualifications of the Board of Appeals.

237
238 **SECTION 202 GENERAL DEFINITIONS**

239
240 *Change the following definitions to read as follows:*

241
242 **Hot Water:** Water having a temperature range between 111 degrees F (43.9 degrees C) and 130
243 degrees F (54 degrees C).

244
245 **Tempered Water:** Water having a temperature range between 85 degrees F (29 degrees C) and
246 110 degrees F (43.3 degrees C).

247
248 *Amend Section 202 by adding the following definition:*

249
250 **Food service establishment:** Any fixed or mobile restaurant, temporary food service
251 establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop,
252 soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment,
253 catering kitchen, commissary and any other eating or drinking establishment where food or
254 beverages are prepared or served; whether private, public, profit or non-profit.

255
256 **SECTION 305 PROTECTION OF PIPES AND**
257 **PLUMBING SYSTEM COMPONENTS**

258
259 *Change subsection to read as follows:*

260
261 **305.6 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics
262 or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature
263 unless adequate provisions are made to protect such pipes from freezing by insulation or heat or
264 both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet
265 below grade, or adequately insulated to afford the same protection whenever a condition arises
266 that the 4 feet cannot be attained.

267
268 *Change subsection to read as follows:*

269
270 **305.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall
271 conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect
272 to public sewers shall be a minimum depth of 48 inches(1219 mm) below grade or be adequately
273 insulated to afford the same protection whenever a condition arises that the 48 inches(1219 mm)
274 cannot be attained.

275

276 **SECTION 312 TESTS AND INSPECTIONS**

277
278 *Change subsection to read as follows:*

279
280 **312.1 Required tests.** The permit holder shall make the applicable tests prescribed in Sections
281 312.2, 312.3, through 312.9 to determine compliance with the provisions of this code. The permit
282 holder shall give reasonable advance notice (2 work days) to the code official when the plumbing
283 work is ready for tests. The equipment, material, power and labor necessary for the inspection and
284 test shall be furnished by the permit holder and the permit holder shall be responsible for
285 determining that the work will withstand the test pressure prescribed in the following tests. All
286 plumbing system piping shall be tested with either water or air.

287
288 *Edit subsection as follows:*

289
290 **312.5 Water supply system test.** *Delete* the words: “~~or, for piping systems other than plastic~~” in
291 the first sentence.

292
293 **SECTION 403 MINIMUM PLUMBING FACILITIES**

294
295 *Change exception 2 in subsection to read as follows:*

296
297 **403.2 Separate facilities.**

298
299 **Exception 2:** In other than mercantile occupancies, separate facilities shall not be required in
300 structures or tenant spaces with a total occupant load, including both employees and customers, of
301 24 or less. See Section 403.4.4 of these amendments for mercantile occupancy fixture
302 requirements.

303
304 *Change subsection to read as follows:*

305
306 ~~**403.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with
307 public toilet facilities in structures and tenant spaces intended for public utilization. The accessible
308 route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces.
309 Public toilet facilities shall be available to the public at all times the building or tenant space is
310 open for business. Employees shall be provided with toilet facilities in all occupancies. Employee
311 toilet facilities shall be either separate or combined with public facilities. The minimum number
312 of plumbing fixtures shall be calculated by Table 403.1, Section 403.2 and Section 403.4.4.
313 Plumbing fixtures shall also comply with the accessibility requirements of Section 404.1.~~

315 *Add new subsection to read as follows:*

316
317 **403.34.54.4 Group M occupancies.** A minimum of one public single occupant toilet room shall
318 be provided in buildings or tenant spaces when the total occupant load is more than 24 persons but
319 less than 50 persons. A minimum of two public single occupant toilet rooms shall be provided in
320 buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing
321 fixtures shall be provided when the occupant load reaches a point where the provisions of Table
322 403.1 would require more than two fixtures.

323
324 **Exception:** Where an existing toilet room is present and renovations are being undertaken,
325 the existing toilet room shall not be removed even if the occupant load is 24 persons or
326 less. In a case where there are more toilet rooms existing than what are required under this
327 code, toilet rooms in excess of the minimum required may be removed but at least one shall
328 remain.

329
330 **SECTION 404 ACCESSIBLE PLUMBING FACILITIES**

331
332 *Change subsection to read as follows:*

333
334 **404.1 Where required.** Accessible plumbing facilities and fixtures shall be provided in
335 accordance with the International Building Code and State of New Hampshire Architectural
336 Barrier Free Design Standards. ~~as listed in Chapter 13.~~

337
338 **SECTION 405 INSTALLATION OF FIXTURES**

339
340 *Add new subsections to read as follows:*

341
342 **405.3.3 Bathtubs and showers.** The clear space in front of a bathtub or shower shall be a minimum
343 of 30-inches wide and 24-inches deep.

344
345 **405.3.4 Ceiling height above fixtures.** Bathrooms and kitchens sink areas shall have a minimum
346 ceiling height of 6 feet 8 inches (6'-8") at the front clearance areas for fixtures as shown in Figure
347 405.3.1. The ceiling height above fixtures shall be such that the fixture is capable of being used
348 for its intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum
349 ceiling height of 6 feet 8 inches (6'-8") above a minimum area 30 inches by 30 inches at the
350 showerhead.

351
352 **Exception:** Showers complying with the Exception in Section 417.4 shall have a minimum
353 ceiling height of 6'-8" above an area 25 inches by 30 inches at the showerhead

354

355 **SECTION 410 DRINKING FOUNTAINS**

356
357 *Add new subsection to read as follows:*

358
359 ~~**410.1.1 Occupancies with limited occupants.** In any occupancy classification with a design~~
360 ~~occupant load of less than 50 persons, a single point of use water cooler may be substituted for the~~
361 ~~required drinking fountain. Refer to Chapter 11 of the Building Code for required drinking fountain~~
362 ~~accessibility features.~~

363
364 **SECTION 418 SINKS**

365
366 *Add new subsections to read as follows:*

367
368 **418.4 Service/utility sinks or curbed mop base.** Use groups requiring service sinks are found in
369 Table 403.1. Service sink faucet spouts which accommodate a hose connection shall require
370 backflow protection as required in Section 608.2. Food service establishments shall have a
371 service/utility sink or curbed mop base installed on the main food preparation floor level and on
372 any floor level where food is prepared and where dish or pot washing takes place. This sink shall
373 be placed close to the kitchen area or as approved by the Health Department.

374
375 **418.5 Pre-rinse sink.** All food service establishment kitchens shall have a pre-rinse sink adjacent
376 to the automatic dishwasher. The pre-rinse sink shall be adjacent to the 3 compartment pot sink in
377 kitchens allowed to omit the dishwasher. The pre-rinse sink shall drain to the grease interceptor.

378
379 **SECTION 419 URINALS**

380
381 *Change subsection to read as follows:*

382
383 **419.1 Approval.** Urinals shall conform to ANSI Z124.9, ASME A112.19.2M, CSA B45.1, or
384 CSA B45.5. Urinals shall conform to the water consumption requirements of Section 604.4.
385 Water supplied urinals shall conform to the hydraulic performance requirements of ASME
386 A112.19.6, CSA B45.1 or CSA B45.5. If a no-water urinal is installed, a water supply line shall
387 be sized and installed as if a water supplied urinal were being installed. Said supply line shall be
388 properly capped and may be buried within the building construction at the urinal location.

389
390 **SECTION 501 GENERAL**

391
392 *Change subsections to read as follows:*

393
394 **501.2 Water heater as space heater.** Where combination potable water heating and space heating
395 systems require water for space heating, a master thermostatic mixing valve complying with ASSE
396 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a
397 temperature of 130 degrees F (54 degrees C) maximum. The potability of the water shall be
398 maintained throughout the system.

399
400 **501.6 Water temperature control in piping from tankless heaters.** The temperature of water
401 from tankless heaters shall be a maximum of 130 degrees F (54 degrees C) when intended for

402 domestic uses. When a tempering device is used to limit the maximum water distribution system
403 temperature it shall conform to ASSE 1017. This provision shall not supersede the requirement
404 for protective shower valves in accordance with Section 424.3.

405

406 *Add new subsection to read as follows:*

407

408 **501.9 Minimum water heater temperatures.** Tank type water heaters and indirect fired hot water
409 storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and
410 shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the
411 maximum hot water temperature to faucets as required by this code.

412

413

414 SECTION 603 WATER SERVICE

415

416 *Change subsection to read as follows:*

417

418 **603.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the
419 structure in quantities and at the pressures required in this code. The minimum diameter of water
420 service pipe shall be 1 inch.

421

422

SECTION 605 MATERIALS, JOINTS AND CONNECTIONS

423

424 *Amend Table 605.3 as follows:*

425

426 **Table 605.3 Water service pipe.** *Delete all materials except type K copper for all pipe up to and*
427 *including 3 inches (3") in diameter **and** cement lined ductile iron for pipe over 3 inches (3") in*
428 *diameter.*

429

430 *Edit subsection as follows:*

431

432 **605.22.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

433

434

SECTION 607 HOT WATER SUPPLY SYSTEMS

435

436 *Add new subsection to read as follows:*

437

438 **607.1.1 Child care and Group E water temperatures.** Water for hand washing sinks in child
439 care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F
440 (49 degrees C).

441

442 *Change subsection to read as follows:*

443

444 **607.2 Hot water supply temperature maintenance.** Where the developed length of hot water
445 piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15.24 m), the
446 hot water supply system shall be provided with a method of maintaining the temperature in
447 accordance with the International Energy Code.

448
449
450 **SECTION 608 PROTECTION OF POTABLE WATER SUPPLY**
451

452 *Change subsection to read as follows:*
453

454 **608.14 Portsmouth Water Department backflow prevention criteria.** Backflow prevention at
455 the water meter shall be accordance with Section 608.14.1 through 608.14.5, and Section 608.16.5.
456

457 *Delete the following subsection without substitution:*
458

459 ~~**608.14.1 Outdoor enclosures for backflow prevention.**~~
460

461 *Add new subsections to read as follows:*
462

463 **608.14.1 Multiple tenant spaces.** All buildings that have more than three tenants or tenant spaces
464 being served by one water service shall have two backflow preventers installed in parallel for
465 uninterrupted service. When the building or tenant space does not have a known tenant, the water
466 service to that building or tenant space shall have a reduced pressure zone backflow preventer
467 installed on the building side of the water meter.
468

469 **608.14.1.2 Dual check valve assemblies.** All new residential water services of less than or equal
470 to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly
471 conforming to ASSE 1024 listed in Chapter 13. Said assembly shall be installed on the water
472 distribution side of the water meter, without a water meter bypass feature. Thermal expansion of
473 water shall be addressed per Section 607.3.2.
474

475 **608.14.2.1.3 Existing water service.** When replacing or upgrading an existing water distribution
476 piping system, a dual check valve backflow prevention assembly shall be installed on the water
477 distribution side of the water meter, without a water meter bypass feature. Thermal expansion of
478 water shall be addressed per Section 607.3.2
479

480 **608.14.1.43 Double check-valve assemblies.** All new residential water services greater than 1
481 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City
482 of Portsmouth ~~*Cross-Connection Control and Backflow Prevention Ordinance*~~ listed in Chapter
483 **163**.
484

485 **608.14.1.54. Bypass lines.** Bypass lines around required backflow preventers shall be protected
486 with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth
487 ~~*Cross-Connection Control and Backflow Prevention Ordinance*~~ listed in Chapter **163** for additional
488 backflow prevention requirements
489

490 **608.14.1.65. Auxiliary wells or water supplies.** Whenever an auxiliary well or water supply
491 serves property that also has a domestic water service, the domestic water service shall have a
492 reduced pressure principle backflow preventer installed on the water distribution side of the water

493 meter in accordance with the City of Portsmouth ~~Cross-Connection Control and Backflow~~
494 ~~Prevention Ordinance~~ listed in Chapter 163.

495
496 *Change subsection to read as follows:*

497
498 **608.16.5 Connection to lawn irrigation systems.** The potable water supply to lawn irrigation
499 systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced
500 pressure principle backflow preventer. Where chemicals are introduced into the system, the
501 potable water supply shall be protected against backflow by a reduced pressure principle backflow
502 preventer.

503
504 *Edit subsections as follows:*

505
506 **608.16.8 Portable cleaning equipment.** *Delete reference to Section 608.13.7 and insert reference*
507 *to Section 608.13.5.*

508
509 **608.16.9 Dental pump equipment.** *Delete reference to Section 608.13.6.*

510 SECTION 701 GENERAL

511
512
513 *Change subsection to read as follows:*

514
515 **701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises
516 having drainage piping shall be connected to a public sewer where available or an approved private
517 disposal system. A building is considered available to a public sewer when said building is within
518 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan
519 shall document its location on the lot. Subsurface systems shall meet the requirements of
520 RSA 485-A:29-44.

521 SECTION 705 JOINTS

522
523
524 *Edit subsections as follows:*

525
526 **705.8.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

527
528 **705.14.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

529 SECTION 905 VENT CONNECTIONS AND GRADES

530
531
532
533 *Change subsection to read as follows:*

534
535 **905.6 Vent for future fixtures.** **Within an habitable or occupiable space at the lowest level**
536 **of a structure where plumbing fixtures are not installed, there shall be made available an**
537 **accessible vent connection, not less than 2” inch diameter, which is properly connected to**
538 **the vent system to provide for future venting.**

539

540

541

542

SECTION 909 WET VENTING

543

544 *Amend Table 909.3 as follows:*

545

546 **Table 909.3 Wet Vent Sizing.** Delete 1-1/2 inch Wet Vent Pipe Size and 1 Drainage Fixture
547 Unit Load from table.

548

549 **SECTION 917 AIR ADMITTANCE VALVES**

550
551 *Change subsection to read as follows:*

552
553 **917.3 Where permitted.** Air admittance valves are not a substitute for a conventional venting
554 system. Air admittance valves shall only be used when structural conditions prevent conventional
555 venting of fixtures. Use of air admittance valves shall be pre-approved by the code official on a
556 case-by-case basis. When approved, individual branch and circuit vents shall be permitted to
557 terminate with a connection to an individual or branch type air admittance valve. Stack vents and
558 vent stacks shall be permitted to terminate to stack type air admittance valves. Individual and
559 branch type air admittance valves shall vent only fixtures that are on the same floor level and
560 connect to a horizontal branch drain. The horizontal branch drain having individual and branch
561 type air admittance valves shall conform to Section 917.3.1 or 917.3.2. Stack type air admittance
562 valves shall conform to Section 917.3.3.

563
564 **SECTION 1003 INTERCEPTORS AND SEPARATORS**

565
566 *Change subsection to read as follows:*

567
568 **1003.2 Approval.** All interceptors and separators shall be of the type and capacity approved by
569 the City Engineer. Each interceptor and each separator shall be designed and installed in
570 accordance with the manufacturer’s instructions and the requirements of this section based on the
571 anticipated conditions of use. When exceptions are granted under the conditions of Section 1003.3,
572 the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste
573 exempted from treatment by the City Engineer, shall not be discharged into separators or
574 interceptors.

575
576 *Change subsection to read as follows:*

577
578 **1003.3 Food service grease interceptors required.** New and remodeled food service
579 establishments shall install a 1000 gallon in-ground grease interceptor located outside the building
580 envelope in addition to all required grease interceptors at fixtures inside the building. The grease
581 interceptor shall receive drainage from fixtures and equipment with grease laden waste as stated
582 in Section 1003.3.1.

583
584 **Exception 1:** When adequate in-ground space is not available outside on the lot, ~~an~~
585 ~~automatic~~-grease **interceptor approved by the City Engineer and removal unit (AGRU)**
586 ~~sized-sized in accordance with section 1003.3.4 for the load~~ shall be installed inside.

587
588 **Exception 2:** When the Health Officer and City Engineer do not feel the type of food
589 service establishment warrants such protection.

590
591 **Exception 3:** If the drain line connecting a grease laden fixture(s) to the in-ground
592 interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with
593 a grease removal device **or an AGRU** as listed in Section 1003.3.4 **or 1003.3.5.**

594

595 *Add sentence to end of subsection to read as follows:*

596

597 **1003.4 Oil separators required.** “The City Engineer shall approve all oil separator designs.”

598

599 *Change subsection to read as follows:*

600

601 **1003.10 Access and maintenance of interceptors and separators.** All interceptors and
602 separators shall be located to provide easy access for cleaning and inspection. Interceptors shall
603 not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned
604 and repaired regularly as needed by the building owner at their expense. The building owner shall
605 be responsible for the proper removal and disposal by appropriate means of the captured materials
606 and shall maintain records of the dates and means of disposal. Said records shall be subject to
607 periodic review by the City Engineer, City Health Officer or Code Official. Only licensed waste
608 disposal companies shall perform removal and disposal operations of the collected materials.

609

610 **CHAPTER 153 REFERENCED STANDARDS**

611

612 *Insert the following referenced codes and regulations:*

613

614 **New Hampshire State Building Code**

615 Department of Safety

616 33 Hazen Drive Drive

617 Concord, NH 03305

618 (603) 271-3294

619 bldgcodebrd@dos.nh.gov

620

621 **New Hampshire Architectural Barrier Free Design Code**

622 Governor’s Commission on Disability

623 ~~57 Regional Drive~~ **121 South Fruit Street, Suite 101**

624 Concord, NH 03301-8518

625 (603) 271-2773

626 1-800-852-3405 (NH)

627 <https://www.nh.gov/disability/abcommittee.html>

628

629 **New Hampshire Energy Code**

630 Public Utilities Commission

631 ~~57 Regional Drive~~ **21 South Fruit Street, Suite 101**

632 Concord, NH 03301-2429

633 (603) 271-2431

634 www.puc.nh.gov/index.htm www.puc.state.nh.us/EnergyCodes/energypg.htm

635 puc@puc.nh.gov

636

637 ~~Cross-Connection Control and City of Portsmouth~~ **Backflow Prevention Ordinance,**
638 **Chapter 16** 608.14
639 City of Portsmouth New Hampshire 608.16.5
640 Department of Public Works, Water Division
641 680 Peverly Hill Road
642 Portsmouth, NH 03801
643 (603) 766-1413
644

645 *Add in the NFPA section the following referenced Standards:*

646 **54-09** National Fuel Gas Code 101.2, 102.8.2
648

649 *Amend in the NFPA section the following referenced Standards:*

650
651 *Change 70-02 to 70-08* National Electric Code 102.8.1, 502.1,
652 504.3, 1113.1.3
653

654 **APPENDIX A – PLUMBING PERMIT FEE SCHEDULE**

655 *Appendix A is not adopted as part of this ordinance.*

656

657 **APPENDIX B – RATES OF RAINFALL FOR VARIOUS CITIES**

658 *Appendix B is adopted as part of this ordinance without amendments.*

659

660 **APPENDIX C – GRAY WATER RECYCLING SYSTEMS**

661 *Appendix C is adopted as part of this ordinance without amendments.*

662

663 **APPENDIX D – DEGREE DAY DESIGN TEMPERATURES**

664 *Appendix D is adopted as part of this ordinance without amendments.*

665

666 **APPENDIX E – SIZING OF WATER PIPING SYSTEM**

667 *Appendix E is adopted as part of this ordinance without amendments.*

668

669 **APPENDIX F – STRUCTURAL SAFETY**

670 *Appendix F is adopted as part of this ordinance without amendments*

671

672 **APPENDIX G – VACUUM DRAINAGE SYSTEM**

673 *Appendix G is not adopted as part of this ordinance.*

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ADOPTED: 20 Oct 2009

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CITY ORDINANCE -

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CHAPTER 15

~~CITY ORDINANCE CHAPTER 15~~

Part II

**INTERNATIONAL MECHANICAL CODE,
~~(Adopted 10/20/2006)~~ 2009**

The **City of Portsmouth adopts the State Building Code, which adopts by reference The International Mechanical Code, 2009~~6~~ 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. ~~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 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.~~

726
727 **102.8.3 Liquefied petroleum gas code.** The provisions of the *Liquefied Petroleum (LP) Gas*
728 *Code*, NFPA 58, shall apply to the installation of propane containers and the first- and second stage
729 pressure regulators.

730
731 **102.8.4 Commercial cooking.** The requirements of NFPA 96, the *Standard for Ventilation*
732 *Control and Fire Protection of Commercial Cooking Operations*, **Chapter 10: Fire-Extinguishing**
733 **Systems, Chapter 11: Procedures for the Use and Maintenance of Equipment and Chapter**
734 **14: Solid Fuel Cooking Operations** shall apply ~~to all hoods, ducts and~~ to Type I hoods ~~fire~~
735 ~~suppression systems~~ in occupancies with commercial food preparation services.

736 737 SECTION 103 DEPARTMENT OF BUILDING SAFETY

738
739 *Change subsection to read as follows:*

740
741 **103.1 General.** The ~~Department of Building Safety is created and the Inspection Department's~~
742 executive official ~~thereof shall be known as is~~ the Chief Building Inspector. There shall be a
743 Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief
744 Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be
745 referred to as the *code official*.

746 747 SECTION 106 PERMITS

748
749 *Change subsection to read as follows:*

750
751 **106.3 Mechanical permits.** Mechanical permits shall be issued on the form provided by the
752 Building Inspection Department. A separate permit application is not required.

753
754 *Change subsection to read as follows:*

755
756 **106.4 Permit issuance.** The construction documents and other data filled by an applicant for a
757 permit shall be reviewed by the code official. If the code official finds that the proposed work
758 conforms to the requirements of this code and all laws and ordinances applicable thereto, and the
759 fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall
760 be done in accordance with the submitted construction documents presented at the time of permit
761 issuance.

762
763 Mechanical permits shall only be issued to resident owners of single family homes for work in
764 said home in which the owner currently resides, and to businesses engaged in the installation of
765 any heating, cooling, air-conditioning or domestic water heating systems. All permits shall be
766 obtained in person by the *qualified person or agency* taking responsibility for the work.
767 Mechanical permits shall not be transferable.

768
769 For gas piping work and the installation and repair of all gas fired equipment, a *qualified person*
770 shall be any person who conforms to the SAFE-C-8000 *Licensing of Fuel Gas Fitters* rules, as
771 regulated by The State of New Hampshire Division of Fire Safety.

772

773 The code official shall have the authority to issue a permit for the construction of part of a
774 mechanical system before the entire construction documents for the whole system have been
775 submitted, provided adequate information and detailed statements have been filed complying with
776 all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own
777 risk without assurance that the permit for the entire mechanical system will be granted.

778

779 *Delete the following subsection without substitution:*

780

781 ~~**106.4.1 Approved construction documents.**~~

782

783 *Change subsection to read as follows:*

784

785 **106.4.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized
786 work is not commenced within one year after issuance of the permit, or if the authorized work is
787 suspended or abandoned for a period of one year after the time of commencing the work. The
788 building official may grant one (1), extension of time not exceeding twelve (12) months if there is
789 reasonable cause and only when requested in writing prior to the permit expiration date. Said
790 extension will only be authorized when it does not conflict with any local laws or ordinances
791 governing the construction work. For a permit to be considered active, periodic inspections must
792 be requested and work progress documented by inspections. Work elements shall be items
793 associated with the mechanical permit scope of work.

794

795 *Delete the following subsection without substitution:*

796

797 ~~**106.4.4 Extensions.**~~

798

799 *Add new subsection to read as follows:*

800

801 **106.4.97 Outstanding permits.** Any person or company with outstanding or expired permits, for
802 work that has been completed and not inspected, may be denied issuance of new permits, until all
803 prior work has passed all required inspections.

804

805 *Change subsections to read as follows:*

806

807 **106.5.1 Commencing work before permit issuance.** Any person who commences any work on
808 mechanical equipment, systems, pipes, ducts or fixtures without first obtaining the required
809 permit(s) shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1,
810 Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

811

812 **106.5.2 Fee schedule.** Fees shall be determined **by the adoption of fees by budget resolution of**
813 **the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording,~~ of the Ordinances
814 of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued.
815 No work will be inspected unless all fees are paid in full. See Section 107.6 for reinspection fees.

816

817 *Edit subsection as follows:*

818

819 **106.5.3 Fee refunds:**

820

821 *Insert in blank spaces: 2. “50%”; 3. “50%”*

822

823 *In last paragraph substitute “one year” in place of “180 days”.*

824

825 *Add sentence to end of last paragraph:*

826

827 “Refunds shall not be issued on permits that have expired under the conditions of Section 106.4.3.”

828

829 *Add new subsection to read as follows:*

830

831 **106.5.4 City construction projects.** Fees shall not be assessed for work associated with projects
832 undertaken by the City of Portsmouth. These projects may also include contract work done by
833 private contracting firms hired directly by the City. This exemption shall not apply to projects done
834 by the State Department of Public Works, Pease Development Authority, State Port Authority or
835 the Portsmouth Housing Authority.

836

837 **SECTION 107 INSPECTIONS AND TESTING**

838

839

840 *Add new subsection to read as follows:*

841

842 **107.3.45 Reinspection fees:** If, upon being called for any inspection, and the work is not in
843 compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies
844 shall be noted on the code official’s report. The permit holder shall be responsible for correcting
845 the item(s) and for notifying the code official to reinspect said deficiencies. If when called to
846 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the
847 first reinspection, the work in question has not been corrected, there will be a reinspection fee
848 assessed **by the adoption of fees by budget resolution of the City Council** in accordance with
849 Chapter 1, Article XVI, ~~or similar wording,~~ which must be paid at the Inspection Office before a
850 third inspection will be made. For each subsequent reinspection of the same deficiency or
851 deficiencies, a like procedure and fee shall be assessed.

852

853 During any inspection, the code official may find new item(s), not previously discovered, to be
854 nonconforming. These item(s) will be noted on the code official’s report, and will require
855 reinspections. Reinspection fees will not be assessed for items newly found or for their first
856 reinspection. However, said fees shall be assessed for these items if a third inspection is required.
857 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be
858 just cause to revoke the permit under which the work was being done. Furthermore, no future
859 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until
860 all outstanding fees are paid.

861

862

863 *Add sentence to end of subsection:*

864

865 **107.43 Approval.** “Said notice shall be the completed permit inspection log form.”

866

867

868

SECTION 108.0 VIOLATIONS

869

870 *Change subsection to read as follows:*

871

872 **108.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to
873 comply with any of the requirements thereof or who shall erect, construct, alter or repair a building
874 or structure in violation of an approved plan or directive of the building official, or of a permit or
875 certificate issued under the provisions of this Code, shall be subject to the penalty provisions
876 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.
877 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

878

879 **108.5 Stop work orders:** *Insert in the first blank: "\$100.00"; Insert in the second blank:*
880 *"\$1000.00".*

881

882

883

SECTION 109 MEANS OF APPEAL

884

885 *Delete the entire section and substitute with the following:*

886

887 **109.1 Application for appeal.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as
888 amended (City Building Code), for the procedure to follow when an appeal from the provisions of
889 this Code is being requested and for the membership and qualifications of the Board of Appeals.

890

891

892

SECTION 202 GENERAL DEFINITIONS

893

894 *Add new definition to subsection:*

895

896 **Food service establishment.** Any fixed or mobile restaurant, temporary food service
897 establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop,
898 soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment,
899 catering kitchen, commissary and any other eating or drinking establishment where food or
900 beverages are prepared or served; whether private, public, profit or non-profit.

901

902

SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

903

904 *Add new subsection to read as follows:*

905

906 **303.9 Equipment noise.** Refer to the City of *Portsmouth Zoning Ordinance*, for the limitations of
907 excessive noise from mechanical equipment operations. Noise from mechanical equipment shall
908 not exceed the levels so stated.

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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 nonflammable 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.”~~

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~~End of NFPA 96 amendments.~~

~~*Delete the following subsections without substitution:*~~

~~**506.3 through 506.3.12.3 Ducts serving Type I hoods.**~~

963
964 **SECTION 507 COMMERCIAL KITCHEN HOODS**
965

966 *Add exception 4 in subsection to read as follows:*
967

968 **Exception 4.** Cooking equipment that has been listed in accordance with ANSI/UL 197 or an
969 equivalent standard for reduced emissions shall not be required to be provided with an
970 exhaust system. Spaces in which such systems are located shall be considered to be kitchens
971 and shall be ventilated in accordance with table 403.3. For the purposes of determining the
972 floor area required to be ventilated, each individual appliance shall be considered as
973 occupying not less than 100 square feet.(9,3m²).
974

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976
977 *Add new subsection to read as follows:*
978

979 **507.2.3.1 Cooking appliances for accessory uses.** All free standing domestic ranges used for
980 cooking demonstrations/classes, employee break rooms, or similar “mini” kitchens, shall have
981 Type II range hoods complying with Sections 507.5 and 507.7.2. Range hood vent terminations
982 shall comply with Section 506.4.1. Ranges used for such accessory purposes shall not be used to
983 prepare food sold to the general public.
984

985 ~~*Delete the following section without substitution:*~~
986

987 **SECTION 509 FIRE SUPPRESSION SYSTEMS**
988

989 *Add subsection to read as follows:*
990

991 **509.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this
992 code:
993

994
995
996
997
998 **Chapter 10 Fire-Extinguishing Equipment**
999

1000 *Add new subsections to read as follows:*
1001

1002 **10.9.3 Initial System Tests.**
1003

1004 **10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as
1005 required by the *City of Portsmouth Range Hood Test Report Form*. The suppression test shall
1006 use a substitute non-flammable gas in place of the UL 300 suppression agent.
1007

1008 **10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in
1009 **Section 10.9.3.1** shall be performed.

1010

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1012

**Chapter 11 Procedures for the Use and
Maintenance of Equipment**

1013

1014

1015 *Add new sentence to end of subsection:*

1016

1017

11.6 Cleaning of Exhaust Systems.

1018

1019

11.6.2* “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure
1020 **A.11.6.2** shall become mandatory requirements of this Section.”

1021

1022

1023

End of NFPA 96 Amendments.

1024

1025

~~**508 COMMERCIAL KITCHEN MAKEUP AIR**~~

1026

1027

1028

1029 **CHAPTER 8 CHIMNEYS AND VENTS**

1030
1031 **SECTION 801 GENERAL**

1032
1033 *Change subsections to read as follows:*

1034
1035 **801.1 Scope.** This chapter shall govern the installation, maintenance, repair and approval of
1036 factory-built chimneys, chimney liners, vents and connectors. This chapter shall also govern the
1037 utilization of masonry chimneys. Gas-fired appliances shall be regulated in accordance with the
1038 *National Fuel Gas Code, NFPA 54.*

1039
1040 **801.3 Masonry chimneys.** Masonry chimneys shall be constructed in accordance with the
1041 *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and*
1042 *Solid Fuel-Burning Appliances.*

1043
1044 **SECTION 902 MASONRY FIREPLACES**

1045
1046 *Change subsection to read as follows:*

1047
1048 **902.1 General.** Masonry fireplaces shall be constructed in accordance with the *International*
1049 *Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-*
1050 *Burning Appliances.*

1051 **CHAPTER 15 REFERENCED STANDARDS**

1052
1053 *Insert the following Codes and Regulations:*

1054
1055 **New Hampshire State Building Code**

1056 Department of Safety
1057 33 Hazen Drive Drive
1058 Concord, NH 03305
1059 (603) 271-3294
1060 bldgcodebrd@dos.nh.gov

1061
1062 **Guidelines Manual for Two (2) PSIG Gas Systems.** 1601.2 (NFPA 54, 5.5.1)

1063 Unutil Corporation.
1064 PO Box 508
1065 325 West Road, Portsmouth, NH 03802-0508,
1066 1-800-552-3047

1067
1068 **New Hampshire Energy Code**

1069 Public Utilities Commission
1070 21 South Fruit Street, Suite 10
1071 Concord, NH 03301-2429
1072 (603) 271-2431

1073 ~~www.puc.nh.gov/index.htm~~ www.puc.state.nh.us/EnergyCodes/energyppg.htm

1074 puc@puc.nh.gov

1075
1076 *Add in the NFPA section the following referenced Standards:*
1077
1078 **54-09** National Fuel Gas Code 101.2, 102.8.2, 801.1, 1601.1,
1079 1601.2
1080
1081 **70-05** National Electric Code 102.8.1
1082
1083 **96-1108** Ventilation Control and Fire Protection 102.8.4, ~~506.1~~
1084 of Commercial Cooking Operations
1085
1086 *Amend in the NFPA section the following referenced Standards:*
1087
1088 *Change 31-~~0601~~ to 31-1106* Standard for Installation of Oil Burning Equipment
1089
1090 *Change 58-~~0401~~ to 58-1404* Liquefied Petroleum Gas Code
1091
1092 *Change 211-0 to ~~03 to~~ 211-1306* Standards for Chimneys,
1093 Fireplaces, Vents and Solid Fuel-Burning Appliance
1094

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Add a new Chapter 15 Part III to read as follows:

**CHAPTER 156,
PART III
FUEL GAS INSTALLATIONS**

SECTION ~~1601-1001~~ GENERAL

10601.1 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.

10601.2 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.

~~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*

1141 **Steel Tubing.** Corrugated stainless steel tubing may only be used in 1 and 2 family dwelling
1142 units and townhouses with firewalls constructed per Section 706 of the 2009 International
1143 Building Code.
1144

1145 Section 7.2 Installation of Piping.

1146
1147 *Add new subsections to read as follows:*
1148

1149 **7.2.8.1 Exterior Meter Connections.** CSST shall not be connected to an exterior meter. The
1150 tubing shall terminate at the foundation wall with a termination fitting, and the gas meter shall be
1151 rigidly connected with steel piping to the building structure.
1152

1153 **7.2.8.2 Fireplace Log Installations.** CSST shall terminate with a termination fitting at the
1154 entrance to the masonry fire box. The workmanship shall be performed and completed in such a
1155 manner so that the termination will not be exposed to any mechanical damage.
1156

1157 **7.2.8.3 Fixed Appliance Connection Using CSST.** CSST may be directly connected to a fixed
1158 appliance when all the following conditions are met:

- 1159 • The tubing is securely attached to the building structure or other means of solid support.
- 1160 • Tubing shall not run exposed for a distance greater than or equal to 30 inches without being
1161 physically attached to the building structure or other means of solid support.
- 1162 • CSST terminates with a proper fitting and gas cock.
1163

1164 **7.2.8.4 CSST Used as an Appliance Connection.** CSST shall not be used as a flexible appliance
1165 connector downstream of the appliance shutoff device.
1166

- 1167 • **Testing Requirements for CSST Systems.** When CSST piping systems are installed in new
1168 construction or remodeling, the system shall be tested before any piping is covered as part of the
1169 inspections prescribed in Chapter 8.1. Before placing appliances and equipment in operation a
1170 second pressure test as prescribed in Chapter 8.1 shall be completed and inspected.
1171

1172 **7.2.8.6 CSST Piping Installed on Roofs.** CSST shall be installed for roof top equipment only
1173 when it is supported by one of the following methods:

- 1174 • The CSST tubing is installed within a metal or plastic conduit that is securely attached by
1175 an appropriate method every six feet to the roof structure. Where the piping system requires
1176 a tee to be installed within the line, the sleeve shall terminate no more than 12 inches from
1177 the tee on both main and branch line runs.
- 1178 • For CSST tubing having sizes of 1½ inch and two inches and having a UV stabilized jacket,
1179 all the following requirements shall be satisfied:
 - 1180 • The CSST shall be supported on blocks which are spaced not more than 48 inches
1181 apart.
 - 1182 • The blocks shall be constructed of materials appropriate for outdoor conditions and
1183 shall be securely attached by an appropriate method to the roof structure, and
 - 1184 • The method used to attach the CSST to the block shall not damage the plastic
1185 coating.

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- 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.

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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**~~

1 CITY ORDINANCE – CHAPTER 15

2 PART IVH

3 NATIONAL ELECTRIC CODE, 2014

4
5 The **City of Portsmouth adopts the State Building Code, which adopts by reference The**
6 **National Electrical Code, 2014 (NEC), ~~is hereby adopted~~** as Chapter 15, Part **HHIV**, of the
7 ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments,
8 additions and deletions:

9
10 *Change subsection to read:*

11
12 **210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

13 Ground-fault circuit-interrupter protection for personnel shall be provided as required in
14 210.8(A) through (E). The ground- fault circuit interrupter shall be installed in a readily
15 accessible location.

16
17 For the purposes of this section, when determining distance from receptacles the distance shall
18 be measured as the shortest path the cord of an appliance connected to the receptacle would
19 follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door,
20 doorway, or window.

21
22 (A) **Dwelling Units.** All 125-volt, **and 240 volts** single-phase, 15-thru ~~20~~ **50** ampere
23 receptacles installed in the locations specified in 210.8(A)(1) through (10) shall have
24 ground-fault circuit interrupter protection for personnel.

25 1) Bathrooms

26 (2) Garages, and also accessory buildings that have a floor located at or below grade level not
27 intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

28 (3) Outdoors

29
30 ***Exception to (3):** Receptacles that are not readily accessible and are supplied by a branch*
31 *circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment*
32 *shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

33 (4) Crawl spaces — at or below grade level.

34 (5) Unfinished portions or areas of the basement not intended as habitable rooms.

35

36 **Exception to (5):** *A receptacle supplying only a permanently installed fire alarm or burglar*
37 *alarm system shall not be required to have ground fault circuit-interrupter protection.*

38 Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm
39 systems.

40 Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the
41 requirements of 210.52(G).

42 (6) Kitchens — where the receptacles are installed to serve the countertop surfaces.

43 (7) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the
44 bowl of the sink.

45 (8) Boathouses

46 (9) Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside
47 edge of the bathtub or shower stall.

48 (10) Laundry areas

49 **B) All Area Including Dwelling Unit ~~Other Than Dwelling Units~~.** All single-phase
50 receptacles rated 150 volts to ground or less, 50 amperes or less and three phase receptacles rated
51 150 volts to ground or less, 100 amperes or less installed in the following locations shall have
52 ground-fault circuit-interrupter protection for personnel.

53 (1) Bathrooms

54 (2) Kitchens

55 (3) Rooftops

56 *Exception: Receptacles on rooftops shall not be required to be readily accessible other than from*
57 *the rooftop.*

58 (4) Outdoors

59 *Exception No. 1 to (3) and (4): Receptacles that are not readily accessible and are supplied by a*
60 *branch circuit dedicated to electric snow melting, deicing, or pipeline and vessel heating*
61 *equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

62 *Exception No. 2 to (4): In industrial establishments only, where the conditions of maintenance*
63 *and supervision ensure that only qualified personnel are involved, an assured equipment*
64 *grounding conductor program as specified in 590.6(B)(3) shall be permitted for only those*
65 *receptacle outlets used to supply equipment that would create a greater hazard if power is*
66 *interrupted or having a design that is not compatible with GFCI protection.*

67 (5) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the
68 bowl of the sink.

69 *Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where*
70 *removal of power would introduce a greater hazard shall be permitted to be installed without*
71 *GFCI protection.*

72 *Exception No. 2 to (5): For receptacles located in patient bed locations of general care*
73 *(Category 2) or critical care (Category 1) spaces of health care facilities other than those*
74 *covered under 210.8(B)(1), GFCI protection shall not be required.*

75 (6) Indoor wet locations.

76 (7) Locker rooms with associated showering facilities.

77 (8) Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms.

78 (9) Crawl spaces — at or below grade level.

79 (10) Unfinished portions or areas of the basement not intended as habitable rooms.

80 **(C) Boat Hoists.** GFCI protection shall be provided for outlets not exceeding 240 volts that
81 supply boat hoists installed in dwelling unit locations.

82 **(D) Kitchen Dishwasher Branch Circuit.** GFCI protection shall be provided for outlets that
83 supply dishwashers installed in dwelling unit locations.

84 **(E) Kitchen Microwaves, Range Hood Branch Circuits.** GFCI protection shall be provided
85 **for outlets, or hard wired microwaves and range hood in dwelling unit locations.**

86 **(F) Kitchen Refrigerator Branch Circuits.** GFCI protection shall be provided for outlets
87 **that supply refrigerators installed in dwelling unit location.**

88 **(G) Kitchen Garbage Disposal, and Trash Compactors Branch Circuits.** GFCI protection
89 **shall be provided for outlets that supply garbage disposals and trash compactors installed**
90 **in dwelling units.**

91 **(H) Kitchen Electric Ranges Branch Circuits.** GFCI protection shall be provided for all
92 **electric ranges 120 volts thru 240 volts 50 amps and less in dwelling units.**

93 **(I) Electric Dryers in Bathrooms, Basements and Laundry Room Rooms.** GFCI protection
94 **shall be provided for circuits for 120 volt thru 240 volts 50 amps or less that supply electric**
95 **dryers in dwelling units.**

96 **(J)-~~(E)~~ Crawl Space Lighting Outlets.** GFCI protection shall be provided for lighting outlets
97 not exceeding 120 volts installed in crawl space.

98

99

100 *Change subsection to read as follows:*

101 **Part VI. Service Equipment — Disconnecting Means.**

102

103 **230.70 General.** Means shall be provided to disconnect all conductors in a building or other
104 structure from the service entrance conductors.

105 **(A) Location.** The service disconnecting means shall be installed in accordance with
106 230.70(A)(1), (A)(2), and (A)(3) except for one and two family dwellings, the disconnecting
107 means shall be located on the outside of the dwelling in a readily accessible location nearest
108 point of the conductors entering the building or structure.

109 **(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily
110 accessible location either outside of a building or structure or inside nearest the point of entrance
111 of the service conductors.

112 **(2) Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

113 **(3) Remote Control.** Where a remote control device(s) is used to actuate the service
114 disconnecting means, the service disconnecting means shall be located in accordance with
115 230.70(A)(1).

116 **(B) Marking.** Each service disconnect shall be permanently marked to identify it as a service
117 disconnect.

118 **(C) Suitable for Use.** Each service disconnecting means shall be suitable for the prevailing
119 conditions. Service equipment installed in hazardous (classified) locations shall comply with the
120 requirements of Articles 500 through 501

121

122 *Change subsection to read as follows:*

123 **Part II. Installation**

124 **334.10 Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be
125 used in the following, except as prohibited in 334.12:

126 (1) One- and two-family dwellings and their attached or detached garages, and their storage
127 buildings.

128 ~~(2) Multi-family dwellings permitted to be of Types III, IV, and V construction.~~

129 ~~(3) Other structures permitted to be of Types III, IV, and V construction. Cables shall be~~
130 ~~concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at~~
131 ~~least a 15-minute finish rating as identified~~

132 ~~In listings of fire-rated assemblies.~~

133 ~~Informational Note No. 1: Types of building construction and occupancy classifications are~~
134 ~~defined in NFPA 220—2015, *Standard*~~
135 ~~on Types of Building Construction, or the applicable building code, or both.~~

136 ~~Informational Note No. 2: See Informative Annex E for determination of building types [NFPA~~
137 ~~220, Table 3-1].~~

138 ~~(4) Cable trays in structures permitted to be Types III, IV, or V where the cables are identified~~
139 ~~for the use.~~

140 ~~Informational Note: See 310.15(A) (3) for temperature limitation of conductors.~~

141 ~~(5) Types I and II construction where installed within raceways permitted to be installed in~~
142 ~~Types I and II construction.~~

143 **(A) Type NM.** Type NM cable shall be permitted as follows:

144 (1) For both exposed and concealed work in normally dry locations **in one and two family**
145 **dwelling, except as prohibited in 334.10(3)**

146 (2) To be installed or fished in air voids in masonry block or tile walls.

147

148 **334.12 Uses Not Permitted.**

149 **(A) Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be permitted as
150 follows:

- 151 (1) In any dwelling or structure not specifically permitted in 334.10(1), ~~(2), (3), and (5)~~
152 (2) Exposed in a dropped or suspended ceiling in other than one- and two-family ~~and multifamily~~
153 ~~dwellings~~
154 (3) As service-entrance cable.
155 ~~(4) In commercial garages having hazardous (classified) locations as defined in 511.3~~
156 ~~(5) In theaters and similar locations, except where permitted in 518.4(B)~~
157 ~~(6) In motion picture studios~~
158 ~~(7) In storage battery rooms~~
159 ~~(8) In hoist ways or on elevators or escalators~~
160 ~~(9) Embedded in poured cement, concrete, or aggregate~~
161 ~~(10) In hazardous (classified) locations, except where specifically permitted by other articles in~~
162 ~~this Code~~
163 **(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following
164 conditions or in the following locations:
165 ~~(1) Where exposed to corrosive fumes or vapors~~
166 ~~(2) Where embedded in masonry, concrete, adobe, fill, or plaster~~
167 ~~(3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe, or similar~~
168 ~~finish~~
169 ~~(4) In wet or damp locations.~~

170
171 **334.15 Exposed Work in one and two family dwelling.**

172 In exposed work, except as provided in 300.11(A), cable shall be installed as specified in
173 334.15(A) through (C).

174 **(A) To Follow Surface.** Cable shall closely follow the surface of the building finish or of
175 running boards.

176 **(B) Protection from Physical Damage.** Cable shall be protected from physical damage where
177 necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule
178 80 PVC conduit, Type RTRC marked with the suffix - XW, or other approved means. Where
179 passing through a floor, the cable shall be enclosed in rigid m conduit, Type RTRC marked with
180 the suffix -XW, or other approved means extending at least 150 mm (6 in.) above the floor.
181 Type NMC cable installed in shallow chases or grooves in masonry, concrete, or adobe shall be
182 protected in accordance with the requirements in 300.4(F) and covered with plaster, adobe, or
183 similar finish.

184
185 **(C) In Unfinished Basements and Crawl Spaces in one and two family dwellings.** Where
186 cable is run at angles with joists in unfinished basements and crawl spaces, it shall be permissible
187 to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower
188 edges of the joists. Smaller cables shall be run either through bored holes in joists or on running
189 boards. Nonmetallic sheathed cable installed on the wall of an unfinished basement shall be
190 permitted to be installed in a listed conduit or tubing or shall be protected in accordance with
191 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the
192 point the cable enters the raceway. The sheath of the nonmetallic-sheathed cable shall extend
193 through the conduit or tubing and into the outlet or device box not less than 6 mm (1/4 in.). The
194 cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or
195 tubing. Metal with the provisions of 250.86 and 250.148.

196 **334.17 Through or Parallel to Framing Members.** Types NM, NMC, or NMS cable shall be
197 protected in accordance with 300.4 where installed through or parallel to framing members.
198 Grommets used as required in 300.4(B) (1) shall remain in place and be listed for the purpose of
199 cable protection.

200 **334.23 In Accessible Attics in one and two family dwellings.**

201 The installation of cable in accessible attics or roof spaces shall also comply with 320.23.

202

203 *Change subsection to read as follows:*

204 **Part II. Installation**

205 **338.10 Uses Permitted.**

206 **(A) Service-Entrance Conductors for one and two family dwellings.** Service-entrance cable
207 shall be permitted to be used as service-entrance conductors and shall be installed in accordance
208 with 230.6, 230.7, and Parts II, III, and IV of Article 230.

209 **(B) Branch Circuits or Feeders.**

210 **(1) Grounded Conductor Insulated.** Type SE service-entrance cables shall be permitted in
211 wiring systems where all of the circuit conductors of the cable are of the thermoset or
212 thermoplastic type.

213 **2) Use of Uninsulated Conductor.** Type SE service-entrance cable shall be permitted for use
214 where the insulated conductors are used for circuit wiring and the uninsulated conductor is used
215 only for equipment grounding purposes.

216 **(3) Temperature Limitations.** Type SE service-entrance cable used to supply appliances shall
217 not be subject to conductor temperatures in excess of the temperature specified for the type of
218 insulation involved.

219 **(4) Installation Methods for Branch Circuits and Feeders.**

220 **(a) Interior Installations.** In addition to the provisions of this article, Type SE service-entrance
221 cable used for interior wiring shall comply with the installation requirements of Part II of Article
222 334, excluding 334.80.

223 For Type SE cable with ungrounded conductor sizes 10 AWG and smaller, where installed in
224 thermal insulation, the ampacity shall be in accordance with 60°C (140°F) conductor temperature
225 rating. The maximum conductor temperature rating shall be permitted to be used for ampacity
226 adjustment and correction purposes, if the final derated ampacity does not exceed that for a 60°C
227 (140°F) rated conductor.

228

229 *Change subsection to read as follows:*

230 **338.12 Uses Not Permitted.**

231 **(A) Service-Entrance Cable.** Service-entrance cable (SE) shall not be used under the following
232 conditions or in the following locations, other than one and two family dwellings.

233 (1) Where subject to physical damage unless protected in accordance with 230.50(B).

234 (2) Underground with or without a raceway.

235 (3) For exterior branch circuits and feeder wiring unless the installation complies with the
236 provisions of Part I of Article 225 and is supported in accordance with 334.30 or is used as
237 messenger-supported wiring as permitted in Part II of Article 396.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 20, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 5, Fire Department and Prevention Regulations, which includes the adoption of the 2015 International Fire Code to replace the existing 2006 version and the adoption of State Fire Code which includes 2009 Fire Code NFPA 1 and the 2015 Life Safety Code NFPA 101. The proposed Ordinance amending Chapter 5 also includes local amendments to the 2015 International Fire Code. A complete copy of the above referenced Code and the Ordinance amending Chapter 5 is available for review in the Inspection Department during regular business hours and online on the City of Portsmouth Website under the Fire Department webpage. Copies of the Ordinance amending Chapter 5 are also available for review in the office of the City Clerk and the Portsmouth Public Library during regular business hours.

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

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

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: NOVEMBER 15, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

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

RE: AMENDMENTS TO CHAPTER 5

After first reading and further review by the Legal Department, we would recommend that the form of the ordinance amending Chapter 5 FIRE DEPARTMENT AND PREVENTION REGULATIONS, which went to first reading, be amended at second reading to address proper stylistic and formatting issues and to amend the effective date. The proposed amendments are as follows:

A. *Incorporate the following amendment as the introduction to Chapter 5:*

That Chapter 5 – FIRE DEPARTMENT AND PREVENTION REGULATIONS of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

B. *Amend Chapter 5, Article IX by deleting the first paragraph at lines 296 through 299 and replacing it with the following:*

~~The City of Portsmouth formally adopts Saf-C 6000 (the State Fire Code) published by the National Fire Protection Association, by adopting by reference the Life Safety Code 2015 Edition and the Uniform Fire Code NFPA1, 2009 Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.~~

The City of Portsmouth formally adopts the “New Hampshire Fire Code”. This includes the N.H. Code of Administrative Rules, Chapter Saf-C 6000 and is defined in NH RSA 153:VI-a as the adoption by reference of the Life Safety Code 2015 Edition and the Uniform Fire Code NFPA1, 2009 Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.

Incorporate the following amendment as to the effective date of the ordinance:

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

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

This ordinance shall take effect as of January 1, 2018.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Proposed Motion: Move to amend the form of the ordinance amending Chapter 5 that went to first reading as set forth in the Memorandum from the Legal Department to the Acting City Manager dated November 15, 2017.

Proposed Motion: Move to pass Chapter 5 as amended and to bring forward for third and final reading on December 4, 2017.

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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	Petroleum and its Products Reserved for future use	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 Monitored by the City	5.801 - 5.806
Article IX	International Fire Code / 2006 Edition Adopted Fire Codes	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.

42 **ARTICLE II ,~~AND~~ ARTICLE III, Article IV – RESERVED FOR FUTURE USE**
43

44 **ARTICLE IV: PETROLEUM AND ITS PRODUCTS, ~~Burn Permits (Amended 4/1/96)~~**

45

46 **Section 5:401: LICENSE**

47

48 ~~No person shall store or handle any gasoline or similar fluids within the City without first obtaining~~
49 ~~a license from the City License Officer for the purpose and without said license having been~~
50 ~~endorsed by the Fire Chief and Building Inspector.~~

51

52

53 **Section 5:402: FEE**

54

55 ~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended~~
56 ~~3/18/2002)~~

57

58

59 **Section 5:403: LIMITATIONS**

60

61 ~~For the purpose of preventing excessive fire hazards, no license, other than a renewal of an existing~~
62 ~~license, for the storage of more than 300 gallons of crude petroleum or any of the products thereof~~
63 ~~within the district described in Section 5:404 hereof, shall be granted unless such storage is to be~~
64 ~~in underground tanks.~~

65

66

67 **Section 5:404: STORAGE DISTRICT**

68

69 ~~Section 5:403 of this ordinance shall apply to the area bounded as follows:~~

70

71 ~~Commencing at the Piscataqua River opposite the easterly end of Court Street; and running~~
72 ~~westerly to said easterly end of Court Street; thence westerly through Court Street to Middle Street;~~
73 ~~thence northeasterly through Middle Street to Islington Street; thence westerly through Islington~~
74 ~~Street to the westerly boundary of said land of the Morley Company to the Boston and Maine~~
75 ~~Railroad tracks; thence easterly along said tracks to a point opposite the westerly end of the North~~
76 ~~Mill Pond; thence northerly to the westerly end of the North Mill Pond; thence following the~~
77 ~~northerly boundary of the North Mill Pond to the Piscataqua River; thence by the Piscataqua River~~
78 ~~to the point of beginning.~~

79

80

81 **Section 5:405: DUTIES OF THE PETROLEUM INSPECTOR**

82

83 ~~The duties of the Petroleum Inspector shall be those prescribed for the duties of such officers in~~
84 ~~Chapter 339 of the N.H. RSA.~~

85

86

87 **Section 5:406: FEE OF INSPECTOR**

88

89 ~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended~~
90 ~~3/18/2002)~~

91

92

93 **Section 5:407: ANNUAL REPORT**

94

95 ~~Said inspector shall annually as early as practical in January, but not later than the second~~
96 ~~Thursday, report in writing to the City Council all inspections made by him during the preceding~~
97 ~~year.~~

98

99

100 **Section 5:408: PENALTY**

101

102 ~~If any person shall violate any of the provisions of Sections 5:401 or 5:403 of this Chapter, he shall~~
103 ~~be fined not less than \$1.00 nor more than \$100.00 for each day the violation shall continue.~~

104

105

106 **Section 5:409: BURNING PERMITS**

107

108 ~~All burning permits shall be issued by the Fire Department; the licensing process and fees required~~
109 ~~are governed by New Hampshire State Law, currently designated as RSA 244. (Adopted 4/1/96)~~

110

111

112 ~~ARTICLE V: MUNICIPAL FIRE ALARM AND COMMUNICATION SYSTEMS~~

113

114

115 ~~Section 5.501: RESPONSIBILITY~~

116

117 ~~The Chief of the Fire Department or his designee shall be responsible for the proper installation,~~
118 ~~maintenance and supervision of the municipal fire alarm and communication systems.~~

119 ~~(Adopted 1/26/87)~~

120

121

122 ~~Section 5.502: POLE AND DUCT SYSTEMS~~

123

124 ~~It shall be the responsibility of the Chief of the Fire Department or his designee to coordinate with~~
125 ~~the Public Utilities for the supply and spacing of poles or ducts for municipal use.~~

126 ~~(Adopted 1/26/87)~~

127

128

129 ~~Section 5.503: LOCATION OF FIRE ALARM BOXES AND SIGNALS~~

130

131 ~~The Chief of the Fire Department or his designee shall located fire alarm call boxes, and other~~
132 ~~signaling devices as public interest may require. However, permanent removal of fire alarm boxes~~
133 ~~shall only be at the direction of the City Council. (Adopted 1/26/87)~~

134

135

136 ~~Section 5.504: PENALTY FOR INJURE OR POSTING~~

137

138 ~~If any person shall willfully injure, or attempt to injure; or post any paper or placard; paint or~~
139 ~~deface any pole, fire alarm box, signal pole, pedestal, manhole, pull box, gong, wire or other~~
140 ~~component of the Municipal Signal Systems, shall be fined \$100 plus the costs of repair or~~
141 ~~replacement. (Adopted 1/26/87)~~

142

143

144 **ARTICLE VI: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

145

146 **Section 5.601: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

147

148 The rates to be charged for Emergency Medical Services shall be established and adjusted as
149 necessary by the City Manager with approval of the Board of Fire Commissioners. Where
150 applicable, the rates shall be equal to or less than the usual and customary rates, which are charged
151 for those services by private service providers in the geographic area. The rates shall be established
152 pursuant to the following terms and conditions:

153

154 A. Medicare patients shall be charged the current Medicare allowable rate for any Medicare
155 covered service, and Medicare patients are to be responsible for co-pays and deductibles.

156

157 B. The rates may include a fee for mileage traveled by municipal vehicles.

158

159 C. The rates may include a fee for special services provided by the Fire Department such as
160 extrication of individuals from motor vehicles or similar services.

161

162 D. The rates may include a fee for non-emergency transfer of patients from one location to
163 another location.

164

165 E. The rates may contain a provision allowing for a reduction or waiver of the established
166 rates in the case of need or other good cause shown by the recipient of the service.

167

168 (Article VI deleted in its entirety and replaced 6/1/98)

169

170 **ARTICLE VII: BLASTING**

171
172 **Section 5:701 BLASTING PERMIT REQUIRED**

173
174 No person shall perform or cause to be performed any blasting within the City limits unless a
175 Blasting Permit is obtained from the City Engineer. This permit shall not be issued until the
176 following terms and conditions have been satisfied by the applicant:

- 177
178 A. All abutters within five hundred (500) feet of the area where the blasting will occur shall
179 receive notice by certified mail two full business days (excluding Saturday, Sunday and
180 holidays) in advance of the blasting. The term “abutter” shall be defined in the manner
181 used for the notification of zoning abutters. (Amended 9/17/2001)
182
183 B. That the City Engineer’s office as well as the Building Inspector shall receive the same
184 notice, also sent by certified mail, at least two full business days (excluding Saturday,
185 Sunday and holidays) in advance of the blasting.
186
187 C. The name and address of the blasting company be provided.
188
189 D. The name of a company representative be provided and the twenty-four (24) hour telephone
190 number of the representative; such representative being a person who is capable of
191 responding to claims and issues arising from the blasting performed.
192
193 E. A pre-blast survey shall be completed by the blasting company for an area within five
194 hundred (500) feet of the proposed blasting. (Amended 9/17/2001)
195
196 F. Any reports, measurements or video tapes made in connection with this pre-blast survey or
197 with the subsequent blasting shall be made available upon request to all abutters within
198 five hundred (500) feet of the area. (Amended 9/17/2001)
199
200 G. That the cost of such a pre-blast survey shall be borne by the blasting company.
201
202 H. The Use and Transport License of the hauler shall be designated.
203
204 I. The route of removing blasting material shall be designated.
205
206 J. The location of the blasting shall be designated.
207
208 K. The blasting shall take place within the hours of 8:00 A.M. to 5:00 P.M. Monday through
209 Friday.
210
211 L. An Insurance Certificate shall be posted with the City Engineer in an amount and type
212 deemed appropriate by the City Engineer and the City Attorney. (Amended 9/20/93)
213
214 M. The Public Works Director is hereby authorized to promulgate blasting rules consistent
215 with the intent of this ordinance, such rules shall become effective on acceptance by the
216 City Council. (Item M. adopted 9/17/2001)
217
218

219 **ARTICLE VIII: ALARM SYSTEMS ~~MONITORED BY THE CITY~~**

220
221 **Section 5.801: DEFINITIONS**

222 For the purpose of this Article, the following definitions shall be applicable:

223
224
225 Alarm System: Any assembly of equipment and/or devices which, with or without human
226 involvement, is reasonably calculated to notify either police or fire officials and
227 lead them to believe that there is a situation requiring their urgent attention.

228
229 Unfounded Emergency Call: Any response by police or fire officials to the activation of an alarm
230 system, when no objective indication of a situation requiring their urgent
231 attention is found by the responding police or fire offices; false alarm.

232
233
234 **Section 5.802: SERVICE FEE**

235
236 The owner of any premises served by an alarm system shall be obligated to pay a service fee to
237 the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number
238 of such calls permitted by this Article. This service fee shall be in such amounts as ~~shall be~~
239 ~~determined by the adoption of fees by budget resolution or the City Council in accordance~~
240 ~~with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth. may be determined~~
241 ~~on an annual basis by the City during its budget process.-~~ The service fee may be graduated to
242 increase based upon an increasing number of unfounded emergency calls. (Amended 1/25/88;
243 amended 04/16/2012)

244
245
246 **Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS ~~[Amended~~**
247 ~~04/16/2012]~~

248
249 The owner of any premises served by an alarm system shall be permitted the following number of
250 unfounded emergency calls prior to the imposition of a service fee:

- 251
252 A. Unfounded Emergency Calls to Police Department
253 Five calls per calendar year (Amended 1/25/88)
- 254
255 B. Unfounded Emergency Calls to Fire Department
256 ~~Two~~ **Four** calls per six calendar month period (January to June inclusive or July to
257 December inclusive)

258
259
260 ~~**Section 5.804: ALARM SYSTEMS MONITORED BY THE CITY**~~

261
262 ~~Any person, firm, or corporation maintaining an alarm system located wholly or in part on City~~
263 ~~premises shall be subject to the following provisions:~~

- 264
265 ~~A. Such alarm systems shall be maintained in strict conformance to any operating standards~~
266 ~~that may be from time to time promulgated by the Department Head with jurisdiction over~~
267 ~~the premises in which the alarm system is located.~~

269 ~~B. A service charge shall be paid to the City department which monitors any alarm system.~~
270 ~~The rates to be charged for these alarm systems shall be established and adjusted as~~
271 ~~necessary by the City Manager with the approval of the Police Commission or Fire~~
272 ~~Commission, in the event the system is monitored by either department. This fee shall be~~
273 ~~payable in advance and no part thereof may be refunded or transferred.~~

274
275 ~~(Amended title of Ordinance & Section 5.804 and replaced Item B in its entirety 5/3/99)~~
276

277
278 ~~**Section 5.805: PROHIBITIONS**~~

279
280 ~~Direct Dialers: The use of so-called direct dialer tape alarm systems, which automatically~~
281 ~~engage available telephone lines, is prohibited within the City of Portsmouth~~

282
283
284 ~~**Section 5.806: PENALTY**~~

285
286 ~~Any person, firm or corporation who violates any provision of Section 5.805 of this Ordinance~~
287 ~~shall be subject to a fine of not more than \$100.00 upon conviction.~~

288
289

290 CITY ORDINANCE - CHAPTER 5

291 ARTICLE IX: ~~INTERNATIONAL FIRE CODE, 2006~~
292 ~~(Adopted 10/19/2009)~~
293 ADOPTED FIRE CODES
294

295
296 **The City of Portsmouth formally adopts Saf-C 6000 (the State Fire Code) published by the**
297 **National Fire Protection Association, by adopting by reference the Life Safety Code 2015**
298 **Edition and the Uniform Fire Code NFPA1, 2009 Edition, as published by the National Fire**
299 **Protection Association and as amended by the State Board of Fire Control.**

300
301 The **City of Portsmouth adopts the** International Fire Code, ~~2006~~ **2015 Edition (IFC)** and the
302 provisions of any other national code, model code or standard referred to in the IFC as published
303 by the International Code Council, is hereby adopted as **Chapter 5, Article IX**, of the ordinances
304 of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and
305 deletions:

306
307 SECTION 101 GENERAL

308 *Insert in blank space:*

309
310
311 **101.1 Title:** “the City of Portsmouth, New Hampshire”
312

313 SECTION 102 APPLICABILITY

314
315 *Add new subsections to read as follows:*

316
317 ~~102.6.1~~ ~~102.7.3~~ **Specific electrical code reference.** Wherever this Code references the
318 *International Electric Code* the reader shall substitute that reference with the *National Electric*
319 *Code*, NFPA 70 as adopted by the State of New Hampshire.

320
321 ~~102.6.2~~ ~~102.7.4~~ **Specific gas code reference.** Wherever this Code references the *International Fuel*
322 *Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.
323

324 *Change section title to read as follows:*

325
326 SECTION 103 BUREAU OF FIRE PREVENTION

327
328 *Change subsection to read as follows:*

329
330 **103.1 General.** The Bureau of Fire Prevention and Control is hereby created within the City of
331 Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire
332 Chief, ~~the Fire Marshal~~, or any duly authorized representative, to enforce the provisions of this
333 Code. The designated enforcement officer of this Code shall be referred to as the fire code official.
334

335 *Add new sentence to end of subsection to read as follows:*

336
337 **103.3 Deputies.** “Deputy officials shall include but not be limited to: the Deputy Fire Chief, Fire
338 ~~Inspector, Prevention/Safety Officer, Fire Marshal~~, all Fire Officers, Chief Building Inspector,
339 Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works
340 Director or City Engineer.”
341

342 **SECTION 105 PERMITS**

343
344 *Change subsections to read as follows:*

345
346 ~~**105.1.1 Permits required.** All permits required by this Code, or any other ordinance or state law~~
347 ~~shall be obtained through the Building Inspection Department or Fire Prevention Bureau. Issued~~
348 ~~permits shall be kept on the premise designated therein at all times and shall be subject to~~
349 ~~inspection by the fire code official.~~

350
351 **105.1.1 Permits required.** All permits required by this Code for the installation,
352 modification, or maintenance of fire alarm or fire sprinkler systems shall be obtained prior
353 to the initiation of any work being performed. Issued permits shall be kept on the premises
354 designated therein at all times and shall be subject to inspection by the fire code official.

355
356 ~~**105.2 Application.** Application for permits shall be made to the Building Inspection Department~~
357 ~~or Fire Prevention Bureau on the appropriate form provided. Applications for permits shall be~~
358 ~~accompanied by construction documents as required by the fire code official for evaluation of the~~
359 ~~application.~~

360
361 **105.2 Application.** Application for permits shall be made using the City’s on-line permitting
362 system located at <https://portsmouthnh.viewpointcloud.com/> Applications for permits shall
363 be accompanied by construction documents as required by the fire code official for
364 evaluation of the application.

365
366 **105.3 All fees for permits and applications shall be determined by the adoption of fees by**
367 **budget resolution of the City Council in accordance with Chapter 1, Article XVI of the**
368 **Ordinances of the City of Portsmouth.**

369
370 *Change subsections to read as follows:*

371
372 **105.2.3 Time limitation of application.** An application for a permit shall be deemed to have been
373 abandoned one year after the date of filing, unless such application has been diligently prosecuted
374 or a permit has been issued, except that the fire code official shall grant one (1) extension of time
375 not exceeding twelve (12) months if there is reasonable cause and only when requested in writing
376 prior to the application expiration date.

377
378 *Change subsections to read as follows:*

379
380 **105.3.1 Expiration.** An operational permit shall remain in effect until reissued, renewed, revoked
381 or for such a period of time as specified on the permit. Construction/installation permits issued
382 shall become invalid if the authorized work is not commenced within one year after issuance of
383 the permit, or if the authorized work is suspended or abandoned for a period of one year after the
384 time of commencing work

385
386 **105.3.2 Extensions.** The fire code official shall grant one (1) extension of time not exceeding
387 twelve (12) months, if there is reasonable cause and only when requested in writing prior to the
388 expiration date. Said extension will only be authorized when it does not conflict with any Federal,
389 State, Local Laws or Ordinances.

390
391 **105.4.1 Submittals.** Construction documents and supporting data shall be submitted with
392 each application for a permit and in such form and detail as required by the fire code official.
393 The construction documents shall be prepared and stamped by a licensed professional
394 engineer acceptable to the fire code official.

395
396 **105.4.6 Retention of construction documents.** The fire code official shall mark-up one (1) set of
397 plans with the necessary comments. This set shall become the official permit plan set. It is the
398 responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.

399 The permit holder is responsible for complying with the comments as shown on the official permit
400 construction documents kept by the fire code official. **Upon project completion, a complete set**
401 **of “as built” construction documents will be provided to the fire code official in an approved**
402 **electronic format.**

403
404 **105.6 Required operational permits.** Permits shall be required by the fire code official in
405 accordance with Sections ~~105.6.1 through 105.6.3.~~ **105.6.32 and 105.6.36.**

406
407 *Delete subsections 105.6.1 through 105.6.31 without substitution.*

408
409 **105.6.1 105.6.32 Open Burning.** The City of Portsmouth Fire Department shall issue open
410 burning permits under the requirements of ~~City Ordinance Chapter 5,~~ Section ~~5:409.~~ **307.**

411
412 *Delete subsections 105.6.31 through 105.6.35 without substitution.*

413 **105.6.2 105.6.36 Places of Public Assembly.** The City of Portsmouth Fire Department shall issue
414 places of public assembly permits under the requirements of State RSA 155:17 and 155:18.

415
416 *Delete subsections 105.6.37 through 105.6.48 without substitution.*

417
418 ~~**105.6.3 Pyrotechnic special effects material or performances.** The City of Portsmouth Fire~~
419 ~~Department shall issue permits for the outdoor display of 1.3G fireworks. Refer to Section 3308~~
420 ~~(as amended) of this Code and State RSA 160-B for further requirements of outdoor fireworks~~
421 ~~displays. Pursuant to State RSA 153:5, the State Fire Code, Part Saf C 6018 and Part Saf C 6019,~~
422 ~~any person engaged in the discharge of proximate audience pyrotechnic displays shall be licensed~~
423 ~~and obtain a permit from the State Fire Marshal.~~

424
425 *Delete subsections 105.6.4 through 105.6.46 without substitution.*

426
427 *Change subsections to read as follows:*

428
429 **105.7 Required fire system construction permits.** Permits shall be required by the **fire** code
430 official in accordance with Sections 105.7.1 through ~~105.7.3~~ **105.7.17.**

431
432 **105.7.1 Automatic fire-extinguishing systems including fire pumps.** Applications for fixed fire-
433 extinguishing systems may be obtained from the ~~fire prevention bureau or the city~~ building
434 inspection department.

435
436 **105.7.2 105.7.6 Fire alarm and detection systems and related equipment.** Applications for fire
437 alarm systems may be obtained from the ~~fire prevention bureau or the city~~ building inspection
438 department.

439
440 **105.7.3 105.7.17 Standpipe systems.** Applications for standpipe systems may be obtained from
441 ~~the fire prevention bureau or~~ the city building inspection department.

442
443 *Delete subsections 105.7.4 through 105.7.13 without substitution.*

444 445 446 SECTION 108 BOARD OF APPEALS

447
448 *Add sentence to end of subsection to read as follows:*

449
450 **108.1 Board of appeals established.** Refer to Appendix A of this Code and Chapter 12 of the
451 Portsmouth City Ordinances (International Building Code) for the establishment of the Board of
452 Appeals.

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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*.

510
511 **605.11.1.2 Solar photovoltaic systems for Group R-3 buildings.**

512
513 *Delete Exception without substitution.*

514
515 *Change subsection to read as follows:*

516
517 **605.11.1.2.2 Hip roof layouts. Panels and modules installed on Group R-3 buildings with**
518 **hip roof layouts shall be located in a manner that provides a 3.5-foot-wide (1067 mm) clear**
519 **access pathway from the eave to the ridge on each roof slope where panels and modules are**
520 **located. The access pathway shall be at a location acceptable to the fire code official.**

521
522 *Delete Exception and replace with the following:*

523
524 **Exception: Access pathway requirement may be waived when structure protected by a**
525 **code compliant automatic sprinkler system**

526
527 *Change subsection to read as follows:*

528
529 **605.11.1.2.3 Single-ridge roofs. Panels and modules installed on Group R-3 buildings with**
530 **a single ridge shall be located in a manner that provides one, 3.5-foot-wide (1067 mm)**
531 **access pathway from the eave to the ridge on each roof slope where panels and modules are**
532 **located. The access pathway shall be at a location acceptable to the fire code official.**

533
534 *Delete Exception and replace with the following:*

535
536 **Exception: Access pathway requirement may be waived when structure protected by a**
537 **code compliant automatic sprinkler system**

538
539 *Edit subsection as follows:*

540
541 **605.11.1.2.4 Roofs with hips and valleys.**

542
543 *Delete Exception without substitution.*

544
545
546 **SECTION 609 COMMERCIAL KITCHEN HOODS**

547
548 *Change subsection to read as follows:*

549
550 **[M]609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the
551 *International Mechanical Code* and NFPA 96, *Ventilation Control and Fire Protection of*
552 *Commercial Cooking Operations.*

553
554
555 **SECTION 903 AUTOMATIC SPRINKLER SYSTEMS**

556
557
558 *Change subsection to read as follows with exception remaining unchanged:*

559
560 ~~**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures~~
561 ~~shall be provided in the locations described in this section and as required by NFPA 101.~~

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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 m2).
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 m2).
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 m2).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).

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 m2).
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 m2).
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 m2).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).

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

619 approved by the building or fire official shall sound an audible and visual signal at a constantly
620 attended location.

621

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623

SECTION 905 STANDPIPE SYSTEMS

624

625 *Add new subsection to read as follows:*

626

627 **905.12 Threads.** Threads provided for fire department connections to standpipe systems shall be
628 compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for
629 2-1/2" diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2" or 1-
630 3/4" diameter hose shall be Iron Pipe thread.

631

632

633

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

634

635 *Add new sentence to end of first paragraph in subsection.*

636

637 ~~**907.2 Where required --- new buildings and structures.** "A manual, automatic or combination
638 manual and automatic fire alarm system shall also be provided in accordance with NFPA 101."~~

639

640 *Edit subsection as follows:*

641

907.2.1 Group A.

642

643 *Delete Exception without substitution.*

644

645 *Change subsection to read as follows with Exception remaining unchanged:*

646

647 **907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more.
648 Activation of the fire alarm in Group A occupancies with an occupant load of 300 or more
649 shall initiate a signal using an emergency voice/alarm communications system in accordance
650 with Section 907.5.2.2.**

651

652

653 *Edit subsection as follows:*

654

907.2.2 Group B.

655

656 *Delete Exception without substitution.*

657

658

659 *Edit subsection as follows:*

660

907.2.3 Group E.

661

662 *Delete Exception 3 and 4 without substitution.*

663

664

665 *Edit subsection as follows:*

666

907.2.4 Group F.

667

668 *Delete Exception without substitution.*

669

670

671 *Edit subsection as follows:*

672

~~**907.2.6. Group I.**~~

673

674 ~~*Delete Exception without substitution.*~~

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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:

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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.~~

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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

847 *Change subsection to read as follows:*

848
849 **1410.1 3310.1 Site access and hydrant operation.** When roads are created or extended during
850 the construction of new developments and subdivisions, adequate site access for emergency
851 vehicles shall be maintained at all times during construction. The fire department will be the
852 determining agency when evaluating the adequacy of site access. As construction progresses,
853 water hydrants required by the site plan shall be installed, activated, tested and maintained with
854 adequate hydrant access as determined by the fire department. The City of Portsmouth reserves
855 the right to “call” the site bond at any time during construction, when the owner refuses to provide
856 adequate site access and water supply, as deemed necessary by the fire department, for the
857 protection of life and property.

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862 **SECTION 2308 RACK STORAGE**

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865 **2308.4 Column protection.** *Delete the reference to NFPA 230 and replace with*
866 *NFPA 1.*

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869 **SECTION 2310 SPECIALTY STORAGE**

870
871 **2310.1 General.** *Delete the reference to NFPA 230 and replace with NFPA 1.*

872
873
874 **SECTION 2501 GENERAL**

875
876 **2501.1 Scope.** *Delete the reference to NFPA 230 and replace with NFPA 1.*

877
878
879 **SECTION 3301 5601 GENERAL**

880 *Amend subsection as follows:*

881
882
883 **3301.1.3 5601.1.3 Fireworks.** *Delete exception 4 with remainder of subsection unchanged.*

884
885 *Change subsection to read as follows:*

886
887 **3301.2.4.1 5601.2.4.1 Blasting.** Blasting operations are regulated in Chapter 5, Article VII,
888 Section 5:701 of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting
889 regulations and the permitting process.

890
891
892 **SECTION 3308 5608 FIREWORKS DISPLAYS**

893 *Add sentences to end of subsections to read as follows:*

894
895
896 **3308.1 5608.1 General.** The display, sale and discharge of 1.4G fireworks is prohibited within
897 the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the
898 requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

899
900 **3308.2.1 Outdoor displays.** Application for fireworks displays shall be made in writing at least
901 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current
902 version of the State of NH approved form. The discharge of fireworks shall be lawful under the

903 terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any
904 approval be extended beyond the dates set out therein.

905
906 ~~Delete following subsection without substitution:~~

907
908 ~~3308.11 Retail display and sale.~~

909
910
911 **SECTION 3404 STORAGE**

912
913 ~~3404.3.3.9 Idle combustible pallets. Delete the reference to NFPA 230 and replace with NFPA~~
914 ~~1.~~

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917
918
919 **CHAPTER 45 80 REFERENCED STANDARDS**

920
921 *Insert the following Codes and Standards:*

922
923 **New Hampshire State Building Code**

924 Department of Safety
925 33 Hazen Drive ~~Drive~~
926 Concord, NH 03305
927 (603) 271-3294
928 bldgcodebrd@dos.nh.gov

929
930 **New Hampshire Architectural Barrier Free Design Code**

931 Governor's Commission on Disability
932 ~~57 Regional Drive 121 South Fruit Street, Suite 101~~
933 Concord, NH 03301-~~8518~~
934 (603) 271-2773
935 1-800-852-3405 (NH)
936 <https://www.nh.gov/disability/abcommittee.html>

937
938 **New Hampshire Energy Code**

939 Public Utilities Commission
940 21 South Fruit Street, Suite 10
941 Concord, NH 03301-2429
942 (603) 271-2431
943 ~~www.puc.nh.gov/index.htm www.puc.state.nh.us/EnergyCodes/energypg.htm~~
944 ~~puc@puc.nh.gov~~

945
946 **New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**

947 NH Labor Department
948 Boiler & Elevator Division
949 PO Box 2076
950 Concord, NH 03302-2076
951 (603) 271-~~6294~~ **2584**
952 ~~www.labor.state.nh.us/boilers.asp www.nh.gov/labor/inspection/boilers-elevators.htm~~

953
954 *Amend in the NFPA Section the following referenced Standards:*

955
956 *Change 13-02 to ~~13-07~~ 13-13 Design & Installation of Sprinkler Systems*

957
958 *Change 13D-02 to ~~13D-07~~ 13D-13 Design & Installation of Sprinkler Systems in 1 & 2 Family*

959 **Dwellings**

960
961 *Change 13R-02 to ~~13R-07~~ 13R-13* Design & Installation of Sprinkler Systems in
962 Residential Occupancies 4 Stories in Height or Less

963
964 *Change 30-03 to ~~30-08~~ 30-12* Flammable and Combustible Liquids Code

965
966 *Change 30A-03 to ~~30A-08~~ 30A-15* Code for Motor Fuel-dispensing Facilities and Repair
967 Garages

968
969 *Change 30B-02 to ~~30B-07~~ 30B-15* Manufacture and Storage of Aerosol Products

970
971 *Change 31-01 to ~~31-06~~ 31-11* Installation of Oil-Burning Equipment

972
973 *Change 58-04 to ~~58-08~~ 58-14* Liquefied Petroleum Gas Code

974
975
976
977 *Change 72-02 to ~~72-07~~ 72-13* National Fire Alarm Code

978
979 *Change 211-03 to ~~211-06~~ 211-13* Chimneys, Fireplaces, Vents, and Solid Fuel-Burning
980 Appliances

981
982 *Change 230-03 to ~~01-06~~ 01-09* Uniform Fire Code

983
984 *Change 409-01 to ~~409-04~~ 409-11* Aircraft Hangers
985 ~~70-08~~

986 *Insert in the NFPA Section the following referenced Codes and Standards:*

987
988 ~~54-09~~ ~~54-15~~ National Fuel Gas Code

989
990 ~~70-08~~ ~~70-14~~ National Electric Code

991
992 ~~96-08~~ ~~96-14~~ Ventilation Control and Fire Protection of Commercial Cooking Operations
993
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995

996 **APPENDIX A - BOARD OF APPEALS**

997
998 *Appendix A is adopted as part of this ordinance subject to the following amendments:*

999
1000 *Delete all subsections and replace with the following subsection to read as follows:*

1001 **SECTION A101 GENERAL**

1002
1003
1004 **A101.1 Scope.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended, (City
1005 Building Code), for the establishment of the Board of Appeals.

1006
1007
1008 **APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

1009
1010 *Appendix B is adopted as part of this ordinance without amendments.*

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1012
1013 **APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION**
1014

1015 *Appendix C is **not** adopted as part of this ordinance. New water hydrant locations are regulated*
1016 *through the City Planning / Site Development process.*

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APPENDIX D - FIRE APPARATUS ACCESS ROADS

1020

1021 *Appendix D is **not** adopted as part of this ordinance.*

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1024

APPENDIX E – HAZARD CATEGORIES

1025

1026 *Appendix E **is** adopted as part of this ordinance without amendments.*

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APPENDIX F – HAZARD RANKING

1030

1031 *Appendix F **is** adopted as part of this ordinance without amendments.*

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APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

1035

1036 *Appendix G **is** adopted as part of this ordinance without amendments.*

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: November 16, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

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

RE: AMENDMENTS TO CHAPTER 4, FOOD LICENSING AND REGULATIONS

RS
JF

The City Council received a letter with proposed amendments to Chapter 4 from the New Hampshire Lodging & Restaurant Association at the October 16, 2017 City Council Meeting. City Staff did not have an opportunity to address the suggested amendments prior to the October 16, 2017 City Council Meeting and the Council requested that City staff and the New Hampshire Lodging & Restaurant Association (NHLRA) meet to discuss the proposed amendments. On Thursday, October 9, 2017, City staff, including Assistant City Manager David Moore, Health Officer Kim McNamara, City Attorney Robert Sullivan and Assistant City Attorney Jane Ferrini met to discuss NHLRA's suggested amendments with Mike Sommers from NHLRA, Jonathon Flagg, Esquire, the attorney representing the Gaslight Restaurant in the pending matter of *Jessica Realty, LLC, et al v. City of Portsmouth*, Rockingham County Docket No. 218-2016-CV-00758 and Hugo Marin, representing the management of Martingale Wharf.

After discussion, the participants agreed in concept to exempt certain transfers to trusts from the definition of change of ownership and to create a Food Licensing Board of Appeals. The City did not agree to revise the provisions or the ordinance regarding dogs on decks, enclosing outdoor bars and Health Department Guidelines.

In the event the Council proceeds with Chapter 4 at second reading, we recommend the following Motion be adopted:

Proposed Motion: Move to amend the form of the ordinance that was passed at first reading on August 27, 2017 and was amended at second reading on October 16, 2017 as set forth in the redline amendments to the proposed ordinances included in the agenda packet at item VII E.

Proposed Motion: Move to pass Chapter 4 as amended and to bring forward for third and final reading on December 4, 2017.

1
2 ORDINANCE #

3
4 THE CITY OF PORTSMOUTH ORDAINS:

5
6 That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be
7 stricken in its entirety and replaced with the following:

8
9 **CHAPTER 4**

10 **ARTICLE I FOOD LICENSING AND REGULATIONS**

11 **Section 4.101 Adoption of the FDA 2009 Food Code**

12
13 That a certain document, three copies of which are on file in the office of the City
14 Clerk of the City of Portsmouth, New Hampshire being marked and designated as the
15 Food Code, 2009 Recommendations of the United States Public Health Service/Food
16 and Drug Administration and Annexes "FDA Food Code" as published by the U.S.
17 Department of Health and Human Services, Public Health Services, Food and Drug
18 Administration be, and is hereby adopted, subject to the following amendments,
19 additions and deletions.¹

20
21 If specific provisions of the FDA Food Code are not referenced below, the text
22 remains as written.

23
24
25 **Section 4.102: Amendments, Additions and Deletions to Food Code**

26
27 *Change subsection to read as follows:*

28 **1-201.10 Statement of Application and Listing of Terms.**

29
30 "Temporary food establishment" means a food establishment that operates for a
31 period of no more than 3 consecutive days in conjunction with a single event or
32 celebration.

33
34
35 *Add sentence at the end of paragraph to read as follows:*

36 **1-201.10 Food Establishment.**

37
38 (2) (B) These facilities must be in compliance with Portsmouth Health
39 Department's Guidelines.

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¹ For a copy of the FDA Food Code, 2009 go to
<https://www.fda.gov/food/guidanceregulation/retalifoodprotection/foodcode/ucm2019396.htm.foodcode2009>

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Delete following subsections:

1-201.10 Food Establishment.

(3) (e) – (g) *Delete*

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) *Delete*

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) *Delete*

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) *Delete*

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

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Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) *Delete*

(C)(6) *Delete*

(D) *Delete*

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

(A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

Add new subsection to read as follows:

4-302.13 Temperature Measuring Devices, Manual Warewashing.

(B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, and drawing potable water, wash produce, or thaw foods.

134 *Delete following subsections:*
135 **4-603.16 Rinsing Procedures.**

- 136
137 (C) *Delete*
138 (D) *Delete*
139 (E) *Delete*

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141
142 *Change subsection to read as follows:*

143 **5-104.12 Alternative Water Supply.**

144
145 Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-
146 103 shall be made available for a mobile facility, for a temporary food
147 establishment without a permanent water supply, and for a food establishment
148 with a two hour interruption of its water supply through:

149
150
151 *Change subsections to read as follows:*

152 **5-203.11 Handwashing Sinks.**

153 A handwashing sink shall be located within 20 unobstructed feet:

- 154 (A) To allow convenient use by employees in food preparation, food
155 dispensing, and warewashing areas; and
156 (B) In toilet rooms.

157
158
159 *Change subsection to read as follows:*

160 **5-501.12 Outdoor Enclosure.**

- 161
162 (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall
163 be constructed of durable, and cleanable materials with tight-fitting lids,
164 and in a clean and cleanable manner, that does not attract pests.

165
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167 *Add new subsection to read as follows:*

168 **6-202.15 Outer Openings; Protected.**

- 169
170 (F) Permanently located outdoor beverage bars shall be fully enclosed during
171 non-operating hours with a sturdy, permanent structure capable of
172 withstanding wind, weather, be rodent, bird, insect-proof, and seal out any
173 and all intentional and unintentional sources of contamination and
174 adulteration. **If adequate protection can be provided by other effective
175 means a variance may be issued pursuant to 8-103.10 through 8-
176 103.12.**

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Change subsection to read as follows:

6-303.11 Intensity.

The light intensity shall be:

- (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

Change subsection to read as follows:

6-501.115 Prohibiting Animals.

- (A) Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment, unless allowed by variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

Delete following subsection:

7-202.12 Conditions of Use.

- (A) (2) *Delete*

Change subsections to read as follows:

8-101.10 Public Health Protection.

- (B) (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition and used as intended by the manufacturer;

Change subsection to read as follows:

8-103.11 Documentation of Proposed Variance and Justification.

- (C) A HACCP plan if required as specified under 8-201.13(A) that includes the information specified under 8-201.14 as it is relevant to the variance requested, and reviewed by a 3rd party acceptable to the Health Department or Special Process Review if requested.

Add new subsection to read as follows:

8-201.11 When Plans Are Required.

- (D) Change of owner.

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Delete following subsections:

8-201.12 Contents of Plans and Specifications.

- (B) *Delete*
- (D) *Delete*
- (E) *Delete*

Add new subsection to read as follows:

8-201.14 Contents of a HACCP Plan.

- (F) Verified by a qualified 3rd party reviewer acceptable to the Health Department if requested.

Delete following subsection:

8-404.11 Ceasing Operations and Reporting.

- (B) *Delete*

Delete following subsection:

Annex 2009, Annex 1, Sections 8-905.10 through 8-908.20 and replace with the following:

Section 8-905.10 FOOD LICENSING BOARD OF APPEALS

SECTION 8.905.11 GENERAL PURPOSE AND DUTIES OF THE BOARD OF APPEALS

In order to hear and decide appeals from the denial, suspension or revocation of a Food License made by the Health Officer or Health Department staff, there shall be created a Food Licensing Board of Appeals. The members of the Board of Appeals shall be appointed by the City Manager for a term of two years from the date of appointment.

SECTION 8.905.12 LIMITATION OF AUTHORITY

An appeal shall be based on a claim that the Health Officer or Health Department staff improperly interpreted or applied the 2009 FDA Food Code as adopted in this Chapter. The Board may hear and decide appeals from the denial, suspension or revocation or a Food License but shall have no authority to waive requirements of the 2009 FDA Food Code as adopted in this Chapter.

SECTION 8.905.13 COMPOSITION AND QUALIFICATIONS OF BOARD MEMEBERS

8.905.13.1 The Board of Appeals shall consist of 3 voting members who are not employees of the City. The Board shall consist of three members who have the following qualifications:

266 **One member shall be a current or former Health Officer, Health Inspector or**
267 **Environmental Health Specialist with knowledge of and experience**
268 **applying the FDA Food Code; and**

269 **One member shall be a current or former doctor or nurse practitioner or**
270 **nurse with public health experience; and**

271 **One member shall have experience as a Restaurant Manager or Food**
272 **Service Manager.**

273 **8.905.13.2 Alternate members. The City Manager may appoint an alternate for**
274 **each Board member with the same qualifications for each position listed above.**
275 **The Board Chairperson may call alternative members to hear appeals during the**
276 **absence or disqualifications of a member.**

277 **8.905.13.3 The Board shall adopt policies and procedures necessary to carry**
278 **out its duties and be subject to all conflict of interest and ethics rules of the City**
279 **of Portsmouth.**

280 **SECTION 8.905.14 TIMING FOR APPEAL**

281 **The application for an appeal shall be filed on a form obtained by the Health Department**
282 **within ten (10) days after the receipt of a denial, revocation or suspension of a Food**
283 **License from the Health Department.**

284 **SECTION 8.905.15 PROCEDURE FOR HEARING AND DECISION**

285 **8.905.15.1 The Board shall meet within 15 days of the receipt of an appeal.**

286 **8.905.15.2 The appellant, the appellant's representative, the Health Officer and**
287 **other City staff or any person whose interests are affected shall be given an**
288 **opportunity to be heard.**

289 **8.905.15.3 The Board's decision shall be in writing and shall be issued within 5**
290 **business days after the hearing.**

291 **8.905.15.4 Any decision of the Board may be appealed by the appellant or the**
292 **City to the Superior Court.**

293
294 *Add the following as first paragraph of subsection:*

295 **Annex 2009, Annex 7, Model forms Guides and Other Aids.**

296
297 **Model forms are adopted as amended by the Portsmouth Health Department.**

298
299

300 **Section 4.103 Adoption of Specific Parts He-P 2300, as amended:**

301
302 **Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary**
303 **Production and Distribution of Food ("He-P 2300") published as of the date this Chapter**
304 **is adopted, are hereby adopted subject to the following amendments, additions and**
305 **deletions. Any section not referenced is not adopted.**

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Adopt the following definitions:

He-P 2301 DEFINITIONS

- (a) "Acid foods"
- (b) "Acidified foods"
- (c) "Applicant"
- (d) "Bed and breakfast"
- (f) "Bulk food"
- (g) "Caterer"
- (h) "Change of ownership" **Change of ownership means any time a controlling interest in a sole proprietorship, joint venture, partnership, corporation, limited liability company, or any other kind of entity is transferred to another sole proprietor, joint venture, partnership, corporation, limited liability company or any other kind of entity. The transfer of a business entity to a trust and its controlling interest to a trustee for estate planning purposes will not be deemed a change of ownership, provided that the transfer is not made to avoid compliance with this Chapter.**
- (i) "Continental breakfast"
- (k) "Corrective Action Plan (CAP)"

- (ab) "Low acid foods"
- (av) "Soup kitchen"
- (aw) "Time/Temperature Control for Safety (TCS) food"

Adopt and amend the following definitions to read as follows:

- (n) "Department" means the Portsmouth Health Department.
- (ad) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable.

Adopt the following subsection in its entirety and add new subsection to read as follows:

He-P 2302.02 Soup Kitchens Exempt from Licensure.

- (5) Person-in-charge must attend food safety training to be provided by the Department.

Adopt the following subsection:

He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan Requirements.

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Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and (i) as follows:

He-P 2305.01 Inspections.

- (a) For the purpose of determining compliance with this Chapter, the Department or its inspectors, or special agents designated for that purpose, shall have full power and authority at all times to enter and inspect every building, room or other place occupied or used for the production, storage, sale or distribution of food, and all utensils and appurtenances and records relating thereto, including shellfish tags, or other records pertaining to food supplies purchased and distributed by the food establishment. The applicant or licensee shall admit and allow any department representative at any time to enter and inspect the following:
- (c) (1) *Delete*
- (c) (4) *Delete*
- (c)(6) Occupation of space after construction, renovations or structural alterations or a period of closure that exceeds 90 days; or
- (g) Upon completion of the inspection, the Department shall provide a written or electronic copy of the inspection report. The inspection report shall contain:
- (i) Except for Food Processing Plants, numerical scoring shall be on a 100 point scale, with:
 - (1) A+ with a score of 95-100 with no critical item violations
 - (2) A with a score of 90-100 and one or more critical item violations
 - (3) B+ with a score of 85-89
 - (4) B with a score of 80-84
 - (5) C+ with a score of 75-79
 - (6) C with a score of 70-74
 - (7) F score below 70 is a failing score.
 - (8) Scoring shall be assigned as Priority Items are valued at 5 points, Priority Foundation items are valued at 3 points and Core items shall be valued as 1 point. The value of the inspection categories shall be that of the highest point item in that category.

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Adopt and amend subsection to read as follows:

He-P 2308.02 Basic Requirements.

b (2) A residential model sanitizing dish machine and a one compartment sink:

Adopting subsection in its entirety and amend to read as follows:

He-P 2309.01 Application Requirements.

(a) Apply as “Processors,” Class E on the food service permit application and comply with the License, Application and Terms of License requirements;

Section 4.104 Temporary Events.

Food preparation and handling practices for food establishments are to be in compliance with this Chapter. Event Coordinators must submit completed application to the Department for approval no later than one month prior to the date of the event.

Section 4.105 License.

It shall be unlawful for any person or entity to operate a Food Service Establishment within the City of Portsmouth without obtaining a valid food service license issued by the Department. Only a person or entity who complies with the requirements of this Chapter shall be entitled to receive and retain such a license. A food service license shall be posted in public view. Licenses are not transferable between entities or locations. Any change in ownership ~~or ownership interest~~ shall require a new food service license subject to the provisions of this Chapter.

Section 4.106 Application.

The Health Department may issue a food service license to any Food Service Establishment upon receipt of a written or electronic application. A food service license shall be granted upon the express condition that the Food Service Establishment complies with all the requirements of this Chapter, and the applicant agrees at all times to conduct ~~his~~**their** operation and maintain ~~his~~**their** facilities in accordance with the requirements of this Chapter and those ~~regulations~~ **Guidelines** promulgated hereunder. The application procedure and issuance shall be in keeping with ~~this Chapter and administrative polices~~ **e-policies and procedures** of the Department, with the fees approved by City Council through its budgetary processes.

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Section 4.107 Term of License.

Food service licenses shall be issued upon compliance with all of the provisions of this Chapter: All annual licenses expire September 30th. Seasonal licenses are valid from April 15 through October 15 of the calendar year. Temporary licenses are valid for the length of the event.

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

This ordinance shall take effect upon passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

OCT 26 2017

CITY OF PORTSMOUTH
PORTSMOUTH, NH

DATE: OCTOBER 24TH, 2017
TO: NANCY COLBERT-PUFF, DEPUTY CITY MANAGER
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: GRANTS & DONATIONS

At the October 24th, 2017 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donations:

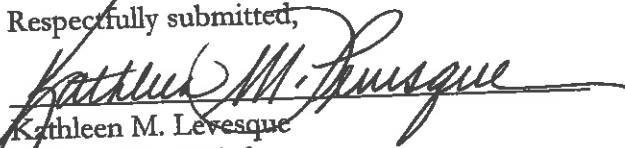
1. Grants & Donations:

- a. A donation in the amount of \$2,663.47 from the Estate of Geraldine Webber. Said donation is the final disbursement of funds from the Estate to the Portsmouth Police Department.
- b. A grant in the amount of \$264,256 for Internet Crimes Against Children Task Force funding from the US Dept. of Justice, Office of Justice Programs. NOTE: Portsmouth is the grant administrator. The grants goes to fund all of the ICAC Task Force satellites in New Hampshire.
- c. NH Highway Safety Grants as follows –
 - i. A Portsmouth STEP grant in the amount of \$15,940.28 for traffic enforcement.
 - ii. A Portsmouth DWI Patrol grant in the amount of \$14,547.
 - iii. A Portsmouth Pedestrian/Bicycle Patrol grant in the amount of \$6,157.20 for enforcement of the state's pedestrian/bicycle laws via directed patrol.
 - iv. A Portsmouth Sobriety Checkpoints grant in the amount of \$7,426.56.
 - v. A Portsmouth Distracted Driving grant in the amount of \$7,157.20.

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.

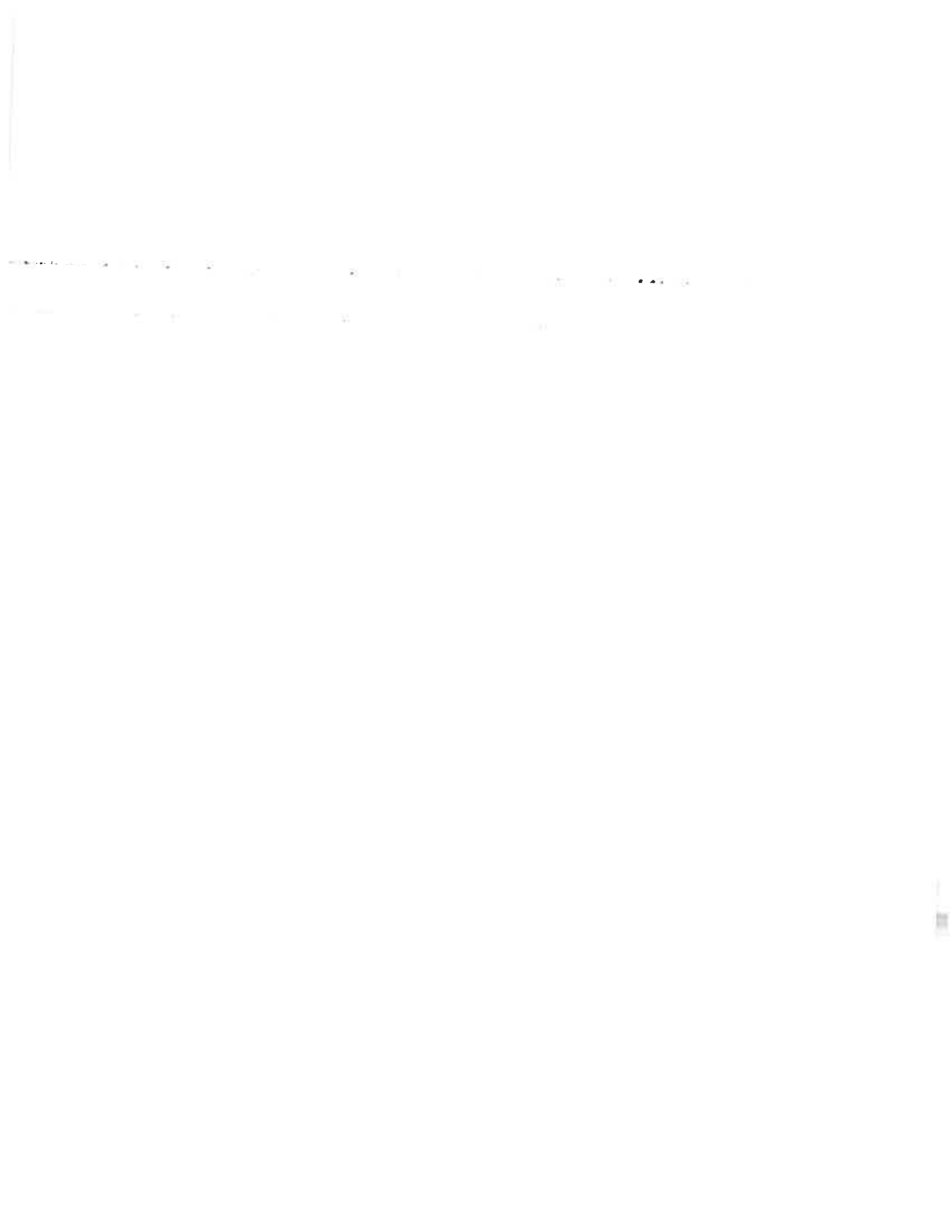
We respectfully request this item be placed on the November 20th, 2017 city council meeting agenda.

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



**NOT FOR REPRINTING,
DISTRIBUTION, OR
PUBLIC VIEW**

PORTSMOUTH POLICE DEPARTMENT

DATE: October 11, 2017
TO: Admin. Mgr. Karen Senecal/Accounting Assistant Tammie Perez
FROM: Kathleen M. Levesque

CHAIN OF CUSTODY MEMO

On this date, one check was given in-hand to Karen Senecal/Tammie Perez for deposit, as follows:

1.) A donation check in the amount of \$2,663.47, check #2371, drawn on Bank of New Hampshire, payable to the City of Portsmouth Police Department. The donation is the final disbursement of the proceeds to the Portsmouth Police Department from the estate of Geraldine Webber.

Given by: Kathleen M. Levesque/Date: Kathleen M. Levesque 10-11-17

Received by: Karen Senecal or Tammie Perez/Date: [Signature]

Enclosures: See photocopy below

Barradale, O'Connell, Newkirk & Dwyer,
P.A.
P.O. Box 10239
Bedford, NH 03110
IOLTA

Bank of New Hampshire
54-7027/2117

2371
FRALDARMONT

DATE

AMOUNT

\$

Memo:

2371

Sep 26, 2017

2,663.47

PAY
TO THE
ORDER
OF:

Two Thousand Six Hundred Sixty-Three and 47/100 Dollars

City of Portsmouth Police Department

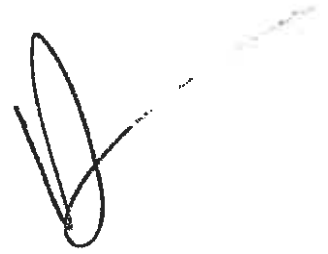
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AUTHORIZED SIGNATURE

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**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: October 10, 2017
TO: PORTSMOUTH POLICE COMMISSIONERS
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: ESTATE OF GERALDINE W. WEBBER



Attached please find a draft drawn on the account of the Bank of New Hampshire payable to the City of Portsmouth Police Department in the amount of \$2,663.47 as a disbursement of the proceeds to the Portsmouth Police Department from the Estate of Geraldine Webber. For your information, this represents the final disbursement of funds after paying final bills.

Please recall that the purpose for which Ms. Webber provided these funds to the department is as follows:

"One Fourth (1/4) of my total net estate shall be given to the Portsmouth, New Hampshire Police Department to be used for the purchase of safety equipment"

Again, it is my recommendation that the Department comply with the City Council protocol with regard to the placing gifts and donations on a City Council agenda for acceptance by the Council.

attachment

cc: Nancy Colbert Puff, Acting City Manager
Robert Merner, Chief of Police
Judie Belanger, Finance Director



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 27, 2017

Chief Robert M. Merner
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

Dear Chief Merner:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 17 ICAC Task Forces Invited Applications in the amount of \$264,256 for City of Portsmouth.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Tenzing Lahdon, Program Manager at (202) 378-0740; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Alan R. Hanson
Acting Assistant Attorney General

Enclosures

RMM
10-5-17



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690
TTY: (202) 307-2027
E-mail: askOCR@usdoj.gov
Website: www.ojp.usdoj.gov/ocr

September 27, 2017

Chief Robert M. Merner
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

Dear Chief Merner:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

R M M
10-5-17

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, *Equal Treatment for Faith-Based Organizations*, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The *Equal Treatment Regulation* also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See *Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964* (June 2013), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), 205(c)(5)).

RMM
10-5-17

Meeting the EEO Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEO requirements, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOSubmission@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see http://www.ojp.usdoj.gov/funding/other_requirements.htm.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

RMM
10-5-17



U.S. Department of Justice
Office of Justice Programs
Office of the Chief Financial Officer

Washington, D.C. 20531

September 27, 2017

Chief Robert M. Merner
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801 - 4554

Reference Grant Number: 2015-MC-FX-K026
Supplemental Budget Number: 2

Dear Chief Merner:

I am pleased to inform you that my office has approved the following budget categories for the aforementioned grant award in the cost categories identified below:

Category	Prior Budget	Supplemental Budget	Total
Personnel	\$261,750	\$136,503	\$398,253
Fringe Benefits	\$181,097	\$101,794	\$282,891
Travel	\$18,769	\$7,678	\$26,447
Equipment	\$400	\$100	\$500
Supplies	\$3,814	\$10,979	\$14,793
Construction	\$0	\$0	\$0
Contractual	\$19,260	\$2,211	\$21,471
Other	\$27,099	\$4,991	\$32,090
Total Direct Cost	\$512,189	\$264,256	\$776,445
Indirect Cost	\$0	\$0	\$0
Total Project Cost	\$512,189	\$264,256	\$776,445
Federal Funds Approved:	\$512,189	\$264,256	\$776,445
Non-Federal Share:	\$0	\$0	\$0
Program Income:	\$0	\$0	\$0

Match is not required for this grant program.

All individual consultant fees in excess of \$650 per 8 hour day require prior approval of OJP.

The line item labeled "Contractual" may include contracts, subawards, or consultants.

Approval of this budget does not include approval of conference costs. All of conference costs require prior approval of OJP.


RMM
10-5-17

If you have questions regarding this award, please contact:

- Program Questions, Tenzing Lahdon, Program Manager at (202) 378-0740
- Financial Questions, the Office of Chief Financial Officer, Customer Service Center(CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,



Leigh Benda
Chief Financial Officer

RM

10-5-17

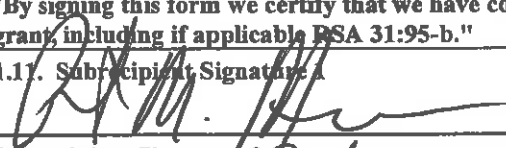

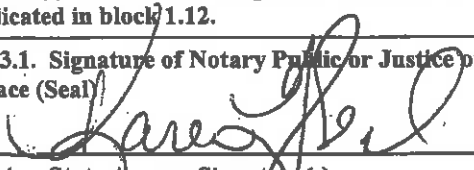
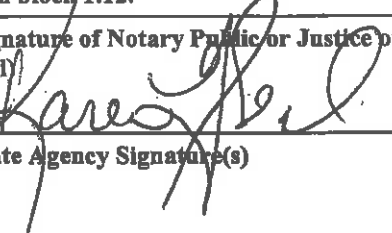
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Portsmouth STEP

Project #: 315-18A-104

Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, 2 nd Floor Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue Portsmouth, NH 03801	
Chief's Email Address: dmara@cityofportsmouth.com		Grant Contact Email: ksenechal@cityofportsmouth.com	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) City		1.4.2 DUNS 073976706	
1.5. Subrecipient Phone # 610-7457	1.6. Effective Date 10/01/17	1.7. Completion Date 09/30/18	1.8. Grant Limitation \$15,940.28
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 271-2197	
"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. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert M. Memer, Chief of Police	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Nancy Colbert Puff, Acting City Manager	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u> , on <u>10/15/17</u> , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she 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 Karen A. Senechal Administrative Manager	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: _____	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) 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:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), 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").

KAREN A. SENECHAL
Notary Public, State of New Hampshire
Commission Expires June 10, 2020

Subrecipient Initials NCP RMM
Page 1 of 3 10/17/17 10-15-17 Date 10-15-17

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
- EFFECTIVE DATE: COMPLETION OF PROJECT**
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.6 ("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 1.7 (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 Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient 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 Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient 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 SUBRECIPIENT WITH LAWS AND REGULATIONS.** In connection with the performance of the Project, the Subrecipient 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 Subrecipient, including the acquisition of any and all necessary permits.
7. **RECORDS and ACCOUNTS.**
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient 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 three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient 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, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions
8. **PERSONNEL.**
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient 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 Subrecipient 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, 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 Subrecipient 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 Subrecipient notice of such termination.
11. **EVENT OF DEFAULT: REMEDIES.**
- 11.1. Any one or more of the following acts or omissions of the Subrecipient 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 Subrecipient 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 Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient 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 Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient 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 Subrecipient 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 Subrecipient 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 Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient'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 Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. **CONFLICT OF INTEREST.** No officer, member of employee of the Subrecipient, 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

Subrecipient Initials
Page 2 of 3

NCP
10/11/17

RMM

10-15-17
Date

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
- SUBRECIPIENT'S RELATION TO THE STATE.** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
- ASSIGNMENT AND SUBCONTRACTS.** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in Exhibit A without the prior written consent of the State.
- INDEMNIFICATION.** The Subrecipient 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 Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. 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.
- INSURANCE AND BOND.**
The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
- 17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
- 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
- WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.
- NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
- AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
- CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
- THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
- ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
- SPECIAL PROVISIONS.** The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.

NLP
6/12/17

RMM

Date

10-15-17

EXHIBIT A

Scope of Services for Traffic Enforcement Grants

NH Office of Highway Safety Grant-Funded Patrol Mission Statement

Officers assigned to grant-funded patrols are expected to be highly visible, engaged, and vigilant in addressing all observed motor vehicle infractions and hazards during their shifts.

Departments that have received STEP grant (Sustained Traffic Enforcement Patrols) and/or DWI grant funding are required to assign personnel to participate in the following mandatory initiatives and on the highlighted dates, in order to remain compliant with the terms of the assigned grant agreement:

1. Traffic Enforcement Dates (Operation Safe Commute) ** At least one officer must work the entire 4-hour shift**

Thursday, November 9, 2017	1500-1900
Wednesday, November 22, 2017	1500-1900
Friday, December 22, 2017	0600-1000
Friday, January 12, 2018	0600-1000
Friday, February 16, 2018	1500-1900
Friday, March 30, 2018	1500-1900
Tuesday, April 17, 2018	0600-1000
Friday, May 25, 2018	1500-1900
Friday, June 15, 2018	1500-1900
Tuesday, July 3, 2018	1500-1900
Friday, August 31, 2018	1500-1900
Wednesday, September 12, 2018	0600-1000

2. Seatbelt Enforcement two-week initiative (Join the NH Clique)

Monday, May 21, 2018- Kick-off day- ****4-Hour patrol required;** and
Tuesday, May 22 through Sunday, June 3, 2018- ****At least 4 hours of seatbelt enforcement must be conducted during this time-frame.**

- Join the NH Clique must be conducted during daylight hours and it's recommended they be at locations such as elementary schools, high schools, shopping centers, and any other locations where drivers and passengers under 18 will be located.

Grantee Initials NU RMM _____
Date 10/12/17 10-15-17 _____

3. Driving Under the Influence Grant Funded Patrol Requirements

Departments with DUI enforcement grants are **required** to conduct patrols during the two national "*Drive Sober or Get Pulled Over (DSGPO)*" Mobilizations, which take place during the following time-frames:

Friday, December 15, 2017 through December 31, 2017**At least one patrol must be conducted during this time-period**

Friday, August 17, 2018 through Monday, September 3, 2018 **At least one patrol must be conducted during this time-period**

**** If an agency is unable to participate in one of the mandatory enforcement efforts listed above, we kindly request that an e-mail be sent to the NH Office of Highway Safety Commander, Captain John Marasco (john.marasco@dos.nh.gov) in advance to advise of the scheduling conflict and the agency will be absolved of the need to participate in that particular initiative and will remain compliant with the terms of the grant agreement.**

Agencies desiring to have grant funds adjusted between STEP, Operation Safe Commute, and Join the NH Clique sub-budgets, may request an amendment to the Grant Agreement for that purpose. See General Provisions, section 20.

Additional Grant Requirements/Recommendations

- Aside from the mandatory dates/times referenced above in items 1-3, departments should conduct patrols during any time that data indicates there is an increased risk for the driving behavior being combatted. OHS strongly encourages departments to review their local crash data to determine times and locations where grant-funded patrols would have the greatest impact.
- In the absence of data regarding times of day, the STEP patrols should be conducted during commuting hours.
- STEP and Pedestrian/Bicycle patrols are encouraged to be 3-4 hours in length.
- Unless local data indicates otherwise, grant funded DUI patrols should be worked between 1800-0300; however, it is recommended that the majority of these patrols be worked from 2100-0300.
- DUI patrol shifts must be 4-6 hours in duration.

Grantee Initials NCP RMM _____
Date 10-12-17 10-15-17 _____

- Departments with PEDESTRIAN/BICYCLE enforcement grants shall conduct overtime patrols aimed at enforcing the state's pedestrian/bicycle laws. Patrols should be conducted year round with a focus on the summer months primarily in downtown locations during the evening commuting hours.
- Officers funded during these enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- Enforcement Grants are for overtime enforcement only.
- Departments will be reimbursed for actual hours worked.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the mobilizations. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief works the enforcement patrol, a community official must sign the Patrol Activity Report (HS-200) for them. Additionally, the Chief may not sign-off on the Patrol Activity Report if his/her spouse, child or sibling works the same enforcement patrol.
- Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a review or monitoring site visit.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).

Grantee Initials NCG RAM _____
 Date 10/12/17 10-15-17 _____

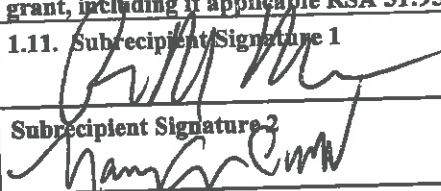
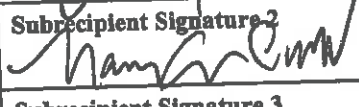

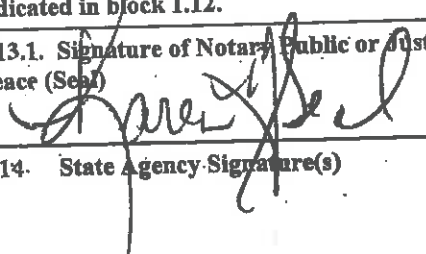
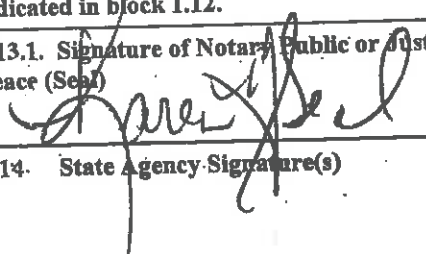
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Portsmouth DWI Patrols

Project #: 308-18A-087

Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, 2 nd Floor Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue Portsmouth, NH 03801	
Chief's Email Address: dmara@cityofportsmouth.com		Grant Contact Email: ksenecal@cityofportsmouth.com	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) City		1.4.2 DUNS 073976706	
1.5. Subrecipient Phone # 610-7457	1.6. Effective Date 10/01/17	1.7. Completion Date 09/30/18	1.8. Grant Limitation \$14,547.00
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 271-2197	
"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. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert M. Merner, Chief of Police	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Nancy Colbert Puff, Acting City Manager	
Subrecipient Signature 3 		Name & Title of Subrecipient Signor 3 10/12/17 Acting City Manager Chief	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u> , on 10/15/17, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she 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 KAREN A. SENECHAL, Administrative Manager	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: _____	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) 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:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), 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").

Subrecipient Initials WU RM Date 10-15-17
 Page 1 of 3 10/12/17

KAREN A. SENECHAL
 Notary Public - New Hampshire
 Commission Expires June 10, 2020

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
- 4.1. **EFFECTIVE DATE: COMPLETION OF PROJECT.** This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.6 ("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 1.7 (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 Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient 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 Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient 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 SUBRECIPIENT WITH LAWS AND REGULATIONS.** In connection with the performance of the Project, the Subrecipient 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 Subrecipient, including the acquisition of any and all necessary permits.
7. **RECORDS and ACCOUNTS.**
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient 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 three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient 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, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions
8. **PERSONNEL.**
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient 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 Subrecipient 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, 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 Subrecipient 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 Subrecipient notice of such termination.
11. **EVENT OF DEFAULT: REMEDIES.**
- 11.1. Any one or more of the following acts or omissions of the Subrecipient 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 Subrecipient 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 Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient 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 Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient 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 Subrecipient 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 Subrecipient 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 Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient'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 Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. **CONFLICT OF INTEREST.** No officer, member of employee of the Subrecipient, 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

Subrecipient Initials
Page 2 of 3

NCP RMM 10-15-17
Date
6/11/17

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
15. **SUBRECIPIENT'S RELATION TO THE STATE.** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
16. **ASSIGNMENT AND SUBCONTRACTS.** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in Exhibit A without the prior written consent of the State.
17. **INDEMNIFICATION.** The Subrecipient 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 Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. 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.
- 17.1 **INSURANCE AND BOND.** The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
- 17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and
- 17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
- 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.
19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
20. **AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
24. **SPECIAL PROVISIONS.** The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.

NCO
10/17/17

RMM

10-15-17
Date _____

EXHIBIT A

Scope of Services for Traffic Enforcement Grants

NH Office of Highway Safety Grant-Funded Patrol Mission Statement

Officers assigned to grant-funded patrols are expected to be highly visible, engaged, and vigilant in addressing all observed motor vehicle infractions and hazards during their shifts.

Departments that have received STEP grant (Sustained Traffic Enforcement Patrols) and/or DWI grant funding are required to assign personnel to participate in the following mandatory initiatives and on the highlighted dates, in order to remain compliant with the terms of the assigned grant agreement:

1. Traffic Enforcement Dates (Operation Safe Commute) ** At least one officer must work the entire 4-hour shift**

Thursday, November 9, 2017	1500-1900
Wednesday, November 22, 2017	1500-1900
Friday, December 22, 2017	0600-1000
Friday, January 12, 2018	0600-1000
Friday, February 16, 2018	1500-1900
Friday, March 30, 2018	1500-1900
Tuesday, April 17, 2018	0600-1000
Friday, May 25, 2018	1500-1900
Friday, June 15, 2018	1500-1900
Tuesday, July 3, 2018	1500-1900
Friday, August 31, 2018	1500-1900
Wednesday, September 12, 2018	0600-1000

2. Seatbelt Enforcement two-week initiative (Join the NH Clique)

Monday, May 21, 2018- Kick-off day- ****4-Hour patrol required;** and
Tuesday, May 22 through Sunday, June 3, 2018- ****At least 4 hours of seatbelt enforcement must be conducted during this time-frame.**

- Join the NH Clique must be conducted during daylight hours and it's recommended they be at locations such as elementary schools, high schools, shopping centers, and any other locations where drivers and passengers under 18 will be located.

Grantee Initials NCP RMM 10-15-17
Date 10/12/17 _____

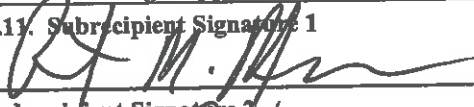


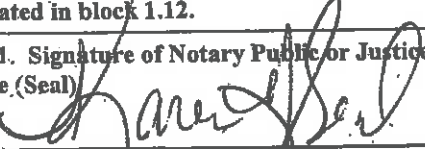

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Portsmouth Pedestrian/Bicycle Patrols

Project #: 314-18A-015

Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, 2 nd Floor Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue Portsmouth, NH 03801	
Chief's Email Address: dmara@cityofportsmouth.com		Grant Contact Email: ksenechal@cityofportsmouth.com	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) City		1.4.2 DUNS 073976706	
1.5. Subrecipient Phone # 610-7457	1.6. Effective Date 10/01/17	1.7. Completion Date 09/30/18	1.8. Grant Limitation \$6,157.20
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 271-2197	
"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. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert M. Merner, Chief of Police	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Nancy Colbert Puff, Acting City Manager	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3  <i>Acting City Manager</i>	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u> on <u>10/15/17</u> , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she 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 Karen A. Senecal, Administrative Manager	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: _____	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) 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:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), 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").

Subrecipient Initials NLP PLMM Date 10-15-17
Page 1 of 3 10/2/17

KAREN A. SENECHAL
Notary Public - New Hampshire
My Commission Expires June 10, 2020

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
- EFFECTIVE DATE: COMPLETION OF PROJECT.**
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.6 ("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 1.7 (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 Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient 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 Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient 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 SUBRECIPIENT WITH LAWS AND REGULATIONS.** In connection with the performance of the Project, the Subrecipient 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 Subrecipient, including the acquisition of any and all necessary permits.
7. **RECORDS and ACCOUNTS.**
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient 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 three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient 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, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions
8. **PERSONNEL.**
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient 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 Subrecipient 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, 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 Subrecipient 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 Subrecipient notice of such termination.
11. **EVENT OF DEFAULT: REMEDIES.**
- 11.1. Any one or more of the following acts or omissions of the Subrecipient 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 Subrecipient 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 Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient 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 Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient 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 Subrecipient 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 Subrecipient 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 Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient'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 Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. **CONFLICT OF INTEREST.** No officer, member of employee of the Subrecipient, 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

Subrecipient Initials
Page 2 of 3

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10/12/17

RMA

Date

10-15-17

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
- SUBRECIPIENT'S RELATION TO THE STATE.** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
15. **ASSIGNMENT AND SUBCONTRACTS.** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in Exhibit A without the prior written consent of the State.
16. **INDEMNIFICATION.** The Subrecipient 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 Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. 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.
17. **INSURANCE AND BOND.**
- 17.1 The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
- 17.1.2 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
- 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.
19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
20. **AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
24. **SPECIAL PROVISIONS.** The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.

NLP
WILM

RMA

Date 10-17-17

EXHIBIT A

Scope of Services for Traffic Enforcement Grants

NH Office of Highway Safety Grant-Funded Patrol Mission Statement

Officers assigned to grant-funded patrols are expected to be highly visible, engaged, and vigilant in addressing all observed motor vehicle infractions and hazards during their shifts.

Departments that have received STEP grant (Sustained Traffic Enforcement Patrols) and/or DWI grant funding are required to assign personnel to participate in the following mandatory initiatives and on the highlighted dates, in order to remain compliant with the terms of the assigned grant agreement:

1. Traffic Enforcement Dates (Operation Safe Commute) ** At least one officer must work the entire 4-hour shift**

Thursday, November 9, 2017	1500-1900
Wednesday, November 22, 2017	1500-1900
Friday, December 22, 2017	0600-1000
Friday, January 12, 2018	0600-1000
Friday, February 16, 2018	1500-1900
Friday, March 30, 2018	1500-1900
Tuesday, April 17, 2018	0600-1000
Friday, May 25, 2018	1500-1900
Friday, June 15, 2018	1500-1900
Tuesday, July 3, 2018	1500-1900
Friday, August 31, 2018	1500-1900
Wednesday, September 12, 2018	0600-1000

2. Seatbelt Enforcement two-week initiative (Join the NH Clique)

Monday, May 21, 2018- Kick-off day- **4-Hour patrol required; and
Tuesday, May 22 through Sunday, June 3, 2018- **At least 4 hours of seatbelt enforcement must be conducted during this time-frame.

- Join the NH Clique must be conducted during daylight hours and it's recommended they be at locations such as elementary schools, high schools, shopping centers, and any other locations where drivers and passengers under 18 will be located.

Grantee Initials NLP AMM
Date 10/12/17 10-15-17

3. Driving Under the Influence Grant Funded Patrol Requirements

Departments with DUI enforcement grants are required to conduct patrols during the two national “*Drive Sober or Get Pulled Over (DSGPO)*” Mobilizations, which take place during the following time-frames:

Friday, December 15, 2017 through December 31, 2017**At least one patrol must be conducted during this time-period**

Friday, August 17, 2018 through Monday, September 3, 2018 **At least one patrol must be conducted during this time-period**

**** If an agency is unable to participate in one of the mandatory enforcement efforts listed above, we kindly request that an e-mail be sent to the NH Office of Highway Safety Commander, Captain John Marasco (john.marasco@dos.nh.gov) in advance to advise of the scheduling conflict and the agency will be absolved of the need to participate in that particular initiative and will remain compliant with the terms of the grant agreement.**

Agencies desiring to have grant funds adjusted between STEP, Operation Safe Commute, and Join the NH Clique sub-budgets, may request an amendment to the Grant Agreement for that purpose. See General Provisions, section 20.

Additional Grant Requirements/Recommendations

- Aside from the mandatory dates/times referenced above in items 1-3, departments should conduct patrols during any time that data indicates there is an increased risk for the driving behavior being combatted. OHS strongly encourages departments to review their local crash data to determine times and locations where grant-funded patrols would have the greatest impact.
- In the absence of data regarding times of day, the STEP patrols should be conducted during commuting hours.
- STEP and Pedestrian/Bicycle patrols are encouraged to be 3-4 hours in length.
- Unless local data indicates otherwise, grant funded DUI patrols should be worked between 1800-0300; however, it is recommended that the majority of these patrols be worked from 2100-0300.
- DUI patrol shifts must be 4-6 hours in duration.

Grantee Initials NCP RMM _____
Date 6/17/17 10-75-17 _____

- Departments with PEDESTRIAN/BICYCLE enforcement grants shall conduct overtime patrols aimed at enforcing the state's pedestrian/bicycle laws. Patrols should be conducted year round with a focus on the summer months primarily in downtown locations during the evening commuting hours.
- Officers funded during these enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- Enforcement Grants are for overtime enforcement only.
- Departments will be reimbursed for actual hours worked.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the mobilizations. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief works the enforcement patrol, a community official must sign the Patrol Activity Report (HS-200) for them. Additionally, the Chief may not sign-off on the Patrol Activity Report if his/her spouse, child or sibling works the same enforcement patrol.
- Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a review or monitoring site visit.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).

Grantee Initials NCP RMM
 Date 10/12/17 10-15-17

- Command staff may participate in and be compensated for enforcement details if acting in a traffic enforcement role rather than acting exclusively in a supervisory role overseeing officers engaged in traffic enforcement.
- Failure to comply with reporting requirements may result in non-reimbursement of funds or suspension of grant award.
- Departments must keep on file copies of summonses, documented stops/contacts, officers' time schedules written under this grant program, and all other pertinent information.
- Patrols must be one officer per cruiser; however, multiple cruisers may be out at one time.

Grantee Initials NC RM _____
Date 12/12/17 10-15-17 _____

Exhibit A (Continued)

1. The Office of Highway Safety (hereinafter referred to as The State) is awarding the Portsmouth Police Department (hereinafter referred to as the Subrecipient) \$6,157.20 for Pedestrian/Bicycle Patrols, as further described in the Subrecipient's application, which is hereby incorporated by reference and made a part of this Grant Agreement. **In the event of any conflict or ambiguity between the provisions of the Subrecipient's application and the provisions of the Office of Highway Safety Grant Agreement, Project #314-18A-015, including Exhibits B, C, and the provisions of Exhibit A excluding the Application, the provisions of the Grant Agreement shall govern.**

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
PEDESTRIAN BICYCLE PATROLS	\$6,157.20	\$6,157.20			
Total Approved Costs (Include Non-Federal Share)	\$6,157.20	\$6,157.20			

2. It is agreed that quarterly reports will be made to the Office of Highway Safety for the duration of the contract summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Reports will be submitted within **20 days** of the project termination date.
3. All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the Office of Highway Safety with Federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

Grantee Initials NCP RMH

Date 10/12/17 10-15-17

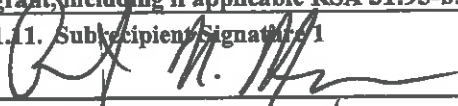


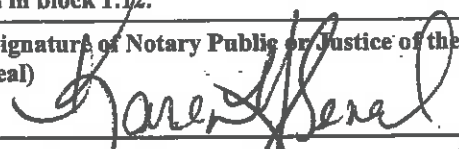

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Portsmouth Sobriety Checkpoints

Project #: 308-18A-088

Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, 2 nd Floor Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue Portsmouth, NH 03801	
Chief's Email Address: dmara@cityofportsmouth.com		Grant Contact Email: ksenecal@cityofportsmouth.com	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify)) City		1.4.2 DUNS 073976706	
1.5. Subrecipient Phone # 610-7457	1.6. Effective Date 10/01/17	1.7. Completion Date 09/30/18	1.8. Grant Limitation \$7,426.56
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 271-2197	
"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. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert M. Merner, Chief of Police	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Nancy Colbert Puff, Acting City Manager	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3  10/12/17 City Manager	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u> , on 10/15/17, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she 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 KAREN A. SENECAL, Administrative Manager	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: _____	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) 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:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), 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").

Subrecipient Initials NU RAM 10-15-17
Page 1 of 3 6/12/17 Date _____

Notary Public
 State of New Hampshire
 My Commission Expires on 10, 2020
 KAREN A. SENECAL

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
- 4.1. **EFFECTIVE DATE: COMPLETION OF PROJECT.** This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.6 ("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 1.7 (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 Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient 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 Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient 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 SUBRECIPIENT WITH LAWS AND REGULATIONS.** In connection with the performance of the Project, the Subrecipient 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 Subrecipient, including the acquisition of any and all necessary permits.
7. **RECORDS and ACCOUNTS.**
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient 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 three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient 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, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions
8. **PERSONNEL.**
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient 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 Subrecipient 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, 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 Subrecipient 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 Subrecipient notice of such termination.
11. **EVENT OF DEFAULT: REMEDIES.**
- 11.1. Any one or more of the following acts or omissions of the Subrecipient 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 Subrecipient 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 Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient 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 Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient 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 Subrecipient 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 Subrecipient 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 Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient'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 Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. **CONFLICT OF INTEREST.** No officer, member of employee of the Subrecipient, 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

NLP
10/12/17

ALMM
Date

10-15-17

approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

SUBRECIPIENT'S RELATION TO THE STATE. In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.

ASSIGNMENT AND SUBCONTRACTS. The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in Exhibit A without the prior written consent of the State.

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 The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
 17.1.2 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.

18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.

19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.

20. **AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.

21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

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Subrecipient Initials NUP RMM 10-15-17
 Page 3 of 3 10/17/17 Date _____

EXHIBIT A

Scope of Services for Traffic Enforcement Grants

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Officers assigned to grant-funded patrols are expected to be highly visible, engaged, and vigilant in addressing all observed motor vehicle infractions and hazards during their shifts.

Departments that have received STEP grant (Sustained Traffic Enforcement Patrols) and/or DWI grant funding are required to assign personnel to participate in the following mandatory initiatives and on the highlighted dates, in order to remain compliant with the terms of the assigned grant agreement:

1. Traffic Enforcement Dates (Operation Safe Commute) ** At least one officer must work the entire 4-hour shift**

Thursday, November 9, 2017	1500-1900
Wednesday, November 22, 2017	1500-1900
Friday, December 22, 2017	0600-1000
Friday, January 12, 2018	0600-1000
Friday, February 16, 2018	1500-1900
Friday, March 30, 2018	1500-1900
Tuesday, April 17, 2018	0600-1000
Friday, May 25, 2018	1500-1900
Friday, June 15, 2018	1500-1900
Tuesday, July 3, 2018	1500-1900
Friday, August 31, 2018	1500-1900
Wednesday, September 12, 2018	0600-1000

2. Seatbelt Enforcement two-week initiative (Join the NH Clique)

Monday, May 21, 2018- Kick-off day- ****4-Hour patrol required;** and
Tuesday, May 22 through Sunday, June 3, 2018- ****At least 4 hours of seatbelt enforcement must be conducted during this time-frame.**

- Join the NH Clique must be conducted during daylight hours and it's recommended they be at locations such as elementary schools, high schools, shopping centers, and any other locations where drivers and passengers under 18 will be located.

Grantee Initials NCA
Date 6/15/18

RMM

10-15-17

3. Driving Under the Influence Grant Funded Patrol Requirements

Departments with DUI enforcement grants are required to conduct patrols during the two national “*Drive Sober or Get Pulled Over (DSGPO)*” Mobilizations, which take place during the following time-frames:

Friday, December 15, 2017 through December 31, 2017**At least one patrol must be conducted during this time-period**

Friday, August 17, 2018 through Monday, September 3, 2018 **At least one patrol must be conducted during this time-period**

**** If an agency is unable to participate in one of the mandatory enforcement efforts listed above, we kindly request that an e-mail be sent to the NH Office of Highway Safety Commander, Captain John Marasco (john.marasco@dos.nh.gov) in advance to advise of the scheduling conflict and the agency will be absolved of the need to participate in that particular initiative and will remain compliant with the terms of the grant agreement.**

Agencies desiring to have grant funds adjusted between STEP, Operation Safe Commute, and Join the NH Clique sub-budgets, may request an amendment to the Grant Agreement for that purpose. See General Provisions, section 20.

Additional Grant Requirements/Recommendations

- Aside from the mandatory dates/times referenced above in items 1-3, departments should conduct patrols during any time that data indicates there is an increased risk for the driving behavior being combatted. OHS strongly encourages departments to review their local crash data to determine times and locations where grant-funded patrols would have the greatest impact.
- In the absence of data regarding times of day, the STEP patrols should be conducted during commuting hours.
- STEP and Pedestrian/Bicycle patrols are encouraged to be 3-4 hours in length.
- Unless local data indicates otherwise, grant funded DUI patrols should be worked between 1800-0300; however, it is recommended that the majority of these patrols be worked from 2100-0300.
- DUI patrol shifts must be 4-6 hours in duration.

Grantee Initials NLP RMM 18-15-17
Date 10/12/17 _____ _____

- Departments with PEDESTRIAN/BICYCLE enforcement grants shall conduct overtime patrols aimed at enforcing the state's pedestrian/bicycle laws. Patrols should be conducted year round with a focus on the summer months primarily in downtown locations during the evening commuting hours.
- Officers funded during these enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- Enforcement Grants are for overtime enforcement only.
- Departments will be reimbursed for actual hours worked.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the mobilizations. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief works the enforcement patrol, a community official must sign the Patrol Activity Report (HS-200) for them. Additionally, the Chief may not sign-off on the Patrol Activity Report if his/her spouse, child or sibling works the same enforcement patrol.
- Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a review or monitoring site visit.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).

Grantee Initials	<u>NLA</u>	<u>RMM</u>	<u>RMM</u>
Date	<u>10/11/17</u>	<u>10-15-17</u>	<u> </u>



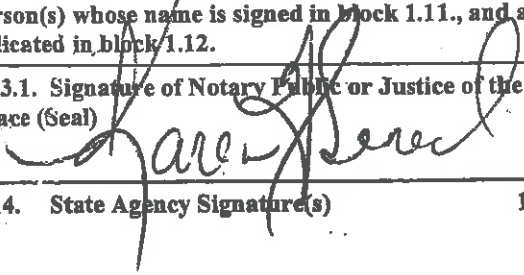
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Portsmouth Distracted Driving

Project #: 318-18A-047

Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, 2 nd Floor Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue Portsmouth, NH 03801	
Chief's Email Address: dmara@cityofportsmouth.com		Grant Contact Email: ksenecal@cityofportsmouth.com	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) City		1.4.2 DUNS 073976706	
1.5. Subrecipient Phone # 610-7457	1.6. Effective Date 10/01/17	1.7. Completion Date 09/30/18	1.8. Grant Limitation \$7,157.20
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 271-2197	
"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. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert M. Merner, Chief of Police	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Nancy Colbert Puff, Acting City Manager	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u>, on <u>10/15/17</u>, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she 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 KAREN A. SENECAL, Administrative Manager	
1.14. State Agency Signature(s)		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: _____	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) 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:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), 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").

Subrecipient Initials N/A Date _____
Page 1 of 3 10/17/17

KAREN A. SENECAL
Notary Public - New Hampshire
My Commission Expires June 10, 2020

3. AREA COVERED. Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
- 4.1. EFFECTIVE DATE: COMPLETION OF PROJECT. This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.6 ("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 1.7 (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 Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient 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 Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient 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 SUBRECIPIENT WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Subrecipient 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 Subrecipient, including the acquisition of any and all necessary permits.
7. RECORDS and ACCOUNTS.
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient 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 three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient 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, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions.
8. PERSONNEL.
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient 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 Subrecipient 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, 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 Subrecipient 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 Subrecipient notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1. Any one or more of the following acts or omissions of the Subrecipient 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 Subrecipient 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 Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient 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 Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient 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 Subrecipient 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 Subrecipient 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 Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient'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 Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. CONFLICT OF INTEREST. No officer, member of employee of the Subrecipient, 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

Subrecipient Initials
Page 2 of 3

NC
10/12/17

RAM

Date

10-15-17

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
15. **SUBRECIPIENT'S RELATION TO THE STATE.** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
16. **ASSIGNMENT AND SUBCONTRACTS.** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in Exhibit A without the prior written consent of the State.
17. **INDEMNIFICATION.** The Subrecipient 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 Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. 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.
- 17.1 **INSURANCE AND BOND.**
- 17.1.1 The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
- 17.1.2 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
- 17.2 The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.
19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
20. **AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
24. **SPECIAL PROVISIONS.** The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.



 Date 10-15-17


EXHIBIT A

Scope of Services for Traffic Enforcement Grants

NH Office of Highway Safety Grant-Funded Patrol Mission Statement

Officers assigned to grant-funded patrols are expected to be highly visible, engaged, and vigilant in addressing all observed motor vehicle infractions and hazards during their shifts.

Departments that have received STEP grant (Sustained Traffic Enforcement Patrols) and/or DWI grant funding are required to assign personnel to participate in the following mandatory initiatives and on the highlighted dates, in order to remain compliant with the terms of the assigned grant agreement:

1. Traffic Enforcement Dates (Operation Safe Commute) ** At least one officer must work the entire 4-hour shift**

Thursday, November 9, 2017	1500-1900
Wednesday, November 22, 2017	1500-1900
Friday, December 22, 2017	0600-1000
Friday, January 12, 2018	0600-1000
Friday, February 16, 2018	1500-1900
Friday, March 30, 2018	1500-1900
Tuesday, April 17, 2018	0600-1000
Friday, May 25, 2018	1500-1900
Friday, June 15, 2018	1500-1900
Tuesday, July 3, 2018	1500-1900
Friday, August 31, 2018	1500-1900
Wednesday, September 12, 2018	0600-1000

2. Seatbelt Enforcement two-week initiative (Join the NH Clique)

Monday, May 21, 2018- Kick-off day- ****4-Hour patrol required;** and
Tuesday, May 22 through Sunday, June 3, 2018- ****At least 4 hours of seatbelt enforcement must be conducted during this time-frame.**

- Join the NH Clique must be conducted during daylight hours and it's recommended they be at locations such as elementary schools, high schools, shopping centers, and any other locations where drivers and passengers under 18 will be located.

Grantee Initials	<u>NLP</u>	<u>LMM</u>	<u>10-15-17</u>
Date	<u>10/12/17</u>	<u></u>	<u></u>

3. Driving Under the Influence Grant Funded Patrol Requirements

Departments with DUI enforcement grants are required to conduct patrols during the two national “*Drive Sober or Get Pulled Over (DSGPO)*” Mobilizations, which take place during the following time-frames:

Friday, December 15, 2017 through December 31, 2017**At least one patrol must be conducted during this time-period**

Friday, August 17, 2018 through Monday, September 3, 2018 **At least one patrol must be conducted during this time-period**

**** If an agency is unable to participate in one of the mandatory enforcement efforts listed above, we kindly request that an e-mail be sent to the NH Office of Highway Safety Commander, Captain John Marasco (john.marasco@dos.nh.gov) in advance to advise of the scheduling conflict and the agency will be absolved of the need to participate in that particular initiative and will remain compliant with the terms of the grant agreement.**

Agencies desiring to have grant funds adjusted between STEP, Operation Safe Commute, and Join the NH Clique sub-budgets, may request an amendment to the Grant Agreement for that purpose. See General Provisions, section 20.

Additional Grant Requirements/Recommendations

- Aside from the mandatory dates/times referenced above in items 1-3, departments should conduct patrols during any time that data indicates there is an increased risk for the driving behavior being combatted. OHS strongly encourages departments to review their local crash data to determine times and locations where grant-funded patrols would have the greatest impact.
- In the absence of data regarding times of day, the STEP patrols should be conducted during commuting hours.
- STEP and Pedestrian/Bicycle patrols are encouraged to be 3-4 hours in length.
- Unless local data indicates otherwise, grant funded DUI patrols should be worked between 1800-0300; however, it is recommended that the majority of these patrols be worked from 2100-0300.
- DUI patrol shifts must be 4-6 hours in duration.


Grantee Initials NH MM 18-15-17
Date 6/12/19 _____

- Departments with PEDESTRIAN/BICYCLE enforcement grants shall conduct overtime patrols aimed at enforcing the state's pedestrian/bicycle laws. Patrols should be conducted year round with a focus on the summer months primarily in downtown locations during the evening commuting hours.
- Officers funded during these enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- Enforcement Grants are for overtime enforcement only.
- Departments will be reimbursed for actual hours worked.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the mobilizations. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief works the enforcement patrol, a community official must sign the Patrol Activity Report (HS-200) for them. Additionally, the Chief may not sign-off on the Patrol Activity Report if his/her spouse, child or sibling works the same enforcement patrol.
- Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a review or monitoring site visit.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).

Grantee Initials NU KMM 10-15-17
 Date 10/12/17 _____ _____

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: October 10, 2017
TO: PORTSMOUTH FIRE COMMISSIONERS
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: ESTATE OF GERALDINE W. WEBBER



Attached please find a draft drawn on the account of the Bank of New Hampshire payable to the City of Portsmouth Fire Department in the amount of \$2,663.47 as a disbursement of the proceeds to the Portsmouth Fire Department from the Estate of Geraldine Webber. For your information, this represents the final disbursement of funds after paying final bills.

Please recall that the purpose for which Ms. Webber provided these funds to the department is as follows:

One Fourth (1/4) of my total net estate shall be given to the Portsmouth, New Hampshire Fire Department to be used for the purchase of safety equipment.”

Again, it is my recommendation that the Department comply with the City Council protocol with regard to the placing gifts and donations on a City Council agenda for acceptance by the Council.

attachment

cc: Nancy Colbert Puff, Acting City Manager
Steven Achilles, Fire Chief
Judie Belanger, Finance Director

MEMORANDUM OF UNDERSTANDING between the CITY OF PORTSMOUTH and NETWORK SPONSOR

BACKGROUND and PURPOSE:

The City of Portsmouth has created a bike share program and leases Zagster Bicycles and Zagster Bicycle Stations from Zagster Inc. The City has installed Zagster Bicycle Stations on its property, manages the bike share program and receives revenue from membership and user fees. Zagster provides maintenance and repair for the Zagster Bicycles and Zagster Bicycle Stations in the bike share program and data usage information to the City.

Network Sponsors are private property owners who want to expand the City's bike share program by installing additional Zagster Bicycle Stations and Zagster Bicycles on private property. The Network Sponsor will not receive any revenue generated by use of Zagster Bicycles and this MOU does not amend the revenue distribution set forth in the City and Zagster's contract.

The City will amend its three year contract with Zagster consistent with this Memorandum of Understanding and execute an Expansion Order Form to lease additional Zagster Stations and Zagster Bicycles from Zagster Inc., as more fully described in Exhibit A. This MOU is contingent upon the City's continuation of its contract with Zagster at its sole discretion. The City will give Network Sponsor 30 days' notice of any amendments to or termination of its contract with Zagster.

This MOU sets forth the City, Zagster and the Network Sponsor's rights and responsibilities regarding expanding the bike share network. This MOU will run coterminous with the City's agreement with Zagster subject to the early termination provision described below.

NETWORK SPONSOR RESPONSIBILITIES:

Network Sponsor will pay fees to City for its cost to lease additional Zagster Bicycle Stations and Zagster Bicycles as more fully set forth in Exhibit A.

Network Sponsor will pay all costs of any infrastructure improvements or requirements to facilitate the installation of Zagster Bicycle Stations and Zagster Bicycles on Network Sponsor's property.

Network Sponsor will have no right, title and interest in the City's or Zagster's proceeds generated by the bike share program including but not limited to annual memberships, day passes, and overage charges.

Network Sponsor shall permit Zagster and City employees or its agents the right to enter its property to inventory, maintain and repair Zagster Bicycles and Zagster Bicycle Stations.

Network Sponsor will give members of the public access to its property for the use of Zagster Bicycle Stations and Zagster Bicycles.

Network Sponsor is responsible for maintaining the grounds and access to the Zagster Bicycle Station and Zagster Bicycles, excluding the sidewalk and City's right of way.

Network Sponsor shall permit its name and logo to be displayed on the baskets of five (5) bikes in the Portsmouth bike share system, on the sponsored station location, and in marketing material for the City's bike share program and Zagster's marketing material.

Network Sponsor will promptly report any maintenance issues relating to Zagster Bicycles or Zagster Bicycle Stations to the City.

CITY'S RESPONSIBILITIES:

City will be solely responsible for managing, marketing and promoting the bike share program of which the Network Sponsor is a participant. The City will not give the Network Sponsor access or use of the City's nontransferable license in Zagster Software.

City will provide any non-personally identifiable data it receives from Zagster on bike share usage to Network Sponsor annually at a minimum.

City will provide Network Sponsor with contact information of City contact to report maintenance issues regarding Zagster Bicycle Stations and Zagster Bicycles.

City shall be responsible for coordinating with Zagster to schedule removal by Zagster of bicycles and stations during the winter months and reinstallation in the spring.

ZAGSTER:

Zagster will agree to amend its contract with the City to add the Zagster Bicycle Station and Zagster Bicycles which will be located on Network Sponsor's property as more fully described in Exhibit A.

Zagster will authorize the City to distribute any non-personally identifiable data the City receives on bike share usage to Network Sponsor.

Zagster will maintain, repair and manage the Zagster Bicycle Station and Zagster Bicycles located on Network Sponsor's property pursuant to the terms of its contract with the City.

Zagster shall be responsible for removal and storage of bicycles and stations during the winter months and reinstallation in the spring.

All other provisions of the contract between the City and Zagster not amended by this MOU remain in full force and effect.

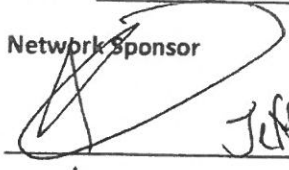
EARLY TERMINATION

If, for any reason, the City discontinues the contract with Zagster prior to the expiration of the three year term, the City shall refund the Network Sponsor for any pro-rated share of the remaining unusable portion of the term.

The Network Sponsor shall have the right to terminate its sponsorship after the 1st year for good cause, and in such event, Network Sponsor shall give a minimum of 90 days written notice to the City and Zagster prior to the due date for payment for the 2nd year of the sponsorship. The City shall not be responsible for maintaining or continuing the use of the sponsored station(s) or for any costs associated with removal of the station.

Date: 9/29/17

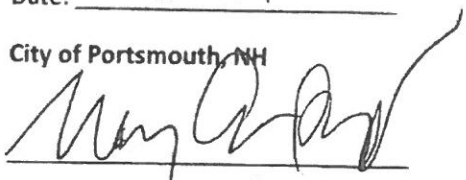
Network Sponsor

 Jeff Johnston

Title: Manager

Date: 9/29/17

City of Portsmouth, NH



Title: Acting City Manager

Date: September 29, 2017

Zagster, Inc.

Rebecca Castaldi

Title: General Counsel and VP, HR

EXHIBIT A

Network Sponsor:

Name: _____ Portwalk Place _____

Address: _____ 7 Portwalk Place, Portsmouth, NH 03801 _____

Contact name, email telephone: _____ Jackie Huber 617-840-5566 _____

Emergency 24 hour contact information: _____ Same as above _____

Specific Location of Zagster Bicycle Station: _____ Sidewalk area in front of 99 Hanover Street; directly in front of Seacoast Spine and Harbor Events entrances _____

Attached Plan of Zagster Bicycle Station Location: _____ See attached _____

Number of Zagster Bicycle Stations Requested: _____ 10 stations _____

Number of Zagster Bicycles Requested: _____ 5 bikes _____

Network Sponsor's cost to City for Zagster Bicycle Station and Zagster Bicycles for first year, payment to be made in full before installation of Zagster Bicycle Station: **\$9,000**

Cost for year 2 if City continues program: **\$9,000**

Network Sponsor may, during term of City's contract with Zagster, expand its sponsorship by increasing Bicycle Station locations on its property and or number of Zagster Bicycles by paying additional cost by amending and executing a revise Exhibit A.



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



November 1, 2017

Ms. Kelli L. Barnaby, City Clerk
One Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Barnaby,

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

I have begun planning for the 2018 Bike MS NH Seacoast Escape. This year's date is set for Saturday, August 25th. The purpose of this letter is to ask for permission to use roads within Portsmouth and to inform you of the route through the city of Portsmouth. I have enclosed written riding directions for you. Our first cyclist (of approximately 250) should enter Portsmouth at 10:30am, and the last cyclist should depart at 1:00 PM.

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

We mark our route with small cardboard signs attached to utility poles or stakes. We will begin marking the route on August 23rd. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

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

Sincerely,

Emily Christian
Logistics Manager
781-693-5154
Emily.Christian@nmss.org



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

The National Multiple Sclerosis Society, Greater New England Chapter has informed the City of Portsmouth City Clerk of its intent to hold a charity bicycle ride on town roads through Portsmouth on Saturday, August 25, 2018.

Signed: _____

Name: _____

Title: _____

For the City of Portsmouth City Clerk

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

2018 Bike MS NH Seacoast Escape - 25 mile

NET CONTROL - 978-888-3363

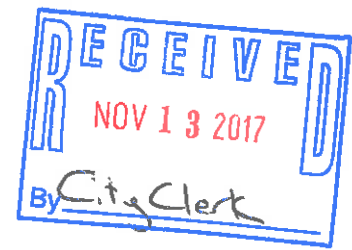
Miles	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		Caution: Narrow wooden bridge	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	Sharp R	onto Bay Road	0.40	
6.10	BL	to stay on Bay Road	7.00	Durham
13.10	BR	onto Route 108	0.30	
13.40		REST STOP -- Durham Town Offices - Route 108 (on left)		
13.40	BL	out of rest stop ROUTE SPLITS	0.10	
13.50	L	at stop sign to continue on Route 108	1.30	Newmarket
14.80	R	Bennet Rd	1.60	
		Caution: Narrow wooden bridge		
16.40	L	Packers Falls	2.00	
		Caution: Look right		
18.40	R	S. Main St	0.50	
18.90	L	Grant	1.10	
20.00	L	Ash Swamp	2.00	
22.00	L	Ash Swamp	0.10	
22.10	R	Rt. 108 South	1.30	
23.40	L	Squamscott Road	1.10	Stratham
24.50	L	Onto Route 33/Portsmouth Ave.	0.60	
25.1	R	Finish Chute	0.00	
	FINISH	Finish Line - Congratulations! You made it!		
Route closes at 3:00PM				

2018 Bike MS NH Seacoast Escape - 60 mile

NET CONTROL - 978-888-3363

Miles	Direction	Description	Go	Town:
35.25		Caution: crossing bridge		Newcastle
35.25	BL	to stay on Route 1B South/Cranfield Street	1.60	Rye
36.85		Walk bike over bridge on wooden walkway	1.10	Portsmouth
37.95	L	at stop sign onto Route 1A South	0.50	
38.45	L	at rotary to stay on Route 1A South	1.80	
40.25		REST STOP - Odiorne State Park -- Route 1A (on left)		
40.25	L	out of rest stop, pass Rye Harbor St.Park	7.50	North Hampton
47.75	R	onto Route 111/Atlantic Ave.	3.20	
51.85	S	thru traffic light, continue onto Route 111	0.50	
52.35	L	at stop sign	0.10	
52.45	R	at stop sign onto Route 151N	0.10	
52.55	L	onto Walnut Ave.	1.70	
54.25	R	onto Lovering Road	1.40	
55.65	L	onto Post Road	0.10	
55.75	L	onto Winnicut Road	1.70	Stratham
57.45	X	Union Road	2.20	
59.65	R	Onto Route 33/Portsmouth Ave.	1.00	
60.65	S	through stop light	0.30	
60.95	R	into Stratham Hill Park	0.00	
	FINISH	Finish Line - Congratulations! You made it!		
Route closes at 3:00PM				

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



To Portsmouth City Council:

I am requesting to hold the third annual Race To Educate on Sunday, May 27, 2018 at 12:30pm. All proceeds from the race will benefit the organization, Education For All Children (EFAC). I have held this race for two years, both years being a success, raising over \$12,000.

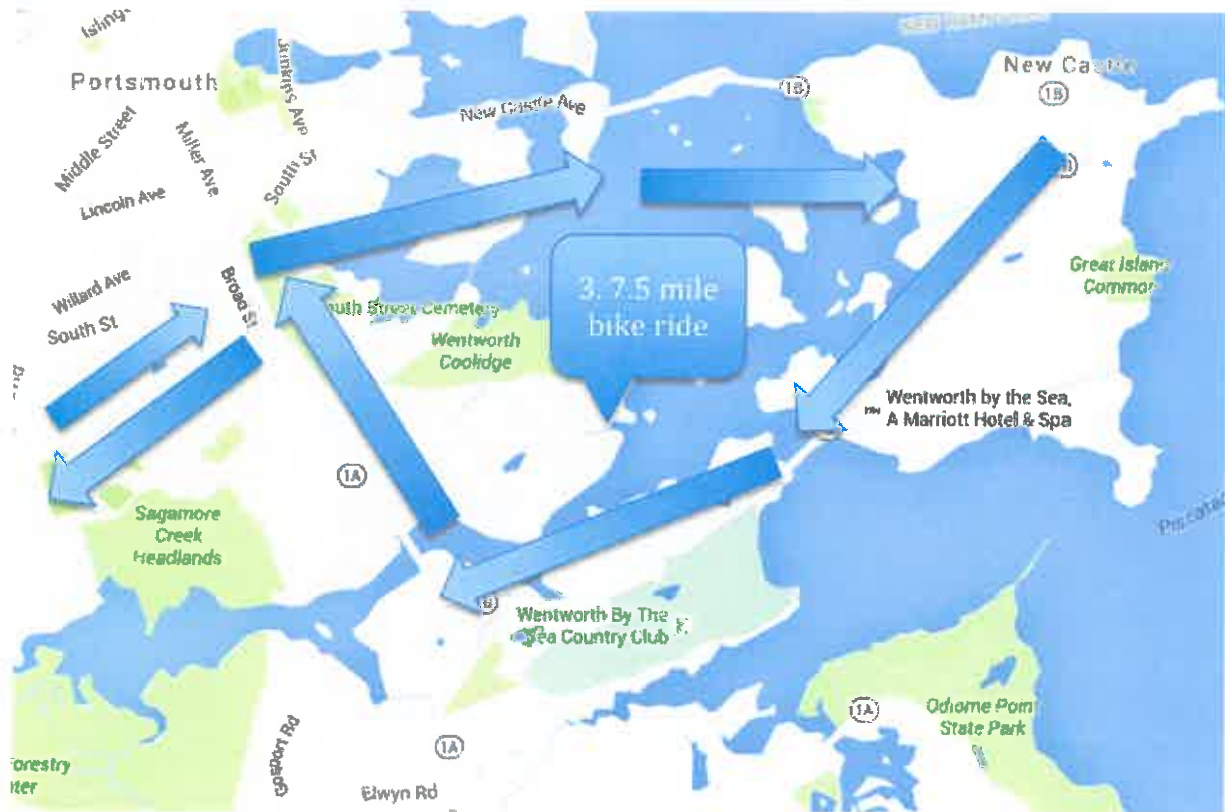
My goal is to have about 150 participants at the triathlon. It will be a 'fun' triathlon for children and families. We have gotten permission from the Portsmouth Indoor Pool to use the pool and from Mr. Wilson to hold the run in the trails behind Portsmouth High School. Ideally, for the bike ride, we would like to hold a 7.5-mile bike ride through Portsmouth, New Castle, and Rye.

I understand I need permission from the City Council and if granted the permission I will work with the police department and the other towns (New Castle and Rye) to ensure it's a safe event.

Please call me with question. Lilia Potter-Schwartz, (603) 548-8898.

About EFAC

The organization, Education For All Children (EFAC), sponsors children in Kenya so they are able to attend secondary school. This organization was founded by Rye, New Hampshire residents, Nancy and Rod Van Sciver. EFAC is currently helping 355 Kenyan students by sponsoring them through secondary school and university, as only 40% of children in Kenya are able to attend secondary school (high school). EFAC is helping to raise this number. One hundred percent of EFAC graduates have scored at the qualifying level for a post-secondary degree, compared to 28 percent nationally. With proceeds the past two triathlons, I have had the opportunity to sponsor three young women named Cecilia, Sadia, and Scholastica. These three young women are from modest families who struggle to pay rent and put food on the table. They are now doing well in secondary school and hope to attend university in two/three years upon completion of secondary school. Hopefully, with your help along with many others, I will be able to sponsor another two young, Kenyan students this year, so they also have the opportunity to attend secondary school.



M E M O R A N D U M

TO: Nancy Colbert Puff, Acting City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: October 19, 2017

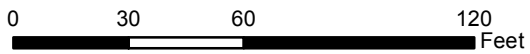
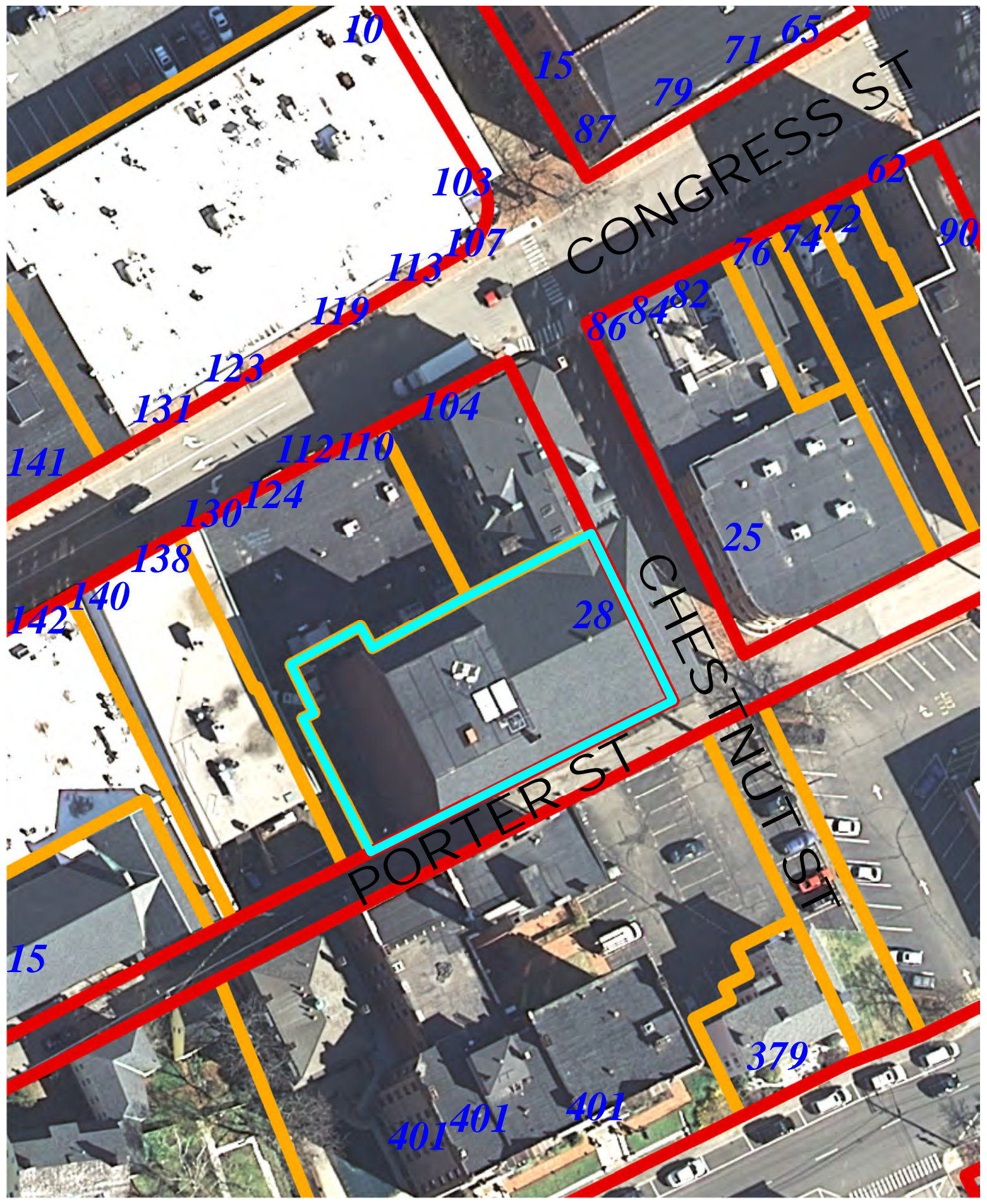
RE: City Council Referral – Projecting Sign
Address: 28 Chestnut Street
Business Name: The Music Hall
Business Owner: Friends of the Music Hall

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

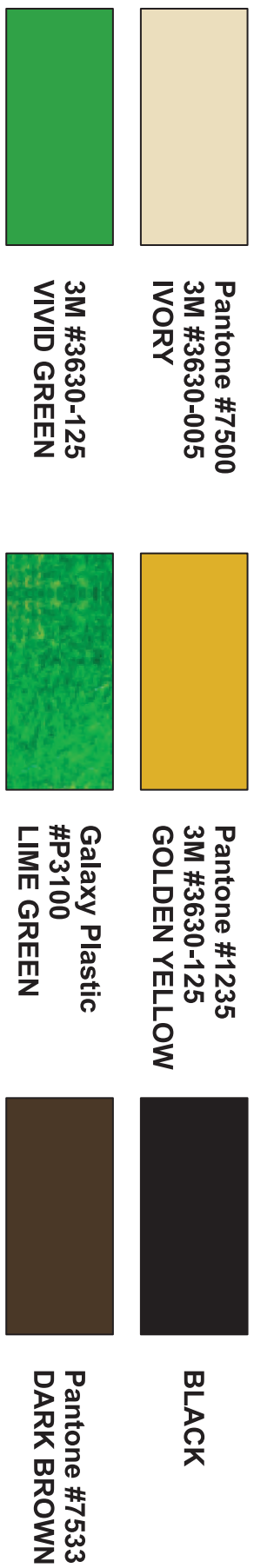
Sign dimensions: 46.1" x 282.8" for Blade
215" x 95.8" for Marquee
Sign area: 90.5 sq. ft. for Blade
136 for Marquee

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:

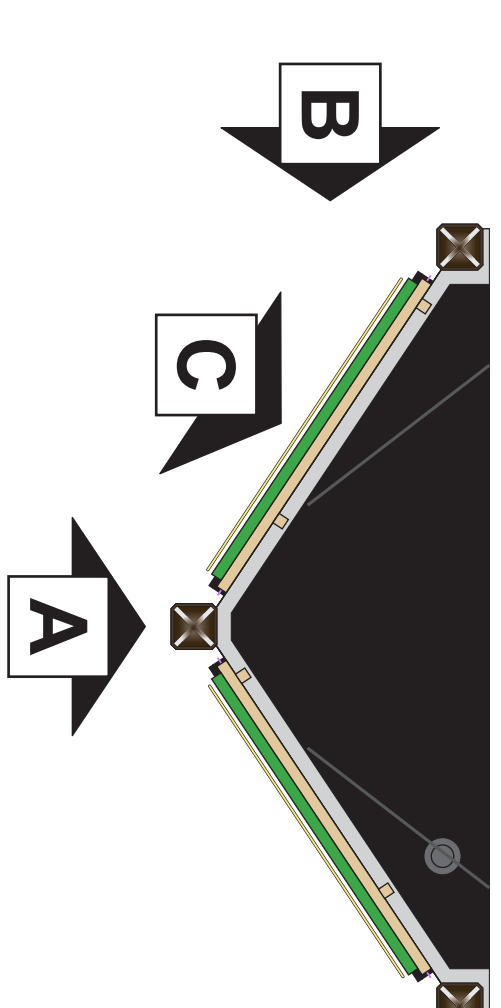
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal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



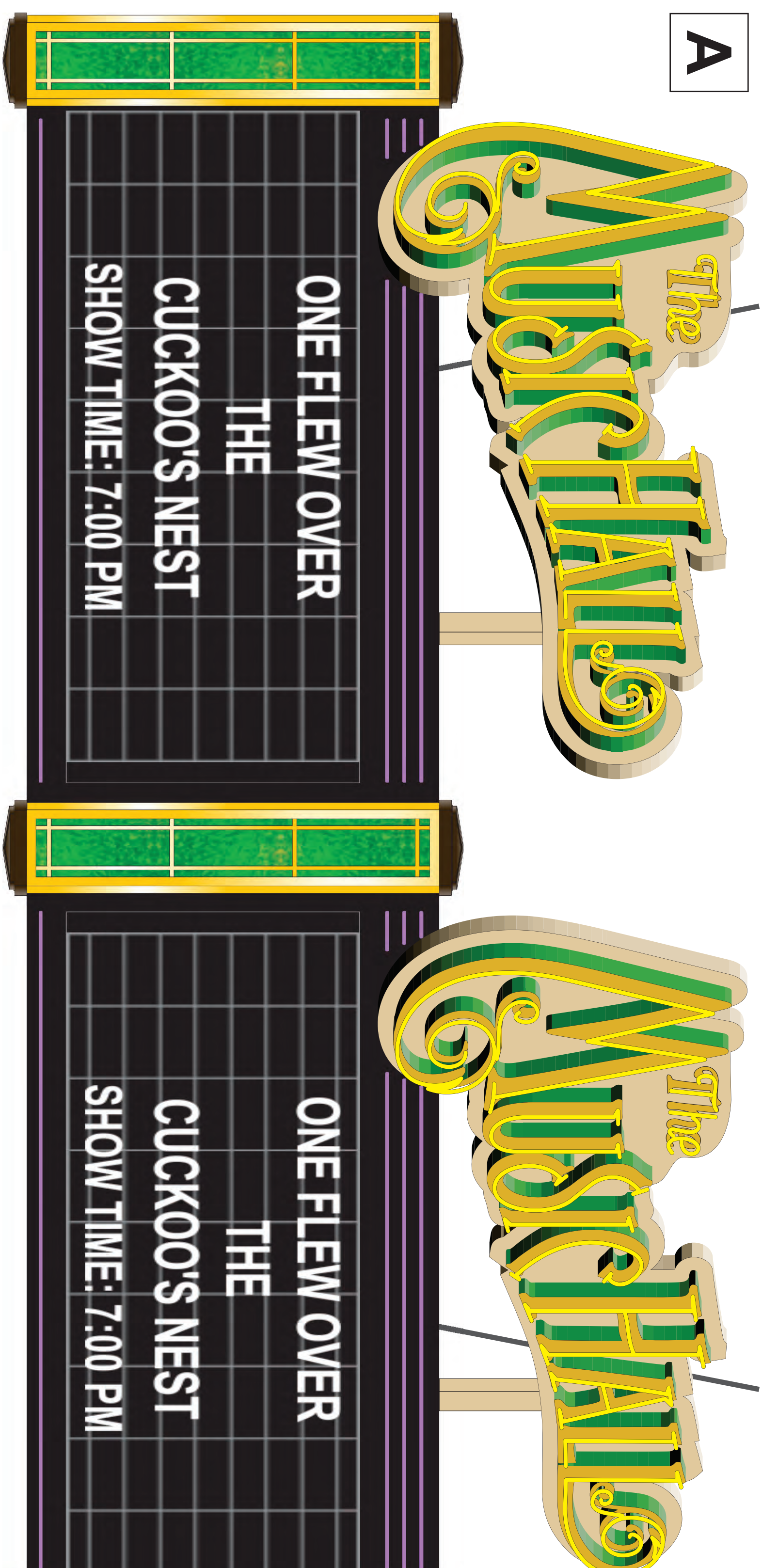
**Request for Projecting Sign License
28 Chesnut St.**



ELECTRICAL NOTES
 TOPPER NEON LETTERING (YELLOW):
 10 - 12/30 - 1.2 amps @ 120V = 12.0 amps
 HORIZONTAL NEON (PURPLE):
 6 - 12/30 - 1.2 amps @ 120V = 7.2 amps
 LED DISPLAYS:
 2 - DISPLAYS 17.5 amps @ 120V = 35.0 amps
 Recommend - Six (6) 120V / 20 amp Circuits



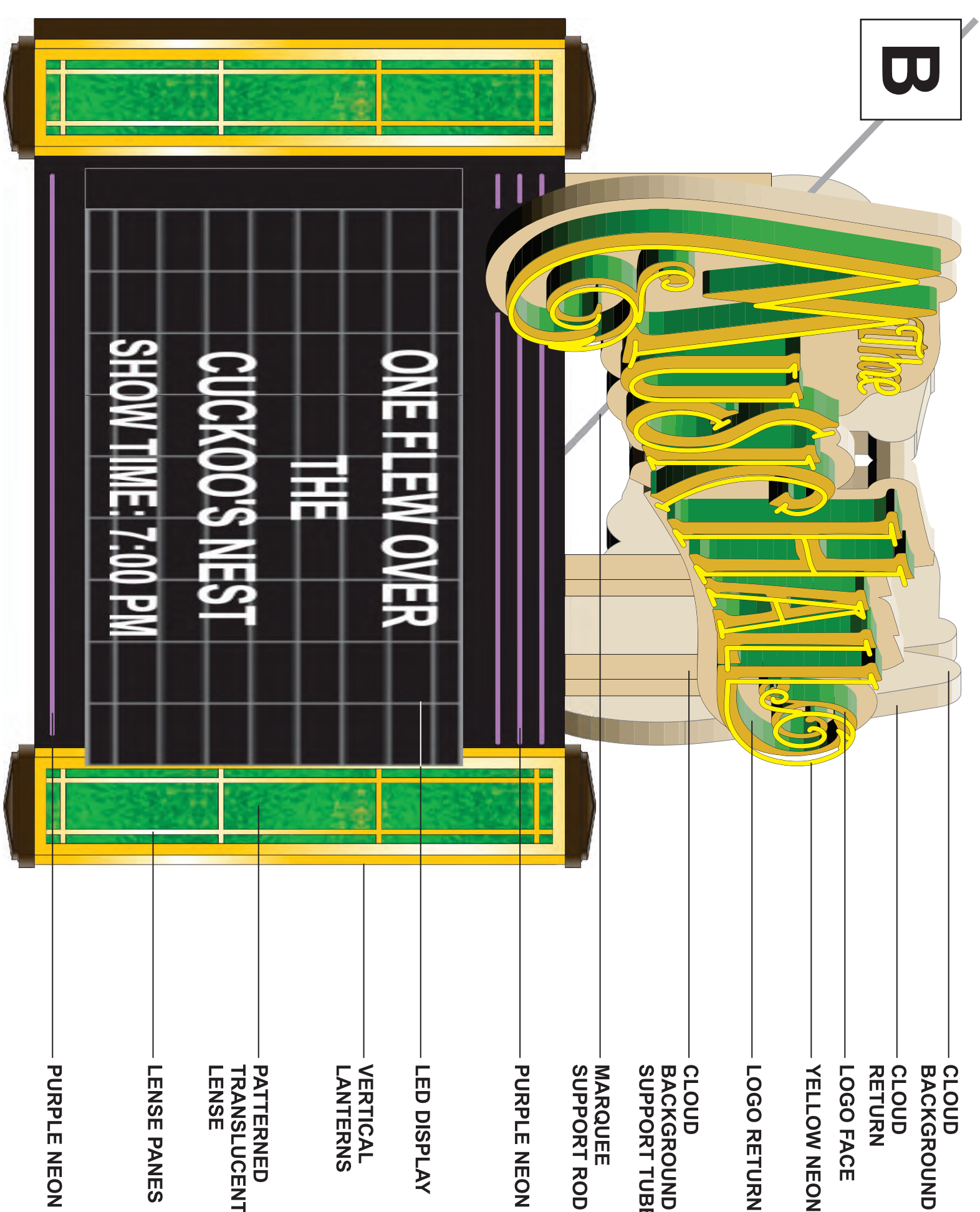
A



3 ELEVATION

Scale: 1" = 1'-0"

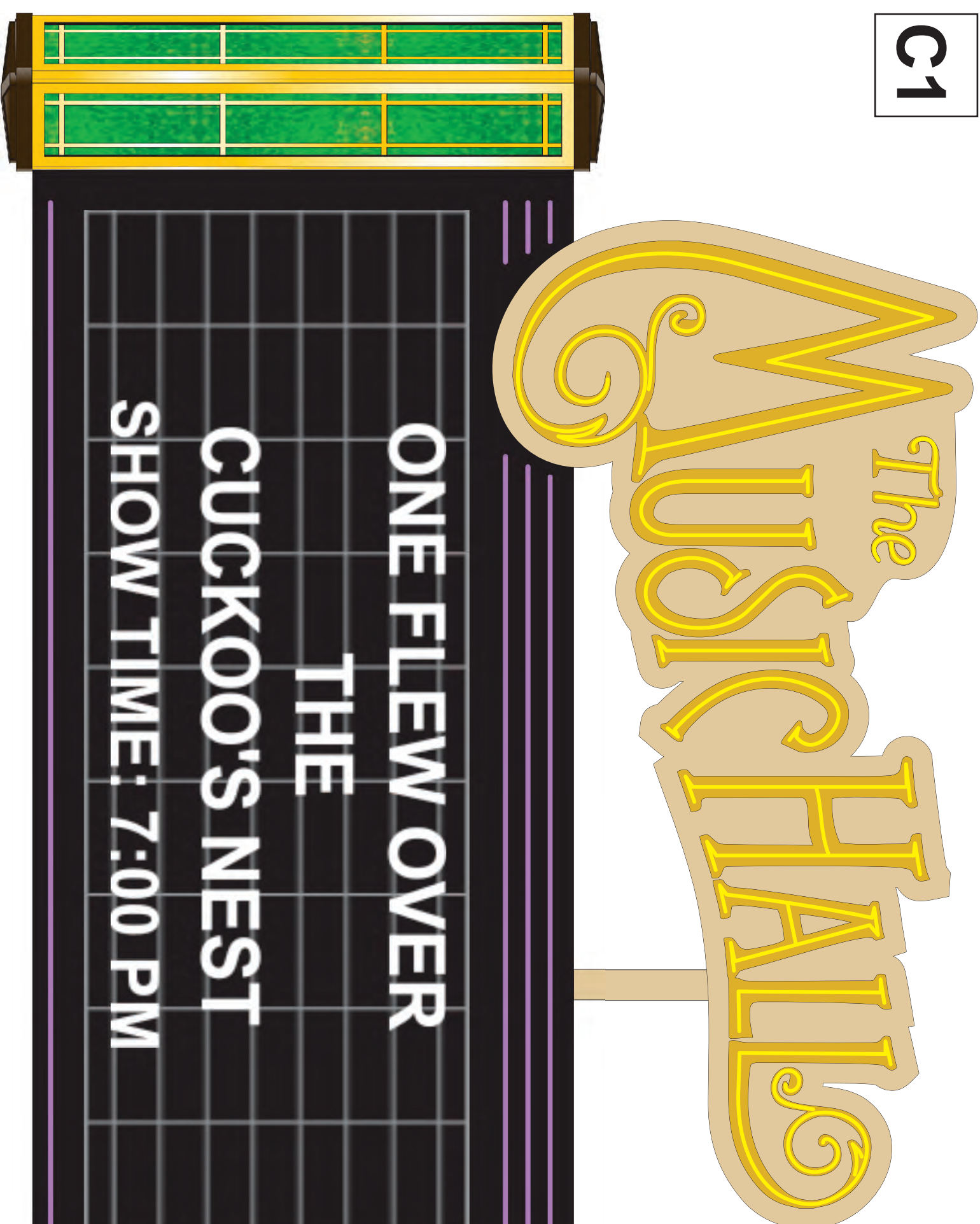
B



4 ELEVATION

Scale: 1" = 1'-0"

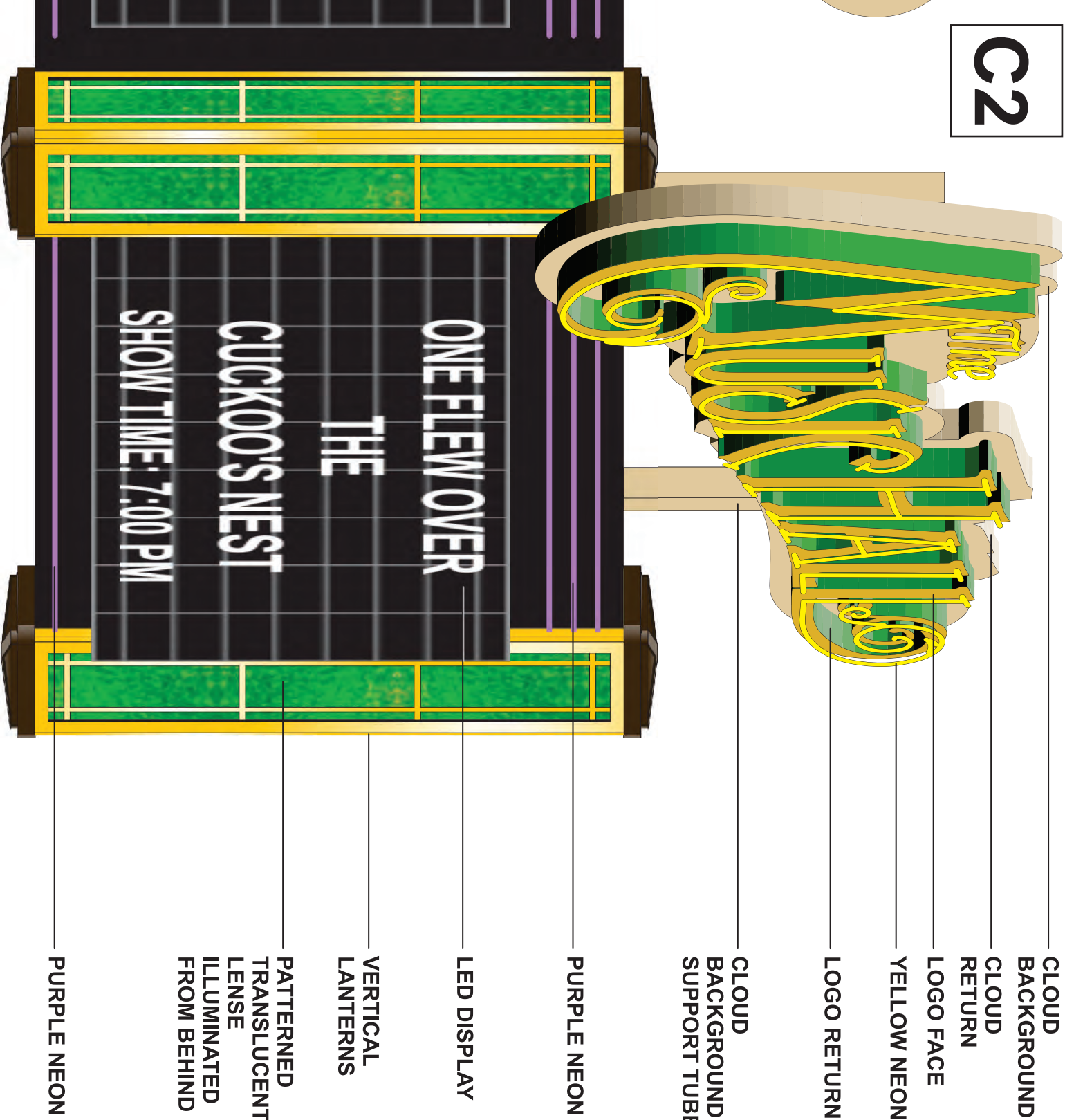
C1



1 ELEVATION

Scale: 1" = 1'-0"

C2



2 ELEVATION

Scale: 1" = 1'-0"

CLOUD

BACKGROUND

CLLOUD

RETURN

LOGO FACE

YELLOW NEON

LOGO RETURN

CLLOUD

BACKGROUND

SUPPORT TUBE

MARQUEE

SUPPORT ROD

PURPLE NEON

LED DISPLAY

VERTICAL

LANTERNS

PATTERNED

TRANSLUCENT

LENSE

LENSE PANES

PURPLE NEON

CLLOUD

BACKGROUND

CLLOUD

RETURN

LOGO FACE

YELLOW NEON

LOGO RETURN

CLLOUD

BACKGROUND

CLLOUD

RETURN

LOGO FACE

YELLOW NEON

LOGO RETURN

CLLOUD

BACKGROUND

CLLOUD

RETURN

LOGO FACE

YELLOW NEON

LOGO RETURN

CLLOUD

BACKGROUND

SUPPORT TUBE

PURPLE NEON

LED DISPLAY

VERTICAL

LANTERNS

PATTERNED

TRANSLUCENT

LENSE

ILLUMINATED

FROM BEHIND

PURPLE NEON

Project Number: MO-44026

Direct Technical Questions

Regarding These Drawings to:

The Wagner Electric Sign Co.

7135 West Ridge Road

Elyria, Ohio 44035

P 440.245.6540 F 440.233.6455

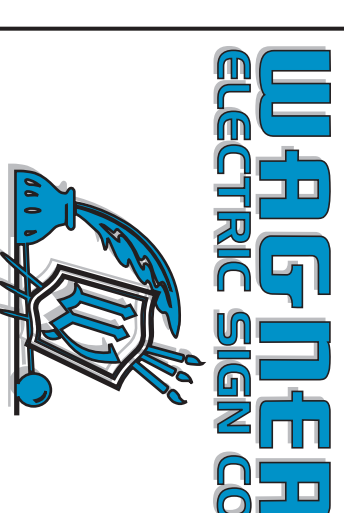
www.wagner-sign.com

Revisions

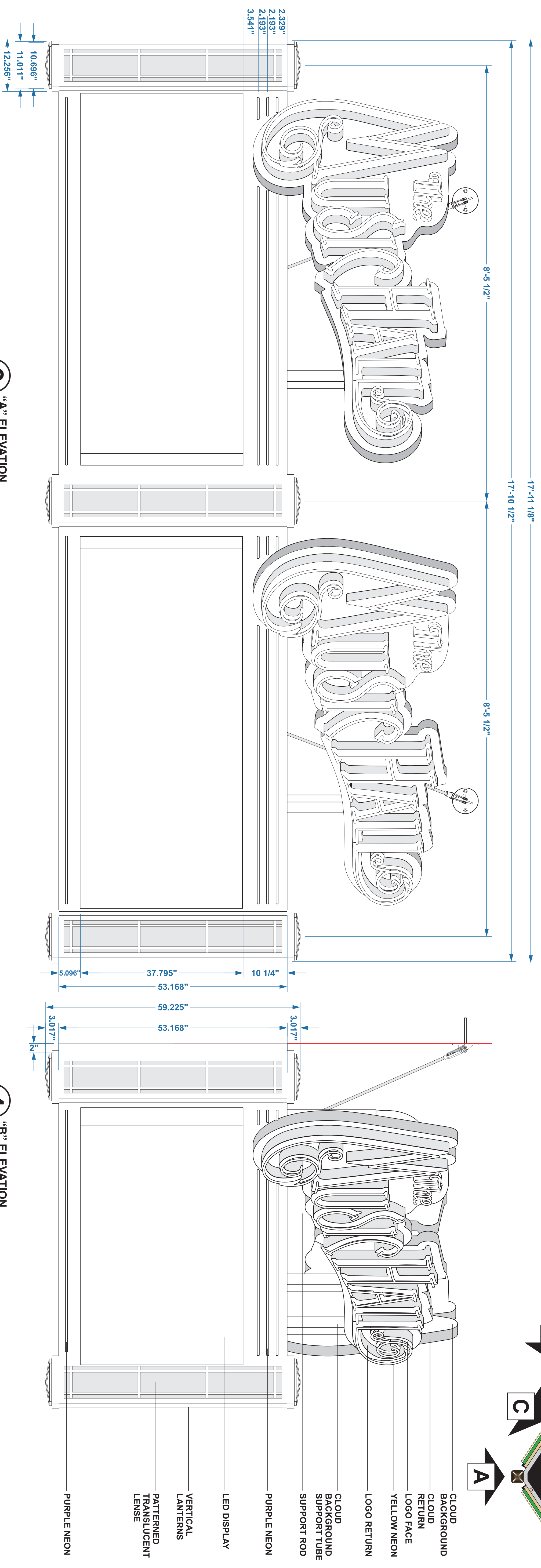
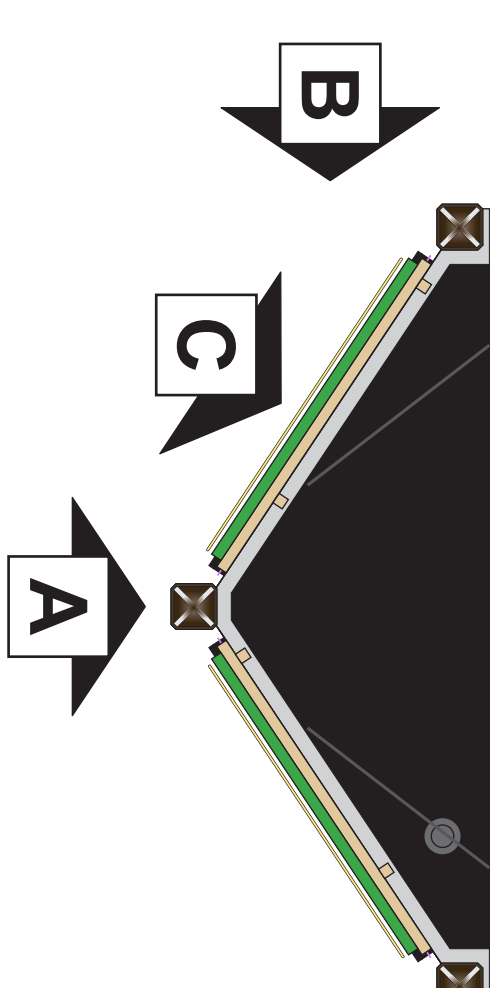
- 01. Site Plan
- 02. Elevation
- 03. Structure
- 04. Roof/Plumbing
- 05. Electrical

FILE DATE: 10/04/17
 Muschhall_SP-02-01-100417

SHOPS
SP.02.01

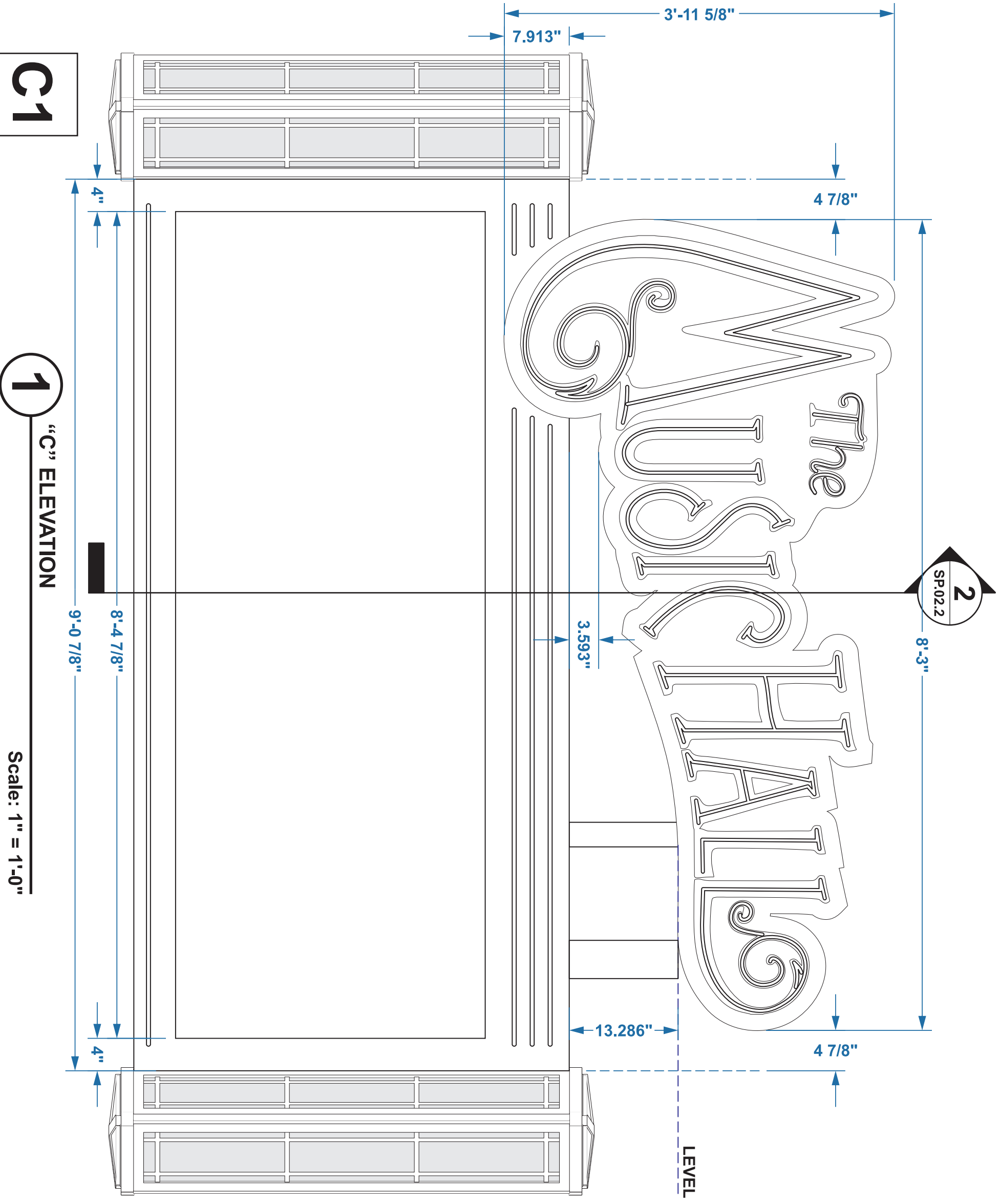


The Music Halls
 28 Chestnut Street
 Portsmouth, NH 03801

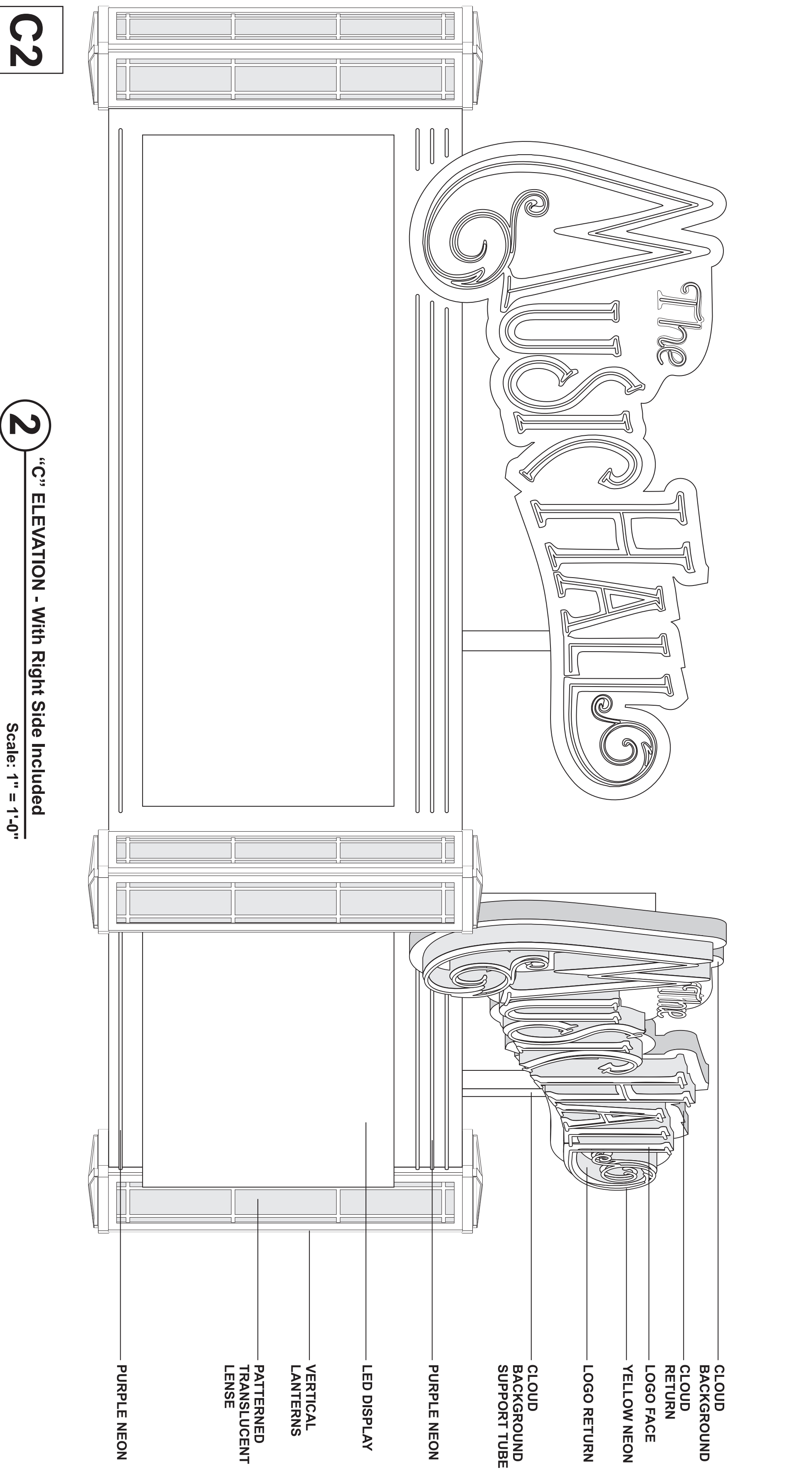


3 "A" ELEVATION
Scale: 1" = 1'-0"

4 "B" ELEVATION
Scale: 1" = 1'-0"



1 "C" ELEVATION
Scale: 1" = 1'-0"



2 "C" ELEVATION - With Right Side Included
Scale: 1" = 1'-0"

- CLOUD BACKGROUND
- CLOUD RETURN
- LOGO FACE
- YELLOW NEON
- LOGO RETURN
- CLOUD BACKGROUND SUPPORT TUBE
- PURPLE NEON
- LED DISPLAY
- VERTICAL LANTERNS
- PATTERNED TRANSLUCENT LENSE
- PURPLE NEON
- CLOUD BACKGROUND
- CLOUD RETURN
- LOGO FACE
- YELLOW NEON
- LOGO RETURN
- CLOUD BACKGROUND SUPPORT TUBE
- PURPLE NEON
- LED DISPLAY
- VERTICAL LANTERNS
- PATTERNED TRANSLUCENT LENSE
- PURPLE NEON

Project Number: MO-44026
Direct Technical Questions Regarding These Drawings to:
The Wagner Electric Sign Co.
7135 West Ridge Road
Elyria, Ohio 44035
P 440.245.6540 F 440.233.6455
www.wagnersign.com

- Revisions
- 01. Site Plan
 - 02. Elevation
 - 03. Structure
 - 04. Roof/Plumbing
 - 05. Electrical

M E M O R A N D U M

TO: Nancy Colbert Puff, Acting City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: November 6, 2017

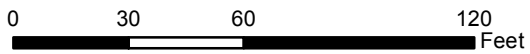
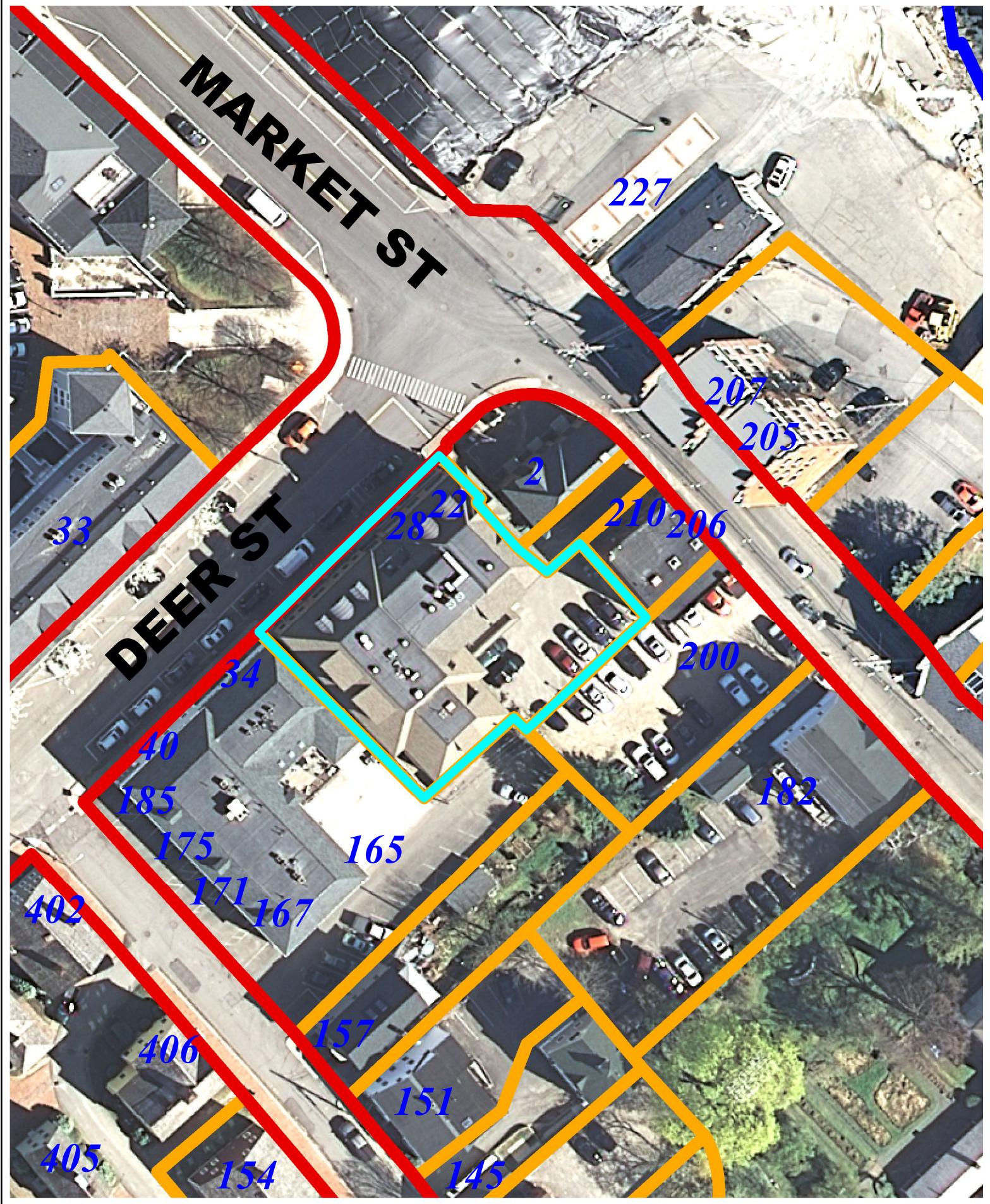
RE: City Council Referral – Projecting Sign
Address: 28 Deer Street
Business Name: Office Resources
Business Owner: VPC LLC

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 36" x 24"
Sign area: 6 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
28 Deer St.**



PortsmouthSign.com
603-436-0047

REVISION:

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

PLEASE NOTE:

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

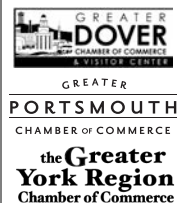
10/03/17

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

SIGNATURE: _____ Date: _____

RETURN SIGNED TO: service@portsmouthsign.com

Member of:



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Shop Use Only

Qty: SS DS

Materials:

Background Color:

Vinyl Color:
HP Int

Other:



M E M O R A N D U M

TO: Nancy Colbert Puff, Acting City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: November 9, 2017

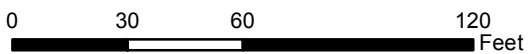
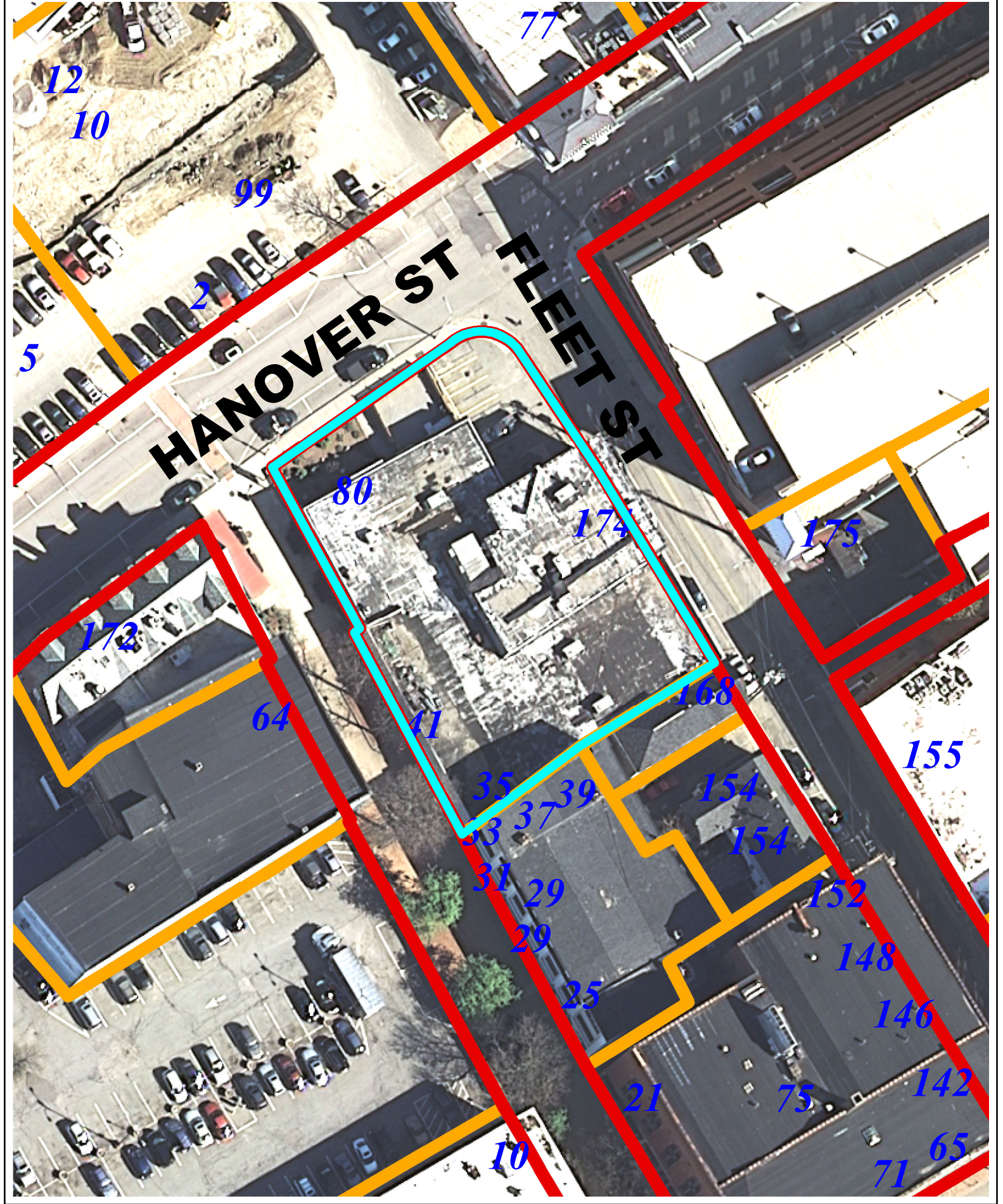
RE: City Council Referral – Projecting Sign
Address: 174 Fleet Street
Business Name: The Wilder
Business Owner: Jamer Realty Inc. – The Wilder

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 44" x 16"
Sign area: 5 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:

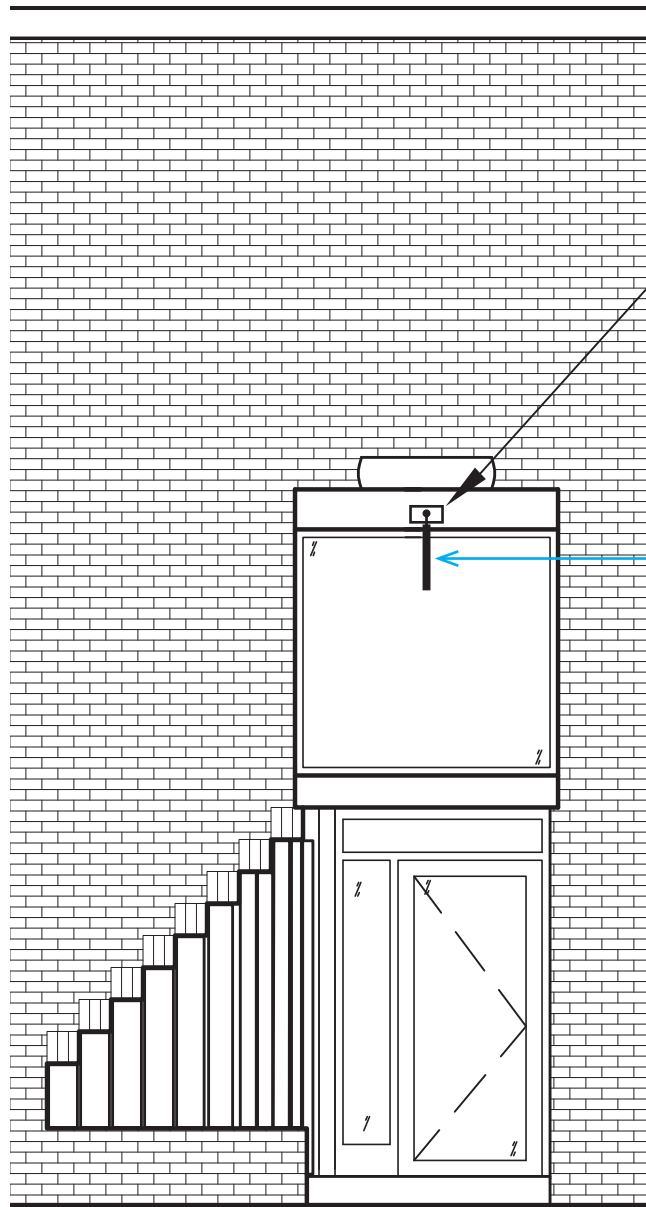
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal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



Map produced by Planning Department 11-9-17

**Request for Projecting Sign License
174 Fleet St.**

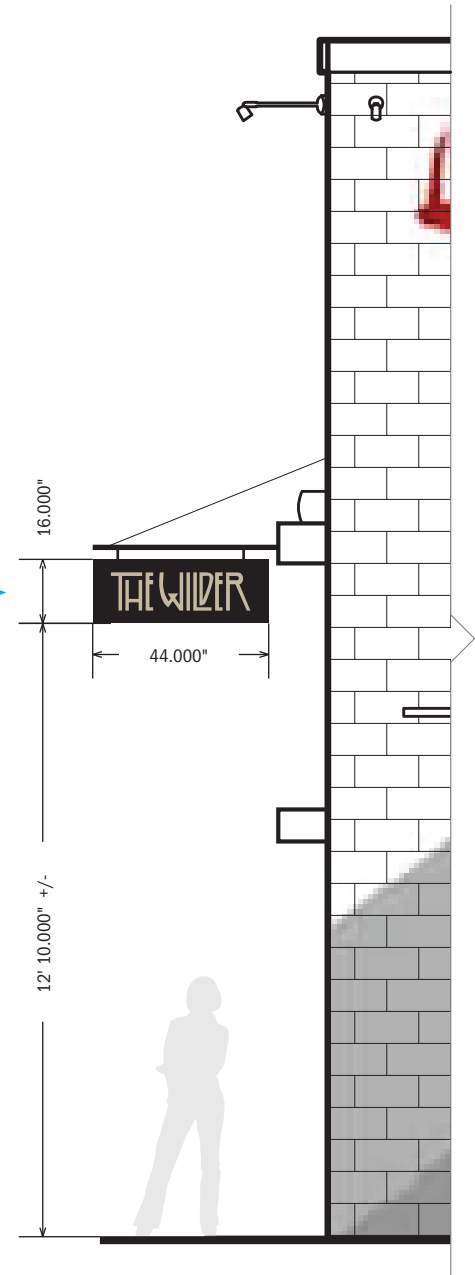
THE WILDER



EXIST SIGN BRACKET

Sign Panel:
 Double-sided Cast Metal Panel
 with Dimensional Letters
 Colors: Black/Bronze

NORTH ELEVATION
 1/4" = 1'-0"



EAST ELEVATION
 1/4" = 1'-0"

M E M O R A N D U M

TO: Nancy Colbert Puff, Acting City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: November 15, 2017

RE: City Council Referral – Projecting Sign
Address: 10 Vaughn Mall
Business Name: Pretty Little Things
Business Owner: Andover Portland Avenue Assoc LLC

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.



0 37.5 75 150 Feet

Map produced by Planning Department 11-15-17

**Request for Projecting Sign License
10 Vaughn Mall**



PortsmouthSign.com
603-436-0047

REVISION:

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

PLEASE NOTE:

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

11/15/17

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

RETURN SIGNED TO: service@portsmouthsign.com

SIGNATURE: _____ Date: _____

Member of:



GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

the **Greater**
York Region
Chamber of Commerce

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

Shop Use
Only

Qty: SS DS

Materials:

Background Color:

Vinyl Color:
HP Int

Other:



CITY COUNCIL E-MAILS

October 17, 2017 – November 16, 2017

NOVEMBER 20, 2017 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by Michelle Lozuaway, Joshua Lanahan (Freshlocalnh@gmail.com) on Monday, October 16, 2017 at 13:34:49

address: 801 Islington St Portsmouth

comments: Dear Counselors,

Regrettably we cannot be present at the meeting this evening but have watched with great concern the direction the city is contemplating regarding the adoption of the 2009 Code.

We currently employ over 65 people and are in the process of hiring more, and in particular, hiring from the pool of those in treatment for heroin addiction at Safe Harbor, our Islington Street neighbors.

We invest as much as feasible in our employees health and well being, the building we occupy, the West End, and the greater Portsmouth community.

We do our best to run clean, healthy restaurants that are assets to the community.

The proposed regulations would be nothing short of crippling and overly burdensome, disallowing us to have the wherewithal to continue to expand and provide the special and charitable programs we are in the process of creating.

We heartily agree with the talking points put forth by the NHLRA:

1. Transfer of ownership to a family member or trust should not trigger costly and possibly prohibitive capital expense to come into compliance. Only when there is a change in controlling interest should this become an issue – this is aligned with the State and Federal codes.
2. There needs to be an independent appeals process that is adjudicated by an independent body outside the regulatory structure. The current appeals process is an appeal to the city's attorney – which is an implied threat of litigation.
3. Dogs on decks should be the restaurant owner's decision.
4. All rules and regulations need to be approved and adopted by the City Council as required by state law.
5. Outdoor bars should not need to be enclosed in a permanent building.

Please work with the small business owners of this community to keep Portsmouth moving forward in a progressive, prosperous, and positive direction.

Sincerely,

Michelle Lozuaway
Joshua Lanahan

Owners STREET, STREET'za, b.Bar,
b'Zaar Market & Café
801 Islington St
Portsmouth NH 03801

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Greg Mahanna (gmahanna@aaminc.biz) on Monday, October 23, 2017 at 12:10:52

address: 3 Pheasant lane

comments: Pheasant Lane Homeowners Association
10 Pheasant Lane
Portsmouth NH 03801

October 23, 2017

Mayor Jack Blalock
Portsmouth City Council

Hello,

I represent the Pheasant Lane Homeowners Association (PLHOA) as the current Board President.

We are writing to express our OPPOSITION to the proposed expansion of the Gateway Mixed Zoning area, specifically, the inclusion of the St James church property in the mixed-use expansion.

The St James parcel is bordered on 2 sides by residential single-family development. The Pheasant Lane neighborhood occupies the entire eastern border. Elwyn Park is on the northern border. The proposal to change the zoning from single family (B) is inappropriate for that area based on increased noise, increased traffic and wetlands watershed onto the area east of Pheasant Lane. The only access to the property is directly onto RT1 in an area where it is already difficult to turn south the majority of the time, particularly due to the increased current use of West Road due to expansion at Community Campus. Pheasant Lane homeowners deserves the same consideration granted to residents of Elwyn Park and Echo Avenue.

The parcel is currently under contract and has received two key variances for a MUCH LOWER impact residential development. There is absolutely no reason that this parcel be THE ONLY parcel added to the northeaster end of the Gateway expansion.

We respectfully request that the St. James Parcel be removed from the Gateway mixed use zoning expansion plan.

Greg Mahanna
President
PLHOA

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by David Hudlin (dhudlin@hotmail.com) on Saturday, October 28, 2017 at 08:13:48

address: 260 Miller Ave

comments: Council,

Below is an email I sent to both the City Assessor and Deputy City Manager on 10/18. I've yet to get a response. It's apparent that people are avoiding the issue and not responding to taxpayer demands. You, the city Council, asked the City Assessor almost 2 months ago during a "special" session to provide a breakdown of commercial assessments by BOTH commercial property category AND neighborhood so we could see the percentage increase across the commercial tax base. (as was done for residential). WHERE IS THIS DATA? Why hasn't it been presented? What are they hiding?

Mr. Hamilton of the DRA stated that Rockingham county assessments increased 2.8% from 2015-2016. Portsmouth assessments increased the same annually. HOW IS THIS POSSIBLE? According to the CBRE data, Portsmouth is the strongest market and outperforming all others.

Rosanne,

I emailed Mr. Hamilton a set of questions, the same questions I've been asking for the past two months. It seems, based on his response below that we continue to go circular. As he notes below, "Your specific questions seem to be most appropriately directed to the City and the appraisers that have made these estimates. I have provided the answers to your general process questions below."

1. Where in this process is there an actual validation of the factors/assumptions used in Mr. Traub's model? It's not being done by the DRA
2. When are we, the taxpayers, going to be allowed to ask questions directly to Mr. Traub? As Mr. Hamilton points out, these questions can only be answered by him.

Mr. Hamilton mentions that as the DRA "We will not be conducting a review appraisal (determining mass appraisal results independent of the appraiser). That kind of direct appraisal analysis is well outside of the statutory process of monitoring. We will be comparing the resulting values against arms-length sales of similar property to understand appraisal accuracy and precision of the appraisal results".

Comparing values against "arms length sales" doesn't sound like an exhaustive validation of the appraisal. The DRA is all about the "process", not validating the actual assumptions.

It seems obvious that there simply isn't any actual validation of the appraisal. It all gets back to Traub's model and assumptions, which to date haven't been explained to the taxpayers or the City Council and we've not been allowed to ask questions directly to the individual responsible.

Dave

From: Hamilton, Stephan [<mailto:Stephan.Hamilton@DRA.NH.GOV>]
Sent: Tuesday, October 17, 2017 8:30 AM
To: Hudlin, David J. <david.hudlin@thermofisher.com>
Subject: RE: Portsmouth 2017 Commercial Assessments

Dear David:

As I stated last night, my presentation and the questions that I can answer are about the process of revaluation, and the monitoring that DRA undertakes.

I will not be able to answer any specific valuation questions, as I have not undertaken the mass appraisal of the City of Portsmouth.

Your specific questions seem to be most appropriately directed to the City and the appraisers that have made these estimates. I have provided the answers to your general process questions below.

I hope that the presentation that I made was helpful to you and other taxpayers.

Sincerely,

Stephan W. Hamilton, Director
Municipal and Property Division
NH Department of Revenue Administration
P.O.Box 487
109 Pleasant Street
Concord, NH 03302-0487
(603) 230-5960

Dear Stephen,

It was good to talk to you. I appreciated your time. I have some follow up questions/comments that I'm hoping you can respond to:

1. In your presentation you mentioned that the Rockingham County commercial assessments increased approx. 2.8% from 2015-2016.

Questions:

- a. Do you know how many of those municipalities actually had a commercial revaluation? I'm wondering if this increase is a true representation of the market based on actual market data or the result of municipalities applying a general inflationary increase during this period.
- b. Would we expect the Portsmouth/Seacoast market to be appreciating at the same rate as the overall Rockingham county market?

The overall change in the County was used to demonstrate the general trend within the relatively large set of individual communities. As I stated, these are gross numbers that one could use to infer the general direction of value changes, but no direct correlation is possible to any community.

2. The Portsmouth revaluation resulted in an overall 6% increase from 2015-2017. I compared the 2015 assessment to the 2014 commercial valuation, and the assessments increased 17%. This would suggest that there was a significant change in the market resulting in a deceleration of the rate of appreciation

Questions:

- a. When reviewing Mr. Traub's model and assumptions such as vacancy rates, rents per sqft, investor confidence etc, will you be comparing it to the 2015 assessment to determine what changed and why?

b. Will you be comparing Mr. Traub's data to that of sources such as CBRE to see if general assumptions align with market data?

The comparison to the prior appraisal results is not a mass appraisal technique. We will not be conducting a review appraisal (determining mass appraisal results independent of the appraiser). That kind of direct appraisal analysis is well outside of the statutory process of monitoring. We will be comparing the resulting values against arms-length sales of similar property to understand appraisal accuracy and precision of the appraisal results.

3. I've attached the 2016 CBRE seacoast/Portsmouth market outlook for office and industrial. As you can see from the data, the factors driving value have all continued to strengthen since 2015 and in fact are at their highest levels since 2011. You can see that the market outperforms other commercial markets.

Question:

a. Is it reasonable to expect that the rate of appreciation in the Portsmouth market, given the market data, would be similar to Rockingham county as a whole?

As I stated earlier, that type of analysis is well outside of our role, and is an answer that I cannot provide.

4. In your presentation you mentioned the importance of location in determining value. Attached is an excel file representing 140 commercial properties representing \$1.5B in assessed value. In the first tab you will notice a subtotal of "In-Town" properties.

Question:

a. If location is a critical component, why would downtown properties have appreciated 6.6%, almost identical to the overall city assessment? Why wouldn't location drive value at a higher rate as it does with residential properties?

I will not be reviewing any of the individual appraisal results for you.

Thank you for your time

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Michael De La Cruz (Mike@FranklinBlock.com) on Tuesday, October 31, 2017 at 11:12:55

address: 75 Congress Street, Suite 306, Portsmouth, NH

comments:

The Ben Franklin Block Buildings
"An Historic Center of Commerce and Living"
75 Congress Street, Suite 306
Portsmouth, NH
603-601-0944

Date: 10.30.17

Re: Need for parking provisions that support the historic buildings and lots. Feedback on Draft 3 of Proposed Parking Requirement Changes Discussed 10.16.17

To: Portsmouth City Council Members
From: Michael De La Cruz
Owner (Ben) Franklin Block Buildings

Dear City Council Members,

At the last "pre-council meeting" on 10.16.17, I spoke to all present Council members about some of the problems which the existing buildings in the Historic District have when trying to comply with both the existing and proposed parking regulations. (Other citizens from outside the historic district cited different reasons why stricter zoning on parking is not helping them.)

I am writing this letter to summarize some of that discussion, and to elaborate on the discussion points as requested.

Background: There is great need to help existing Historic buildings provide usable parking spaces on existing historic lots. These comments may also apply to other areas in Portsmouth which have these smaller older lots and historic buildings. Many of the lot lines in the historic district are several hundred years old and predate automobiles and those odd lots significantly add to and create much of the charm of the district. Simply demolishing one side of a historic building to build a parking lot is both very difficult and also, not allowed. As such, mandating parking for ANY of the common use of residential or business for historic buildings within the historic district becomes very, very difficult to comply with. Our world is changing very rapidly, as Portsmouth is. Rotating and changing the use/occupancy within historic buildings is the primary way to keep them viable as time and society grow and change. Yet, insisting on parking requirements for the older buildings as well as strict parking design requirements (Designed to accommodate municipal or mall lots) when placed upon the older Historic buildings is difficult, and most times, impossible to meet for even the lowest of parking space requirements. The older historic buildings are extremely expensive to preserve and are required to compete with the brand new, very large modern buildings that are being allowed in and around the historic buildings, and on large lots. These large lots and large buildings are certainly significantly effecting the charm of the Historic area that many of us have labored for decades to preserve. Being required to build parking spaces and maneuvering lanes for the largest of American cars, on private lots, is counterproductive in providing parking spaces in an already tight non-conforming historic community. The same all encompassing parking requirements that are being required of the new large lot buildings, and also being placed upon the historic buildings, further stresses their long term viability. As I have repeatedly spoken about over the last decade, as time goes on, many of the few remaining historic buildings will need to have residents with vested interests dwelling in them to absorb the very large costs to keep 100+ year old buildings going, not to mention complying with the ever more expensive current building and fire codes.

Commercial tenants don't have to care about historic buildings as their interests are not vested in the historic nature of the building only in the general location which can be fulfilled in a new building.

I strongly believe that (A) support for the remaining historic buildings should be demonstrated by the City Council by eliminating, or at worst, significantly reducing parking requirements for residential, office, retail, and restaurant use for historic buildings within the limited Historic district. Also, (B) flexibility must be incorporated into any parking area design regulations applied to the Historic district. This flexibility in design standards must be drafted to realistically support the inclusion of parking spaces that can be reasonably created at or near the historic buildings within the historic district. This type of flexibility is done in cities by eliminating parking requirements for all typical and desired uses in the historic district, not specifying a maneuvering lane, and, allowing shorter full size spaces, tandem and compact spaces, and narrow lane access to parking areas.

I do strongly support the reduced ½ space allowance for micro residential units. But not increasing the number of parking spaces for residential units beyond 1.5 spaces, in general. Many average, two bedroom units are about 1250 SF; so why further burden even these modest size units. Most Portsmouth units rent or sell with none or one space unless they are the highest end luxury units. Certainly 1850 SF and above begins to suggest larger units. Portsmouth is working to develop a walking and living downtown area. Public transportation, ride sharing, Lyft, zip cars, and new automotive technology being developed BY ALL CAR MANUFACTURERS are helping to reduce the need for parking in general, and use smaller maneuvering lanes and shorter space lengths within parking areas.

The following is a basic list of Flexibilities that need to be incorporated into the allowable design of parking areas within the Historic District as follows to facilitate the addition of within the Historic District:

(1) Private assigned parking spaces that are accessed with tighter maneuvering lanes;

The maneuvering lane specified in the ordinance is way, way too strict for parking within a historic area. In our downtown, and in surrounding towns, one will find numerous examples of safe public parking lots which use narrow maneuvering lanes. Many times 18' or 19' wide. Sometimes only 17' wide. These lots may have spaces stripped with 15' to 17' long spaces and a 20' wide travel lane yielding effective maneuvering lanes of 18' to 19'. One quickly sees that both spaces shorter than 19' long and maneuvering lanes 18' to 20' are very common and quite safe. You will find these dimensions in use on Bi-direction maneuvering lanes as well. (Examples- Peoples Bank on State street, CVS, the old public library, ect.) Many cities, including Boston do not specify a maneuvering lane size for this and other reasons.

(2) A provision for shorter 17' or 18' standard parking spaces, in private lots, that reflect the fact that 85% of cars are 16'-10" or less in length (as per Walker Parking Consultants);

Public lots around the area will many times show space stripping of less than 18'. Many times 15' to 17'.

For private lots, there is, for example, little reason that the 19' length for a standard space could not be 17' or at most 18' in the historic district. The property owner can then decide if they wish to make a few of the spaces large for the small percentage of larger vehicles or to not allow the very large cars. Our country and the world are, in general, moving to more compact sized automobiles. Walker Parking Consultants sites that 85% of US cars are shorter than 16'-10" in the USA.

(3) Parking spaces for compact and subcompact smaller cars;

If you look around while you are at parking lots you will see that in many cases that about half of cars are now what is considered compact. (In cities, the percentage can be higher.) That is, a car that will fit into a parking space of about 15' long. Most cities now have a provision for 25 to 40 percent of parking spaces allowed to be compact – 15' x 8' or 8.5'. In almost all design layouts for historic building lots, compact spaces will greatly aid in providing more parking spaces.

(4) Tandem parking for both full size and compact cars;

Before the large nationwide shift to developing more parking spaces by utilizing the large number of compact cars available, cities utilized tandem parking for that purpose. Tandem parking is where one car parked behind another in a line. This is typically seen in residential driveways and company parking lots. The two (and sometimes three small) car owners establish an arrangement between themselves as to when, whom, and how they move cars. This works well for office workers, residents of the same unit AND residents of the same building; and even by simply sharing keys to one another's cars, for folks that simply share that space, as is frequently done in Boston.

Tandem spaces should be reduced in length from 38' to 36' for two full sized cars, and keep the current 8.5' wide parking space width. (Note: 85% of cars parked in tandem will stack 33'-8", and leaving 1'4 for extra room brings the total to 35'.) In terms of width, the longer depth of the parking space does not impede the deeper cars driver from exiting the space. It only provides greater ease of parking, as any wider space provides. Increasing the width of a tandem space to 9' makes the space somewhat more comfortable to access but does not help increase the number of parking spaces. I would suggest that the lot designer would inform the owner during the design process of the comfort or luxury factor of wider spaces. In a similar way that a 19' or 20' space provides a luxury factory in a lot design. Equally important with tandem spaces is the flexibility to allow for two compact spaces, or, one full size and one compact space, in tandem. Both of these configurations are common in residences. A tandem space for two compact cars would be between 30' and 32' long; and for a compact and a full size tandem space about 33 or 34 feet long.

(5) Reasonable use of narrower bi-direction travel lanes to access parking areas from the street;

Accessing parking areas with narrower/single travel lanes into and out of parking areas should be allowed with reasonable attention paid to safe use with lane control systems, or simple means to pull over and allow one car to exit or enter. We see the bi-direction access/exit of narrow or single lane driveways all over the historic district. This provision is very important for the historic district because of the need to preserve the character of both the historic lot and the building with small parking entrances. Failing to do so creates the feeling of driving up to a mall like parking lot stuck in the historic district. (Example- the entrance to Portwalk parking area.)

(6) Seven foot tall ceiling heights in parking area for handicap spaces within the historic city district not 8'tall.

The handicap spaces certainly can be shown to be quite useful at at 7' ceiling level rather than 8'. The city's garage is 7'2".

In summary, our current parking design criteria applies to both large municipal and grocery plaza zoning as well as the smallest of lots, and is severely limiting when applied to Historic properties and buildings. An underlying assumption with the current design criteria is that there is ample parking space available in the suburbs, and, that all size cars need to be accommodated as the lot serves everyone rather than particular residents. To help preserve the few historic buildings that are left in the Historic district, the City Council should support the enormous effort in the ongoing preservation of these Historic buildings by (1) eliminating all parking requirements for residential, business, and restaurant use; and (2) allow and implement flexible parking area design standards which encourage the realistic design of some parking for these historic properties and in the Historic District.

I am available for further discussion in person, by email or phone, as requested. A copy of this letter is being mailed, as well, for easy reading.

Sincerely Yours,
Michael De La Cruz
includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (ml259@comcast.net) on Monday, November 13, 2017 at 11:45:36

address: 259 South St

comments: I gasped when I saw the rendition of proposals for the McIntyre building and was appalled at the scope of the plans. Massive and impactful.

To start with, what happened to the plan to keep the postoffice in that space?

I hope your meeting this eve is one of many to review developer's ideas. Certainly, any of the present proposals will drastically change that entire section of Portsmouth. Really, do we want Boston here in our beautiful city? Who can afford to live here?

Please make your decisions carefully and with great deliberation. We do not need to rush because developers are chomping at the bit.

Thank you.

Mary Lou McElwain

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Vanessa B. Moran (bottecellis87@gmail.com) on Tuesday, November 14, 2017 at 16:55:31

address: 18 Beechstone, Apt. 6

comments: Good evening,

I was wondering if the State of NH or City of Portsmouth was or is helping the Victims of Hurricane Maria that affected Puerto Rico. My parents were forced to relocate to Portsmouth but are having difficulty finding a place to live among other help they may need. Please if you could call me at (580) 514-2258 or email me atbottecellis87@gmail.com. Thank you.!

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Steve Bergeron (steve@bergeronappraisal.com) on Tuesday, November 14, 2017 at 10:55:25

address: 199 Wibird Street

comments: After reviewing the proposals submitted, to date, for the McIntyre Federal building, it occurred to me that partitioning the larger 2.14 acre site into smaller parcels may be in the city's best interest. I encourage the City Council to create a master plan for the McIntyre Federal Building site according to the city's vision. In my opinion, the Federal Building site is too large and centrally located in downtown Portsmouth to be designed by a single developer. Once a master plan is agreed upon, the city can solicit RFPs from developers for each individual component, or "pad" site, while retaining the city's rights to create green space, as desired. This will give the city greater control of the mix of development, location of parking, the green/open space, and the scale of development. Soliciting RFPs for smaller "pad" sites would also allow local developers the opportunity to submit bids on portions of the project, rather than handing control of the entire project over to a larger developer from outside of the region.

Additionally, with this development opportunity, I would like to see the city strive to remain a working 9 to 5 downtown by promoting the development of offices, and not only hotels and residential condos.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Erik Anderson (andy42152@aol.com) on Friday, November 17, 2017 at 06:53:38

address: 38 Georges Terrace

comments: Dear Councilors

The recent discussion on the variety of consultants in regards to the McIntyre Building prompted some thought and questions that I hope would solicit a reply. To the point

1) What dollar limit does the City manager have to hire consultants, vendors or other services without the vote of the Council and without soliciting a bidding, RFP process?

2) To date in this budget year or past budget cycles what has been spent with whatever authority exists? While other questions unfold these 2 are the basis of my inquiry and hopefully for your knowledge and Council oversight knowledge as "keepers of the gate" on fiscal matters.

With Thanks to your time, consideration and any reply.

Erik Anderson

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Cathy Baker (catherinejbaker@yahoo.com) on Saturday, November 18, 2017 at 06:39:14

address: 127 Gates St, Portsmouth

comments: Why the rush to bid out the development of the McIntyre building? Two whole acres in the strategic downtown core, next to some amazing historic assets which could be highlighted with the redevelopment. An opportunity for some rare public green-space, which will benefit residents and the tourist industry alike. As a city are we discussing what is the best use or are we rushing to sign a partner for more of the same? Another highrise hotel, with condos and/or apartments and a little retail below, built as tall as possible, to the curb. One developer speaks of 'public space' in their bar and restaurant. Reprise the Portwalk, anyone? Why no public input, charrettes and transparent analysis of the pros and cons of different uses? While Portsmouth is gaining the building for \$1, are we rushing to turn the benefit of this gift to developers rather than residents and taxpayers? Stop the bid process! I beseech the council: Seek public input, analyze the financial, aesthetic, and long-term impacts of various options and only THEN rebid the development providing parameters to the bidders that prioritize the benefit to residents & taxpayers.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Gerald Duffy (gduffy44@gmail.com) on Saturday, November 18, 2017 at 11:14:01

address: 428 Pleasant St., Unit 3, Portsmouth, NH 03801

comments: Dear City Councilors:

My wife, Effie Malley, and I support the effort to slow down the process that is already underway to decide the future of the McIntyre site.

We believe that Councilor Splaine is absolutely correct in his call for creating an overall "vision" for the project before it moves ahead. Had we conceived a broad vision for the North End prior to the surge in development, the area might look very different today. We should learn from that experience.

We also believe that this is an opportunity ripe for creative solutions that should form a vision/template into which development must fit. One idea has been to sponsor a design competition to come up with a solution that meets more of the spirit of our Master Plan and reflects the lessons of the North End. At the very least there should be an extended period and various opportunities for residents to contribute ideas and evaluate them.

We look forward to a landmark project for the future, one which might contain no hotel rooms and expensive condominiums, but a combination of elements and amenities better to the City many residents imagine and want.

Warm regards to you all,
Gerald Duffy
Effie Malley

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Eleanor Bird (birdwes3@gmail.com) on Saturday, November 18, 2017 at 13:19:27

address: 38 South St

comments: The City of Portsmouth is the recipient of an astounding gift: a two acre federal building property in the center of the city. Jim Splaine speaks for me in urging the city administrators first to create a vision for its future with a 'Portsmouth Listens' process and hear from the public.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Penny Reynolds (preynolds21@comcast.net) on Sunday, November 19, 2017 at 14:34:47

address: 21 Prospect Street

comments: I am concerned that voting this Monday on which development team we are to partner with on the development of the McIntyre building will silence the residents voice on what we want to see happen on that site.

Ever since we learned that the city would get the McIntyre building we've been promised that the residents would have a say in its development. We have not even established a vision for what we want. We also voted for 4 new city councilors who campaigned on their concern for the residents of this city. They must have a voice before any final decision is made.

I respectfully ask you to develop a more inclusive program to determine the future of the McIntyre Building.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Cathy and Bill Wansart (cathywansart@gmail.com) on Monday, November 20, 2017 at 08:16:30

address: 317 Thaxter Road

comments: We are writing to you to ask that you please slow down the process for picking a developer for the McIntyre Building. There has not been enough public involvement or exploration of ideas. We also strongly feel this all should be handled by the new council. What is the rush?? This site is in the heart of our city and needs to reflect a well thought out mission statement that we can all be proud of.

Thank you,
Cathy and Bill

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Joe Onosko (jonosko@comcast.net) on Monday, November 20, 2017 at 10:16:38

address: 27 Shaw Road

comments: Dear Councilors,

I can't say it any better than the Herald editorial;

"....rather than find a vision the entire community will embrace, city staff and a bevy of consultants have convinced the City Council it must rush to partner with a private developer to be "shovel ready" for a vacant building in December of 2018. Last week, developers submitted their visions - schemes that involve more hotels, retail space and condos, some including buildings of large scale and mass that could dwarf historic Bow Street. The council should slow the process down and spend the time needed to craft a thoughtful vision for this parcel. We think that vision should maximize public space, and put people ahead of buildings."

The last thing we need is more non-transparent, non-inclusive government decision-making and unnecessary divisiveness in this city.

You are the representative leaders of the public and the public is clearly against such a nebulous, uninformed, fast-track, non-green decision. Please allow the public and newly-elected council to participate in this monumental decision.

Sincerely,
Joe Onosko

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (ml259@comcast.net) on Monday, November 20, 2017 at 10:40:08

address: 259 South Street

comments: Recent Portsmouth Herald editorial, and Jim Splaine letter have great points that I hope are taken into consideration before going forward on any decisions for the McIntyre building. The City has waited years for confirmation that the building will belong to the City, certainly we can take the time to carefully deliberate on the future of this site. A forum similar to Portsmouth Listens, or a charrette would be welcome. As for Zagster....before renewing the contract , all the facts on usage should be in your hands. At the 11/2 Parking and Traffic Safety meeting Juliet Walker indicated she is waiting for another quarterly report from the company and that a Zagster data glitch prevented a report on specific use by zipcodes. Please wait to renew the contract if you don't have this info. And I am concerned that helmet use is not part of this program .I will elaborate on this at public comment time this eve.

Thank you.

Mary Lou McElwain

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Claudia Morner (claudia.morner@unh.edu) on Monday, November 20, 2017 at 10:59:10

address: 579 Sagamore Avenue, Unit 70, Portsmouth, NH 03801

comments: I am very concerned about the fate of the McIntyre building and would like to ask you to consider deferring a decision right now and taking a step backward to spend time talking to citizens and deciding on what to do with the property. I don't think the city needs an additional hotel in this very important site. Thank you.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Lucy Salyer (lesalyer@gmail.com) on Monday, November 20, 2017 at 11:24:55

address: 1 Kane Street, Portsmouth, NH

comments: To the Portsmouth City Council, I am writing to urge the council to delay the decision on the McIntyre building until there has been greater opportunity for the public to deliberate on future uses of the property. I agree 100% with the editorial in the Portsmouth Herald on Nov. 17. We need to slow down and consider the best possible use of a very valuable and rare piece of property.

thank you,
Lucy Salyer

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by David Witham (withamarchitecture@gmail.com) on Monday, November 20, 2017 at 11:59:45

address: 238 Walker Bungalow Road

comments: Dear Councilors,

I unfortunately am unable to attend this evening's meeting but want to express my sincere reservations with the path the McIntyre project is on. I have gone through all three proposals and am extremely dismayed with what has been presented to date. I however am reluctant to put the blame solely on the developers but rather the City itself for whatever vision we have as a community for the site has clearly not been conveyed in the RFP.

I selfishly can share that for the past 10 years I have hoped to be on a City's Blue Ribbon Committee for the future development of this site as we are a City that loves it committees and wonder how one was never formed. I also find it rather alarming the most significant project in the City's recent history seems to have very little thought behind it to date in regards to this being a "community" project. I realize the developers were made aware that "public space" was important but I don't feel any of the projects proposed to date capture this. Simply providing sidewalks and outdoor seating at a venue that requires a "purchase" does not meet the spirit of our community's desire to have a place we can call our own. I don't fall in the camp that would like something akin to a Central Park but I do feel the answer is somewhere in the middle.

I respectfully "beg" this Council to move cautiously and not commit this valuable piece of land that is waiting in the wings to a continuation of what has already been built in the last ten years. This project has the potential to be a win-win for all parties involved and from what I can see of the plans to date the community is on the short end of the stick. We will never have this chance again. This site should become a special place that the community as a whole is drawn to, a place to gather or just sit and watch a vibrant place breathe.

Please slow down the train, if we get this wrong I truly believe the community will never forgive (such as with the Urban Renewal failed plans) nor forget. Though time may not permit, I also strongly support local architect's Steve McHenry's notion that a design competition could generate the best possible outcome.

Respectfully submitted,
David Witham

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Kerry Vautrot (advocates@portsmouthhistory.org) on Monday, November 20, 2017 at 12:34:28

address: 10 Middle Street Portsmouth, NH

comments: Dear Mayor Blalock and Councilors,

Acquiring the McIntyre parcel has been Portsmouth's Great White Whale and we are concerned that the process is moving too fast--without a defined direction--out of fear that the prize will continue to elude us. Without a well-defined goal for the site, the City is jeopardizing the character of our historic downtown by allowing the "best and highest" development value. We agree with Councilor Dwyer that the proposals emphasize revenue above all else, and believe that now is the time to correct that assumption by providing more information. Furthermore, as demonstrated by the fact that two out of the three proposals show the removal of the Post Office wing, assumptions about historic preservation responsibilities also need to be clarified.

Located within both the local and National Register of Historic Places Historic Districts, this parcel, which contains a historic building, is incredibly sensitive. As the historic preservation advocacy arm of the Portsmouth Historical Society, Portsmouth Advocates encourages the City Council to engage in a meaningful dialog and visioning process with its citizenry now in order to inform the selection process. This information will empower you to craft the questions needed to interview the prospective partners, or as allowed by the RFP, request that they further refine their proposals for consideration prior to final selection.

Thank you for considering our comments.

Kerry Vautrot, Chair
Portsmouth Advocates
of the Portsmouth Historical Society

includeInRecords: on

Engage: Submit

Pheasant Lane Homeowners Association
10 Pheasant Lane
Portsmouth NH 03801

October 23, 2017

Mayor Jack Blalock
Portsmouth City Council

Hello,

I represent the Pheasant Lane Homeowners Association (PLHOA) as the current Board President.

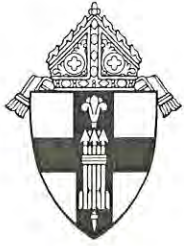
We are writing to express our OPPOSITION to the proposed expansion of the Gateway Mixed Zoning area, specifically, the inclusion of the St James church property in the mixed-use expansion.

The St James parcel is bordered on 2 sides by residential single-family development. The Pheasant Lane neighborhood occupies the entire eastern border. Elwyn Park is on the northern border. The proposal to change the zoning from single family (B) is inappropriate for that area based on increased noise, increased traffic and wetlands watershed onto the area east of Pheasant Lane. The only access to the property is directly onto RT1 in an area where it is already difficult to turn south the majority of the time, particularly due to the increased current use of West Road due to expansion at Community Campus. Pheasant Lane homeowners deserves the same consideration granted to residents of Elwyn Park and Echo Avenue.

The parcel is currently under contract and has received two key variances for a MUCH LOWER impact residential development. There is absolutely no reason that this parcel be THE ONLY parcel added to the northeaster end of the Gateway expansion.

We respectfully request that the St. James Parcel be removed from the Gateway mixed use zoning expansion plan.

Greg Mahanna
President
PLHOA



DIOCESE OF MANCHESTER
Secretariat for Temporalities

received
10/26/17

October 24, 2017

Honorable Jack Blalock
Mayor's Office
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Expansion of Gateway Corridor

Ladies and Gentlemen:

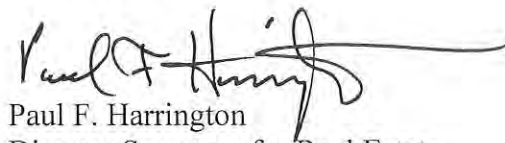
It has come to our attention that the City of Portsmouth is considering adding the parcel of land owned by us and located at 2075 Lafayette Road to the Gateway Corridor. This parcel is currently zoned SRB.

We respectfully request that this parcel NOT be included in, and be removed from, the Gateway Corridor Zone. While it is true that the parcel has frontage on Lafayette Road, most of the abutting land is currently zoned SRB and is already developed as residential.

As you may know, the Diocese is under contract with Stonegate New Hampshire Construction/Eric Katz to purchase the property and develop it as residential. The Diocese has approved the plans proposed by Mr. Katz, as have many neighbors. As I understand it, placing our parcel in this Gateway Corridor may require that the project – which has been approved by us, the neighbors and the Zoning Board – to be redesigned. In choosing a party to sell land to, it was important for the Diocese to find a buyer who was willing to design the project with the neighborhood in mind. We believe Mr. Katz has respected the residential character of the neighborhood and designed a project that transitions well from the largely single family neighborhood to Lafayette Road.

Thank you for your consideration of this matter.

Very truly yours,


Paul F. Harrington
Director Secretary for Real Estate

Cc: John P. Bohenko, City Manager

Sept. 25
August 7, 2017

Request for Release of Paper Street



I, Neil Robinson owner of property 170 Swett Ave request for a quit claim from the City of Portsmouth NH to release its interest in the "paper street" portions of Moffat Street adjoining our property at 170 Swett Avenue.

The lots and streets in this subdivision originated in 1902 as Prospect Park. The area of Moffat Street has remained undeveloped due to being mostly wetland south of the 170 Swett Ave property.

The area mentioned has been maintained by me for the last 32 years to keep the weeds and vines from encroaching onto my land.

Map-Lot 243-15.

Thank you, Neil Robinson


603-433-4617

nerometalart@comcast.net

swett



Property Information	
Property ID	0243-0015-0000
Location	170 SWETT AVE
Owner	ROBINSON NEIL H JR

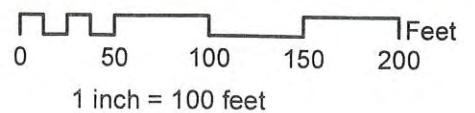

 MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT
 City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
 Parcels updated 4/1/2016
 Properties updated 09/12/2017

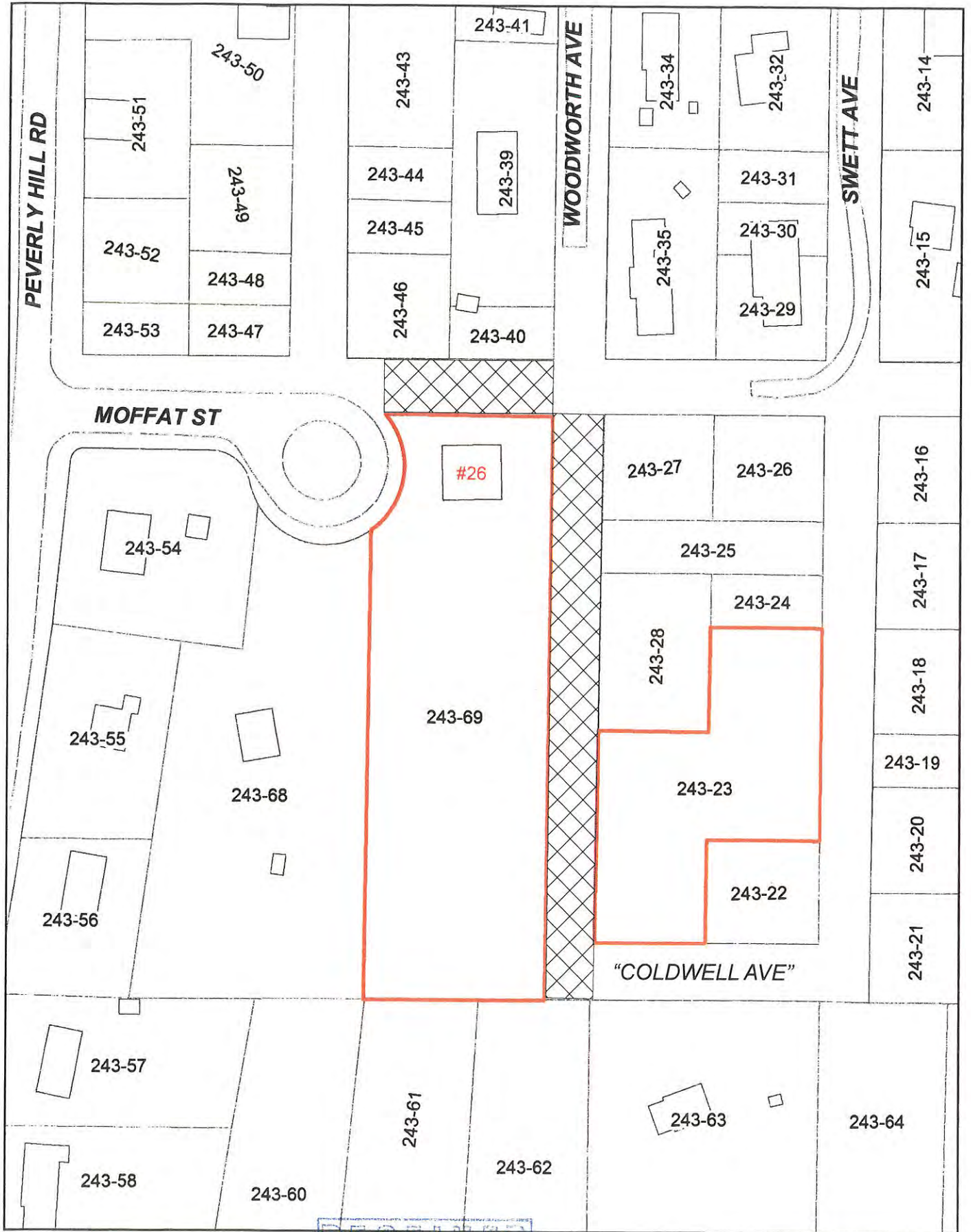




26 Moffat Street & Swett Avenue

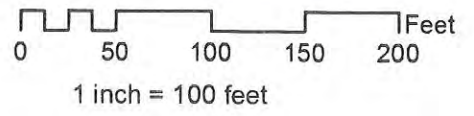
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26 Moffat Street & Swett Avenue

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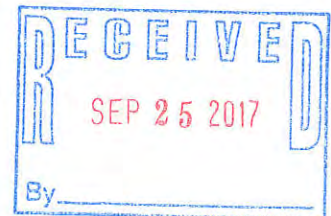
Swett Ave / Moffat Street



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Parcels updated 4/1/2016
Properties updated 09/12/2017





November 20, 2017

PROMOTE. PROTECT. EDUCATE.

Honorable Mayor Blalock
Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor Blalock,

I am writing to you today in follow up to the ongoing effort to update Chapter 4, Articles I-V of the ordinances of the City of Portsmouth – commonly referred to as the adoption of the 2009 FDA Food Code with proposed amendments.

At the last City Council meeting on October 16 the City Staff agreed to meet with representatives of NHLRA and restaurant representatives to discuss the amended language that we had submitted to the City Council in advance of the October 16 meeting. I am happy to report that the meeting was held on Thursday November 9 and it was a cordial and productive meeting. I received amended language from the City Staff on Tuesday November 14 and it appears that we have come to agreement in some areas. That said we do still have a couple of concerns that are outlined in the attached document with the City staff's proposed language in blue and our comments and suggestions in red.

It is my feeling that we have made good progress and hope that you will consider adopting the few small outstanding changes that we have suggested in addition to items that we have reached agreement on with City Staff. Thank you for considering this request and hearing our concerns and I look forward to answering any questions you may have.

Sincerely,

Mike Somers,
President and CEO
New Hampshire Lodging & Restaurant Association

1
2 ORDINANCE #

3
4 THE CITY OF PORTSMOUTH ORDAINS:

5
6 That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be
7 stricken in its entirety and replaced with the following:

8
9 **CHAPTER 4**

10 **ARTICLE I FOOD LICENSING AND REGULATIONS**

11 **Section 4.101 Adoption of the FDA 2009 Food Code**

12
13 That a certain document, three copies of which are on file in the office of the City
14 Clerk of the City of Portsmouth, New Hampshire being marked and designated as the
15 Food Code, 2009 Recommendations of the United States Public Health Service/Food
16 and Drug Administration and Annexes "FDA Food Code" as published by the U.S.
17 Department of Health and Human Services, Public Health Services, Food and Drug
18 Administration be, and is hereby adopted, subject to the following amendments,
19 additions and deletions.¹

20
21 If specific provisions of the FDA Food Code are not referenced below, the text
22 remains as written.

23
24
25 **Section 4.102: Amendments, Additions and Deletions to Food Code**

26
27 *Change subsection to read as follows:*

28 **1-201.10 Statement of Application and Listing of Terms.**

29
30 "Temporary food establishment" means a food establishment that operates for a
31 period of no more than 3 consecutive days in conjunction with a single event or
32 celebration.

33
34
35 *Add sentence at the end of paragraph to read as follows:*

36 **1-201.10 Food Establishment.**

37
38 (2) (B) These facilities must be in compliance with Portsmouth Health
39 Department's Guidelines.

40

¹ For a copy of the FDA Food Code, 2009 go to
<https://www.fda.gov/food/guidanceregulation/retalifoodprotection/foodcode/ucm2019396.htm.foodcode2009>

41 ALL city regulations must be passed by the city Council to be enforceable as required by RSA

42 147:

43 147:1 Local Regulations. --

44 I. The health officers of towns may make regulations for the prevention and removal of
45 nuisances, and such other regulations relating to the public health as in their judgment the
46 health and safety of the people require, which shall take effect when approved by the
47 selectmen, recorded by the town clerk, and published in some newspaper printed in the town,
48 or when copies thereof have been posted in 2 or more public places in the town. (emphasis
49 added).

50
51 See also 13 P. Loughlin, New Hampshire Practice, Local Government Law § 709, at 19-8 (1995).

52
53 Calling the regulations of the Health Department “guidelines”, but saying “These
54 facilities must be in compliance with Portsmouth Health Department’s
55 Guidelines.” Makes them in fact regulations. If they are regulations, the Council
56 must, as a matter of NH law, pass them to be enforceable. If they are just
57 “guidelines” then the ordinance cannot also say that facilities “must” be in
58 compliance with guidelines.

59
60
61
62
63 *Delete following subsections:*

64 **1-201.10 Food Establishment.**

65
66 (3) (e) – (g) *Delete*

67
68
69 *Change subsection to read as follows:*

70 **3-301.11 Preventing Contamination from Hands.**

71
72 (B) Except when washing fruits and vegetables as specified under 3-302.15
73 Food Employees may not contact exposed, READY-TO-EAT FOOD with
74 their bare hands and shall use suitable UTENSILS such as deli tissue,
75 spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

76
77 (D) *Delete*

78
79
80 *Delete following subsection in its entirety:*

81 **3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for**
82 **Safety Food), Original Container.**

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Delete following subsection:

3-306.12 Condiments Protection.

(B) *Delete*

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) *Delete*

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) *Delete*

(C)(6) *Delete*

(D) *Delete*

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

128 (A) Digital food temperature measuring devices shall be provided and readily
129 accessible for use in ensuring attainment in maintenance of food
130 temperatures as specified under Chapter 3.
131

132

133 *Add new subsection to read as follows:*

134 **4-302.13 Temperature Measuring Devices, Manual Warewashing.**
135

136

136 (B) In hot water mechanical WAREWASHING operations, an irreversible
137 registering temperature indicator shall be provided and readily accessible
138 for measuring the UTENSIL surface temperature.
139

140

141

141 *Change subsection to read as follows:*

142 **4-501.16 Warewashing Sinks, Use Limitation.**
143

144

144 (A) A warewashing sink may not be used for handwashing as specified under
145 §2-301.15, and drawing potable water, wash produce, or thaw foods.
146

147

148

149

150

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152

152 *Delete following subsections:*

153 **4-603.16 Rinsing Procedures.**
154

155

155 (C) *Delete*

156 (D) *Delete*

157 (E) *Delete*
158

159

160

160 *Change subsection to read as follows:*

161 **5-104.12 Alternative Water Supply.**
162

163

163 Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-
164 103 shall be made available for a mobile facility, for a temporary food
165 establishment without a permanent water supply, and for a food establishment
166 with a two hour interruption of its water supply through:
167

168

169

169 *Change subsections to read as follows:*

170 **5-203.11 Handwashing Sinks.**
171

171 A handwashing sink shall be located within 20 unobstructed feet:

172

172 (A) To allow convenient use by employees in food preparation, food
173 dispensing, and warewashing areas; and

173

174 (B) In toilet rooms.
175
176

177 *Change subsection to read as follows:*

178 **5-501.12 Outdoor Enclosure.**
179

180 (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall
181 be constructed of durable, and cleanable materials with tight-fitting lids,
182 and in a clean and cleanable manner, that does not attract pests.
183

184
185 *Add new subsection to read as follows:*

186 **6-202.15 Outer Openings; Protected.**
187

188 (F) Permanently located outdoor beverage bars shall be fully enclosed during
189 non-operating hours with a sturdy, permanent structure capable of
190 withstanding wind, weather, be rodent, bird, insect-proof, and seal out any
191 and all intentional and unintentional sources of contamination and
192 adulteration. If adequate protection can be provided by other effective
193 means a variance may be issued pursuant to 8-103.10 through 8-103.12.
194
195
196

197 COMMENT: Portsmouth is the ONLY JURISDICTION in the State of New Hampshire
198 that is seeking to prohibit this common practice, without epidemiological evidence to
199 support its claim. The 2009 FDA Food Code does not require the enclosure of outdoor
200 beverage bars. New Hampshire law does not require the enclosure of outdoor beverage
201 bars. This is being proposed as a new section to the Portsmouth health code because it
202 does not currently exist as a requirement under Portsmouth, state or federal law. None
203 of the other 14 self-regulating cities and towns in New Hampshire has a requirement for
204 enclosure of outdoor bars. The preamble to the federal 2009 food code recognizes
205 alternatives that accomplish the goal of safety: "Alternatives that offer an equivalent
206 level of public health protection to ensure that food at retail and foodservice is safe are
207 recognized in this model." Additionally, requiring enclosure of outdoor bars conflicts with
208 city laws. Current Portsmouth zoning laws do not allow single-story structures and there
209 is no guarantee that a variance would be allowed for a single story structure. The cost of
210 enclosing outdoor beverage bars would be significant and possibly prohibitive if the
211 structure is built to International Building Code rather than seasonal awnings.
212

213 *Change subsection to read as follows:*

214 **6-303.11 Intensity.**
215

216 The light intensity shall be:

217 (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above
218 the floor, in walk-in refrigeration units and dry food storage areas and in
219 other areas and rooms during periods of cleaning;

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Change subsection to read as follows:

6-501.115 Prohibiting Animals.

- (A) Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment, unless allowed by variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

Delete following subsection:

7-202.12 Conditions of Use.

- (A) (2) *Delete*

Change subsections to read as follows:

8-101.10 Public Health Protection.

- (B) (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition and used as intended by the manufacturer;

Change subsection to read as follows:

8-103.11 Documentation of Proposed Variance and Justification.

- (C) A HACCP plan if required as specified under 8-201.13(A) that includes the information specified under 8-201.14 as it is relevant to the variance requested, and reviewed by a 3rd party acceptable to the Health Department or Special Process Review if requested.

Add new subsection to read as follows:

8-201.11 When Plans Are Required.

- (D) Change of owner.

Delete following subsections:

8-201.12 Contents of Plans and Specifications.

- (B) *Delete*
- (D) *Delete*
- (E) *Delete*

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Add new subsection to read as follows:

8-201.14 Contents of a HACCP Plan.

- (F) Verified by a qualified 3rd party reviewer acceptable to the Health Department if requested.

Delete following subsection:

8-404.11 Ceasing Operations and Reporting.

- (B) *Delete*

Delete following subsection:

Annex 2009, Annex 1, Sections 8-905.10 through 8-908.20 and replace with the following:

Section 8-905.10 FOOD LICENSING BOARD OF APPEALS

SECTION 8.905.11 GENERAL PURPOSE AND DUTIES OF THE BOARD OF APPEALS

In order to hear and decide appeals from the denial, suspension or revocation of a Food License made by the Health Officer or Health Department staff, there shall be created a Food Licensing Board of Appeals. The members of the Board of Appeals shall be appointed by the City Manager for a term of two years from the date of appointment.

SECTION 8.905.12 LIMITATION OF AUTHORITY

An appeal shall be based on a claim that the Health Officer or Health Department staff improperly interpreted or applied the 2009 FDA Food Code as adopted in this Chapter. The Board may hear and decide appeals from the denial, suspension or revocation or a Food License but shall have no authority to waive requirements of the 2009 FDA Food Code as adopted in this Chapter.

SECTION 8.905.13 COMPOSITION AND QUALIFICATIONS OF BOARD MEMEBERS

8.905.13.1 The Board of Appeals shall consist of 3 voting members who are not employees of the City. The Board shall consist of three members who have the following qualifications:

One member shall be a current or former Health Officer, Health Inspector or Environmental Health Specialist with knowledge of and experience applying the FDA Food Code; and

One member shall be a current or former doctor or nurse practitioner or nurse with public health experience; and

One member shall have experience as a Restaurant Manager or Food Service Manager.

305 8.905.13.2 Alternate members. The City Manager may appoint an alternate for each
306 Board member with the same qualifications for each position listed above. The Board
307 Chairperson may call alternative members to hear appeals during the absence or
308 disqualifications of a member.

309 8.905.13.3 The Board shall adopt policies and procedures necessary to carry out its
310 duties and be subject to all conflict of interest and ethics rules of the City of Portsmouth.

311 **SECTION 8.905.14 TIMING FOR APPEAL**

312 The application for an appeal shall be filed on a form obtained by the Health Department within
313 ten (10) days after the receipt of a denial, revocation or suspension of a Food License from the
314 Health Department.

315 **SECTION 8.905.15 PROCEDURE FOR HEARING AND DECISION**

316 8.905.15.1 The Board shall meet within 15 days of the receipt of an appeal.

317 8.905.15.2 The appellant, the appellant's representative, the Health Officer and other
318 City staff or any person whose interests are affected shall be given an opportunity to be
319 heard.

320 8.905.15.3 The Board's decision shall be in writing and shall be issued within 5
321 business days after the hearing.

322 8.905.15.4 Any decision of the Board may be appealed by the appellant or the City to
323 the Superior Court.

324
325 *Add the following as first paragraph of subsection:*

326 **Annex 2009, Annex 7, Model forms Guides and Other Aids.**

327
328 Model forms are adopted as amended by the Portsmouth Health Department.

329 330 331 **Section 4.103 Adoption of Specific Parts He-P 2300, as amended:**

332
333 Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary
334 Production and Distribution of Food ("He-P 2300") published as of the date this Chapter
335 is adopted, are hereby adopted subject to the following amendments, additions and
336 deletions. Any section not referenced is not adopted.

337
338
339 *Adopt the following definitions:*

340 **He-P 2301 DEFINITIONS**

- 341
342 (a) "Acid foods"
343 (b) "Acidified foods"
344 (c) "Applicant"
345 (d) "Bed and breakfast"

- 346 (f) "Bulk food"
- 347 (g) "Caterer"
- 348 (h) "Change of ownership" Change of ownership means any time a controlling
- 349 interest in a sole proprietorship, joint venture, partnership, corporation,
- 350 limited liability company, or any other kind of entity is transferred to
- 351 another sole proprietor, joint venture, partnership, corporation, limited
- 352 liability company or any other kind of entity. The transfer of a business
- 353 entity to a trust and its controlling interest to a trustee for estate planning
- 354 purposes will not be deemed a change of ownership, provided that the
- 355 transfer is not made to avoid compliance with this Chapter.
- 356 (i) "Continental breakfast"
- 357 (k) "Corrective Action Plan (CAP)"
- 358
- 359 (ab) "Low acid foods"
- 360 (av) "Soup kitchen"
- 361 (aw) "Time/Temperature Control for Safety (TCS) food"
- 362

363 *Adopt and amend the following definitions to read as follows:*

- 364
- 365 (n) "Department" means the Portsmouth Health Department.
- 366 (ad) "Mobile food unit" means a food service establishment mounted on wheels
- 367 or otherwise designed to be immediately moveable.
- 368
- 369

370 *Adopt the following subsection in its entirety and add new subsection to read as follows:*

371 **He-P 2302.02 Soup Kitchens Exempt from Licensure.**

- 372
- 373 (5) Person-in-charge must attend food safety training to be provided by
- 374 the Department.
- 375
- 376

377 *Adopt the following subsection:*

378 **He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan**

379 **Requirements.**

380

381

382

383

384 *Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and*

385 *(i) as follows:*

386 **He-P 2305.01 Inspections.**

- 387
- 388 (a) For the purpose of determining compliance with this Chapter, the
- 389 Department or its inspectors, or special agents designated for that purpose,
- 390 shall have full power and authority at all times to enter and inspect every
- 391 building, room or other place occupied or used for the production, storage,

392 sale or distribution of food, and all utensils and appurtenances and records
393 relating thereto, including shellfish tags, or other records pertaining to food
394 supplies purchased and distributed by the food establishment. The
395 applicant or licensee shall admit and allow any department representative
396 at any time to enter and inspect the following:
397

398 (c) (1) *Delete*

399
400 (c) (4) *Delete*

401 (c)(6) Occupation of space after construction, renovations or structural alterations
402 or a period of closure that exceeds 90 days; or
403

404 (g) Upon completion of the inspection, the Department shall provide a written
405 or electronic copy of the inspection report. The inspection report shall
406 contain:
407

408 (i) Except for Food Processing Plants, numerical scoring shall be on a 100
409 point scale, with:
410

411 (1) A+ with a score of 95-100 with no critical item violations

412 (2) A with a score of 90-100 and one or more critical item violations

413 (3) B+ with a score of 85-89

414 (4) B with a score of 80-84

415 (5) C+ with a score of 75-79

416 (6) C with a score of 70-74

417 (7) F score below 70 is a failing score.

418 (8) Scoring shall be assigned as Priority Items are valued at 5 points,
419 Priority Foundation items are valued at 3 points and Core items
420 shall be valued as 1 point. The value of the inspection categories
421 shall be that of the highest point item in that category.
422
423
424

425 *Adopt and amend subsection to read as follows:*

426 **He-P 2308.02 Basic Requirements.**

427
428 b (2) A residential model sanitizing dish machine and a one compartment sink:
429
430

431 *Adopting subsection in its entirety and amend to read as follows:*

432 **He-P 2309.01 Application Requirements.**

- 433
434 (a) Apply as "Processors," Class E on the food service permit
435 application and comply with the License, Application and Terms of
436 License requirements;
437

438
439 **Section 4.104 Temporary Events.**
440

441 Food preparation and handling practices for food establishments are to be in
442 compliance with this Chapter. Event Coordinators must submit completed application to
443 the Department for approval no later than one month prior to the date of the event.
444

445
446 **Section 4.105 License.**
447

448 It shall be unlawful for any person or entity to operate a Food Service
449 Establishment within the City of Portsmouth without obtaining a valid food service
450 license issued by the Department. Only a person or entity who complies with the
451 requirements of this Chapter shall be entitled to receive and retain such a license. A
452 food service license shall be posted in public view. Licenses are not transferable
453 between entities or locations. Any change in ownership ~~or ownership interest~~ shall
454 require a new food service license subject to the provisions of this Chapter.
455

456
457 **Section 4.106 Application.**
458

459 The Health Department may issue a food service license to any Food Service
460 Establishment upon receipt of a written or electronic application. A food service license
461 shall be granted upon the express condition that the Food Service Establishment
462 complies with all the requirements of this Chapter, and the applicant agrees at all times
463 to conduct his operation and maintain his facilities in accordance with the requirements
464 of this Chapter and those ~~regulations~~ Guidelines promulgated hereunder. The
465 application procedure and issuance shall be in keeping with this Chapter and
466 administrative polices e policies and procedures of the Department, with the fees
467 approved by City Council through its budgetary processes.
468

469 ALL city regulations must be passed by the city Council to be enforceable as required by RSA

470 147:

471 147:1 Local Regulations. –

472 I. The health officers of towns may make regulations for the prevention and removal of
473 nuisances, and such other regulations relating to the public health as in their judgment the
474 health and safety of the people require, which shall take effect when approved by the
475 selectmen, recorded by the town clerk, and published in some newspaper printed in the town,
476 or when copies thereof have been posted in 2 or more public places in the town. (emphasis
477 added).

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See also 13 P. Loughlin, New Hampshire Practice, Local Government Law § 709, at 19-8 (1995).

Calling the regulations of the Health Department “guidelines”, but saying “These facilities must be in compliance with Portsmouth Health Department’s Guidelines.” Makes them in fact regulations. If they are regulations, the Council must, as a matter of NH law, pass them to be enforceable. If they are just “guidelines” then the ordinance cannot also say that facilities “must” be in compliance with guidelines.

Section 4.107 Term of License.

Food service licenses shall be issued upon compliance with all of the provisions of this Chapter: All annual licenses expire September 30th. Seasonal licenses are valid from April 15 through October 15 of the calendar year. Temporary licenses are valid for the length of the event.

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

This ordinance shall take effect upon passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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h:\ferrini\health\revise code\chapter 4 – food licensing ordinance

SHAHEEN & GORDON, P.A.

A T T O R N E Y S A T L A W

Karyn P. Forbes
Attorney-at-Law

Tenacity. Creativity. Results.™

November 15, 2017

VIA EMAIL ONLY

City Councilors
Portsmouth Municipal Complex
Eileen Dodero Foley Council Chambers
1 Junkins Avenue
Portsmouth, NH 03801

Re: Proposed amendment to Chapter 15, Part III, Fuel Gas Installations

Dear Council Members,

We represent Omega Flex, Inc., a Pennsylvania corporation engaged in the manufacturing of corrugated stainless steel tubing (“CSST”), which is used in natural gas and propane piping installations. Omega Flex’s TracPipe CounterStrike is designed to be more resistant to damage from transient electrical arcing than conventional gas piping. We are providing information with this letter regarding CSST, including case studies showing installation in residential, commercial and hospital facilities. We have also included Omega Flex’ Flexible Gas Piping Design Guide and Installation Instructions dated December 2016.

The City of Portsmouth has recently been considering local amendments to Chapter 15, Part III, Fuel Gas Installations, which would then deviate from the state building code and impose barriers to the use of CSST. We have asked the City to provide us with a variety of documents, including written comments on the proposed changes, communications between staff members and any documents, reports or studies that allegedly support these proposed changes. We have not yet been provided with those documents, but are told that there are not many.

We understand that the currently proposed amendment will be withdrawn at the November 20, 2017 meeting, and alternative language proposed. This to-be-proposed language will require CSST be installed in accordance with manufacturer’s instructions, which we certainly do not object to.

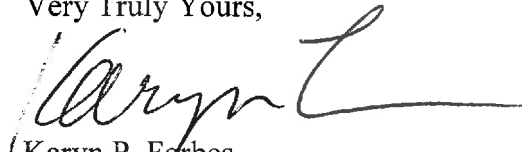
However, the to-be-proposed language also adds “[a] third party inspection may be required”. This additional language is problematic and creates a whole host of problems. When would such inspections be required, and under what circumstances? Who would be performing the inspections, which are the responsibility of the city? How does the city determine that the third-party inspector is qualified? How will the city respond if the third-party inspection is not done properly and damage occurs? What exactly is the third-party inspector inspecting? Currently, city inspectors inspect rigid gas piping in commercial buildings, with multiple joints

and connections, long lengths, support issues, etc. How would the third-party inspection be any different?

Since we have not been provided with documents that support the proposed deviations from the state building code, we can only assume that the proposed changes are due to unfamiliarity with CSST. Over a billion feet of CSST has been installed nationwide and Omega Flex has 300,000 trained installers. Omega Flex would be happy to train city inspectors on their product and its installation.

Please let us know if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Karyn P. Forbes', with a long horizontal flourish extending to the right.

Karyn P. Forbes

kforbes@shaheengordon.com

KPF/msd
Encls.
cc: client

- Save Time
- Save Money
- Increase Installation Options

TracPipe® CounterStrike® FGP-CS-500 Pat. 7044167 B2 224

Product:
CounterStrike® Flexible Gas Piping in Commercial Remodel Applications

Location:
Buffalo, NY

Hotel Lafayette, listed in the National Register of Historic Places, was recently renovated in 2012. The building was designed by the country's first female architect, Louise Blanchard Bethune. It originally opened in 1904.

The newly restored complex located in Buffalo, NY, includes 67 one bedroom and 48 two bedroom apartments, plus a 34 room boutique hotel.

H&M Plumbing & Mechanical Contracting, Inc. was incorporated in 1985 in the State of New York. The company is diversified and has completed every type of plumbing project from remodeling office buildings, new construction, assisted living, student housing and hospital renovations.

Approximately half of H&M's work is design/build. Their staff consists of 60 plumbers in the field, with three project managers and three clerical staff in the office.

They were contracted to handle the gas piping for this design/build project, and specified CSST for its labor saving potential over black iron pipe. According to David Morrison, President of H&M, "we saved \$270,000 by using CSST instead of black iron pipe."

Established in 1975, OmegaFlex® is the preeminent international producer of flexible metallic piping products. With over 90 patents registered worldwide, the company supplies proprietary products for a broad number of applications and markets, which include primary steel production, semi-conductor, medical, pharmaceutical, petrochemical, residential, residential and commercial construction, and power generation.

All of the condos/apartments in the restored hotel featured a natural gas furnace, stove and hot water heater which required the gas pipe to be run up the first seven floors from the basement. The job was originally quoted using yellow CSST (Corrugated Stainless Steel Tubing). However CounterStrike® was requested to quote on this job by its local NY wholesaler due to its superior features.



According to David Morrison, President of H&M, "we saved \$270,000 by using CSST instead of black iron pipe."

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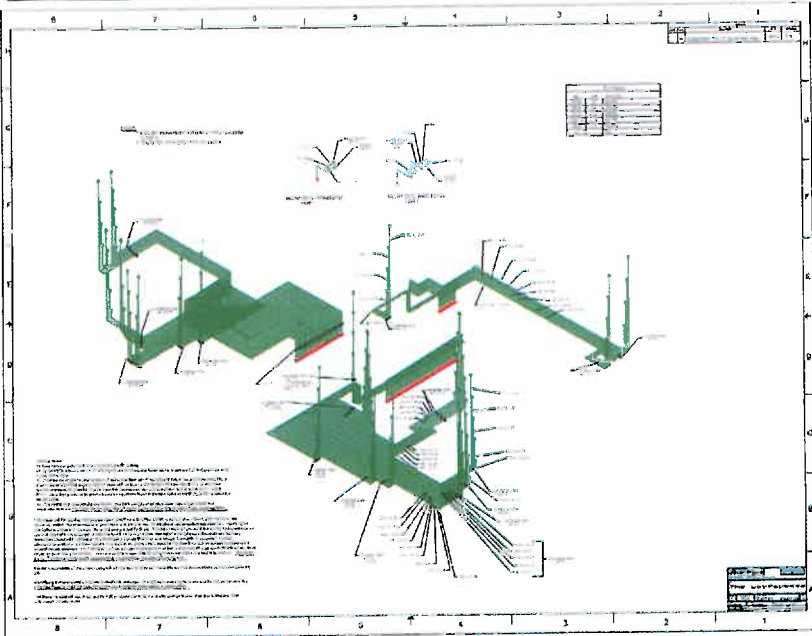
TracPipe® CounterStrike® FGP-CS-500 Pat. 7044167 B2 Z24

(continued from front)

CounterStrike CSST, which was first introduced to the market in 2004, is used for natural gas and propane installations. It is a patented CSST innovation that is engineered to significantly decrease the potential for lightning induced damage to fuel gas piping systems. CounterStrike's superior corrugated tubing coupled with AutoFlare® fittings combine to make the best CSST product available.

Due to the size and complexity of this project, the OmegaFlex VP of Business Development requested his Engineering Department to lay out and size this job.

OmegaFlex provided H&M a detailed sizing drawing, saving them valuable engineer resources. According to David Morrison, H&M's President, the excellent response times he received from the OmegaFlex sales and engineering departments made the choice of using CounterStrike an easy one!



CounterStrike has larger pipe diameters compared to competitive brands, so save money by using a smaller size CounterStrike!



According to David Morrison, President of H&M, "the excellent response times from OmegaFlex made the choice of using CounterStrike an easy one."

CounterStrike CSST's higher flow rating compared to other brands, helped H&M achieve additional cost saving versus lower priced yellow CSST. This is because it is often possible to use smaller pipe diameters with CounterStrike compared to competitive brands. For the Hotel Lafayette job it is estimated that because of CounterStrike's size advantage made for additional material cost saving on this gas piping installation over the leading yellow brands of CSST.

H&M also saved time due to the proprietary OmegaFlex manufacturing process for CounterStrike. It is the only approved product in the industry that does not require heat-treating to meet the rigid ANSI Standards. It provides a much stronger, durable, more damage resistant product that cuts cleaner every time, saving time and money.

The heavier gauge black jacket is more abrasion resistant than thinner yellow CSST jackets. Plus there is no additional bonding for CounterStrike required by OmegaFlex.

CounterStrike uses the most reliable, patented AutoFlare fittings which provide more sealing surface than other brands of CSST fittings. The AutoFlare fitting is self-centering, and can make a perfect metal-to-metal seal even when the pipe is cut out of round. CounterStrike is UL listed for 1, 2, 3 and 4 hour through penetration fire stop systems, meets ASTM E84 with respect to flame spread and smoke density, and is listed by Factory Mutual for seismic resistance.

For safety, cost-savings, and ease of installation, CounterStrike CSST is the logical choice.

CASE STUDY

CounterStrike® in Earthquake Hazard Zones

- Saves Time
- Saves Money
- Saves Lives

Product:
CounterStrike® CSST Versus Black Iron Pipe in Simulated Hospital Structure

Location:
San Diego, CA

What happens when you build a fully equipped five-story hospital, including an intensive care unit, a surgery suite, piping and air conditioning, fire barriers and the first-time-ever seismic test of a working elevator, through a series of high-intensity earthquakes on the world's largest outdoor shake table?

Structural engineers at the University of California, San Diego's Englekirk Structural Engineering Center conducted one month of seismic testing beginning in April 2012 in an effort to determine this.

The engineers used scaled versions of motions recorded during some of the largest earthquakes, including the 1994 earthquake in Northridge, CA, and monitored the building's performance with more than 500 sensors and more than 87 cameras that recorded the movement of non-structural components inside the building.

The \$5 million project was supported by the National Science Foundation and industry partners including OmegaFlex Inc. The project's goal was to determine what needs to be done to make sure that high-value buildings, such as hospitals and data centers, remain operational when an earthquake hits. UC engineers also evaluated whether the building's fire barriers were affected by the trembling.

To date, only a handful of full-scale seismic building experiments have been conducted. Of these, none have evaluated the post-earthquake fire performance of the complete building system and only a select few (in Japan) have emphasized evaluating nonstructural component's and system's (NCS) response during earthquake shaking. This contradicts the fact that NCSs encompass more than 80 percent of the total investment in building construction. Over the past three decades, the majority of earthquake-induced direct losses in buildings are directly attributed to NCS damage.

"We hope plumbers, electricians, ceiling contractors, and wall contractors can learn and benefit from this testing program," said UC-San Diego project leader Tara Hutchinson. "During earthquakes, it is critical that our hospitals and other vital structures remain functional to serve the needs of those in distress."

This landmark project of a 14 million pound structure built at full-scale and completely furnished with NCSs, including a functioning passenger elevator, partition walls, cladding and glazing systems, piping, HVAC, ceiling, sprinklers, building contents, as well as passive and active fire systems. Post-earthquake fire and life safety performance of both the structure and NCSs will be evaluated by conducting non-thermal and live fire testing. In addition, this project investigated the potential for protecting critical NCS systems using, for example, damping and/or isolation methods. Finally, data from this unique experiment was used to compare with earthquake performance predictions using available commercial and research computational modeling platforms.

Omega Flex viewed this program as an opportunity to continue its ongoing efforts to advance gas piping safety.

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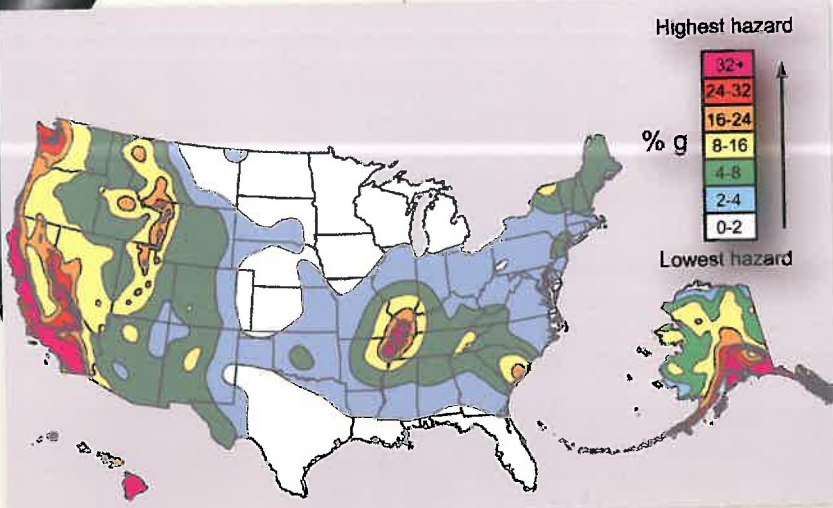
TracPipe® CounterStrike® FGP-CS-500 Pat. 7044167 B2 224

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CSST was developed in Japan to solve the dangers of broken rigid gas piping in an earthquake, and then brought to the United States by the American Gas Association (AGA) and the Gas Research Institute (GRI) as an alternative gas piping solution.

Given the flexibility of the tubing, CounterStrike® withstood the worst seismic activity simulated without any failures, leaks or damage. Meanwhile black iron pipe, which was installed next to CounterStrike®, fractured in the same test.

According the National Fire Protection Association Guide (NFPA 921) "Leakage from piping and equipment is the main cause of gas fueled fires and explosions. Commonly, leaks occur at pipe junctions, at unlit pilot lights or burners, at uncapped pipes and outlets, at areas of corrosion in pipes or from physical damage to the gas lines."



Earthquake hazard map.

The simulated hospital in the UC San Diego test building required **103 junctions** to run black iron pipe up the five stories of the simulated hospital versus a total of only **22 junctions** for CounterStrike® CSST – 79 percent fewer.

Given the NFPA 921 research on leaks occurring at pipe junctions, it is easy to see why CounterStrike® CSST is a vastly superior solution to schedule 40 black iron pipe.

In a 2007 study by Victoria University of Wellington New Zealand on wood framed houses (in a country that experiences a 7.0 plus earthquake every ten years) stated "limiting the number of dwellings collapsing due to weak foundations, fitting flexible gas connections (including CSST) and seismic shutoff valves will mitigate the burden on the fire services during the post-earthquake period." This same report concluded "if gas remedial measures (like the above) are adopted, the number of ignitions due to gas leakage decreases by about two-thirds."

According to U.S. Geological Survey, "Thousands of earthquakes occur around the world every day, although most are so small they can only be detected by sensitive seismographs. The number of large earthquakes (M = 6.0 and greater) has stayed relatively constant, based on observations since 1900. For example, an average of 120 earthquakes per year worldwide in the magnitude range of 6.0 - 6.9 (like the Northridge and Kobe events) have occurred since 1900. These numbers tell us that events like those affecting Northridge and Kobe are not unusual, and that we should be prepared for such shocks wherever our cities and towns are located in seismically active areas."

So whether it is a hospital or a home, CounterStrike® CSST can provide improved safety versus black iron pipe during or after an earthquake.

CounterStrike® is listed to Factory Mutual (FM) for seismic resistance, Underwriters Laboratories (UL) for 1, 2 and 4 hour through penetration fire stop systems and meets ASTM E84 with respect to flame spread and smoke density. This permits installation in return air plenums.



The black iron pipe, which was installed next to CounterStrike, fractured in the same test. It took 96 man hours to install the black iron pipe versus just 32 man hours to install CounterStrike.



CounterStrike is the only approved CSST in the industry that does not require heat-treating to meet the rigorous ANSI LC-1 Standard providing for a robust, damage-resistant product with high crush strength.

CASE STUDY

TracPipe® PS-II in Sports Stadiums


- Save Time
- Save Money
- Increase Installation Options

Product:


TracPipe® PS-II Underground Pre-sleeved Flexible Gas Piping

Location:

Denver, Co



One of the nation's first soccer specific stadiums built for a professional team is situated just north of downtown Denver in sight of the Rocky Mountains. Dick's Sporting Goods Park features classic bowl excavation construction and a unique tectonic plate roof design. The entire natural gas piping system for the Colorado Rapids' new stadium consists of TracPipe® PS-II. This pre-sleeved underground system is suitable for use under slabs, outdoor paved aprons and even underneath buildings. TracPipe® PS-II has a durable co-extruded polymer sleeve with internal vent channels over the corrugated stainless steel pressure carrier. The AutoFlare® fittings are designed for ease of attachment and to facilitate venting above ground as required by the fuel gas codes.



All new stadiums now being built are designed with upgraded amenities such as corporate sky boxes and expanded catering services. These facilities use large amounts of gas for cooking, hot water and space heating. The advantage of using TracPipe® PS-II in a stadium design is the entire piping system is out of the way and does not interfere with any other mechanical services.

TracPipe® PS-II is the quickest and easiest to install underground gas piping system. The vented non-metallic sleeve and containment fittings meet fuel gas code requirements for underground and beneath building locations when installed per manufacturer's instructions. TracPipe® PS-II will save both time and money in any construction project having underground fuel gas piping locations.

The TracPipe® PS-II underground system was installed in the early stages of construction which lead to an significant time savings over rigid pipe above ground. A total of 5000 feet of TracPipe® PS-II was used in sizes ranging up to two inches.

TracPipe® CounterStrike®
Flexible Gas Piping by OmegaFlex.



OmegaFlex®

Omega Flex, Inc. • 451 Creamery Way • Exton, PA 19341
1-800-671-8622
ISO 9001 Registered Company
FGP-566 09/2011 ©OmegaFlex 2011

www.tracpipe.com

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: November 16, 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 November 20, 2017 City Council Agenda

Work Session:

6:30 p.m.

1. **Portsmouth Listens Re: Study Circles.** On Monday evening at 6:30 p.m., the City Council will hold a Work Session at which time Portsmouth Listens will present its findings from Study Circles review of housing. [See attached reports.](#)

Presentations:

1. **Rockingham County Update.** Kevin St. James, Rockingham County Commissioner, will make a presentation to the City Council regarding the Rockingham County budget.
2. **Coakley Landfill Group Update.** City Attorney Robert Sullivan will update the City Council regarding the Coakley Landfill Group.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grants & Donation.** [Attached under Section VIII of the Agenda is a memorandum](#), dated October 24, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief; at the October 24, 2017 monthly Police

Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

1. a. A donation in the amount of \$2,663.47 from the Estate of Geraldine Webber. Said donation is the final disbursement of funds from the Estate to the Portsmouth Police Department.
- b. A grant in the amount of \$264,256 for internet Crimes Against Children Task Force funding from the US Dept. of Justice, Office of Justice Programs. NOTE: Portsmouth is the grant administrator. The grant goes to fund all of the ICAC Task Force satellites in New Hampshire.
- c. NH Highway Safety Grants as follows –
 - i. A Portsmouth STEP grant in the amount of \$15,940.28 for traffic enforcement.
 - ii. A Portsmouth DWI Patrol grant in the amount of \$14,547.
 - iii. A Portsmouth Pedestrian/Bicycle Patrol grant in the amount of \$6,157.20 for enforcement of the state’s pedestrial/bicycle laws via directed patrol.
 - iv. A Portsmouth Sobriety Checkpoints grant in the amount of \$7,426.56.
 - v. A Portsmouth Distracted Driving grant in the amount of \$7,157.20.

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 this evening’s City Council meeting.

I recommend the City Council move to accept and approve the grants and donation to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Fire Department Donations.** [Attached under Section VIII of the Agenda is a memorandum](#), dated July 19, 2017 from City Attorney Robert Sullivan, regarding the acceptance of a donation to the Fire Department.

1. a. Donation of a disbursement check in the amount of \$188,129.88 from the Estate of Geraldine W. Webber. This donation is the final disbursement of funds to the Portsmouth Fire Department.
2. b. Donation from G. Willikers LLC in the amount of \$55.00 for fire prevention and awareness costs.

I recommend the City Council move to accept and approve the donations to the Portsmouth Fire Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

3. **Acceptance of Community Development Block Grant Funds.** The U.S. Department of Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$513,580 will be made available to Portsmouth for FY 2018. This amount represents an increase of \$2,684 or .52% from last year. These funds are used to carry out a variety of housing rehabilitation and accessibility projects and other CDBG eligible community development and public improvements as well as assistance to public service agencies.

The Community Development Department, working in conjunction with the City's Citizens Advisory Committee, held a series of public hearings and meetings in the spring to solicit input and prioritize projects with regard to the expenditure of these FY 2018 funds.

I recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$513,580 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VIII of the Agenda.

4. **Acceptance of Donation Re: John McMaster Memorial Bench.** The City of Portsmouth has received a donation in the amount of \$1,200.00 from Craig Alie, on behalf of the Alie Family, which represents their contribution toward the John McMaster Memorial Bench.

I recommend the City Council move to accept and approve the donation for the John McMaster Memorial Bench, as presented. Action on this matter should take place under Section VIII of the Agenda.

5. **Acceptance of Sponsorship for Zagster Bike Share Station from Portwalk.** As you are aware, the City of Portsmouth has created a bike share program and leases Zagster Bicycles and Zagster Bicycle Stations from Zagster Inc. The City has installed Zagster Bicycle Stations on its property, manages the bike share program and receives revenue from membership and user fees. Zagster provides maintenance and repair for the Zagster Bicycles and Zagster Bicycle Stations in the bike share program and data usage information to the City.

Network Sponsors are private property owners who want to expand the City's bike share program by installing additional Zagster Bicycle Stations and Zagster Bicycles on private property. The Network Sponsor will not receive any revenue generated by use of Zagster Bicycles and this MOU does not amend the revenue distribution set forth in the City and Zagster's contract.

[Attached is a Memorandum of Understanding between the City of Portsmouth and Portwalk, the Network Sponsor.](#) Portwalk cost to City of Zagster Bicycle Station and Zagster Bicycles is \$9,000 per year for two years beginning May 1, 2018.

The City Council is required to accept and approve this sponsorship.

Therefore, I recommend the City Council move to accept and approve the sponsorship from Portwalk Place for the Zagster bike share station. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing and Second Reading of Proposed Ordinances and Resolutions:

- 1.1 **Public Hearing/Second Reading Re: Zoning Ordinance Amendments – Off-Street Parking.** As a result of the October 16th City Council meeting, I am bringing back for public hearing and second reading the [attached](#) proposed Zoning Ordinance Amendments to Off-Street Parking. [Attached is a memorandum](#) from Planning Director Juliet Walker dated November 14, 2017 reflecting revisions since first reading.

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 pass second reading and schedule a third and final reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the December 4, 2017 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

- 1.2 **Public Hearing/Second Reading Re: Gateway Mixed Use District Zoning Amendments.** As a result of the October 16th City Council meeting, I am bringing back for public hearing and second reading the [attached](#) proposed Ordinance to 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.

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 pass second reading and schedule third and final reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the December 4, 2017 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

- 1.3 **Public Hearing/Second 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.** As a result of the October 16th City Council meeting, I am bringing back for public hearing and second reading the [attached](#) aforementioned proposed 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 the 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.

In addition, [see attached memorandums from the Legal Department](#) for Chapters 12 and 15 regarding stylistic, formatting changes and amendment to the effective date for the Ordinance.

Further, the Legal Department has recommended two additional amendments to Chapter 15 – one amendment related to Corrugated Stainless Steel Tubing and another amendment to reflect the 2017, not the 2014 National Electric Code because the State has adopted the 2017 National Electric Code effective January 1, 2017.

Pursuant to Councilor Dwyer’s request, attached under Acting City Manager’s Informational Items is a draft of principles that may be considered as foundation information that underlies the code adoption/amendment process in the City. I plan to speak to these at the start of this public hearing on amendments to Chapter 12.

City Council may move the following motions for Chapter 12:

- 1) Move to amend the form of the ordinance amending Chapter 12 that went to first reading as set forth in the memorandum from the Legal Department to the Acting City Manager dated November 15, 2017.*

2) Move to pass Chapter 12 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting.

City Council may move the following motions for Chapter 15:

1) Move to amend the form of the ordinance amending Chapter 15 that went to first reading as set forth in the memorandum from the Legal Department to the Acting City Manager dated November 15, 2017.

2) Move to pass Chapter 15 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting.

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

- 1.4 **Public Hearing/Second 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.** As a result of the October 16th City Council meeting, I am bringing back for public hearing and second reading the [attached](#) aforementioned proposed Ordinance.

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.](#)

In addition, see attached memorandum from the Legal Department regarding stylistic and formatting changes to the Ordinance.

City Council may move the following motions:

1) Move to amend the form of the ordinance amending Chapter 5 that went to first reading as set forth in the memorandum from the Legal Department to the Acting City Manager dated November 15, 2017.

2) *Move to pass Chapter 5 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting.*

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

2. **Second Reading of Proposed Ordinances and Resolutions:**

2.1 **Second Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language (Postponed from October 16, 2017 City Council Meeting).** At the October 16, 2017 City Council meeting, the Council requested that City staff meet with the NH Lodging and Restaurant Association (NHLRA) to discuss proposed amendments to Chapter 4 which were provided to the City Council on October 16, 2017.

On October 9, 2017, City staff met with Mike Sommers from NHLRA, Jonathan Flagg, Esquire, and Hugo Marin. After discussion, the participants agreed in concept to exempt certain transfers to trusts from the definition of change of ownership and to create a Food Licensing Board of Appeals. The City did not agree to revise the provisions of the ordinance regarding dogs on decks, enclosing outdoor bars and Health Department Guidelines.

[Attached is a memorandum from the Legal Department summarizing the City's response after meeting with NHLRA and representatives of local restaurants. Also, attached is a redline version of the ordinance which reflects the changes made after the aforementioned meeting.](#)

City Council may move the following motions:

1) *Move to amend the form of the ordinance that was passed at first reading on August 27, 2017 and was amended at second reading on October 16, 2017 as set forth in the redline amendments to the proposed ordinances included in the agenda packet at item VII E.*

2) *Move to pass Chapter 4 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting.*

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

Consent Agenda:

1. **Request for Licenses to Install Projecting Signs.** Attached under Section IX of the Agenda are requests for projecting sign licenses (see attached memorandums from Juliet Walker, Planning Director):
 - Friends of the Music Hall, owner of The Music Hall, located at 28 Chestnut Street
 - VPC LLC, owner of Office Resources, located at 28 Deer Street
 - Jamer Realty Inc – The Wilder, owner of the Wilder, located at 174 Fleet Street
 - Andover Portland Avenue Assoc LLC, owner of Pretty Little Things, located at 10 Vaughan Mall

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

Acting City Manager's Items Which Require Action:

1. **Request for Approval of the Tentative Agreement between the Fire Commission and the Firefighters Association of Portsmouth, New Hampshire Local #1313 Tentative Agreement.** The Portsmouth Fire Commission has reached a Tentative Agreement with the Firefighters Association of Portsmouth, New Hampshire Local #1313 for a one-year contract extension that continues the Union's current collective bargaining agreement until June 20, 2019.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Thomas Closson, City Negotiator recommending this Tentative Agreement;](#)
- [Executed Memorandum of Agreement for a one-year extension;](#)
- [Copy of the contract showing the insertions and deletions to implement the Tentative Agreement, if approved, and,](#)
- [Cost Analysis showing the cost to implement this Tentative Agreement, if approved.](#)

Also, this proposed Agreement is posted on the City's Website at:

<http://files.cityofportsmouth.com/files/hr/MOALocal1313oneyearextensionsigned.pdf>

I recommend the City Council move to accept the proposed Tentative Agreement for a one-year extension to the existing contract between the Portsmouth Fire Commission and the Firefighters Association of Portsmouth, New Hampshire Local #1313 until June 30, 2019.

2. **Request for Approval of the Tentative Agreement between the Fire Commission and The Portsmouth Professional Fire Officers Association Tentative Agreement.** The Portsmouth Fire Commission has reached a Tentative Agreement with the Portsmouth Professional Fire Officers Association that continues the Union’s current collective bargaining agreement until June 20, 2019.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- A letter from Thomas Closson, City Negotiator recommending this Tentative Agreement;
- Executed Memorandum of Agreement for a one-year extension;
- Copy of the contract showing the insertions and deletions to implement the Tentative Agreement, if approved, and,
- Cost Analysis showing the cost to implement this Tentative Agreement, if approved.

Also, this proposed Agreement is posted on the City’s Website at:

<http://files.cityofportsmouth.com/files/hr/MOAoneyarextensionsigned.pdf>

I recommend the City Council move to accept the proposed Tentative Agreement for a one-year extension to the existing contract between the Portsmouth Fire Commission and The Portsmouth Professional Fire Officers Association until June 30, 2019.

3. **Report Back from Planning Department Re: Involuntarily Merged Lot at 346 Bartlett Street.** In a letter dated June 22, 2017, John Byron requested restoration of two involuntarily merged lots to their premerger status. At the July 10, 2017 City Council meeting, the Council voted to refer this request to the Planning Board for report back.

[Attached is a memorandum from Planning Director Juliet Walker](#), outlining the description of the parcel, an explanation of the statutory requirement under RSA 674-39-aa regarding “involuntarily merged lots”, and an analysis regarding this request.

At the October 19, 2017 Planning Board meeting, the Board voted to recommend that the City Council restore the involuntarily merged lots to their premerger status as requested.

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

4. **Holiday Parking.** In keeping with past tradition, I propose the Council consider offering on-street downtown parking free of charge from December 18th to December 24th in an effort to attract the shopping public and in support of downtown business. In October, daily downtown parking revenue (including the High Hanover garage) averaged \$9,656, which would equate to a total of \$67,655 for the 7-day period. When the City estimated its parking revenues for the year, it accounted for this holiday period of free parking.

I recommend the City Council move to authorize the City Manager to implement a 7-day free holiday parking period from December 18th to December 24th.

5. **Charles Lassen's Proposal for Dock Space.** Charles and Susan Lassen are the owners of a home on Round Island located in a back channel of the Piscataqua River between Peirce Island and the mainland. The only access to the home is by means of watercraft. In the past, the Lassens have made arrangements with various private landowners to tie up a small ferry vessel to serve that purpose. Since March of 2015, the Lassens have been in discussions with the City seeking to secure a docking facility on City property to tie up the ferry vessel. After numerous iterations that process has now produced a proposed License Agreement which is on the agenda for this evening. This License Agreement has been negotiated between the office of the City Manager, the Public Works Director, the City

Attorney, Mr. Lassen and his attorney, Thomas Watson. If approved by the City Council, the License Agreement would generally:

1. Provide the Lassens and their successors with the right to construct and maintain a docking structure attached to the City property behind the Mechanic Street Pump Station as shown in the attached exhibit for a period of twenty (20) years.
2. Provide the Lassens with the right to construct and maintain a mailbox, construct and maintain a trash receptacle, and use a parking space on the City property for loading and unloading from a motor vehicle to the dock for the twenty (20) year period. The motor vehicle would not be allowed to park on the City property unless actively engaged in loading or unloading.
3. The Lassens would bear all costs of constructing and maintaining the dock. The dock would be City property.
4. The Lassens would pay a license fee to the City in the amount of \$5,000.00 per year adjusted annually by the CPI for the right to construct, maintain and use the dock and the other items described above.

[The proposed License Agreement itself is included in the agenda packet.](#) The City Attorney and I will be prepared at the meeting along with a representative of Mr. Lassen to answer any questions that the Council may have concerning that proposed License.

I recommend the City Council move to approve the proposed Agreement, and further, authorize the City Manager to proceed with executing the document.

6. **Report Back Re: Community Home Solutions PILOT Agreement.** As you will recall, at the October 2, 2017 City Council meeting, Community Home Solutions requested an exemption for property taxes under Chapter 72:23-k for property located at 413 Lafayette Road. The City Council voted to refer this matter to the City Assessor for report back (see attached).

Attached is a memorandum from City Assessor Rosann Maurice-Lentz regarding this matter. Upon review of the application and documentation submitted by Community Home Solutions, the City Assessor affirms that the organization qualifies as a Charitable, Nonprofit Housing Project in accordance with Chapter 72:23-k (see attached).

As the memorandum states, Community Home Solutions must request a PILOT agreement with the City Council on or before November of each year. This request is for December of 2018.

I recommend the City Council move to authorize the City Manager and the City Assessor to negotiate a PILOT Agreement with Community Home Solutions and bring it back for City Council action.

7. **Request to Dispose of Surplus Vehicles and Equipment.** The Police Department has five old cruisers and the Department of Public Works has one Onan Generator that are ready to be disposed of through our bidding process, (see attached).

According to City Ordinance Section 1.505, any sale of property valued at or over \$500 must be authorized by the City Council and may be conducted by competitive bidding, public auction or any other means authorized by a two-thirds vote of the City Council.

As in the past, we have disposed the surplus equipment through a sealed bid process or through GovDeals an online auction site, in which the equipment is sold to the highest bidder.

The Finance Department has requested that the City use GovDeals as it has shown that the City receives more money for our surplus property than through a sealed bid process. The Onan Generator value is approximately \$7500.00.

I recommend the City Council move to authorize the City Manager to dispose of surplus vehicles and equipment using GovDeals.

8. **Request Re: Installation of Fencing and Signage for the Jay Smith Memorial Garden, the Lower State Street Pocket Park.** Attached is a letter from Kate Crowell, Tony Belisle, Mark Bodi and the “Friends of Sheafe Street” regarding the installation of fencing and signage for the Jay Smith Memorial Garden, the Lower State Street Pocket Park.

As stated in the proposal, all costs incurred for the beautification and protection of Jay Smith’s Memorial Garden will be by The Lower State Street Pocket Park Trust, also a gift from Jay Smith, and in conjunction with the generosity of Tony Belisle.

City Attorney Robert Sullivan has reviewed this request, and he opines that with the approval of the City Council and authorization to the City Manager, the group will be able to apply to the Historic District Commission for the installation of the fence and the Trustees of the Trust for funding.

I recommend the City Council move to approve the aforementioned request, authorize the City Manager to execute any necessary documents, and further, the group to apply to the Historic District Commission and the Trustees of the Trust.

9. **Request to Reschedule November 27, 2017 Work Session Re: McIntyre Property.** As you are aware, the City Council has a second Work Session regarding the McIntyre property scheduled for Monday, November 27, 2017. The Mayor has recommended scheduling the Work Session to Wednesday, November 29, 2017.

I recommend the City Council move to reschedule the Work Session to Wednesday, November 29, 2017.

Informational Items:

1. **Guiding Principles Related to Code Adoption in Portsmouth.** Pursuant to Councilor Dwyer's request, [attached is a draft of principles](#) that may be considered as foundation information that underlies the code adoption/amendment process in the City. I plan to speak to these at the start of the first scheduled public hearing on amendments to Chapter 12.
2. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 16, 2017. In addition, this can be found on the City's website.
3. **Letter Re: Uniform Standards of Professional Appraisal Practice 2017 Commercial / Industrial for City of Portsmouth.** [Attached is a letter](#) from the State of New Hampshire Department of Revenue Administration regarding the Uniform Standards of Professional Appraisal Practice (USPAP) Standard 6 report submitted by Property Valuation Services for the Commercial and Industrial update for the City of Portsmouth for the 2017 tax year. Also attached is the Mass Appraisal Evaluation Report (PA-50).
4. **Report Back Re: Revaluation Peer Review.** At the October 16, 2017 City Council meeting, the Council voted to direct the Acting City Manager to conduct a review of the revaluation and to bring back the review to the City Council some time in November. The revaluation was completed by David M. Cornell, President of Cornell Consultants LLC. If the City Council chooses, we will schedule a meeting with Mr. Cornell to review the results of this report.

5. **Trustees of the Trust Funds Annual Report, MS-9 and MS10.** For your information, [attached is a copy of the Trustees of the Trust Funds Annual Report, MS-9 and MS-10](#), for fiscal year 2017 ending June 30, 2017.
6. **Greater Portsmouth Chamber Collaborative Semi-Annual Report.** At the November 3, 2017 Economic Development Commission (EDC) meeting, Greater Portsmouth Chamber Collaborative staff reported on the recent strategic plan, new business development and member initiatives and destination marketing/tourism metrics for the period January 1, 2017 through October 30, 2017. You will recall that the report is part of the City of Portsmouth and Chamber Collaborative partnership for which the Council has requested copies of the semi-annual reports presented to the EDC. [The report is attached for your review.](#)
7. **Business Retention and Expansion Report.** For your information, [attached is a memorandum from Chair Everett Eaton of the Economic and Development Commission as well as a copy of the Business Retention and Expansion Report.](#)
8. **Toxic-Free Weed Control.** At its September 18, 2017 meeting the City Council passed a resolution to eliminate the use of synthetic toxic pesticides on City rights of ways and properties. In addition, the resolution directed City Staff to consult with the City's Conservation Commission to prepare to prepare an outreach program outlining viable alternatives to synthetic toxic pesticides for the general public's use. City Staff will be reaching out the Conservation Commission to discuss how best to work with them to promote toxic free alternatives to weed control.

The City has been aware of the concerns related to use of synthetic compounds and had been working to minimize their use in its weed control program. In 2015, the Department of Public Works directed its weed control contractor Swamp Inc., to investigate alternative products for weed control. These efforts led to a limited pilot study in 2016 and a more comprehensive study in 2017. [Attached is a summary of the 2017 pilot effort.](#)

9. **Report Back Re: Exploring the Concept of allowing Artists and Others who have a Studio, Gallery, Workplace, or Storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards.** For your information, [attached is a memorandum from Planning Director Juliet Walker](#) regarding a request from Councilor Splaine for a report back on live/work spaces for artists and others.

Representing Management Exclusively in Workplace Law and Related Litigation



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DENVER, CO	MILWAUKEE, WI	PORTSMOUTH, NH	WHITE PLAINS, NY
	MINNEAPOLIS, MN	PROVIDENCE, RI	

THOMAS M. CLOSSON
DIRECT DIAL: 603.559.2729
THOMAS.CLOSSON@JACKSONLEWIS.COM

To: Acting City Manager Colbert Puff and Portsmouth City Council
From: Thomas M. Closson
Re: Proposed Contract Extensions with Fire Unions
Date: October 11, 2017

I am pleased to recommend the one year contract extensions that the Portsmouth Board of Fire Commissioners recently reached with both the Fire Officers' Union and the Firefighters' Union. These contract extensions simply continue the Unions' current collective bargaining agreements until June 30, 2019, including an annual COLA adjustment using the 10 year rolling average CPI-U of no less than 2% and no more than 5% on July 1, 2018. I will be happy to answer any questions that you may have.

MEMORANDUM OF AGREEMENT
PORTSMOUTH FIRE COMMISSION
AND
FIREFIGHTERS ASSOCIATION OF PORTSMOUTH, NH LOCAL #1313

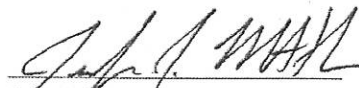
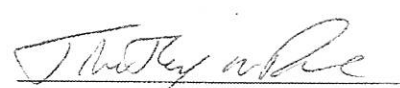
WHEREAS, the Portsmouth Fire Commission ("the Commission") and the Firefighters Association of Portsmouth, NH Local #1313 ("Union") are parties to a collective bargaining agreement ("CBA") expiring June 30, 2018 and;

WHEREAS, the Parties desire to extend the term of this contract for one additional year.

THEREFORE, the Parties agree to the following terms:

1. The parties agree to add on an additional year to the CBA so that the CBA will now expire on June 30, 2019.
2. The ten year rolling COLA adjustment outlined in Section V- COLA Adjustment will continue on July 1, 2018.
3. This agreement will be null and void unless approved by the Portsmouth City Council.
4. The terms of this Memorandum of Agreement are a one-time event, and do not set any binding precedent on either party. Additionally, all of the remaining terms of the CBA will remain in place and will continue in full force and effect through June 30, 2019.

APPROVED:

 _____ For the City	10-3-17 Date	 _____ For the Union
--	-----------------	--

Fire Fighters

		FY 18	FY 19	
COLA			2%	
Retirement			31.89%	
		FY 18	FY 19	
<i>Current Agreement</i>				
Salaries		2,355,327.00	2,334,911.00	
Stipends		180,391.00	165,923.00	
Holidays		104,177.93	103,274.91	
<i>Sub Total</i>		2,639,895.93	2,604,108.91	
Medicare		76,556.98	75,519.16	
Retirement		841,862.81	830,450.33	
<i>Sub Total</i>		918,419.79	905,969.49	
Cost of Current Contract		3,558,315.72	3,510,078.40	
			(48,237.32)	From FY18-FY19
			-1.36%	% Change
Additional Cost Proposed from TA				
COLA on base			46,698.22	
Stipends			3,318.46	
Holidays			2,065.50	
<i>Sub Total</i>			52,082.18	
Medicare		-	755.19	
Retirement		-	16,609.01	
		-	17,364.20	
Total Cost Rollout of Tentative Agreement		-	69,446.38	From FY18-FY19
			2%	% Change
Proposed Current Annual Budget & Tentative Agreement			3,579,524.78	
Combined Annual Change			21,209.06	From FY18-FY19
			0.60%	% Change

WORKING AGREEMENT

BETWEEN

CITY OF PORTSMOUTH, NEW HAMPSHIRE

(The Portsmouth Board of Fire Commissioners)

AND

FIREFIGHTERS ASSOCIATION OF PORTSMOUTH, NEW HAMPSHIRE

LOCAL #1313

AFFILIATED WITH

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

July 1, 2014 through June 30, 2018⁹

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PREAMBLE

The City of Portsmouth, hereafter referred to as City and the Firefighters Association of Portsmouth, New Hampshire, Local #1313, affiliated with the International Association of Firefighters, hereinafter referred to as Union, in order to arrange and maintain fair and equitable labor rates and operating conditions, and to promote methods of fair and amicable means of adjustment of any and all disputes which may arise between the parties hereto, and to continuing the existing harmonious relationship between the City and its permanent employees of the Fire Department, and to promote the morale, equal rights, well-being and security of the employees covered by this Agreement, agrees as follows:

SECTION I. RECOGNITION

The City and the Board of Fire Commissioners recognizes the Union as the sole collective bargaining agent and sole exclusive representative of all permanent fire fighters of the Portsmouth Fire Department with the rank of private or Firefighter Engineer who are now or become during the term of this Agreement, members of the Union for the purpose of bargaining with respect to wages, hours of duty and working conditions, subject to conditions of probation. Discharge of probationary employees may be with or without cause and shall not be subject to the grievance procedure or to a PELRB charge for breach of contract.

SECTION II. MANAGEMENT RIGHTS

The City and the Fire Commission, as appropriate, hereby retains and reserves unto itself, without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the Laws of the Constitution of the State of New Hampshire and of the United States. Further, all rights which ordinarily vest in and are exercised by employers except such as specifically relinquished herein are reserved to and remain vested in the City.

- A. To manage its affairs efficiently and economically, including the determination of quantity and quality of services to be rendered, the control of materials, tools and equipment to be used and the discontinuance of any services, material or methods of operation;
- B. To introduce new equipment, methods, machinery or processes, change or eliminate existing equipment and institute technological changes, decide on materials, supplies, equipment and tools to be purchased;
- C. To determine the number, location and type of facilities and installations;
- D. To determine the size of the work force and increase or decrease its size;
- E. To hire, assign, and layoff employees to reduce the workweek or the workday or effect reductions in hours worked by combining layoffs and reductions in workweek or workday;
- F. To permit municipal employees not included in bargaining unit to be allowed to perform bargaining unit work in case of emergency only after all permanent fire fighters have been assigned;

- G. To direct the work force, assign work and determine the number of employees assigned to operations;
- H. To determine lunch, rest periods, and cleanup times, the starting and quitting time and the number of hours to be worked over forty-two;
- I. To establish a work schedule;
- J. To discipline and discharge employees for just cause;
- K. To adopt, revise and enforce working rules and carry out cost and general improvement programs;
- L. To transfer, assign and re-assign employees from one assignment, division or shift to another;
- M. To determine the qualifications and competency of employees to perform available work subject to the terms of this Agreement.

This article shall not give authority to the City or the Commission to vary terms of this Contract without mutual agreement to the parties hereto.

SECTION III. UNION SECURITY

The City and the Commission agrees that all employees as defined in Section I, may become members of the Union within thirty (30) days. The City and the Commission agree not to interfere with the decision to become a Union member, if he or she so desires. The Commission shall have the exclusive right to determine the selection of applicants for employment and shall be the sole judge of the requirements and qualification of such applicants.

SECTION IV. CHECK OFF

- A. **UNION DUES:** Upon written authorization by an employee, as defined in Section I., approved by the Union President, the City agrees to deduct from each employee the sum authorized per month for Union dues, to be collected from the first paycheck of each month only, and deliver the same to the Union Treasurer at his/her request, providing, however, that if any employee has no check coming to him, or the check is not large enough to satisfy the assignment, then and only in that event no collection will be made from the said employee for that month. In no case will the City attempt to collect fines or special assessments for the Union. The Union agrees in return for itself and its members that they will individually and collectively perform loyal and efficient work and service and will use their influence and best efforts to promote and advance the interest of the citizens of Portsmouth. The Union will indemnify and save the Department harmless against any liability which shall arise because of dues checked off under this Section.
- B. **NEW EMPLOYEES:** 1). All new employees shall have no seniority rights during their probationary period. All employees who have worked twelve (12) months and satisfactorily complete their probationary period shall be known as permanent employees. Seniority shall commence from the first day of employment as a probationary employee on a full time basis.

- 2.) Effective January 1, 1996, all new employees shall either possess the EMT-I or EMTI/A-EMTI certification within one year of their date of employment and maintain it throughout his/her career.
- C. **REHIRED EMPLOYEES:** Any rehired employee who has already served a probationary period shall not be required to serve another probationary period.
- D. **SENIORITY LISTS:** The Commission shall establish a seniority list and it shall be brought up to date on January 1st of each year and immediately posted thereafter on the Central Fire Station Bulletin Board for a period of no less than thirty (30) days and a copy of same shall be mailed to the Secretary of the Union. Any objection to the Seniority List as posted shall be reported to the Fire Chief within fourteen (14) days from the date such list is posted or it will stand approved.
- E. **SHIFT ASSIGNMENT:** It shall be the goal of the Commission and the Union to insure that all fire fighters are proficient in operating all fire equipment and apparatus in the Department. In order to insure continued proficiency, shift assignments shall be made by the Chief of the Department based upon:
- 1 **SENIORITY:** A firefighter's normal work assignment shall be determined on the basis of seniority. The most senior employee on a shift shall select his/her preference for his/her job assignment and shall be assigned to said job provided he/she is qualified for the position consistent with the requirement for the department to maintain a level of proficiency of the department as set forth above. The Department Head shall be the sole judge of qualifications and ability provided that such judgment shall not be exercised arbitrarily or unreasonably. At the request of the Union, the Department Head shall provide written reasons for the denial of a senior employee's request to an assignment and the same shall be subject to the grievance procedure under this contract. For purposes of this Section, the ambulance shall not be considered as part of the firefighter apparatus. The least senior employee on a shift shall be assigned to ambulance duties unless a firefighter with a higher level of medical certification (EMT-I, EMTI/A-EMT) is on duty. At least one EMT-I or EMTI/A-EMT shall be assigned to an ambulance when possible.
- F. **PROMOTIONS:** The parties will follow the policies as outlined in Fire Department Policy #100-20 with respect to promotions.
- G. **PERSONNEL REDUCTION:** In case of personnel reduction in the Fire Department personnel, an employee with the least seniority shall be laid off first and employees with the most seniority shall be rehired first for a period of three (3) years after the lay-off. A laid-off employee must inform the Department of his/her current address and respond within ten (10) business days of the postmark of the recall notice.
- H. **SENIORITY:** Seniority shall also be the ruling factor in choice of vacation dates.

I. **APPOINTMENTS AND PROMOTIONS:** All appointments and promotions shall be made from the ranks, provided the member appointed or promoted is qualified for the positions

J. **PLATOON AND DUTY STATION CHANGES:**

1. The Chief of the Department may detail a firefighter from one station to another or from one platoon to another as part of a tour of duty when, in his/her judgment, it is in the best interest of the Department.
2. Compensation for such platoon change will be based on the total number of hours worked in each cycle. Any amount of time required over the total number of hours usually worked in a work cycle will be paid at time and one-half at that person's usual hourly rate of compensation. The work cycle is defined as that number of weeks in which a complete rotation of schedule is established.
3. **WORKING OUT OF CLASSIFICATION:** Whenever possible only those fire fighters whose names are on the Officers Eligibility List shall be designated to temporarily fill an officer assignment. The City agrees to accept the revised position classification for the position of firefighter.

SECTION V.

A. **SALARY SCHEDULE:**

	July 1, 2014 through June 19, 2016	
	FireFighter/EMT Basic	FireFighter/EMT Intermediate/Advance EMT
Start of Probation period	\$38,218	\$39,365
End of Probation 12 months	\$40,320	\$41,530
End of 24 months	\$42,538	\$43,814
After One additional Year – 36 months	\$44,876	\$46,223
After One Additional Year – 48 months	\$47,345	\$48,765
After 5 years 60 months	\$49,951	\$51,449

Effective June 20, 2016 employee's wages will be adjusted by 2.5%.

	FireFighter/EMT Basic	FireFighter/EMT Intermediate/Advance EMT
Start of Probation period	\$39,174	\$40,349
End of Probation 12 months	\$41,328	\$42,568
End of 24 months	\$43,601	\$44,909
After One additional Year – 36 months	\$45,998	\$47,379
After One Additional Year – 48 months	\$48,528	\$49,984
After 5 years 60 months	\$51,200	\$52,736

Effective, July 1, 2016 employee's wages will be adjusted by the 10 year rolling COLA average of 2.00%.

	FireFighter/EMT Basic	FireFighter/EMT Intermediate/Advance EMT
Start of Probation period	\$39,957	\$41,156
End of Probation 12 months	\$42,155	\$43,420
End of 24 months	\$44,473	\$45,807
After One additional Year – 36 months	\$46,918	\$48,326
After One Additional Year – 48 months	\$49,499	\$50,984
After 5 years 60 months	\$52,224	\$53,790

COLA ADJUSTMENT

Effective July 1, 2017 and July 1, 2018 a COLA Adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

The COLA Adjustment percentage shall be determined by the annual increase in the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

Thus if the CPI-U for the Boston SMSA calendar year 2003 (Nov. 2002-Nov. 2003) is 1.5% the applicable COLA Adjustment on July, 2004 would be 2%; if it is 3.5% the applicable COLA Adjustment would be 3.5%; if it is 5.5% the applicable COLA Adjustment would be 5.0%.

Applicability After Contract Expires: It is clearly understood that in the event that the four year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2018⁹ that no further COLA Adjustments after July 1, 2017⁸ will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA Adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 2018-9

B. **LONGEVITY-BONUS:** In the December following five (5) years of municipal service, an employee shall become entitled to an annual longevity bonus. Effective July 1, 2014, bonus shall be paid in accordance with the following schedule

Longevity Step	Bonus	
	July 1, 2014	July1, 2016
0 through 4 years of service	\$ 0	
5 years of completed service	\$116.37	\$118.70
6 years of completed service	\$151.28	\$154.31
7 years of completed service	\$186.19	\$189.91
8 years of completed service	\$221.10	\$225.52
9 years of completed service	\$256.02	\$261.14
10 years of completed service	\$290.92	\$296.74
11 years of completed service	\$325.84	\$332.36
12 years of completed service	\$360.75	\$367.97
13 years of completed service	\$395.66	\$403.57
14 years of completed service	\$430.57	\$439.18
15 years of completed service	\$465.48	\$474.79
16 years of completed service	\$500.39	\$510.40
17 years of completed service	\$535.31	\$546.02
18 years of completed service	\$570.21	\$581.62

19 years of completed service	\$605.13	\$617.23
20 years of completed service	\$640.04	\$652.84
21 years of completed service	\$698.22	\$712.18
22 years of completed service	\$814.60	\$830.89
23 years of completed service	\$930.97	\$949.59
24 years of completed service	\$1,047.34	\$1,068.29
25 years of completed service	\$1,163.70	\$1,186.97
26 years of completed service	\$1,280.07	\$1,305.67
27 years of completed service	\$1,396.45	\$1,424.38
28 years of completed service	\$1,512.82	\$1,543.08
29 years of completed service	\$1,629.19	\$1,661.77
30 years of completed service	\$1,745.57	\$1,780.48

- C. **CLOTHING ALLOWANCE:** The City agrees to credit each firefighter with a clothing allowance of \$600.00 per year payable by July 15 of each year. This Section shall not be deemed to cede or waive any management rights regarding the Commissions authority to establish and implement uniform policies and regulations. In addition to the clothing allowance, each employee shall receive protective clothing for firefighting duties which require special clothing at the expense of the City. All special clothing will meet N.F.P.A. standards OSHA standards or standards as set by the Board of Fire Commissioners. It is understood that when standards are changed that new clothing may be phased in over time The City will provide one Class A uniform to new firefighters at the end of their probationary period of employment.
- D. **LODGING:** The City agrees to provide beds, bedding, linens, blankets, and towels for each firefighter from 10:00 p.m. to 7:00 a.m.

SECTION VI.

- A. **HOURS OF DUTY:** The present hours of duty will remain in force. The 42-hour (average) workweek shall consist of 14, ten (10) hour day shifts and 14, fourteen (14) hour night shifts over an eight (8) week cycle per schedule in effect. The starting times being 7:30 a.m. and 5:30 p.m. Chart of shifts and cycle attached (Appendix A).
- B. **EMERGENCIES:** All members of the Fire Department shall be subject to recall for emergencies at the discretion of the Chief of the Department or his assistant and the members of Unions shall be paid the rate of pay equal to one and one-half (1 1/2) times their usual hourly rate for all hours worked under such emergency conditions., In the event that a firefighter covered by this Agreement works less than two (2) hours in response to such emergency, he/she shall be paid for two (2) hours at such overtime rate. Firefighters who work less than two (2) hours in response to emergencies, shall be paid for two (2) hours at such overtime rate. Call-back will not be compounded, pyramided or added to compensation for any purpose.

An employee who is recalled for non-emergency reasons after hours shall be paid a minimum of two (2) hours at one and one-half (1/2) times their rate of pay providing that if such employee's regular duty commences within two (2) hour block, he/she will be paid at the overtime rate for only the time before regular duty. Once on regular duty, his/her normal rate of pay shall apply. Call-back pay will not be compounded, pyramided or added to compensation for any purpose.

- C. **EXCHANGE OF DAYS OFF:** The Fire Chief may grant the request of any two members of the Department to exchange hours of duty of days off. All exchanges must take place within the calendar year. Applicable request forms will be completed, signed by the shift officer and approved by the Fire Chief prior to the exchange of hours of duty, whenever possible.
- D. **HOLIDAYS AND HOLIDAY PAY:** All employees covered by this Agreement shall be compensated for all holidays listed below at a rate of pay established by the annual base salary divided by 260.

New Year's Day
Dr. Martin Luther King, Jr. Holiday
Washington's Birthday
Memorial Day
Veteran's Day
1/2 Day on Good Friday
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
1/2 Day the day preceding Christmas Day when Christmas Day comes between Tuesday through Friday.

SECTION VII.

A. **EARNED TIME.** It is the intent of this policy to explain the provisions and conditions of the Earned Time Program. The program has been created to provide, as equitably as possible, paid time off, to be used at the employee's discretion, while protecting an allotment of time for disability, hospitalization or injury.

Earned time is a combination of vacation and personal absence days. A separate account per year is accumulated for disability time (seven days per year).

Earned Time is an alternative approach to the traditional manner of converting absences for vacation, sick leave, interim disability, maternity leave, by combining all these plans into one program. Instead of dividing benefits into a specific number of days for each benefit, Earned Time puts these days together into a single benefit. The exact amount of Earned Time accrued each year will depend on the years of service with the Portsmouth Fire Department.

Effective the date of this policy, employee's vacation time will be converted to earned time. Employee's sick time balance will be converted to the Disability Bank. Employees will accrue earned time based on the following schedule:

<u>Years of Service</u>	<u>Earned Time</u>	<u>Accrual Rate</u>	<u>Disability Bank</u>	<u>Total Combined</u>
1 - 5 yrs. Incl.	17	(1.417 days/month)	7	24
6 years incl.	18	(1.5 days/month)	7	25
7 years incl.	19	(1.583 days/month)	7	26
8 years incl.	20	(1.667 days/month)	7	27
9 years incl.	21	(1.75 days/month)	7	28
10 years incl.	22	(1.833 days/month)	7	29
11 years incl.	23	(1.917 days/month)	7	30
12 years incl.	23	(1.917 days/month)	7	30
13 years incl.	24	(2 days/month)	7	31
14 years incl.	24	(2 days/month)	7	31
15 years incl.	25	(2.083 days/month)	7	32
16 years incl.	25	(2.083 days/month)	7	32
17 years incl.	26	(2.167 days/month)	7	33
18 years incl.	26	(2.167 days/month)	7	33
19 years incl.	27	(2.25 days/month)	7	34
20 years incl.	28	(2.333 days/month)	7	35
25 years incl.	29	(2.416 days/month)	7	36

All absences from regularly scheduled work will be charged to an employee's Earned Time. Exceptions are:

1. Administrative Leave
2. Unpaid leaves of absence
3. After absence due to personal illness/injury for more than three consecutive working days an employee may use his/her Disability Bank, if available.
4. Emergency Leave
5. Military Leave
6. Worker's Compensation
7. Disciplinary Suspension

Applicable request forms will be completed, signed by the Shift Officer and approved by the Fire Chief prior to the use of earned time, whenever possible.

Earned Time begins accruing on the 15th of the month after the date of hire. Employees may use their earned time as soon as it earned once they have completed their probationary period.

Accumulated Earned Time may be used for personal illness or accident, immediate family illness or accident, or compelling personal reasons.

Earned Time must be taken in one-half or full shift increments.

All Earned Time payments are computed at the employee's current base rate.

Employees are responsible for the Earned Time balance reflected on their pay stubs. Any errors should be reported immediately.

At separation, any unused earned time days will be cashed out at full value.

Unused Earned Time Carryover

Employees are allowed to accumulate up to a maximum of 60 earned time days as of January 1st of any calendar year. Any days over the 60 day limit but no more than ten (10) in a year may be cashed out at fifty percent (50.0%) or deposited to the Disability Bank. Any days over the 60 day limit but no more than 10 in a year may be cashed out by an employee hired after January 1, 1996 at ninety percent (90.0%) or deposited to the Disability Bank.

Disability Bank

In addition to the original sick leave balance that was transferred to the Disability Bank at the time this program was implemented, days will accumulate at the rate of seven (7) days per year (or .583 per month).

The Disability Bank hours are to be used for extended illness, injury, disability related to pregnancy, or hospitalization only. Usage of the Disability Bank commences with the 4th consecutive day of absence from work due to illness or injury. A physician's report must accompany the request to use the Disability Bank Days. Periodic updates from the employee's physician may be required. In the event that an employee is hospitalized or has surgery (this includes day surgery procedures) for something other than a work-related problem, the Disability Bank may be used starting with the first day of hospitalization. Any disability related to pregnancy will be treated like any other medical condition.

An exception to the policy that requires the usage of three (3) Earned Time days before being permitted to access the Disability Bank when the disability is certified by a physician to be the same as for the original use or from the same cause as the original Disability Bank usage.

Disability days must be taken in one-half or full day shift increments.

Return to Work: Following a period of absence due to illness/injury, medical documentation supporting the employee's ability to perform the essential functions of the job is required prior to returning to work.

The use of the Disability Bank for extended illness or injury requires medical documentation and may indicate the need for use of the Family Medical Leave Act and the need to contact the Human Resource Department concerning long-term disability.

Employees hired prior to January 1, 1991 may accumulate Disability Bank days without limitation. Firefighters hired after January 1, 1991 shall have disability leave bank accumulation limited to 150 days. Upon death of an employee while in the employment of the City, the City shall pay to his/her spouse or next of kin an amount equal to 100% of the value of his/her accumulated disability bank. Upon retirement from employment, upon voluntary termination of his/her employment, the City shall pay to the employee an amount equal to 90% of the value of his/her accumulated disability bank. Firefighters hired after January 1, 1996 shall receive no pay out at all for accumulated disability bank either for retirement or termination.

Exhaustion of Earned Time/Disability Bank. An employee on an approved absence who has used all Earned Time and Disability Bank days will be placed on leave without pay. If the illness/injury qualifies for FMLA leave benefits will continue for the period of the Family Medical leave. Employees will not accrue earned time while they are on a leave without pay status.

D. **ACCIDENTAL INJURIES:** The City shall provide and maintain workers' compensation insurance coverage on each employee covered by this Agreement.

1. In case of accidental personal injury to any employee covered by this Agreement arising out of and/or in the course of his/her employment, the City shall adjust the employee's pay so that he/she nets the same amount as if he/she had actually worked. This shall be accomplished by either paying the difference to the employee, or if the workers' compensation benefit is more than the net pay, the City shall deduct the amount of the difference made until the employee is able to return to work, but in no event shall such payments by the City exceed 52 weeks.
2. If, during the incapacitation of any employee due to the injury arising out of the course of his/her employment, the employee shall be entitled to earned time in accordance with this Section VII, Paragraph A, then said employee shall be indemnified in pay or awarded earned time at a later date equal to the earned time lost because of said injury at the discretion of the Fire Chief.

E. **TEMPORARY ALTERNATIVE DUTY**

(1). In compliance with RSA 281-A:23-b, the Commission may provide temporary alternate duty assignments (light duty) for injured employees.

(2). Employees covered by this working agreement who have been on authorized leave due to illness or injury, may request a light duty assignment. The employee must provide management with a release from his or her physician utilizing the State forms outlining the duties that can and can not be performed. The employee will return to a light duty assignment within the Fire Department. Said assignments shall be in accordance with the following:

- a) Employees who request light duty in accordance with this section will have the same work schedule, subject to authorization from his/her physician and the availability of a light duty assignment. The Department will make a reasonable attempt to insure that the

employee's days off and hours of light duty will coincide, to the extent possible, with the firefighters selected shift. If a firefighter can not be assigned to his/her previously selected shift due to the lack of light duty work, the Department shall consider the firefighters individual circumstances in making a light duty assignment.

(3). Nothing in this agreement shall be construed as conflicting with the injured leave section of the contract.

(4). It shall be entirely optional for employees with non-work related injuries or illnesses to accept a light duty assignment. It is the sole discretion of the Fire Chief whether or not to offer a light duty assignment to firefighters who are injured off-duty. Employees who return to a light duty position due to an off duty injury will receive compensation for the hours worked. Employees with work related injuries shall have priority for light duty assignments.

(5). It is understood by the parties that light duty is not intended to be used as a means of punishment. The Fire Chief will not require a firefighter to report for light duty if there is no light duty work available.

(6). Light duty assignments shall not affect the shift assignments or shift bid possibilities, of other employees. Firefighters assigned to light duty shall be assigned to the same shift as their assignment before the injury, subject to the limitations in Paragraph 2 (a) above.

(7). The Fire Chief may require a firefighter to be examined by the Work Performance Center anytime after four weeks if the Chief has a concern that the firefighter is fit for regular duty. The firefighter may request a mutually acceptable neutral physician to render an opinion if he/she contests the Fire Department's ruling. The neutral physician shall be designated jointly by the City's physician and the employee's physician as soon as practicable under the circumstances. The two (2) physicians shall endeavor to designate a neutral physician capable of examining the employee within seven (7) calendar days of his/her designation as neutral physician. The costs of the neutral physician shall be borne by the City. If the report of the neutral physician supports the assignment of full duty, the employee shall forthwith report for appropriate duty. If the report does not support the assignment of full duty, the employee shall remain on light duty status. Each physician who administers an examination under this procedure shall be provided, by the City a detailed analysis of the physical requirements of the task(s) to which the employee shall be assigned if returned to limited duty, and shall be asked to make his/her determination of the fitness of the examined employee to perform limited duty based on the specific physical requirements of each limited duty task. Each physician who determines that an examined employee is capable of being assigned to limited duty shall be required to specify in his/her report which, if any, limited duty task(s) the examined employee is capable of performing, and the recommended number of hours per day and per week that the employee may be assigned to limited duty.

(8). Firefighters assigned to light duty are not eligible to work any overtime.

(9). An employee whose physician has approved him/her for a light duty assignment and who loses any workers compensation benefits for refusal to accept

temporary alternate duty offered by the Fire Department shall not be eligible for injured leave.

F. **HEALTH INSURANCE:**

Health Insurance: Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this four (4) year agreement - such plan would only become effective if ratified by the Association, approved by the Fire Commission and approved by the City Council.

Effective March 1, 2014, the City will pay up to a maximum of 84.5% of the premium of the cost of a Matthew Thornton Plan. If an employee chooses to enroll in BlueChoice or Comp 100, the City will pay only 84.5% of the Matthew Thornton Premium towards the higher premium plans.

Effective September 1, 2016, the City will pay 90% of the premium of the cost of the AccessBlue 20 with a \$10/\$20/\$45 prescription plan. If an employee chooses to enroll in BlueChoice, the City will pay only 90% of the AB20 Premium towards the higher premium plans.

Local #1313 will serve on the City-wide committee to study health insurance options

SchoolCare will be added as a coverage option if the unit in its entirety, decides to make a change in coverage.

Effective as soon as practicable after City Council approval of this Agreement, the City shall offer to bargaining unit members health insurance for same-sex domestic partners. Eligibility for coverage under this provision shall be governed by the rules in place for employees of the University of New Hampshire as of November 1, 2003. (Appendix II).

G. **EMERGENCY LEAVE:** In addition to sick leave, all persons covered by this Agreement shall be entitled to emergency leave up to three (3) calendar days, with pay, if needed, if death in the family. An additional two (2) days may be granted by the Chief or his designee at his discretion for a death in the immediate family. Immediate family shall be defined as follows: spouse, child (including adopted children and stepchildren), parent (including parent by adoption), brother, sister, grandparent, grandchild, aunt, uncle and only the following in-laws--the grandmother, grandfather, mother, father, brother or sister of the employee's current spouse.

H. **MILITARY LEAVE:** Any employee covered by this Agreement who is called to active military service as a member of the Armed Forces of the United States, or who is engaged in activities in the reserve forces of the National Guard shall be granted a leave of absence to perform such military duties and the City shall pay to said employee the difference in salary between the pay which he/she receives from the United States and his/her base pay as a firefighter. Said employee shall not suffer any loss of leave time or other benefits because of said military duty. Such leave shall be considered "Military Leave". Said military leave shall not exceed fourteen (14) days per year.

- I. **INSURANCE DENTAL PLAN:** The City agrees to provide the single (employee), two-person or family membership in the Delta Dental Plan V.
- J. **LIFE INSURANCE:** Within sixty (60) days after this Agreement is approved, the City shall provide a group life insurance policy for eligible members of the bargaining unit in the amount of the employee's annual base salary, in accordance with the conditions set forth in the insurance policy.
- K. **LONG TERM DISABILITY:** Within sixty (60) days after this Agreement is approved, the City shall obtain disability Income Insurance for eligible members of the bargaining unit equal to 66 2/3% of the base monthly salary not to exceed five thousand dollars (\$5,000) per month. Said insurance shall be effective after the 61st day of disability. Said insurance shall continue as long as the member remains disabled or until age sixty-five and shall be coordinated with Social Security.
- L. **DEFERRED TAX SAVINGS PLAN:** Employees shall have the option to participate in the Professional Firefighters of NH Deferred Tax Savings Plan through payroll deduction.

SECTION VIII. DEFENSE OF LAW SUITS:

The City shall undertake to defend and pay any judgment issued against any employee covered by this Agreement arising out of an act or omission of the employee for personal injury, including death or damage to property while the employee was engaged in the performance of his/her duties as a firefighter.

SECTION IX. UNION BUSINESS:

- A. Officers of the Union and their representatives shall be entitled to leave with pay for official union business and conventions provided 48 hours notice is provided to the Chief. The leave will be limited to a total of seven (7) days per year and may be taken in whole or half day increments.
- B. The above listed Union leave is in addition to leave which is granted for fire fighters acting in official capacities in grievance hearings, arbitration hearings, negotiation sessions and state legislative business. It is understood that the number of fire fighters eligible to receive leave with pay during negotiations shall not exceed two.

SECTION X. GRIEVANCE PROCEDURE:

The purpose of the grievance procedure is to settle employee grievances on as early a basis as possible and as quickly as possible to maintain efficiency and employee morale. It is the responsibility of all parties to this contract to come to a quick and amicable solution to the employee grievances. If any difference arises between the Management and an employee or employees as to the application of any of the provisions of this Agreement or if there is any grievance by an employee or employees with respect thereto, notice must be given to the Fire Chief or his designee within two (2) days of the employee's knowledge of its occurrence and an earnest effort shall be made to adjust such

difference, complaint, or grievance otherwise the grievance shall be waived by negotiations pursuant to the following procedures:

- A. First, an effort shall be made to resolve said differences by a meeting between the employee or employees, the Union Steward, and the Fire Chief or his designee;
- B. If such grievance is not resolved within two (2) calendar days thereafter, the employee or employees shall present his/her grievance to the Executive Board of the Union in writing within two (2) calendar days. The Executive Board of the Union shall then discuss the grievance in accordance with the Constitution and Bylaws of the Union and handle all grievances so presented to them within two (2) calendar days, and report their action to the subsequent meeting of the Union.
- C. In the event the Executive Board decides that the grievance is justified it shall notify the Chief of its decision in writing with a request to meet for the propose of resolving said grievance within two (2) calendar days. Said meeting shall take place within seven (7) calendar days of receipt by the Chief of the written request of the Executive Board and an earnest effort will be made to resolve said grievance. The Chief shall, thereafter, render his decision in writing within five (5) days of said meeting.
- D. In the event the Executive Board does not accept the decision of the Fire Chief then it shall request a hearing within two (2) calendar days with the Board of Fire Commissioners in writing which shall take place within seven (7) calendar days of receipt by the Board of Fire Commissioners of said request. The parties shall meet in an effort to resolve said dispute and the Board of Fire Commissioners shall render this decision in writing within five (5) calendar days of said meeting
- E. Should the Board of Fire Commissioners decision be unsatisfactory to the Executive Board of the Union, then it shall submit the grievance to arbitration under the Voluntary Labor Arbitration Rules of the PELRB. The parties further agree to accept the arbitrators award as final and binding upon them. Cost of said arbitration shall be paid as follows: 50% by the losing party and 50% by the successful party to the complaint. To be timely under this section, the Union must request arbitration in writing both to the PELRB and the Commission within twenty-one (21) days of its receipt of the Commission's written decision.
- F. **TIME LIMIT:** A decision on the grievance shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant. Failure at any step of this procedure to appeal a grievance to the next step within the time limits shall be deemed to be acceptance of the decision rendered at that step.
- G. No arbitrator shall have the authority to alter or amend, add to or delete from this contract or any of its provisions. Appealability of arbitration awards under this contract shall be subject to RSA 542.

SECTION XI.

- A. **SAFETY AND HEALTH:** The City and the Union shall fully cooperate in matters of safety, health and sanitation affecting the employees. This shall include provision for proper working facilities, equipment tools, safety devices, protective clothing and other modern implements of firefighting so as to provide the City

with an efficient and safety minded firefighting organization. If an employee has followed the procedures set forth in the New Hampshire Workers compensation Statute and has been advised under RSA 141-6 (regarding notification of Firefighters, etc. after exposure to infectious diseases) and the firefighter then becomes infected with said disease or disability within its normal incubation period, said disease or disability shall be considered a work related injury as defined by the New Hampshire Workers Compensation Statute whether or not the firefighter is still in the employ of the City unless there is clear and convincing evidence that the disease was contracted otherwise.

- B. **BUILDING MAINTENANCE AND OTHER DUTIES:** No employee shall be required to perform major structural alterations, repairs or renovations to existing facilities or vehicles, or to construct or assist in the construction of new facilities during his/her regular work cycle. The Union agrees that normal, routine housekeeping and maintenance is exempt under this Section.
- C. **PENSION AND RETIREMENT PLAN:** The members of the bargaining unit shall be covered by the New Hampshire Permanent Fireman Retirement System and any amendments thereto and the City shall make such payments as may be required to provide such coverage for each employee. If any amendment requires approval, such amendment is not incorporated into this Agreement until voted by the City Council.
- D. **PROTECTION OF PROPERTY AND EQUIPMENT:** It shall be the responsibility of any employee having custody of any equipment and property to see to it that it is properly cared for, kept clean and returned to its place for storage.

SECTION XII.

- A. **WORKING RULES:** The Board of Fire Commissioners shall have the right to make such reasonable rules and regulations, not in conflict with this Agreement as it may from time to time deem best for the purposes of maintaining order, safety, and/or effective operation of the Fire Department, and to require compliance therewith by the employees after advance notice of the promulgation of any new or modified rule has been given to the Union and by posting the same on the bulletin boards for both the Central and Sub-stations. Union reserves the right to question the reasonableness of such rules or regulations through grievance and arbitration procedure up to three (3) week days after posting.

Infractions of the rules and regulations established by the City and/or the Commission as appropriate, may constitute just cause for disciplinary action, and willful violations may constitute just cause for discharge. Union will not encourage violation of any rules by its representatives or by the employees, and will assist the City and the Fire Commission in the enforcement of the rules. The Chief or his designee shall notify the Union of any claimed infraction of a rule or regulation within ten (10) working days after the department has knowledge of its occurrence, otherwise the infraction shall be waived. It is agreed that any employee may be discharged for reporting to work under the influence of intoxicating liquor while on the job, theft, or other offenses involving moral turpitude. Any employee discharged or disciplined shall be entitled to the

provisions of the grievance procedure set forth herein and may be allowed a representative of his/her choosing. If it is determined or agreed at any step in the grievance procedure or decided by the arbitrator that any employee has been disciplined or discharged unjustly, the Fire Commission shall put them back on his/her job and pay the employee the amount he/she would have earned had he/she been working, without offset of outside earnings.

- B. **ABSENTEEISM:** Employees not expecting to work because of emergency or because of other justifiable causes, must notify the superior officer on duty as soon as such emergency or other just cause is known to the employee.

SECTION XIII. TRAINING

It is the goal of the department and the Union to insure that the personnel covered by this Agreement are properly trained to operate the fire equipment and apparatus of this Department. In this regard, it shall be the duty of the Department to maintain a regular training schedule covering all phases of the suggested voluntary standards for firefighting published by the New Hampshire Fire Standards and Training Commission or other curriculum approved by the Fire Chief.

The Department and the Union agree that once a proper training program has been initiated and conducted that the parties will implement the suggested voluntary standards for firefighters.

- A. Certification and degree stipends: Each firefighter who has earned and maintains the certifications or degree set forth below shall be entitled to an annual stipend based on the highest certification or degree achieved and maintained. The stipends are not cumulative.

Associate's Degree	2%
Associates Degree	3.5%
With Fire Protection Certificate	
Bachelors Degree	3.75%
Either Arts or Science	
Bachelor Degree with Fire	4.0%
Protection Certificate or	
Business Administration	
EMT-Paramedic	5% of base pay

- B. The following annual stipends will be paid. Certification must be obtained and written notification provided to the Fire Chief at least six (6) months prior to the beginning of the fiscal year in which the stipend will be paid.

Specialty Team	Stipend
Boat Operator (28' & over)	2.0%
Hazardous Materials Technician (START or PFD)	2.0%
Shipboard Firefighter Technician	2.0%

C. It shall be the sole responsibility of the department to provide all training necessary for re-certification at the Advanced EMT or Paramedic level of certification at no cost to the firefighter. A thirty (30) day notice will be given for scheduled training. Should a firefighter miss a class for any reason, other than approved Worker's Compensation, extended sick leave with doctor's note, or funeral leave, he/she must make it up on his/her own time. All training necessary to obtain and maintain certification in the areas listed in Paragraph B above shall be the sole responsibility of the firefighter. The City will not reimburse firefighters for the cost or expenses of the training or compensate firefighters for time spent in obtaining or maintaining such certification.

. Engineers. Firefighter Engineers, in addition to their normal firefighter duties, shall be responsible for having knowledge of fireground operations and procedures, and perform the position of an officer in charge within the incident command structure in the absence of a senior fire officer. Firefighter Engineers shall also oversee the restocking and returning to service of all apparatus after an incident. A Firefighter will become eligible to receive the Engineer's stipend based on Department Policy which shall require fourteen (14) years of full-time service as a Fire Fighter in the Portsmouth Fire Department and certifications acceptable to the Chief as Driver/Operator — All Vehicles, Driver/Operator — Pumps, and Driver/Operator — Aerial Devices. The stipend shall be 3.5% of base pay.

SECTION XIV. EQUAL EMPLOYMENT OPPORTUNITY

The Fire Commission agrees that all personnel actions and employment practices will be based solely on merit and fitness in a manner that will demonstrate equal employment opportunity to all persons without regard to race, sex, color, religion or national origin, disability Viet Nam era veterans or any other protected class. It is agreed between the parties that in the policies and practices of the Union that there shall be no discrimination against any employee because of race, sex, marital status, sexual orientation, color, religion, national origin, disability, age or veterans status.

Each party agrees to advise the other of equal employment opportunity problems of which they are aware. The Commission and the Union will jointly seek solutions to such problems through personnel management procedures and programs provided in this Agreement and in the Department Regulations.

SECTION XV.

- A. The signing of this Agreement by the authorized representatives of the Union and the City shall constitute the effective date of this Agreement.
- B. This Agreement will remain effective until July 1, 201~~89~~ or until superseded by a new Agreement.
- C. Should neither party to this Agreement initiate negotiations as required by State Law, this Agreement will be considered to have been automatically renewed for another year.

SECTION XVI. DRUG AND ALCOHOL TESTING

All members will be subject to drug and alcohol testing as outlined in the policy attached as Appendix 1.

SIGNATURES

In Witness Whereof, the Parties have executed this Agreement at Portsmouth, New Hampshire, this ____ day of _____ 20167

IAFF Local #1313

The Portsmouth Board of Portsmouth, NH
of Fire Commissioners

Richard Gamester, Fire Commissioner

~~Russell Osgood~~, President
IAFF Local #1313

Michael Hughes Fire Commissioner

Brian Ryll, Vice President
IAFF Local #1313

Jennifer J .Mosher-Matthes,
Fire Commissioner

Steve Achilles, Fire Chief

Richard E. Molan, Attorney
For IAFF Local #1313

Thomas Closson, City Negotiator

APPENDIX I

AGREEMENT REGARDING PAYMENT OF SALARY

AND GRANTING OF LEAVE TO

ALLOW SUBSTANCE ABUSE REHABILITATION

THIS AGREEMENT is made on the date written below by the Portsmouth Fire Department and _____, member of the Fire Department.

WHEREAS, the member is employed by the City of Portsmouth Fire Department, an important public safety position, and as a condition of this employment the member shall obey the Rules and Regulations of the Department which requires the member to be alert and not under the influence of alcohol, drugs or controlled substances when on duty, not to possess or use controlled substances on Department premises, and not to engage in conduct which is violative of any criminal law, is unbecoming a member of the Department or tends to lower the service in the estimation of the public;

WHEREAS, the member has elected to undergo a rehabilitation program for substance abuse which will require him/her to be away from duty for up to thirty (30) days;

WHEREAS, the member requests that he/she be granted earned time and disability bank leave for up to thirty (30) days, (if all earned time and disability bank has been exhausted, the leave will be unpaid).

WHEREAS, the Department is committed to providing a safe substance free workplace and also is committed to assisting members of the Department who are working to overcome problems caused by substance abuse; and

WHEREAS, above all else, the Department is dedicated to providing fire protection service in a manner that enhances the safety of the public and the members of the Department.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, and for the good and valuable consideration, the receipt of which is hereby acknowledged, the Department and the member AGREE as follows:

1. The member shall be granted leave from all assigned duties a period of up to thirty (30) days in order to undergo treatment for substance abuse.
2. The member is hereby ordered upon completion of this leave to attend meetings of the Employees Assistance Program (EAP) sponsored by the Portsmouth Fire Department and to follow the guidelines established by the coordinator of this program for a period of one year following the date

this AGREEMENT is signed. Attendance at such meetings shall be on the members own time.

3. If the member fails to follow the guidelines of the coordinator of the program, the coordinator shall notify the Fire Chief. The Fire Chief shall impose discipline upon the member if the Chief finds that the member has not followed the guidelines established by the EAP coordinator. If the coordinator notifies the Fire Chief a second time within twelve (12) months of the date of this AGREEMENT that the member has failed to abide by the guidelines of the EAP coordinator, the Fire Chief shall order charges to be preferred against the member for failure to abide by the terms of this AGREEMENT with the Department. The member specifically agrees that his/her failing to follow the orders of the Fire Chief to attend the EAP and to abide by the guidelines of the EAP coordinator shall constitute just cause for the imposition of discipline, suspension or discharge.
4. The member agrees to submit to a physical examination and/or substance testing to determine his/her fitness for duty upon order of the Fire Chief at any time within one year of the signing of this AGREEMENT. If the member appears unfit at the time of the examination, or if the substance testing indicates the presence of alcohol or a controlled substance, the member shall be considered to be unfit for duty. Charges shall be preferred against the member by the Fire Chief for violation of the Rules and Regulations of the Department and for violation of the guidelines of the coordinator of the EAP. The member acknowledges and agrees that his/her history with the Department and the circumstances which have preceded the signing of this AGREEMENT constitutes probable cause for requiring the member to submit to such physical examination and substances testing.
5. The member acknowledges that he/she has read this AGREEMENT and that he/she understands this AGREEMENT.

Signed as a sealed instrument on this _____ day of _____.

PORTSMOUTH FIRE DEPARTMENT:

MEMBER:

Witness

SUBSTANCE ABUSE TESTING

- I. The Parties recognize that illegal drug use and the abuse of alcohol by members of this Department pose serious threats to the public welfare and to the employees of the Department. It is the goal of this Policy to detect and to prevent substance abuse when ever possible and to assist in the rehabilitation of employees rather than to terminate the employment of members who are abusing drugs and alcohol. No member of the Portsmouth Fire Department will be discharged for problems caused by the use of illegal drugs or the abuse of alcohol without first having been offered the opportunity to discontinue use by treatment and enrollment in the Department Employee Assistance Program.

II. EDUCATION

The Department and Local #1313 will cooperate on an educational program that addresses all current related substance issues.

This educational program will be scheduled at reasonable intervals to ensure that not only are the goals of this rule met, but that all members are familiar with the issues, problems and current trends of thought concerning substance abuse.

III. TESTING FOR PRESENCE OF SUBSTANCES OF ABUSE

A. STANDARD FOR TESTING

The Fire Chief, or his designee, based upon reasonable suspicion, may require that a member submit to substances screening by urinalysis which shall be administered by a competent testing laboratory. Such testing laboratory to be a member of the National Institute for Drug Abuse.

"Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a prudent member to suspect that an employee is using, is in possession or control of, or is under the influence of drugs or alcohol while on duty. For purposes of this policy, "possession" shall included concealing drugs or alcohol in any place accessible to the employee while on duty, including, but not limited to a locker, bag, or clothing.

Circumstances which may constitute a basis for reasonable suspicion include but are not limited to:

Examples:

1. Direct observation of drug/alcohol use while on duty;
2. Member found to be in possession of alcohol/drugs while on duty;

3. Spontaneous unusual, abnormal, erratic, or unacceptable behavior, or behavior which otherwise indicates that the member is under the influence of an intoxicating substance (e.g.) the presence of bloodshot eyes, glassy eyes, slurred speech, lack of coordination or other indications of intoxication or substance use.
4. Documented pattern of unusual, erratic or unacceptable behavior;
5. Extended or patterned sick leave use which indicates that the member is unable to work due to substance abuse;
6. A major on duty accident or injury in which safety precautions were violated or careless acts were preformed;
7. Reporting for work unfit to duty.

B. PROCEDURES FOR TESTING

All Department members initiating testing action on the basis of reasonable suspicion will be required to detail in writing the specific facts, symptoms or observations which formed the basis for their conclusion that reasonable suspicion existed to warrant testing of the member.

The initial report will be reviewed by the Fire Chief or chief officer on call who shall determine whether the request for testing is appropriate, and if so, shall order that the test be performed. The results of the test shall be provided by the laboratory only to the Fire Chief or chief officer on call, who shall provide a copy to the member and the Fire Commission.

A member who fails to undergo a test as ordered or to provide a test sample as directed by the testing laboratory will be subject to disciplinary action including possible termination.

Members returning from suspension will be tested if such is required by the Fire Chief in the order imposing the suspension.

Applicants seeking reinstatement to the Portsmouth Fire Department after resignation or termination will be subject to testing as condition of re-employment.

A drug/alcohol test shall be conducted as a component of pre-employment physical. The presence of illegal drugs shall constitute a basis for the applicant to be by-passed.

IV. COLLECTION AND TESTING PROCEDURES

THE City will follow drug and alcohol procedures contained in 49 CFR 40, entitled "Procedures for Transportation Workplace Drug Testing Programs" and 49 CFR 382 which includes preparation for testing specimen collection procedures, laboratory requirements, retention of samples and Medical Review Officer (MRO) qualifications and functions. Selection of a laboratory to implement the drug testing procedures described in this Policy shall be by mutual agreement of the parties, neither of whom shall unreasonably withhold their consent.

The collection site procedures shall provide for the collection of split sample urine specimens.

Chain of custody and quality control of samples shall follow at a minimum U.S. DOT Guidelines to assure the accuracy of collection and testing procedures. A quality control program for drug testing will be maintained including the submission of blind samples in accordance with U.S. DOT regulations to assure the accuracy of collection and testing procedures.

An employee shall, upon request, be provided a split sample at the time of testing.

If the initial test proves positive, the MRO will require a second confirmatory test. If the confirmatory test proves negative, a negative result will be reported to the employee first and then to the Fire Chief.

If the confirmatory test is positive, the MRO shall consider the test results and review the individual's medical history and/or any other relevant biomedical factors. The MRO shall interview the employee and discuss the test result at which time the employee will have the opportunity to present any relevant medical information that would provide legitimate medical explanation for a positive test result. If the MRO verifies a positive result, the MRO shall refer the employee's case to the Fire Chief, after notifying the employee of the result, for further action as provided under this policy.

If the MRO determines after the appropriate review that there is a legitimate medical explanation for the confirmed positive test result other than the authorized use of all unauthorized controlled substances, the MRO shall report this as a negative test result and so inform the employee regarding his finding which shall remain confidential.

The MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO shall cancel the test result and record it as a negative result.

Should any questions arise as to the accuracy or validity of a positive drug test, the employee may request within 72 hours of the employee's having actual notice of the positive test result, a request that the MRO direct that the split sample be tested. If the re-analysis fails to reconfirm the positive results, the MRO shall cancel the test and report the cancellation as a negative test result both to the fire Chief and the employee.

V. CONFIDENTIALITY

The MRO shall not disclose to any third party, medical information provided by the employee to the MRO as part of the testing verification process. All records pertaining to this testing shall be required to be confidential.

Any employee who is tested under these provision shall, upon written request, have access to any records relating to their test and any records relating to the results of any relevant certification review or revocation of certification proceedings.

The City shall maintain confidentiality of all records and information it has in its possession with respect to drug testing and shall not disclose this information to any third party without the written consent of the employee.

VI. EMPLOYEE ASSISTANCE PROGRAM

The Portsmouth Fire Department maintains an Employee Assistance Program (EAP) which is available twenty-four hours a day, seven days a week. This program is for the benefit of all members. Voluntary participation, which is participation because a member believes he or she may benefit by attending meetings of the EAP, is confidential and is at the option of the member.

A. REHABILITATIVE ABSENCE

Members of the Department who will benefit from treatment on an inpatient basis in a rehabilitative substance abuse program may be entitled to be carried on an earned time or disability bank leave for a maximum of thirty (30) days provided the member agrees to and signs the substance abuse agreement included in the Appendix to this rule. If all earned time and disability bank leave have been exhausted, the leave shall be unpaid. The member will participate in the EAP program, as directed by the Program Coordinator, for a period of one year from the date of entrance into the rehabilitative substance abuse program.

If the member fails to follow the guidelines of the Coordinator of the program, the Coordinator shall notify the Fire Chief. The Fire Chief may impose a suspension of five (5) days upon the member if the Fire Chief finds that the member has not followed the guidelines established by the EAP.

If the Coordinator notifies the Fire Chief a second time within twelve (12) months of the date of leave that the member has failed to abide by the guidelines of the EAP Coordinator, the Fire Chief shall order charges to be preferred against the member for failure to abide by the agreement.

Members who received leave with pay to participate in a rehabilitative absence may be tested for the presence of drugs/alcohol at any time within one year of the leave. Charges will be preferred against the member if the test indicates the member reported for duty under the influence of drugs or alcohol.

If the member returns for rehabilitative treatment at any later time the member may utilize disability bank leave or earned time in order to receive compensation, otherwise the member will be carried with loss of pay.

B. MANDATORY PARTICIPATION

There may be occasions when the Fire Chief shall require that a member participate in the EAP program, such as, for example, when a member has received a paid leave for the purpose of entering an inpatient rehabilitative program or when a member has been ordered to participate due to a violation of the Rules and Regulations of the Department. In such circumstances, the requirements for mandatory participation in the Employee Assistance Program areas follows:

PHASE 1

- 1) The member must attend a minimum of three substance abuse meetings per week for the first three months;
- 2) Two visits per week to the EAP office for three months. If a member attends the substance abuse meeting that is held at EAP quarters, it will constitute one meeting per month.

PHASE 2

- 1) The member must attend a minimum of three substance abuse meetings per week for three months; and
- 2) One visit per week to the EAP office for three months.

PHASE 3

- 1) The member must attend a minimum of three substance abuse meetings per week for three months; and
- 2) One visit biweekly to the EAP office.

|

PHASE 4

- 1) The member must attend a minimum of three substance abuse meetings per week for three months; and
- 2) One visit per month to the EAP office.

Attendance at substance abuse or EAP meetings shall be on off-duty time when ever possible.

DRAFT

Representing Management Exclusively in Workplace Law and Related Litigation



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DALLAS, TX
DAYTON, OH
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GRAND RAPIDS, MI
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HARTFORD, CT
HONOLULU, HI
HOUSTON, TX
INDIANAPOLIS, IN
JACKSONVILLE, FL
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WASHINGTON DC REGION
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THOMAS M. CLOSSON
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THOMAS.CLOSSON@JACKSONLEWIS.COM

To: Acting City Manager Colbert Puff and Portsmouth City Council
From: Thomas M. Closson
Re: Proposed Contract Extensions with Fire Unions
Date: October 11, 2017

I am pleased to recommend the one year contract extensions that the Portsmouth Board of Fire Commissioners recently reached with both the Fire Officers' Union and the Firefighters' Union. These contract extensions simply continue the Unions' current collective bargaining agreements until June 30, 2019, including an annual COLA adjustment using the 10 year rolling average CPI-U of no less than 2% and no more than 5% on July 1, 2018. I will be happy to answer any questions that you may have.

MEMORANDUM OF AGREEMENT
PORTSMOUTH FIRE COMMISSION
AND
FIREFIGHTERS ASSOCIATION OF PORTSMOUTH, NH LOCAL #1313

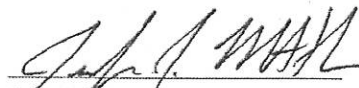
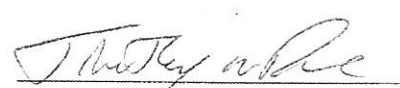
WHEREAS, the Portsmouth Fire Commission ("the Commission") and the Firefighters Association of Portsmouth, NH Local #1313 ("Union") are parties to a collective bargaining agreement ("CBA") expiring June 30, 2018 and;

WHEREAS, the Parties desire to extend the term of this contract for one additional year.

THEREFORE, the Parties agree to the following terms:

1. The parties agree to add on an additional year to the CBA so that the CBA will now expire on June 30, 2019.
2. The ten year rolling COLA adjustment outlined in Section V- COLA Adjustment will continue on July 1, 2018.
3. This agreement will be null and void unless approved by the Portsmouth City Council.
4. The terms of this Memorandum of Agreement are a one-time event, and do not set any binding precedent on either party. Additionally, all of the remaining terms of the CBA will remain in place and will continue in full force and effect through June 30, 2019.

APPROVED:

	<u>10-3-17</u>	
For the City	Date	For the Union

Fire Officers



COLA	2.00%
Retirement	31.89%

	FY18 Base year	FY19
<i>Current Agreement</i>		
Salaries	898,787.00	896,398.00
Holiday Pay	39,754.04	39,648.37
Stipends	94,824.00	98,088.00
Longevity	14,323.00	13,949.00
Sub Total	1,047,688.04	1,048,083.37
Medicare	15,191.48	15,197.21
Retirement	334,107.72	329,785.45
Sub Total	349,299.19	344,982.66
Cost of Current Contract	1,396,987.23	1,393,066.03

(3,921.20)	From FY18-FY19
-0.28%	% Change



Additional Cost Proposed from TA

COLA on base salaries	17,927.96
COLA on stipends	1,961.76
COLA on Holiday Pay	792.97
COLA on Longevity	278.98
Total Cost of COLAs	20,961.67
Medicare	303.94
Retirement	6,684.68
Total Medicare & Retirement	6,988.62
Total Cost of Tentative Agreement	27,950.29

27,950.29	From FY18-FY19
2%	% Change

Proposed Current Annual Budget & Tentative Agreement	1,421,016.32
---	---------------------

Combined Annual Change	24,029.09	From FY18-FY19
	1.72%	% Change

WORKING AGREEMENT

BETWEEN

THE BOARD OF FIRE COMMISSIONERS OF
THE CITY OF PORTSMOUTH

AND

THE PORTSMOUTH PROFESSIONAL FIRE OFFICERS ASSOCIATION

July 1, 2014— June 30, 201~~8~~⁹

WORKING AGREEMENT

The Portsmouth Board of Fire Commissioners (hereinafter referred to as the Commission) and the Portsmouth Professional Fire Officers Association (hereinafter referred to as the Association), in order to maintain the existing harmonious relationship between the Fire Chief who is Chief Executive Officer of the Fire Department and its employees as delegated by the Commission, and their employees, join in this Agreement to promote the morale, equal rights, well-being and security of the Association, the Fire Chief representing the Commission and the Association, hereby agree as follows:

SECTION I RECOGNITION

- A. Association personnel covered by this agreement are Shift Lieutenants and Shift Captains of the Portsmouth Fire Department (hereinafter referred to as the Fire Department).
- B. Whenever the Fire Department or the Commission re-employ personnel, employs new employees, such individuals, provided they are Fire Department company officers, shall become members of the Association within eight (8) days after completion of probation period or pay a service fee as set forth below.
 - 1. Employees in this bargaining unit shall be notified in writing by the Association that each member shall have the opportunity to withdraw from membership for a fifteen day period from July 1 to July 15. Each individual notice of withdrawal of membership shall be in writing postmarked during notice period.
 - 2. Nothing in this provision, however, shall diminish the withdrawing member's financial obligation to make payment of a service fee to the Association in the amount set by the Association, not to exceed an amount equal to the cost of the Association's Collective Bargaining service and contract administration. The Association shall inform the City from time to time of the amount of such service fees.
 - 3. Any deduction made by the City pursuant to 1 and 2 shall be authorized by each employee in writing.
- C. The following position classifications are in the bargaining unit.
 - Shift Captain
 - Shift Lieutenant
- D. The Commission hereby recognizes that the Association as the sole exclusive representative of the permanent, full-time Shift Captains and Shift Lieutenants of the Fire Department for the purpose of bargaining with respect to wages, hours of work and working conditions, and the Association unreservedly accepts and recognizes the necessity of the Fire Department to operate within its budget as set by the City Charter as

amended. The parties agree that any references to Captains and Lieutenants in this Agreement shall mean Shift Captains or Shift Lieutenants, respectively.

- E. The Commission agrees for itself and any of its authorized agents that it will not bargain with any individual covered by this Collective Bargaining Agreement on matters pertaining to wages, hours of work, working conditions, transfers or promotions.
- F. The Association agrees that no member of the Bargaining Unit will bargain with the Commission or any of its authorized agents on matters pertaining to wages, hours of work, working conditions, transfers or promotions.

SECTION II EMPLOYMENT AND TERMINATION

- A. All Bargaining Unit members covered by this agreement shall have a check-off of their Association dues upon signed authorization of the member.
- B. All appointments in the bargaining unit will be made for a working test period of three months subject to close review as to his/her competency to carry out his/her assignments. The Commission may, upon request of the Fire Chief, extend this working test period to a maximum of an additional three months if, in their opinion, it is necessary. This period supplements the formal examination, etc., and is the final determination of whether the person shall be given regular status. Fire Lieutenants shall work a minimum six-month probation period. The Fire Chief, with the approval of the Commission may extend the probation for an additional six months, for just cause.
- C. The relative fitness of the applicants for appointments or promotion for a position within the classified service, will be determined by consideration and rating of any or all of the following qualification factors: experience, general adaptability, special aptitudes, physical fitness, knowledge, skills, personality, character, education and examination. All factors being equal, seniority shall determine appointment.
- D. All new Captain or Lieutenant vacancies shall be posted on the bulletin boards in advance for a period of ten (10) working days prior to the filling of the position.
 - 1. Written evaluations, initiated by the Fire Chief or individual member, may be used as the basis for conferences pertaining to promotions. All parties are to initial the evaluation following the conference to indicate the evaluation has been read, but does not mean all parties agree with the evaluation.
 - 2. Each bargaining unit member shall be entitled to access to his/her personnel file.
 - 3. In the event that the Fire Chief or his representative removes materials from a bargaining unit member's file, a dated notation shall be placed in the file by the person or persons removing the material.

4. No information contained in the files of bargaining unit member will be released to outside persons or agencies without prior approval of the member, except for verifying employment, duration of employment, or salary. Each bargaining unit member during normal working hours, shall have the right of reviewing or duplicating materials in his/her file.
 5. Although the Commission agrees to protect the confidence of personal references and other similar material, it shall not maintain a separate personnel file which is not available for his/her inspection.
- E. When bidding on a new job (via promotion or transfer), the permanent full time employee shall have a trial period of three months in which he/she may request to be reinstated in his/her previous position.
 - F. Bargaining unit members separated from the service through no fault of their own will be placed on a re-employment list in inverse order of the lay-off. Bargaining unit personnel who are re-hired shall retain their seniority.
 - G. The Commission agrees that it will not discriminate against, intimidate, or coerce Association members in the exercise of their rights to bargain collectively through the Association because of his/her membership their or his/her activities on behalf of the bargaining unit.

SECTION III SENIORITY

- A. On or about January of each year, the Fire Chief shall provide to PPFOA a seniority list for the bargaining unit. Seniority shall be determined by date and time of promotion to any rank within the bargaining unit for employees who have completed their probationary period. If two employees are promoted on the same date, the order in which the employees are promoted will determine seniority.
- B. In the event of reduction in force ("RIF"), the officer with the least seniority (that is years of service as a Fire Officer as set forth in Paragraph A above) will be the first to be laid off so long as the remaining officers are qualified to perform the available work.
- C. In the event of a RIF which results in the layoff of one or more officers, said officers will have the following rights:
 1. Said officers shall have first right to fill any vacancy within the Department, if qualified;
 2. Said officers shall have the first right to be recalled to vacancies with the bargaining unit which shall continue for three years so long as the officer remains qualified to fill the vacancy; and
 3. Said officers shall be given priority for other vacancies which occur within the Department so long as they are qualified to fill the vacancy and no other employee

has recall rights to the position. Said preference shall remain in effect for three years.

- D. In the event of layoff, the employee so laid off shall be responsible for informing the Department of his/her current address and shall be given two weeks notice of recall mailed via certified mail to his/her last known address and during that two weeks the employee must notify the Department in writing of his/her intention to return to work. In the event that the employee fails to make himself available for work within thirty days from notification, he or she shall lose recall rights under this Agreement.
- E. The Commission shall provide at least two weeks notice or pay in lieu thereof, to any employee who is to be laid off during a reduction in force.
- F. A bargaining unit member shall not forfeit seniority during absence caused by:
 - 1. Illness resulting in total temporary disability due to his/her regular work with the Fire Department, certified by an affidavit from the Worker's Compensation Carrier.
 - 2. Illness related to his/her employment and not the result of his/her own misconduct resulting in total temporary disability, certified to be a physician's affidavit every three months.
- G. If a bargaining unit member leaves the service of the Fire Department in good standing and is subsequently re-employed, he/she shall incur no loss of longevity benefits accrued prior to his/her leaving said service, and all longevity shall be restored to him/her upon re-employment.

SECTION IV LEAVE OF ABSENCE

- A. Bargaining unit members shall be entitled to the following leaves of absence:
 - 1. Leave may be granted to bargaining unit members for the purpose of attending conferences, committees or meetings; of the like without loss of salary or benefits subject to the approval of the Fire Chief. This leave may be granted to one member for three (3) days or three members for one (1) day each as requested by the Union.
 - 2. Two (2) days leave may be granted for personal business which cannot be transacted at any other time. Said personal leave; shall be non-accumulative and based on the contract year usage (July 1st to June 30th). Whenever possible, twenty-four hours notice shall be given and the leave must be approved by the Department Head prior to use. Personal days must be taken in one-half or full day shift increments.
 - 3. Bereavement leave; may be granted up to five (5) calendar days for each death of a member of their immediate family. Immediate family shall be defined as

follows: spouse, child (including adopted children and stepchildren), parent (including parent by adoption), brother, sister, grandparent, grandchild, aunt, uncle and only the following in-laws — the grandmother, grandfather, mother, father, brother or sister of the employee's current spouse.

4. Paid leave juror or witness service; will be granted for the period of time he/she is unable to return to work. A copy of all or any subpoena along with any monies received from this service (other than personal expenses, such as travel) shall be transmitted to the City Comptroller.
5. All bargaining unit members agree to attend up to four meetings as directed by the Fire Chief. There will be no compensation for said meetings. Each meeting will not exceed four (4) hours in length.

B. Leave Without Pay

Written leaves of absence without pay may be granted by the Commission as appropriate for a period of six months. Upon expiration of the leave, the employee will be reinstated to the position held before the leave was granted.

C. Accidental Injuries

1. The City shall provide and maintain Worker's Compensation insurance coverage on each employee covered by this agreement.
2. In case of accidental personal injury to any employee covered by this agreement arising out of and in the course of his/her employment, the City shall adjust the employee's pay so that he/she nets the same amount as accomplished by either paying the difference to the employee, or if the Worker's Compensation benefit is more than the net pay, the City shall deduct the amount of the difference from a withholding account. Any payment by the City shall be made until the employee is able to return to work, but in no event shall such payments by the City exceed fifty-two (52) weeks. It is understood that an employee receiving Supplemental Worker's Comp pay under this section who is released for Temporary Alternate Duty by his/her doctor and who is offered appropriate temporary alternate duty by the Department, and who refuses to perform the work shall not receive any Supplemental Worker's Comp pay under this section.
3. If, during the incapacitation of any employee due to injury arising out of the course of his employment, the employee shall be entitled to annual leave in accordance with this Section V paragraph A, then said employee shall be indemnified in pay or awarded annual leave at a later date equal to the annual leave lost because of the said injury at the discretion of the Fire Chief.

D. Military Leave of Absence

Any bargaining unit member who is ordered for active military service as a member of the Armed Forces of the United States of America, or who engages in activities in the Reserve Forces of the United States of America, or State National Guard, shall be granted

leave of absence to perform such military duties with the City paying the difference in salary between the employee's base pay and his military pay for said duty and without loss of leave time. Such leave shall be considered military leave and shall not exceed fourteen (14) working days per calendar year.

**SECTION V
PAY INCREASES, LONGEVITY, MEDICAL INSURANCE**

A. 1. Bargaining unit members shall be paid the following salary increase:

July 1, 2014 through June 19, 2016

Lieutenant EMT Basic	Lieutenant EMT-Intermediate/Advanced EMT
----------------------	--

Step A: \$54,945	Step A: \$56,594
Step B: \$56,957	Step B: \$58,666
Step C: \$60,402	Step C: \$62,214

Captain EMT Basic	Captain EMT-Intermediate/Advanced EMT
-------------------	---------------------------------------

Step D: \$63,852	Step D: \$65,768
Step E: \$66,405	Step E: \$68,397
Step F: \$69,062	Step F: \$71,133

Effective June 20, 2016. The wage schedule will be adjusted by 2.5%

June 20, 2016 through June 30, 2016

Lieutenant EMT Basic	Lieutenant EMT-Intermediate/Advanced EMT
----------------------	--

Step A: \$56,319	Step A: \$58,009
Step B: \$58,381	Step B: \$60,133
Step C: \$61,912	Step C: \$63,769

Captain EMT Basic	Captain EMT-Intermediate/Advanced EMT
-------------------	---------------------------------------

Step D: \$65,448	Step D: \$67,412
Step E: \$68,065	Step E: \$70,107
Step F: \$70,789	Step F: \$72,911

Effective July 1, 2016, the salary schedule will be adjusted by a 2% COLA

Lieutenant EMT Basic	Lieutenant EMT-Intermediate/Advanced EMT
----------------------	--

Step A: \$57,445	Step A: \$59,169
Step B: \$59,549	Step B: \$61,336
Step C: \$63,150	Step C: \$65,044

Captain EMT Basic

Captain EMT-Intermediate/Advanced EMT

Step D: \$66,757

Step D: \$68,760

Step E: \$69,426

Step E: \$71,509

Step F: \$72,205

Step F: \$74,369

Effective July 1, 2017 and July 1, 2018, the salary schedule will be adjusted by the CPI using the current formula.

Lieutenants shall start at Step A and move to Step B after completion of twelve (12) months; they shall move to Step C after an additional 12 months. Lieutenants promoted to Captain shall start at Step D and be moved to Step E after twelve (12) months; they shall move to Step F after an additional twelve (12) months. Upon initial appointment to the rank, Lieutenants and Captains shall serve a six (6) month probationary period.

After completing a total of fourteen (14) years of service in the ranks of Lieutenant and/or Captain in the Portsmouth Fire Department, the officer shall be eligible for the Master's classification, which shall be three and one-half percent (3.5%) higher than the step on the salary scale that the officer currently holds.

COLA Adjustment

Effective July 1, 2017 and July 1, 2018, a COLA Adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

The COLA Adjustment percentage shall be determined by the annual increase in the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

Thus if the CPI-U for the Boston SMSA calendar year 2003 (Nov. 2002-Nov. 2003) is 1.5% the applicable COLA Adjustment on July, 2004 would be 2%; if it is 3.5% the applicable COLA Adjustment would be 3.5%; if it is 5.5% the applicable COLA Adjustment would be 5.0%.

Applicability After Contract Expires: It is clearly understood that in the event that the ~~four~~five year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 201~~8~~9 that no further COLA Adjustments after July 1, 201~~7~~8 will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA Adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 201~~8~~9.

B. Any bargaining unit member working more than his work week as set forth in section VI A shall be paid at the rate of one and one-half (1 1/2) times his/her rate of pay.

C. All members of the Fire Department shall be subject to recall for emergencies at the discretion of the Chief of the Department or his assistant and the members of Unions shall be paid the rate of pay equal to one and one-half (1 1/2) times their usual hourly rate for all hours worked under such emergency conditions. In the event that a firefighter covered by this Agreement works less than two (2) hours in response to such emergency, he/she shall be paid for two (2) hours at such overtime rate. Call-back pay will not be compounded, pyramided or added to compensation for any purpose.

An employee who is recalled for non-emergency reasons after hours shall be paid a minimum of two (2) hours at one and one-half (1 1/2) times their rate of pay providing that if such employee's regular duty commences within a two (2) hour block, he/she will be paid at the overtime rate for only the time before regular duty. Once on regular duty, his/her normal rate of pay shall apply. Call-back pay will not be compounded, pyramided or added to compensation for any purpose.

D. An bargaining unit member promoted to a position which has a higher maximum hourly rate shall receive a pay raise for one step over his/her present rate upon promotion or to the minimum of the new position, whichever is greater, and such increase as is set forth in the salary plan, thereafter, based upon the date of promotion.

E. All general increases shall be additional to the step increases to which the employees are entitled.

F.

1. Effective July 1, 2014, the City will pay up to a maximum of 84.5% of the premium of the cost of a Matthew Thornton Plan. If an employee chooses to enroll in BlueChoice or Comp 100, the City will pay only 84.5% of the Matthew Thornton Premium towards the higher premium plans.

2. Effective December 1, 2016, the Union will move entirely to AB 20 RX 10/20/45 with the City paying 90% of the premium cost and the employee paying 10% of the premium cost. If an employee chooses to enroll in BlueChoice20 10/20/45, the City will pay only 90% of the AB20 10/20/45 premium toward the higher premium plan.

3. New employees will be eligible for health insurance under these provisions on the first of the month after the first day of work.

4. Local #4039 will serve on the City-wide committee to study health insurance options.

5. SchoolCare will be added as a coverage option if the unit in its entirety, decides to make a change in coverage.

Health Insurance: Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this ~~four~~five (45) year agreement - such plan would only become effective if ratified by the Association, approved by the Fire Commission and approved by the City Council.

F.2. The parties agree that employees currently receiving stipends in lieu of health insurance coverage will continue to receive them at the dollar level in effect at the time this agreement is reached. No additional employees shall receive such stipends. Further the City will not provide Health and/or Dental Coverage if an employee is already covered by the same or similar health and/or dental plan by the City or School Department.

G. Longevity Bonus: In December following five (5) years of municipal service, an employee shall become entitled to an annual bonus. The bonus shall be paid in accordance with the following schedule:

Longevity Step	July1, 2014 Bonus	July 1, 2016
0 through 4 years of service	\$ 0	\$0
5 years of completed service	\$151.28	\$154.31
6 years of completed service	\$186.19	\$189.91
7 years of completed service	\$221.10	\$225.52
8 years of completed service	\$256.02	\$261.14
9 years of completed service	\$290.92	\$296.74
10 years of completed service	\$325.84	\$332.36
11 years of completed service	\$360.75	\$367.97
12 years of completed service	\$395.66	\$403.57
13 years of completed service	\$430.57	\$439.18
14 years of completed service	\$465.48	\$474.79
15 years of completed service	\$500.39	\$510.40
16 years of completed service	\$535.31	\$546.02
17 years of completed service	\$570.21	\$581.62
18 years of completed service	\$605.13	\$617.23
19 years of completed service	\$640.04	\$652.84
20 years of completed service	\$674.95	\$688.45
21 years of completed service	\$698.22	\$712.18
22 years of completed service	\$814.60	\$830.89
23 years of completed service	\$930.97	\$949.59
24 years of completed service	\$1,047.34	\$1,068.29
25 years of completed service	\$1,163.70	\$1,186.97
26 years of completed service	\$1,280.07	\$1,305.67
27 years of completed service	\$1,396.45	\$1,424.38
28 years of completed service	\$1,512.82	\$1,543.08
29 years of completed service	\$1,629.20	\$1,661.77
30 years of completed service	\$1,745.57	\$1780.48

The next regularly scheduled longevity payment after July 1, 2017, will be increased consistent with the COLA increases to wages referenced in Section V. The Longevity payment after July 1, 2018, will be increased consistent with the COLA increases to wage referenced in Section V.

H. The City shall undertake to defend and pay any judgment issued against an employee covered by this agreement arising out of an act or omission of the employee for personal injury, including death or damage to property while the employee was engaged in the

performance of his duties.

- I. **DENTAL INSURANCE:** The City shall enroll bargaining unit members in the Delta Dental Plan II for the individual, two person, or family coverage or equal and comparable coverage to plan Delta Dental II.
- J. **LIFE INSURANCE:** The City shall provide a group life insurance policy for eligible members of the bargaining unit in the amount of the employee's annual base salary, in accordance with the conditions set forth in the insurance policy.
- K. **LONG TERM DISABILITY:** The City shall obtain disability Income Insurance for eligible members of the bargaining unit equal to 66 2/3% of the base monthly salary not to exceed five thousand dollars (\$5,000) per month. Said insurance shall be effective after the 61st day of disability. Said insurance shall continue as long as the member remains disabled or until age sixty-five and shall be coordinated with Social Security.

SECTION VI HOURS OF WORK AND OVERTIME

- A. The work week of a bargaining unit member shall be an average of a 42 hour work week consisting of fourteen (14) ten-hour day shifts and fourteen (14) fourteen-hour night shifts over an eight week work cycle in accordance with the attached schedule. Exceptions to this work schedule may be made with mutual agreement between the individual and the Fire Chief, for the purpose of attending professional schools and seminars as deemed appropriate by the Fire Chief. All professional schools and seminars will be distributed equitably amongst the Fire Officers. Bargaining unit members shall be compensated for each holiday at the established base salary divided by 260.
- B. Non-bargaining unit members may work overtime only on condition that members of bargaining unit are not available.
- C. Any bargaining unit member who shall perform duties of a higher rank for more than four (4) consecutive shifts, shall be paid at the higher rate of pay while performing such duty, but at no time shall any bargaining unit member be paid at a lower rate than that at which he/she is classified except for demotion because of physical incapacity or under Section II F.
- D. At least one (1) Captain or Lieutenant will be assigned to each station per shift.
- E. The parties will form a Joint Committee to meet and discuss the possible addition of an Administrative Officer position to address the City's concerns about overtime.

SECTION VII LEAVE

- A. **EARNED TIME:** It is the intent of this policy to explain the provisions and conditions of the Earned Time Program. The program has been created to provide, as equitably as possible, paid time off, to be used at the employee's discretion, while protecting an

allotment of time for disability, hospitalization or injury.

Earned time is a combination of vacation and personal absence days. A separate account per year is accumulated for disability time (seven days per year).

Earned Time is an alternative approach to the traditional manner of converting absences for vacation, sick leave, interim disability, maternity leave, by combining all these plans into one program. Instead of dividing benefits into a specific number of days for each benefit, Earned Time puts these days together into a single benefit. The exact amount of Earned Time accrued each year will depend on the years of service with the Portsmouth Fire Department.

Effective the date of this policy, employee's vacation time will be converted to earned time. Employee's sick time balance will be converted to the Disability Bank.

Effective on the date of this policy, employees will begin accruing earned time based on the following schedule:

<u>Years of Service</u>	<u>Accrual Rate</u>		<u>Disability Bank</u>	<u>Total Combined</u>
	<u>Total</u>	<u>Earned Time</u>		
1 - 5 yrs. Incl.	17(1.417 days/month)	7	7	24
6 years incl.	18(1.5 days/month)	7	7	25
7 years incl.	19(1.583 days/month)	7	7	26
8 years incl.	20(1.667 days/month)	7	7	27
9 years incl.	21(1.75 days/month)	7	7	28
10 years incl.	22(1.833 days/month)	7	7	29
11 years incl.	23(1.917 days/month)	7	7	30
12 years incl.	24(2 days/month)	7	7	31
13 years incl.	25(2.083 days/month)	7	7	32
14 years incl.	26(2.167 days/month)	7	7	33
15 years incl.	27(2.25 days/month)	7	7	34
16 years incl.	27(2.25 days/month)	7	7	34
17 years incl.	27(2.25 days/month)	7	7	34
18 years incl.	27(2.25 days/month)	7	7	34
19 years incl.	27(2.25 days/month)	7	7	34
20 years incl.	28(2.333 days/month)	7	7	35
25 years incl.	29(2.416 days/month)	7	7	36

All absences from regularly scheduled work will be charged to an employee's Earned Time. Exceptions are:

1. Administrative Leave
2. Unpaid leaves of absence
3. After absence due to personal illness/injury for more than three consecutive working days an employee may use his/her Disability Bank, if available.
4. Emergency Leave

5. Military Leave
6. Worker's Compensation
7. Disciplinary Suspension
8. Personal Days

Applicable request forms will be completed, signed by the Shift Officer and approved by the Fire Chief prior to the use of earned time whenever possible.

Earned Time begins accruing on the 15th of the month after the date of hire. Employees may use their earned time as soon as it earned once they have completed their probationary period.

Accumulated Earned Time may be used for personal illness or accident, immediate family illness or accident, or compelling personal reasons.

Accumulated Earned Time must be taken in full or half day shift increments.

All Earned Time payments are computed at the employee's current base rate. Employees are responsible for the Earned Time balance reflected on their pay stubs. Any errors should be reported immediately.

At separation, any unused earned time days will be cashed out at full value.

B Unused Earned Time Carryover

Employees are allowed to accumulate up to a maximum of 60 earned time days as of January 1st of any calendar year. Any days over the 60 day limit but no more than ten (10) in a year may be cashed out at fifty percent (50.0%) or deposited to the Disability Bank. Any days over the 60 day limit but no more than 10 in a year may be cashed out by an employee hired after January 1, 1996 at ninety percent (90.0%) or deposited to the Disability Bank.

C Disability Bank

In addition to the original sick leave balance that was transferred to the Disability Bank at the time this program was implemented, days will accumulate at the rate of seven (7) days per year (or .583 per month).

The Disability Bank hours are to be used for extended illness, injury, disability related to pregnancy, or hospitalization only. Usage of the Disability Bank commences with the 4th consecutive day of absence from work due to illness or injury. A physician's report must accompany the request to use the Disability Bank Days. Periodic updates from the employee's physician may be required. In the event that an employee is hospitalized or has surgery (this includes day surgery procedures) for something other than a work-related problem, the Disability Bank may be used starting with the first day of hospitalization. Any disability related to pregnancy will be treated like any other medical condition.

An exception to the policy that requires the usage of three (3) Earned Time days before being permitted to access the Disability Bank when the disability is certified by a physician to be the same as for the original use or from the same cause as the original Disability Bank usage.

D. Return to Work: Following a period of absence due to illness/injury, medical documentation supporting the employee's ability to perform the essential functions of the job is required prior to returning to work.

The use of the Disability Bank for extended illness or injury requires medical documentation and may indicate the need for use of the Family Medical Leave Act and the need to contact the Human Resource Department concerning long-term disability.

Employees hired prior to January 1, 1991 may accumulate Disability Bank days without limitation. Firefighters hired after January 1, 1991 shall have Disability Bank accumulation limited to 150 days. Upon death of an employee while in the employment of the City, the City shall pay to his/her spouse or next of kin an amount equal to 100% of the value of his/her Disability Bank days. Upon retirement from employment, upon voluntary termination of his/her employment, the City shall pay to the employee an amount equal to 90% of the value of his/her accumulated Disability Bank days. Firefighters hired after January 1, 1996 shall receive no pay out at all for accumulated Disability Bank days either for retirement or termination.

If an employee wants his or her accumulated disability bank to be paid out over more than one year, he or she may give up to three years of notice. However, it is understood that once payment begins the employee may not withdraw his or her notice of retirement or voluntary termination.

Disability leave must be taken in full or half day shift increments.

E. Exhaustion of Earned Time/Disability Bank. An employee on an approved absence who has used all Earned Time and Disability Bank days will be placed on leave without pay. If the illness/injury qualifies for FMLA leave benefits will continue for the period of the Family Medical leave. Employees will not accrue earned time while they are on a leave without pay status.

SECTION VIII HOLIDAYS

Bargaining unit members shall be paid in accordance with Section VI A for the following legal holidays:

- New Year's Day
- Martin Luther King, Jr. Day (which is the State's Civil Rights Day)
- Washington's Birthday
- Good Friday (1/2 day)
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

One-half day preceding Christmas Day when Christmas Day comes on Wednesday or Friday. Monday if Christmas comes on Tuesday. Friday if Christmas comes on Thursday.

When a holiday falls on a Saturday, the preceding Friday shall be considered a holiday for bargaining unit members. If a holiday falls on Sunday, the following Monday shall be considered a holiday.

SECTION IX EQUIPMENT

- A. The Fire Commission shall have the right to make regulations for the safety and health of its employees during their hours of employment. Representatives of the Department and the Association may meet once in ninety days at the request of either party to discuss such regulations. The Association agrees that [its] bargaining unit members will comply with the department's rules and regulations relating to safety, economy, continuity and efficiency of the service to the department and the public.
- B. Each Fire Department Officer will be provided by the City with the following articles of protective clothing and gear. This clothing and equipment shall be of the highest quality to assure maximum for individual protection and safety and shall meet or exceed either N.F.P.A. standards or departmental safety rules, regulations or policy. It is understood that this language shall not require the department to replace outer protective equipment of fire officers because of a change in N.F.P.A. standards unless adopted and approved by the Fire Commission and then the change-over shall be accomplished within the time frames as established by the Fire Commission.
 - 1. Fire helmet
 - 2. Turnout Coat
 - 3. Turnout pants/suspenders
 - 4. Short boots (night hitch)
 - 5. Protective gloves/mittens
 - 6. Eye protection
 - 7. Any other item deemed necessary by the Chief
- C. The Association and all bargaining unit members agree to exercise proper care and to be responsible for all department property issued or entrusted to them.
- D. Bargaining unit members shall receive six hundred dollars (\$600) clothing allowance per year to purchase both work and dress uniforms as prescribed by the Chiefs approved list, and in accordance with department policy as set by the Board of Fire Commissioners. Once an officer has received two allowances at the \$600 level, the officer will be required to maintain a dress uniform.
- E. The City agrees to provide beds, bedding, linens, blankets and towels for each bargaining unit member working a night shift.

**SECTION X
GRIEVANCE PROCEDURE**

- A. A grievance shall mean a complaint by an employee or group of members arising out of an interpretation of the provisions of this agreement or conditions of employment implied but not necessarily stated in this agreement.

A grievance to be considered under this procedure must be initiated by the member within seven (7) working days of its occurrence.

- B. Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved member to proceed to the next step. A decision on the grievance shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant. Failure at any step of this procedure to appeal a grievance to the next step within the time limits shall be deemed to be acceptance of the decision rendered at that step.

- C. Any member who has a grievance shall put it in writing with the Fire Chief, in an attempt to resolve the matter at that level.

- D. If, as a result of the submission of the grievance, the matter is not resolved to the satisfaction of the member within seven (7) working days, he/she shall set forth the grievance in writing to the Commission specifying:

1. The nature of the grievance and date occurred,
2. The nature and extent of the loss or inconvenience,
3. His/her dissatisfaction with decisions previously rendered,
4. The results of previous discussion.

The Commission shall communicate their decision to the grievant in writing within seven (7) working days of receipt of the written grievance.

- E. If a grievance is not resolved to the union's satisfaction, the union will notify the Commission within 15 working days after receipt of the decision of its intention to arbitrate or the decision rendered will be binding on both parties. Arbitrators shall be selected according to the procedures established by the P.E.L.R.B. The parties will share the cost of the arbitrator's fee on a 50/50 basis.

- F. It is further agreed that any arbitration rendered under this contract shall be subject to the review provisions of RSA 542.

- G. An arbitrator deciding a grievance under this contract shall have no authority to alter, amend, change, add to or delete, the terms of the contract of the parties.

H. For the purposes of this section, working days shall be Monday through Friday excluding Saturday, Sundays and holidays.

I. It is understood that only one grievance will be heard at one time at any one arbitration unless the parties mutually agree with respect to a specific situation.

SECTION XI FIRE DEPARTMENT PROMOTIONS

Any opportunity for advancement in the fire department shall be posted on bulletin boards at all fire stations in the City of Portsmouth a minimum of ten (10) days prior to the date for testing. All bargaining unit members who apply shall be allowed to go through the testing process along with any other applicants. Preference shall be given to bargaining unit members should they be in the top three of those tested. It is understood that if more than one bargaining unit member is in the top three that the Commission shall have the discretion to choose the person to be promoted. Further, it is understood that the preference shall not be absolute. If the preference does not result in a person getting the promotion, an explanation shall be given.

SECTION XII AMENDMENT

- A. The signing of this Agreement by the authorized representative of the bargaining unit and the Commission shall constitute the effective date of. July 1, 2014.
- B. This Agreement remains in effect until June 30, 201~~8~~⁹. Should neither party to this Agreement initiate negotiations as required by law, this Agreement shall automatically be renewed.
- C. Meetings between the bargaining unit and the Fire Commission shall be conducted at mutually agreeable times and places.

SECTION XIII CONFLICT

In the event of a conflict between the provisions of this Agreement and the existing policies and procedures of the City or the Fire Department in regard to wages, hours of work and working conditions, it is agreed that this Agreement shall govern the relationship between the parties.

SECTION XIV COPIES

Copies of this Agreement shall be provided to all Association members along with any appendices at the Department's expense.

**SECTION XV
STIPENDS**

A. Advanced Education Degrees

The stipends shall not be additive

- | | | |
|----|---|---------------|
| 1 | Associates Degree
Accredited College | 2.0% of base |
| 3. | Associates Degree
With Fire Protection Certificate | 3.5% of base |
| 4. | Bachelors Degree
either Arts or Science | 3.75% of base |
| 5. | Bachelor Degree with Fire
Protection Certificate or
Business Administration | 4.0% of base |

	Stipend
Specialty Team	2.0% of base
Hazmat Technician	2.0%
Shipboard Technician	2.0%
Boat Operator over 28'	2.0%
Paramedic	5%

Employees must keep certificates current to be entitled to stipends under this Section. Also the Commission retains the right to decide under what conditions it will reimburse officers for the training to achieve the various status as set forth above in paragraphs "A" through "E".

**SECTION XVI.
DRUG AND ALCOHOL TESTING**

All members will be subject to random drug and alcohol testing as outlined in the policy to be adopted by the Fire Commission.

**SECTION XVII
RETREAT RIGHTS**

A fire officer who has completed his probationary period and earned permanent status in the PPFOA bargaining unit shall have retreat rights to said unit based on his/her seniority date in the

PPFOA in the event such an officer accepts another position in the Portsmouth Fire Department outside the PPFOA bargaining unit. Retreat rights shall mean that the employee may bump back into the unit based on his PPFOA seniority in the event the employee is demoted or his job outside the bargaining unit is eliminated. An employee may retreat to either a captain or lieutenant position based on previous qualification and seniority. In the event there are not sufficient positions for all officers after retreat rights have been exercised, the RIF provisions in Section III of the contract shall control.

SIGNATURES

Executed this _____ day of _____, 2016~~7~~ after approval by the City Council.

Portsmouth Board of Fire Commissioners

Richard Gamester Chairman

Thomas Closson, City Negotiator

Portsmouth Professional Fire Officers Association

William McQuillen
President PPFOA

Richard E. Molan, Attorney

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DRAFT

**Portsmouth Professional Fire Officers, Local 4039 IAFF, and the City of
Portsmouth**

Memorandum of Agreement on Fire Inspector
August 2007

The Portsmouth Professional Fire Officers (Union) and the City of Portsmouth (City) have reached an agreement regarding the Position of Fire Inspector.

1. The Fire Inspector will be paid on Step A of the Captain's salary schedule as described in the collective bargaining agreement between the Union and the City with an expiration date of June 30, 2008.
2. The schedule of the Fire Inspector will be established by the Fire Chief and will normally be five (5) days per week and eight (8) hours per day.
3. The Chief may schedule the Fire Inspector to work hours outside normal hours on any given day and such time shall be made up during the same work week. The Fire Inspector will earn overtime only for call-out emergencies.
4. An external candidate appointed Fire Inspector will not be eligible to receive the stipends in the collective bargaining agreement except with the express written approval of the Fire Chief. An internal candidate appointed Fire Inspector will be eligible to receive the stipends they are receiving on the date of the appointment, but shall not be eligible for any additional stipends after that date.
5. This agreement shall not be construed as a precedent and shall not be deemed to be past practice with respect to any other situation that may arise between the parties.

_____ Date: _____
For the Union

_____ Date: _____
For the City

_____ Date: _____
For the Fire Department



MEMORANDUM

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR JTW
SUBJECT: REQUEST FOR RESTORATION OF INVOLUNTARILY MERGED
LOTS AT 346 BARTLETT ST
DATE: 11/3/2017

In a letter dated June 22, 2017, John Byron requested restoration of two involuntarily merged lots to their premerger status. At the July 10, 2017 meeting, the City Council voted to refer this request to the Planning Board.

At the October 19, 2017 Planning Board meeting, the Board voted to recommend that the City Council restore the involuntarily merged lots to their premerger status as requested.

Recommended City Council Action

Vote to restore the involuntarily merged lots at 346 Bartlett St to their premerger status.

Description

The parcel at 346 Bartlett St (Assessor Map 162 Lot 54) appears to have been created from 2 previous existing lots, which the owner indicates were described in the City's tax records dating back to 1908. The owner is requesting that the lots be restored to 2 lots measuring 0.12 acres and 0.13 acres. The 0.12 acre parcel (Lot 092 037 on the tax cards provided) would front on Bartlett St and does not include any buildings, the 0.13 acre parcel (Lot 092 038) would front on both Bartlett St and Thornton St and includes the existing single family home. This request is being made pursuant to RSA 674:39-aa, Restoration of Involuntarily Merged Lots.

Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore "to their premerger status" any lots or parcels that were "involuntarily merged" by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process, but the City Council has been referring such requests to the Board for its review and report back. As part of the Planning Board review, abutters are noticed and a public hearing is held.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that “*The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances*” (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two premerger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

Analysis

While no original subdivision plan has been provided by the owner, a cursory review of the Rockingham County Registry of Deeds records by the Planning Department found a recorded deed dated August 14, 1908 that described these lots as lots 11 and 9 as shown on the “Plan of the Bilbruck Property”. Further search of the County Records located an unnamed plan dated August, 1908 which appear to show the lots referenced in the deed. The lots described on these two documents from the Registry are also consistent with the dimensions provided in the tax cards provided by the owner in his request to restore the two lots to their premerger status. Copies of these documents are attached for the Council’s reference.

Know all Men by these Presents,

Book 0666 Page 0418

Unofficial Document Unofficial Document

Bilbuck

to

for and in consideration of the sum of one dollar to me in hand, before the delivery hereof well and truly paid by

Grady

Portsmouth

John B. Grady of said

del. to
E. H. Bicknell
by name

the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, convey, and confirm unto the said

heirs and assigns forever,

Unofficial Document Unofficial Document

John B. Grady and his
certain lot of land at the corner of Bartlett and Thurston Streets in said Portsmouth of which as lot No. 9 on a plan of the Bicknell Property as called, and bounded northwesterly by said Thurston Street fifty feet more or less; easterly by said Bartlett Street One Hundred and eight feet more or less; southerly by lot No. 11 sold to said Grady, fifty feet more or less; and westerly by lot No. 10 sold to James Hartwell, One Hundred and eight feet more or less; the corners of said lot being marked by stakes driven in the ground. Also, another lot of land known as lot No. 11 on said plan, bounded easterly by said Bartlett Street fifty feet, six inches more or less; northerly by said lot No. 9 and lot No. 10, One Hundred feet more or less; westerly by other land of said Bicknell fifty three feet, six inches more or less; and southerly by lot No. 12 sold to James Hoffmann, one hundred feet more or less; the corners of said lot being marked by stakes driven in the ground.

Being a part of the premises which I acquired under the will of George Bicknell deceased and by deed of Mary A. Monahan

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to the said John Grady and his heirs and assigns, to the said John Grady and their only proper use and benefit forever. And I the said Bicknell for myself and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said Grady and his heirs and assigns, that until the delivery hereof of the said premises, and until he is seized and possessed thereof in his own right in fee simple, and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Grady

Unofficial Document Unofficial Document

and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Sara V. Bicknell, wife of the said George J. Bicknell in consideration aforesaid, do hereby release my right of dower in the above mentioned premises.

And we and each of us do hereby release, discharge and waive all such rights of exception from attachment and levy or sale on execution and such other rights as may apply to each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In Witness whereof We have hereunto set our hand and seal this 14th day of August 1905 in the year of our Lord one thousand nine hundred and 1905.

Witnesses and delivered in presence of us:
John B. Bartlett
Family Attor. George J. Bicknell (Sd)
Sara V. Bicknell (Sd)

Unofficial Document Unofficial Document

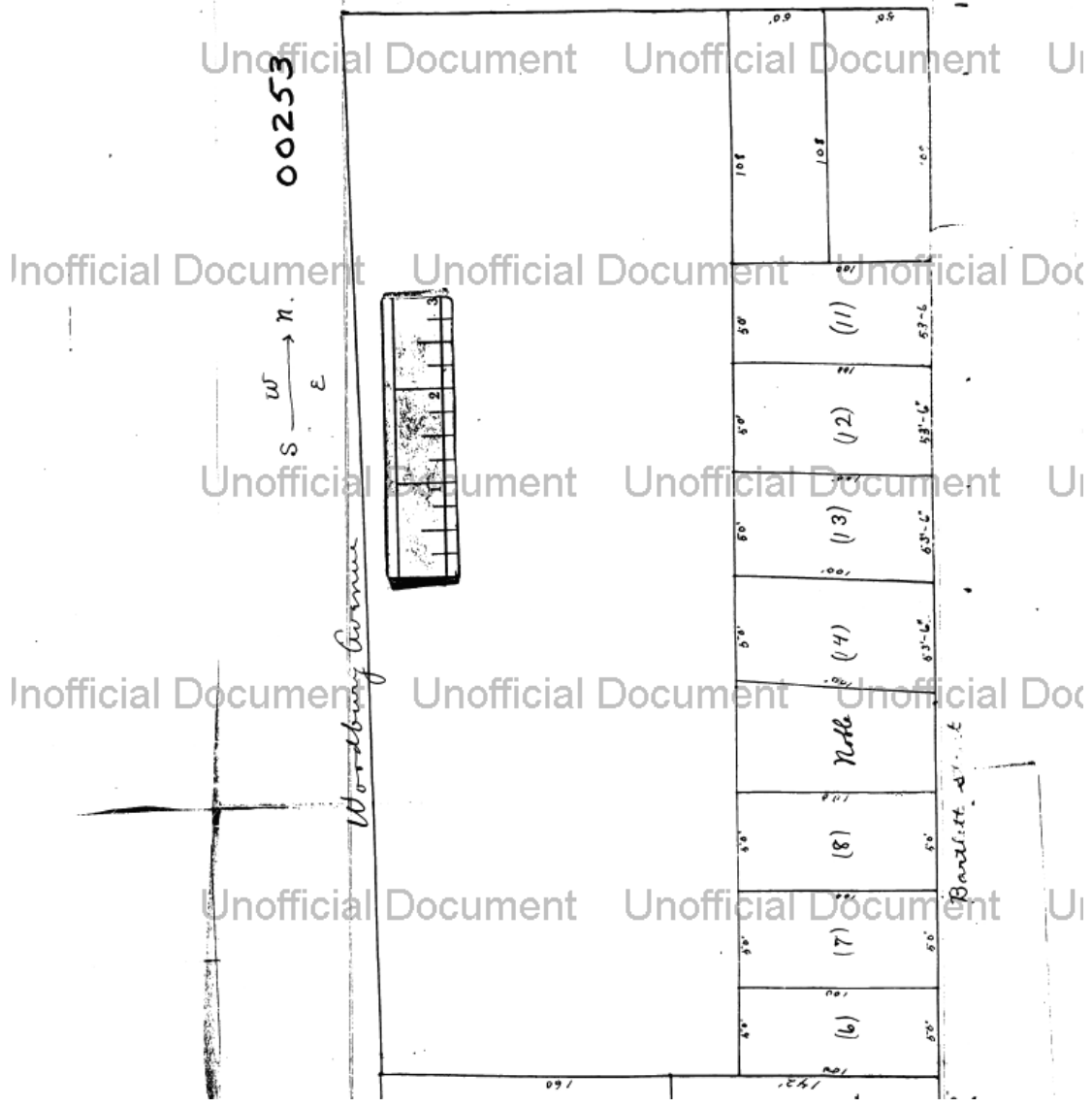
STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. August 14th A. D. 1905.
Personally appeared the above named George J. Bicknell and Sara V. Bicknell and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

John B. Bartlett Justice of the Peace.

Received and Recorded

John W. Lee Register



June, 22 2017

JUN 23 2017

Dear Mayor:

Please consider this a formal request for the restoration of two involuntarily merged lots to their premerger status.

The City Assessors office presently shows that Map 162, Lot 54(exhibit A) is a single lot measuring .25 acres located at 346 Bartlett Street and the intersection of Thornton Street. This parcel was originally 2 separate lots, one measuring .12 acres and the other measuring .13 acres which have been involuntarily merged. (exhibits B & C)

I have attached tax cards for each parcel dated back to 1960 when it was sold to the Petroulis Family from John O'Grady. The assessor's office dating back to 1908 has treated these as two separate lots as indicated on attached tax cards. (exhibits B & C)

Plan Lot 092 038 is the lot that contains an existing family dwelling located at 346 Bartlett Street. (exhibit C) Plan Lot 092 037 has been noted on the tax card as lot only. (exhibit B)

No owner in the chain of title has voluntarily merged these 2 lots. I formally request that the lots be restored to their premerger status and all zoning and tax maps be updated to identify the premerger boundaries of these two individual lots pursuant to RSA 674:39aa.

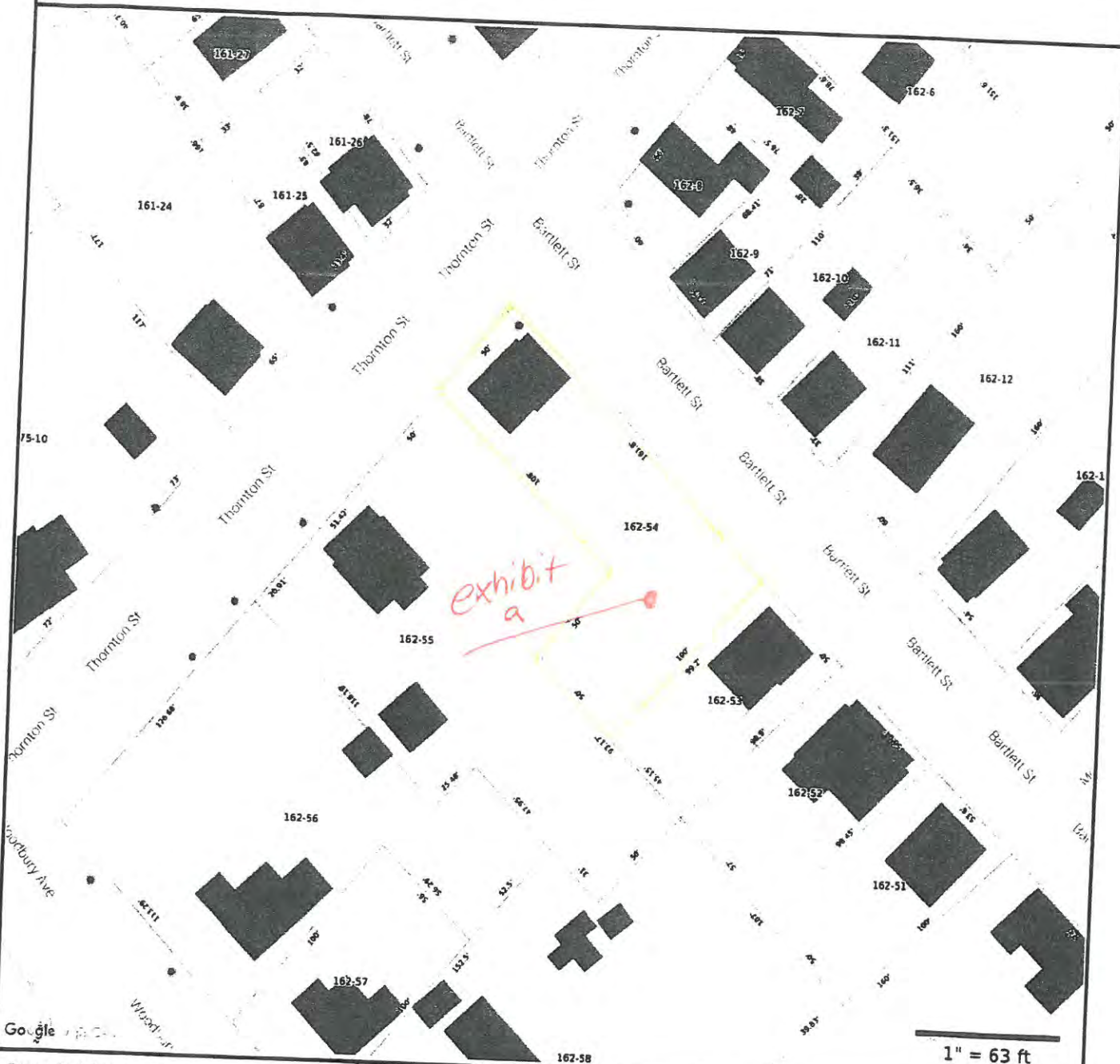
Sincerely,



John A. Byron

603-591-2954

John@gim-llc.com



Property Information
Property ID 0162-0054-0000
Location 346 BARTLETT ST
Owner BYRON JOHN A



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

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

Parcels updated 4/1/2016
 Properties updated 06/08/2017

1" = 63 ft
Terms of Use

PROPERTY OWNER

PROPERTY LOCATION

PLAN LOT 092 037

PETRUOLIS/LEWIS & GEORGETTE

346 BARTLETT ST

BARTLETT ST

PORTSMOUTH

NH 03801

CITY OF PORTSMOUTH N.H.
JOHN B. PETTY CAE, ASSESSOR

RECORD OF TRANSFER

RESID

31001

1421092003700

1 OF 1

PLAN LOT 092 037
Date 03/11

Exhibit B

LAND DEPRECIATION CODES
1-VACANCY

LAND FACTORS

LAND IMPROVEMENTS

SUMMARY

TOPOGRAPHY-1 LEVEL
STREET/RD-2 IMPROVE

LOCATION
DRAINAGE
ZONING
NEIGHBORHOOD
SOIL-1
-2
GOOD
GOOD
03
STATIC
SANDY
LOAM

ACREAGE COMPUTATION

VALUE EQ ASSESSMENT

19 LAND BLDGS TOTAL
19 LAND BLDGS TOTAL
19 LAND BLDGS TOTAL

TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
IH-LOT 35 A	.120	100000	3500	25	2625	100	2600
ACREAGE TOTAL		.120			2625	100	2600

FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT
1												
2												
3												
4												
LOT COMPUTATION												
ACREAGE TOTAL												
2625 100 2600												

19	LAND BLDGS TOTAL	2600
19	LAND BLDGS TOTAL	2600
19	LAND BLDGS TOTAL	2600

LOT TOTAL

142
1092003700

OUT BUILDINGS

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

STRUCTURE VALUE
STRUCTURAL ELEMENTS

PRICE

Exhibit B

SUB TOTAL
FACTOR

OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE

SEG TYPE STOR CONS CLASS

PHYS DEPR	PHYSICAL VALUE	FUNC -DEPR	ACTUAL VALUE	EQ	ASSESSMENT

DIMENSIONS

LISTED DATE	11/30/71	DATE	3426
SIGNATURE		REVIEW	
0 LAND		2735	

BUILDING TOTAL

UNITED APPRAISAL CO.

Back

92 37

PROPERTY ASSESSMENT RECORD CITY OF PORTSMOUTH, N.H.



Exhibit B

Lewis & Georgette Petroulis

1536/1960

2/11/60

MUNICIPAL PROPERTY

NO. ENTRY	DESCRIPTION	CLASSIFICATION	NO. OF ACRES	AREA	TOTAL
1	PAVED				
2	PAVED				
3	PAVED				
4	PAVED				
5	PAVED				
6	PAVED				
7	PAVED				
8	PAVED				
9	PAVED				
10	PAVED				
11	PAVED				
12	PAVED				
13	PAVED				
14	PAVED				
15	PAVED				
16	PAVED				
17	PAVED				
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90	PAVED				
91	PAVED				
92	PAVED				
93	PAVED				
94	PAVED				
95	PAVED				
96	PAVED				
97	PAVED				
98	PAVED				
99	PAVED				
100	PAVED				

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

URBAN PROPERTY

NO. ENTRY	DESCRIPTION	CLASSIFICATION	NO. OF ACRES	AREA	TOTAL
1	PAVED				
2	PAVED				
3	PAVED				
4	PAVED				
5	PAVED				
6	PAVED				
7	PAVED				
8	PAVED				
9	PAVED				
10	PAVED				
11	PAVED				
12	PAVED				
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93	PAVED				
94	PAVED				
95	PAVED				
96	PAVED				
97	PAVED				
98	PAVED				
99	PAVED				
100	PAVED				

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

Mrs. O'Hara 1968 175

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

ASSESSMENT RECORD

47-19-175

FRONT

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

LAND VALUE COMPUTATIONS AND SUMMARY	NO. OF ACRES	AREA	TOTAL
WASTE LAND			
TOTAL WASTE LAND			
TOTAL WASTE LAND & BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

PROPERTY OWNER

PEIROULIS/LEWIS & GEORGETTE
346 BARTLETT ST
PORTSMOUTH NH 03801

346 BARTLETT ST

CITY OF PORTSMOUTH N.H.
JOHN B. PETTY CAE, ASSESSOR

RECORD OF TRANSFER

1980 3548
Pocoy REPAIRS
500

EXHIBIT C
LISTER NOTES
1-BASEMENT MET

PROPERTY LOCATION

W / / / /
M / / / /

PLAN LOT
092 038
U/A 054

TYPE

RESID

PROJECT

CONTROL NO

1 OF 1
CARD

GRADY/MICHAEL EST BY REAGAN/M M

DATE 21.160
BOOK 1536
PAGE 460

MORTGAGE

LAND FACTORS

LAND IMPROVEMENTS

SUMMARY

TOPOGRAPHY-1 LEVEL
IMPROVEMENTS-1 C WATER
-2 SEWER
-3 ELEC
STREET/RD-2 S IMP

LOCATION DRAINAGE
NEIGHBORHOOD
SOIL-1
-2
GOOD
STATIC SANDY LOAM

VALUE

EQ

ASSESSMENT

19

LAND BLDGS TOTAL

72
3700
13400
17100

ACREAGE COMPUTATION

TYPE ACRES

PRICE

TOTAL

DEPR

VALUE

EQ

ASSESSMENT

19

LAND BLDGS TOTAL

130
100000
3700
3700

ACREAGE TOTAL

3700

100

19

LAND BLDGS TOTAL

3700

LOT COMPUTATION

FRONT REAR FRONTAGE DEPTH STREET PRICE DEPTH % ADJ FR PR TOTAL DEPRECIATION CORNER VALUE EQ ASSESSMENT

1 2 3 4 5 6

19

LAND BLDGS TOTAL

19

19

LAND BLDGS TOTAL

19

19

LAND BLDGS TOTAL

19

142	1092003800	STRUCTURAL ELEMENTS	PRICE
OUT BUILDINGS			

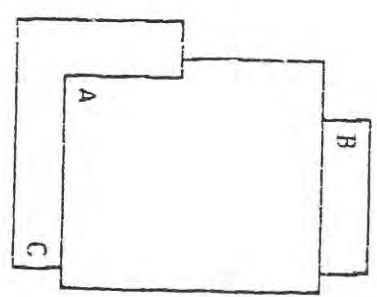
ITEM	1	2	3	4	5	6		
PIER FOUND								
WALL FOUND								
SKIDS								
SCG								
DBL SDG								
SHING WALLS								
CONC BLOCK								
BRICK								
STONE								
FLOOR								
INT FINISH								
PLUMBR								
ELEC								

BASE. A	FOUNDATION, 1/2 BRICK WALLS	658SF	17630
EXT WALLS	1/2 STONE WALLS		
INSULATION	NONE		
ROOF GABLE	ASPH SHG		
BASEMENT	FULL CONCRETE	FLOOR	
FLOORS	1 PINE		
INT FIN.	1 PLASTR		
ROOMS	LAYOUT 6 COND G		
ATTIC	1-3 AT STAIR		
HEAT	1 H-W CAST	FULL FLR	340
PLUMBING	2 H-W BATH		1580
TILE	NONE		
DORMERS	NONE		
SEG. B	U-RSMT, ADD	102SF	1913
SEG. C	OPEN-PORCH	246SF	1230

expensive

SUB TOTAL				22353
FACTOR				

OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE
DWLG 1 FAM	2.05 FR B A	3	1900	ND	F	22353



SCALE = 20 FT./IN.

SEG	A	B	C
TYPE	14-3-14-25-28-22	04	30
STOR		1.0	1.0
CONS		FRAM	FRAM
CLASS		3	3
DIMENSIONS		6-17-6-17	6-27-20-6-14-21

PHYS DEPR	PHYSICAL VALUE	FUNG -DEPR	ACTUAL VALUE	EQ	ASSESSMENT
40	13412		13412	100	13400
BUILDING TOTAL					
	13412		100		13400

SALE PRICE 9000 DATE MO/YR 04/60

LISTED DATE 11/30/71 LISTER 3416

SIGNATURE X SIGNED REVIEW 2735

RECORD OF BUILDINGS

Sack

NOTES—SPECIAL EQUIPMENT

OCCUPANCY		CONSTRUCTION			
UNIT	FAMILY	FLOORS	1	2	3
1	1	CEMENT	1	1	1
		EARTH	1	1	1
		PIPE	1	1	1
		HARDWOOD	1	1	1
		ALUM. PL. W. STRS.	1	1	1
		INTERIOR FINISH	1	1	1
		PIPE	1	1	1
		HARDWOOD	1	1	1
		PLASTER	1	1	1
		UNFINISHED	1	1	1
		METAL CLG	1	1	1
		HIGH PRAT ROOMS	1	1	1
		FINISHED ATTIC	1	1	1
		FIBERPLAC	1	1	1
		HEATING	1	1	1
		PIPELESS FURNACE	1	1	1
		HOT AIR FURNACE	1	1	1
		FORCED AIR FURN	1	1	1
		STEAM	1	1	1
		HOT WATER	1	1	1
		NO HEATING	1	1	1
		GAS BURNER	1	1	1
		OIL BURNER	1	1	1
		STOVE	1	1	1
		PLUMBING	1	1	1
		BATHROOM	1	1	1
		TOILET ROOM	1	1	1
		WATER CLOSET	1	1	1
		KITCHEN SINK	1	1	1
		STD WAT HEAT	1	1	1
		AUTO WAT HEAT	1	1	1
		ELECT WAT SYST	1	1	1
		LAUNDRY TUBS	1	1	1
		NO PLUMBING	1	1	1
		ROOFING	1	1	1
		ASPH SHINGLES	1	1	1
		WOOD SHINGLES	1	1	1
		WOOD SHINGLES	1	1	1
		SLATE	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
		WOOD SIDING	1	1	1
		CEMENT SIDING	1	1	1
		CONCRETE BLOCK	1	1	1
		STONE	1	1	1
		BRICK	1	1	1
		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1
		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
		APROACHES	1	1	1
		PIPE SIDING	1	1	1
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		GLASS	1	1	1
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		WALLS	1	1	1
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		PAINT	1	1	1
		ROOFING	1	1	1
		INSULATION	1	1	1
		WEATHERSTRIP	1	1	1
		EXTERIOR WALLS	1	1	1
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		CLAY TILE	1	1	1
		GLASS	1	1	1
		CEILING	1	1	1
		WALLS	1	1	1
		FLOORING	1	1	1

Return to:
City of Portsmouth
ATTN: Legal Department
1 Junkins Avenue
Portsmouth, NH 03801

LICENSE AGREEMENT

FOR VALUE RECEIVED and in consideration of the mutual obligations contained herein, the **CITY OF PORTSMOUTH**, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (“CITY”) and **CHARLES L. LASSEN, CO-TRUSTEE** and **SUSAN E LASSEN, CO-TRUSTEE OF THE CHARLES L. LASSEN REVOCABLE LIVING TRUST** of One Round Island, Portsmouth, New Hampshire 03801 (collectively the “LICENSEE”) hereby enter into this License Agreement on behalf of themselves and their successors and assigns.

WHEREAS, LICENSEE is the owner of certain land and improvements thereon, consisting of a .013 acre island in the Piscataqua River in the City of Portsmouth, County of Rockingham and State of New Hampshire, identified as Map 207, Lot 1 on the tax maps on the City of Portsmouth and more particularly described in the deed of Janet L. Park to Charles L. Lassen, Trustee, et. al. dated January 15, 2007 and recorded in the Rockingham County Registry of Deeds at Book 4755, Page 1229, and known as Round Island (hereinafter, “Round Island”); and

WHEREAS, the CITY is the owner of certain land and improvements thereon located at and known as 113 Mechanic Street, City of Portsmouth, County of Rockingham, State of New Hampshire, 03801, identified as Map 103, Lot 30 on the Tax Maps of the City of Portsmouth, and more particularly described in the deed of _____ to the City of Portsmouth dated _____ and recorded in Rockingham Registry of Deeds at Book _____, Page _____, (hereinafter, “Lot 30”), and

WHEREAS, Lot 30 abuts the Piscataqua River and lies approximately 350 yards from Round Island; and

WHEREAS, the Lot 30 has traditionally been used for marine related activities; and

WHEREAS, Round Island is a unique property within the boundaries of the City of Portsmouth in that it is the only island that is inhabited and used as a year-round residence that does not have access to the mainland by land or bridge or otherwise except by way of watercraft; and

NOW THEREFORE, in consideration of the mutual premises and conditions contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. This License Agreement is given for the purposes of allowing the LICENSEE to construct, install and maintain a docking facility (hereinafter, the "Dock") adjacent to and connected with Lot 30 and to use the Dock to tie up and dock a single water craft used and to be used for ingress and egress to Round Island. This License Agreement is also given for the purposes of allowing the LICENSEE utilize Lot 30 for ingress and egress to the Dock by foot and motor vehicle, to allow the LICENSEE to maintain a mailbox on the property for purposes of receiving deliveries from the United States Postal Service and other delivery services and to allow the LICENSEE to maintain a trash receptacle on Lot 30 for personal refuse generated in conjunction with the use and occupancy of Round Island.
2. CITY hereby grants unto LICENSEE an exclusive right and license to construct, install, maintain and use the Dock and a single boat slip attendant thereto to be constructed on and adjacent to southerly seawall of Lot 30 on a 24-hours per day/7-days per week basis, for purposes of tying up and docking a single watercraft used and to be used to travel to and from Round Island. The Dock shall consist of an 8' x 15' wooden floating structure; two (2) float pilings and one (1) fender piling; a 3' x 33' metal gangway to be mounted to the inner easterly seawall; and an opening in the fencing situated at the top of the seawall on Lot 30 at the end of the gangway. The Dock shall be located along the eastern most frontage of the southerly seawall so as to maximize the water depth surrounding the Dock throughout the day. All materials, hardware, guardrails and fixed fenders shall be appropriate for a working dock in use on a 24-hours per day/ 7-days per week basis designed for a minimum life span of twenty (20) years. Upon completion of the Dock, as partial consideration for this License Agreement, it shall become the property of the CITY.
3. The LICENSEE shall be responsible for and pay all costs of the design, permitting, construction and installation of the Dock and trash receptacle. Final design of the Dock shall be subject to the approval of the CITY. The CITY shall cooperate with the LICENSEE in applying for and obtaining all permits and approval necessary to construct the Dock and trash receptacle including, without limitation, those permits and approvals required by the New Hampshire Department of Environmental Services and the United States Army Corps of Engineers.

4. CITY also hereby grants unto LICENSEE an exclusive right and license for a loading zone for one motor vehicle on Lot 30 on a 24-hours per day/7-days per week basis for the purpose of active loading and unloading the vessel serving Round Island. The location of LICENSEE'S loading zone on Lot 30 shall be determined by the CITY, from time to time, provided however, that, at all times, LICENSEE'S loading zone shall be a minimum of 8.5' x 20' in size and shall be accessible by vehicle from Mechanic Street.
5. CITY also hereby grants unto LICENSEE an exclusive right and license to install and maintain a trash receptacle and receptacle enclosure on Lot 30 on a 24-hours per day/7-days per week basis for purposes of temporarily storing refuse generated from the use and occupancy of Round Island until removal by the Department of Public Works in accordance with the normal solid waste removal practices of the CITY. The type and location of the trash receptacle and its enclosure shall be subject to the approval of the CITY's public works director.
6. CITY also hereby grants unto LICENSEE an exclusive right and license to install and maintain a mailbox on the Lot 30 on a 24-hours per day/7-days per week basis for purposes of receiving mail delivery from the United States Postal Service and other couriers and delivery services. The mailbox shall be accessible from Mechanic Street at a location as shall be determined by the CITY.
7. CITY further hereby grants unto LICENSEE a non-exclusive right and license to use other portions of Lot 30 for purposes of ingress and egress, by foot and vehicle, motorized and otherwise, for access and egress to and from Mechanic Street and the Dock, the loading zone, the trash receptacle and the mailbox dedicated to the LICENSEE, but not for parking of any motor vehicle other than the use of the loading zone by one vehicle provided for in item #4 above.
8. If, during the Term of this License Agreement, the CITY redevelops Lot 30 in a fashion that would prevent the continued presence of the Dock, trash receptacle and mailbox (and access), upon three (3) months written notice, and subject to required permitting, the CITY may relocate the Dock, trash receptacle and mailbox (and access) to the property at 95 Mechanic Street or an equivalent location on other CITY owned property that is suitable for relocation of the Dock. The CITY and the LICENSEE shall equally share in the cost of relocating the Dock.
9. As a condition hereof, the LICENSEE agrees as follows:
 - (a) In compensation for the Dock license, to pay annually, in advance, to the City the sum of Five Thousand Dollars (\$5,000.00) (the "Annual Fee"). Beginning on the first anniversary of the Commencement Date and on each subsequent anniversary date of the Commencement Date (each, an "Anniversary Date"), the Annual Fee

shall be adjusted by the change, if any, in the Consumer Price Index for all Urban Consumers ("All Items – Boston-Brockton-Nashua 1982-1984 = 100") of the U.S. Bureau of Labor Statistics which was most recently published prior to the Anniversary Date for the 1-year period prior thereto.

- (b) To maintain the mailbox and the trash receptacle, for which no separate consideration is paid, in a clean and sanitary condition at all times.
- (c) The Annual Fee for the first year of the Term (as hereinafter defined) shall be due and payable on the Commencement Date (as hereinafter defined). The Annual Fee for each subsequent year of the Term shall be due and payable on the Anniversary Date of the Commencement Date each year.

10. The rights and licenses granted herein are granted for a term of twenty (20) years (the "Term") commencing upon the completion of the Dock by the LICENSEE when the Dock becomes available for use and occupancy by the LICENSEE (the "Commencement Date"). The Commencement Date shall be memorialized in writing by the CITY and the LICENSEE. Thereafter, this License may be renewed for additional terms of up to five (5) years each by mutual agreement of the parties but neither party shall be under any obligation to agree to a renewal.

11. Indemnification

- (a) Except as to Hazardous Material as provided in Subsection 11(b) below, LICENSEE shall indemnify, defend and hold harmless CITY from and against any and all claims, judgments, losses, damages, costs and expenses, including, without limitation, reasonable attorney fees, liabilities, and other losses, resulting from or arising out of (a) any accident, injury, death, loss or damage whatsoever, caused to any person or property occurring during the term of this License Agreement or any renewal thereof, on or in connection with the use of the Dock, (b) any accident, injury, death, loss or damage whatsoever caused to any person or property occurring during the term of this License Agreement or any renewal thereof on or about Lot 30 to the extent the same is caused by or resulting from the acts or omissions of the LICENSEE or any of its agents, contractors, servants, employees, or invitees. Notwithstanding the foregoing, LICENSEE shall not be required to indemnify, defend and hold CITY harmless to the extent that such injury, death, loss or damage arises out of or results from any gross negligence or willful misconduct of the CITY or its employees, agents, representatives, invitees or contractors.

- (b) LICENSEE shall indemnify and hold harmless CITY from any and all claims judgments, losses, damages, costs and expenses, including, without limitation, reasonable attorney fees, liabilities, and other losses resulting from any Hazardous Material that, during or after the term of this License Agreement or any renewal thereof, is discharged from or on or under or to Lot 30 by LICENSEE or its agents, contractors, servants, employees or invitees except to the extent that any Hazardous Material existed on Lot 30 prior to the effective date hereof or was introduced to or discharged on or under Lot 30 by the CITY or its employees, agents, representatives, invitees and contractors or by third parties outside the control of the LICENSEE. "Hazardous Materials" as used in this section, means any hazardous or toxic material, substance or waste which is defined by those or similar terms and is regulated as such under any statute, law, ordinance, rule or regulation of any local, state, or federal authority having jurisdiction over Lot 30 or its use including, without limitation, any material, substance, waste which is (a) defined as hazardous substance under Section 311 of the Federal Water Pollution Control Act (33 USC §1317) as amended; (b) defined as hazardous waste under Section 1004 of the Federal Resource Conservation and Recovery Act (4 USC §1609, et. seq.) as amended; (c) defined as hazardous substance under Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act (42 USC §9601, et. seq.) as amended; (d) defined as hazardous waste under New Hampshire RSA 147-A:2; or (e) defined as hazardous material under New Hampshire RSA 147-B:2.

12. This License Agreement is appurtenant to the premises of Lot 30 and Round Island and shall run with the land of each said Property and shall be binding upon and inure to the benefit of the owners of each such property and their respective successors and assigns. This License may not be assigned or transferred to any person or entity other than the owner of Round Island. This License may not be assigned or transferred without the prior written consent of the CITY, authorized by its City Manager; provided; however that such consent shall not be unreasonably withheld or delayed. In the event the LICENSEE desires to assign or transfer this License Agreement, LICENSEE shall give written notice (the "Notice") of its intent to do so to the City Manager by certified mail, return receipt requested, postage prepaid. The notice shall state in bold, uppercase letters that the City Manager has thirty (30) days in which to respond to the Notice in accordance to the terms of this paragraph. A copy of this License Agreement shall be appended to the Notice. The City Manager shall have thirty (30) days within which to approve or disapprove of the proposed assignment. If the City Manager shall fail to approve or disapprove the proposed assignment or transfer within said thirty (30) day period, the proposed assignment or transfer shall be conclusively deemed approved by the City Manager and the LICENSEE may assign or transfer the license accordingly. Provided, further, that the within restrictions against assignment and transfer

shall not apply to any transfer between the existing LICENSEE and to any Lassen Family Member or any trust or other entity established by the LICENSEE for estate planning or other similar purposes where one or both of the current beneficiaries of the LICENSEE or one or more Lassen Family Member retains a beneficial membership therein (the "Lassen Family Member") as used herein shall mean Charles L. Lassen, Susan E. Lassen, any issue of one or both of them, the spouse of any such issue and all persons who are related by consanguinity or affinity to such issue or the spouse of such issue. Upon conveyance of Round Island, the seller under such conveyance shall thereafter be relieved of all obligations and liabilities created under this License Agreement except with regard to any liability for damages or any breach of such obligations occurring prior to the conveyance.

CERTIFICATE OF TRUSTEES

The undersigned, CHARLES L. LASSEN and SUSAN E LASSEN, CO-TRUSTEES OF THE CHARLES L. LASSEN REVOCABLE LIVING TRUST, have full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any Trust Asset paid to any current or former trustee for a conveyance thereof and said trust has not been terminated or amended.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, this License Agreement has been executed by the parties this _____ day of November, 2017.

CITY OF PORTSMOUTH

By: _____
John P. Bohenko, City Manager
Pursuant to the Vote of the Portsmouth
City Council on November 20, 2017

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

November____, 2017

Then, personally, appeared the above-named John P. Bohenko, City Manager of the City of Portsmouth, known to me or satisfactorily proven to be the person who executed the foregoing instrument and acknowledged that he did so of his own free act and deed and the free act and deed of the City on whose behalf he is duly authorized to act and for the purposes therein contained.

Notary Public/Justice of the Peace
My commission expires:

IN WITNESS WHEREOF, this License Agreement has been executed by the parties this _____ day of November, 2017.

Charles L. Lassen, Co-Trustee of the
Charles L. Lassen Revocable Trust

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

November ____, 2017

Then, personally, appeared before me the above-named Charles L. Lassen, Co-Trustee of the Charles L. Lassen Revocable Trust and acknowledged that he executed the within instrument as his free act and deed and that of the Trust..

Notary Public/Justice of the Peace
My commission expires:

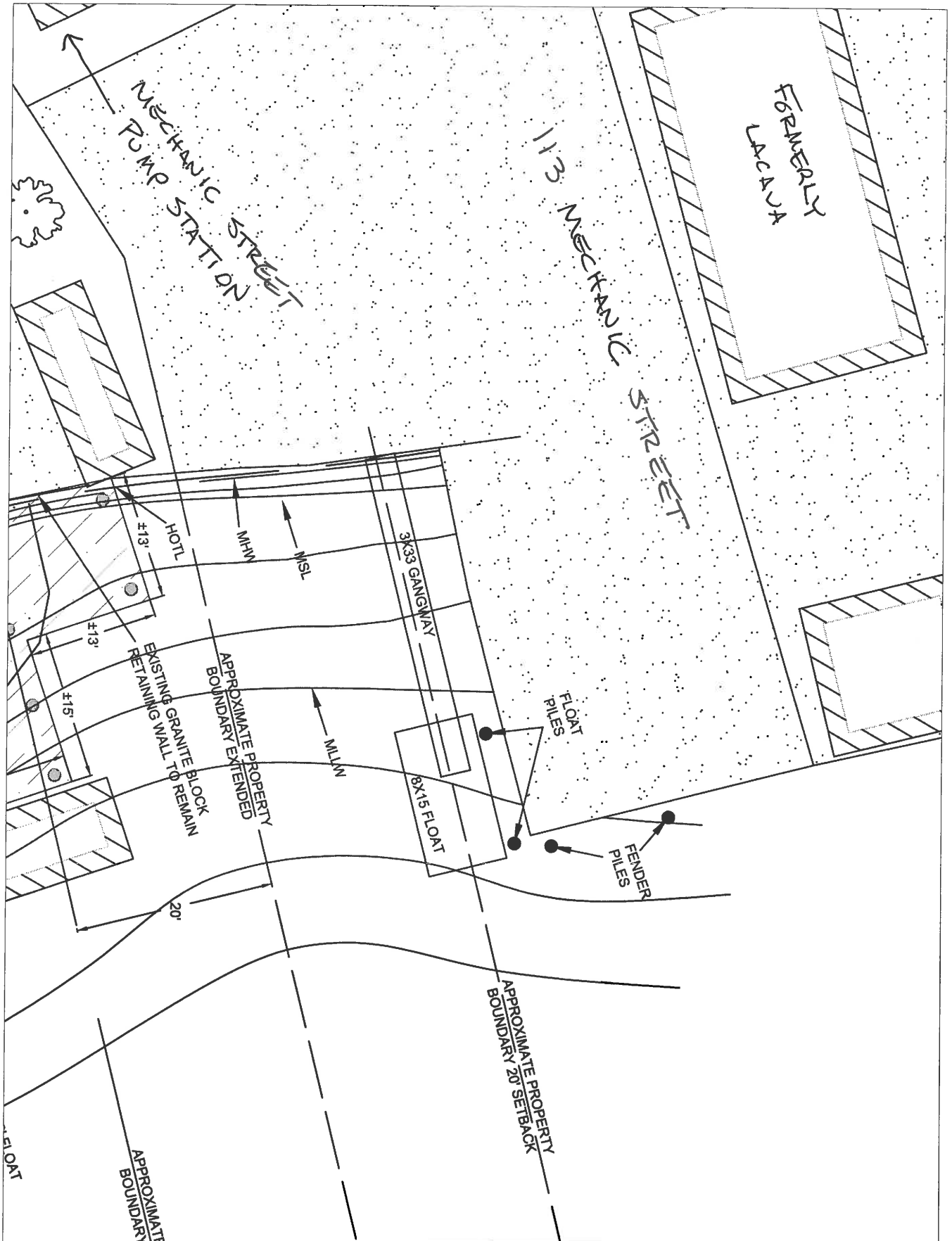
Susan E. Lassen, Co-Trustee of the
Charles L. Lassen Revocable Trust

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

November ____, 2017

Then, personally, appeared before me the above-named Susan E. Lassen Co-Trustee of the Charles L. Lassen Revocable Trust and acknowledged that she executed the within instrument as her free act and deed and that of the Trust.

Notary Public/Justice of the Peace
My commission expires:



MECHANIC STREET
PUMP STATION

113 MECHANIC STREET

FORMERLY
LACACA

HOTEL

3x33 GANGWAY

8x15 FLOAT

FENDER
PILES

FENDER
PILES

EXISTING GRANITE BLOCK
RETAINING WALL TO REMAIN

APPROXIMATE PROPERTY
BOUNDARY EXTENDED

APPROXIMATE PROPERTY
BOUNDARY 20' SETBACK

APPROXIMATE
BOUNDARY

20'

13'

13'

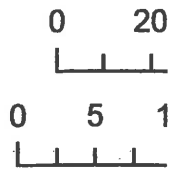
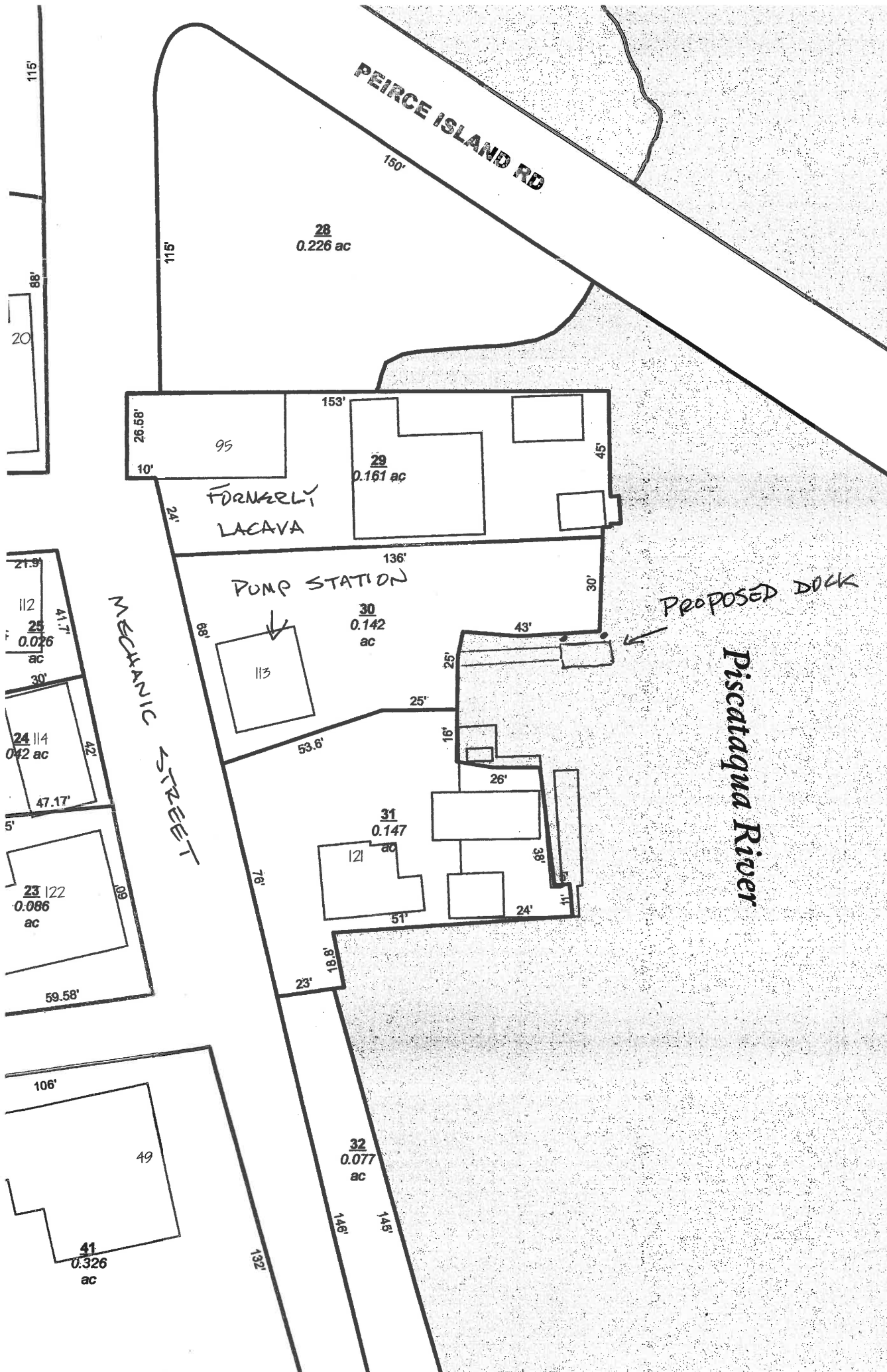
15'

MHW

NSI

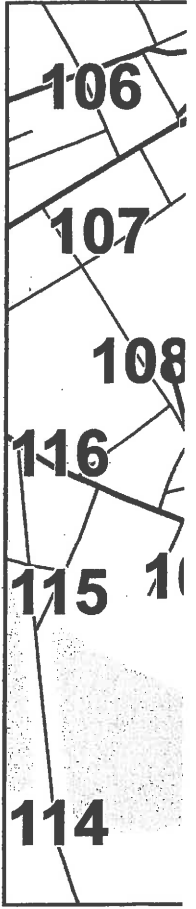
MLM

POINT



This map is not intended to represent parcels or buildings. Streets and streets (unbuilt) shown on this map are for information only. Lot numbers may not represent actual lot numbers.

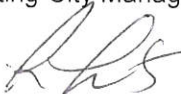
Nearby Townships



Map Location



Memo

To: Nancy Colbert Puff, Acting City Manager
From: Rosann Maurice-Lentz 
Date: October 31, 2017
Re: Report Back – Community Home Solutions PILOT Agreement

OCT 31 2017

Community Home Solutions has requested charitable nonprofit housing status as a group home providing affordable housing too mentally and/or physical handicapped adults. RSA 72:23:k (attached) exempts this type of organization from taxes but allows the municipality to collect a payment in lieu of tax (PILOT) to defray the costs of municipal, non-utility, services.

Community Home Solutions must request a PILOT agreement with the City Council on or before November 1 of each year. Failing mutual agreement, the sum paid on December 1 of each year shall be an amount not to exceed the lower of 10 percent of the shelter rent received by the owner from all sources during the preceding calendar year, not including security deposits received from residents of the housing project, for shelter and care of residents within the project, or a sum equivalent to that derived from application of the current municipal, non-school, portion of the local tax rate against the net local assessed value of the project.

Upon review of the application and documentation submitted by Community Home Solutions, this organization would qualify as a Charitable, Nonprofit Housing Project.

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

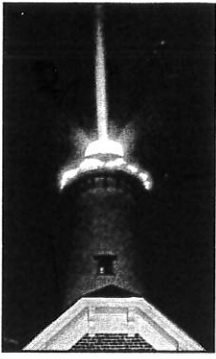
Section 72:23-k

72:23-k Charitable, Nonprofit Housing Projects. –

I. The real estate and personal property of charitable, nonprofit community housing and community health care facilities for elderly and disabled persons, if none of the income or profits is used for any purpose other than community housing or community health care, shall be exempt from taxation. This exemption shall apply to housing and health care facilities situated within New Hampshire which are sponsored or owned by nonprofit, charitable corporations or organizations, located within or outside of the state, and to projects organized, operated, or assisted under state law or pursuant to rules and regulations of the United States Department of Housing and Urban Development, the United States Department of Health and Human Services, or any successor agency. For the purposes of this section an elderly person is one who is 62 years or more of age. The age of the head of the family determines the eligibility of the family unit in the project. For the purposes of this section, the term "charitable" shall have the meaning set forth in RSA 72:23-l.

II. On or before November 1 of each year the owner of the housing project shall enter into an agreement with the municipality in which the property is situated to pay the municipality, on December 1 of each year, a sum in lieu of taxes to defray the costs of municipal, non-utility, services. Failing mutual agreement, the sum paid on December 1 of each year shall be an amount not to exceed the lower of 10 percent of the shelter rent received by the owner from all sources during the preceding calendar year, not including security deposits received from residents of the housing project, for shelter and care of residents within the project, or a sum equivalent to that derived from application of the current municipal, non-school, portion of the local tax rate against the net local assessed value of the project. For cause shown and at any time, keeping in mind the nature and purpose of the project, the municipality or the board of tax and land appeals may refund or abate all or a portion of the payment in lieu of taxes in any year. The owner shall on or before June 1 of each year file with the municipality in which the property is located, upon a form prescribed and provided by the board of tax and land appeals, a statement of its financial condition for the preceding fiscal year and such other information as the board of tax and land appeals requires.

Source. 1987, 194:1. 1990, 140:2, X. 1991, 111:2, 3; 306:7, eff. April 1, 1992.

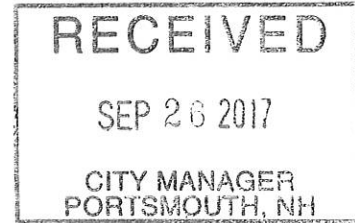


Community Home Solutions, Inc.

501-3 C Non-Profit Organization

Tax Id # 20-5939775

Ellen M. Chase: Executive Director



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

DEPARTMENT OF PUBLIC WORKS

Generator:

Location: Lafayette Road

Make: Onan

Engine: Cummins

Fuel System: Diesel

Approximate value: \$7500.00 (see attached specifications)

FY 2018 POLICE DEPARTMENT SURPLUS VEHICLES

Five (5) old cruisers are ready for auction. There are four 8 cylinder Ford Crown Vics and one 6 cylinder Ford Taurus. All five were running but have the following issues. All are air conditioned and have cloths seats.

Vehicle #1 Old cruiser #7: 2007 Ford Crown Vic. VIN 2FAHP71W87X113786, color maroon, mileage-104553. Possible issues: May need steering shaft or pump, needs an AC compressor, paint peeling and fading, rust on the doglegs, needs a circuit board for the gages as they sometimes don't work, air bag module behind passenger side dash not working.

Vehicle#2 Old cruiser #12: 2007 Ford Crown Vic. VIN 2FAHP71WX7X113787, color blue, mileage-103108, problems with paint chipping and fading, rust on the doglegs, power steering pump, Rear axle vibration , air conditioning not working.

Vehicle#3 Old cruiser #13: 2011 Ford Crown Vic. VIN 2FABP7BV4BX159331, color black and white, mileage- 104690, problems with trunk lock, passenger side dash air bag module, rear window defroster cable, rust left front fender, driver's seat foam needs to be replaced.

Vehicle# 4 Old cruiser # 15: 2011 Ford Crown Vic. VIN 2FABP7BV5BX128038, color black and white, mileage- 120496, problems with steering shaft, rear window defroster cable dash gages circuit board.

Vehicle#5 Old cruiser# 25: 2007 Ford Taurus VIN. 1FAFP53U07A150413, color silver, mileage-138458, bottom of doors rusted, doglegs rusted, needs rear brakes.

City of Portsmouth Wastewater

Lafayette Road

ENGINE

GENERATOR

CHARGING SYSTEM

MAKE: CUMMINS
MODEL: NT-855-G
Serial: 18102652
S/O: Conf# D092404DX02
Plugs: SO# 48474
wires: _____
Cap: _____
Rotor: _____
LITERS: 855 C.I
OF CYL: 6

MAKE: ONAN
MODEL: 230.ODFP-17R/24533L
SPEC: _____
Serial: C820615844
KW: 230
DUTY: STAND BY
MFG DATE: 2/82
HERTZ: 60
RPM: 1800

Battery: 8D X 2
Voltage: 24vdc
Charger: _____
Fuses: _____

FUEL SYSTEM

Fuel: Diesel
Fuel Supply: Day Tank
Fuel Capacity: _____

COOLING SYSTEM

Block Heater: _____
Last Coolant Flush: _____

FILTERS

Air Filter: _____
Oil Cap: _____
Oil filter #1: 51970
Oil Filter #2: _____
Oil Filter #3: _____
Fuel filter #1: 33352 x 2
Fuel Filter #2: _____
Fuel Filter #3: _____

CIRCUIT BREAKER

CB1: _____
CB2: _____
SAFEGARD: _____

BELTS

of Belts _____
1: _____
2: _____
3: _____
4: _____

TRANSFER SWITCHES

1 ATS: ZENITH
Model: MX100
Serial: 1333320.1.2
Volts: 277/480
Amps: 400
Phase: _____
Bulbs: _____
2 ATS: _____
Model: _____
Serial: _____
Volts: _____
Amps: _____
Phase: _____
Bulbs: _____

ENVIRONMENT: INSIDE

BLOCKHEATER

MAKE: _____
VOLTS: _____
WATTS: _____
HOSE SIZE: _____
BALLVALVES: YES NO

Fence & Signage Proposal:
Jay Smith Memorial Garden,
The Lower State Street Pocket Park
November 20, 2017

NOV 13 2017

Jay Smith made Portsmouth his home. He was a writer, a music lover, a singer-song writer. He was a culture maker. He opened The Press Room in 1976. With live music, 7 days a week, artists and musicians also made Portsmouth their home. He paved the way for our city to be known for its Arts. Jay was also active in the City Council and on the Historic District Committee. He owned many Historical buildings and worked tirelessly to renovate them until the moment of his death.

Among the gift of a burgeoning music scene, his generosity, upon his death, helped to save The Music Hall from being developed into condominiums.

Jay Smith also gave the City of Portsmouth the gift of his private garden.

By the time that Tony Belisle, who lives beside the pocket garden, and I, his gardener, officially adopted the space, last summer, The Lower State Street Pocket Park, Jay Smith's Memorial Garden, had truly fallen into disrepair.

I'd like to honor Jay Smith and this space and make it beautiful again.

There are two main issues that have been extremely unpleasant and problematic in the care and cultivation of this memorial garden. Both are disrespectful and destructive to city property and it has been a constant battle:

1. Dogs (or rather what their owners are allowing)

Neighborhood dog owners have come to believe and are still under the impression, that this small pocket garden is a dog park. I often ask them, "Could you please not allow your dog to poop and pee in the garden?" They often reply, "This is dog town lady!" or "Every other dog in the city goes here, so get used to it!" or "Relax!! It's only fertilizer!" (We have been documenting the poop and urine damage for the last year and we can prove otherwise).

Despite the small stonewall that we had constructed last summer, to create a barrier between the brick walkway and the garden beds and all of the perennials and evergreens that we planted to re-create the garden, dog owners are still using it as a dumping ground. Dogs hop over the stonewall and I have seen owners lift their small dogs over it. 95% of the plants that we planted are dead. We find piles and piles of poop, and more dead plants, on a regular basis. The foul smell of urine and feces emanates in all directions.

We propose that there should be NO DOGS ALLOWED in the Memorial Garden.

We would like it to be posted.

We would also like to “repair in like kind” the fence that used to exist along the two walkways that enclose the garden. This will physically enforce the posted signs, & ensure that dogs do not just “jump” into the garden. Currently the granite curbing allows for easy access into the garden beds, where dogs dig holes, mark their territory and to poop on plants and bushes.

2. Drunk people and Vagrants

The Memorial Garden has also become a meeting place and battleground for the intoxicated and “home” to the homeless. There is yelling and fighting. Loud outbursts. They loiter. They fall on things. They break things. They spend the night. They also poop on things. Hide their bags in the bushes and leave their trash, although there is a trash can, in clear view, on the sidewalk. They also leave their toilet paper all over the ground, and in the trees. And it’s horrifying.

We propose that the Memorial Garden to be closed from 9pm- 9am.
We would like it to be posted.

It is our hope that the fence will also help with this issue.
We would also like to close the garden during winter months.
We would also like the ability to close the gates over night if it comes to that.

In honor of Jay Smith, we would also like a 1-2 paragraph biographical sketch of Jay and his contributions and legacy, also posted.

We have discussed all of this with the City Attorney, Robert Sullivan, as well as with the Assistant City Manager, David Moore. They both have affirmed that our requests are reasonable with City Council approval. Furthermore, all costs incurred for the beatification and protection of Jay Smith’s Memorial Garden; will be by the Lower State Street Pocket Park Trust, also a gift from Jay Smith, and in conjunction with the generosity of Tony Belisle.

Upon the approval and with the authority of The City Manager and the City Council, we will meet with the HDC. We will then meet with the Trustees and discuss with them the changes we have permission to make and ask them for estimated \$15-16,000 we need to make these changes happen.

Thank you,

Kate Crowell
Tony Belisle
Mark Bodi & the “Friends of Sheafe Street”



summer
2016



autumn
2016



2017

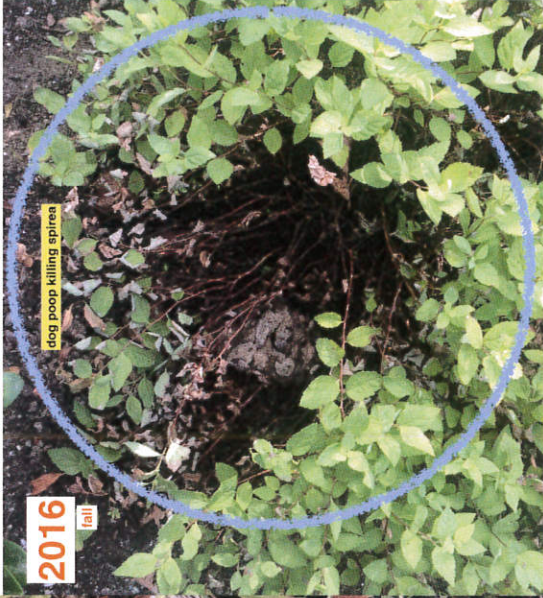
2016

dog poop

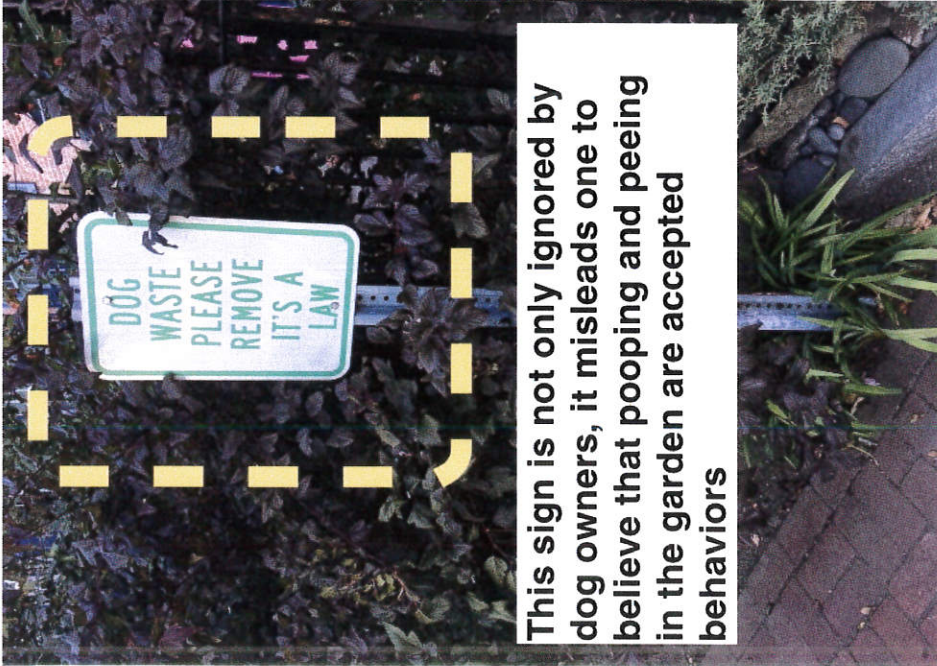
Thank you for your time. We hope that these photographs will illustrate why we are proposing to keep dogs out of the garden at all times, to close the garden during evening hours and winter months, and to repair the fence in like kind.

With your help and authorization, we can make Jay Smith's Memorial Garden into a special and respectable space.

Kate Crowell
 Tony Belisle
 Mark Bodi & the "Friends of Sheafe Street"



As you can see, dog poop and urine are not fertilizer. Dog poop and urine kill plants.



This sign is not only ignored by dog owners, it misleads one to believe that pooping and peeing in the garden are accepted behaviors



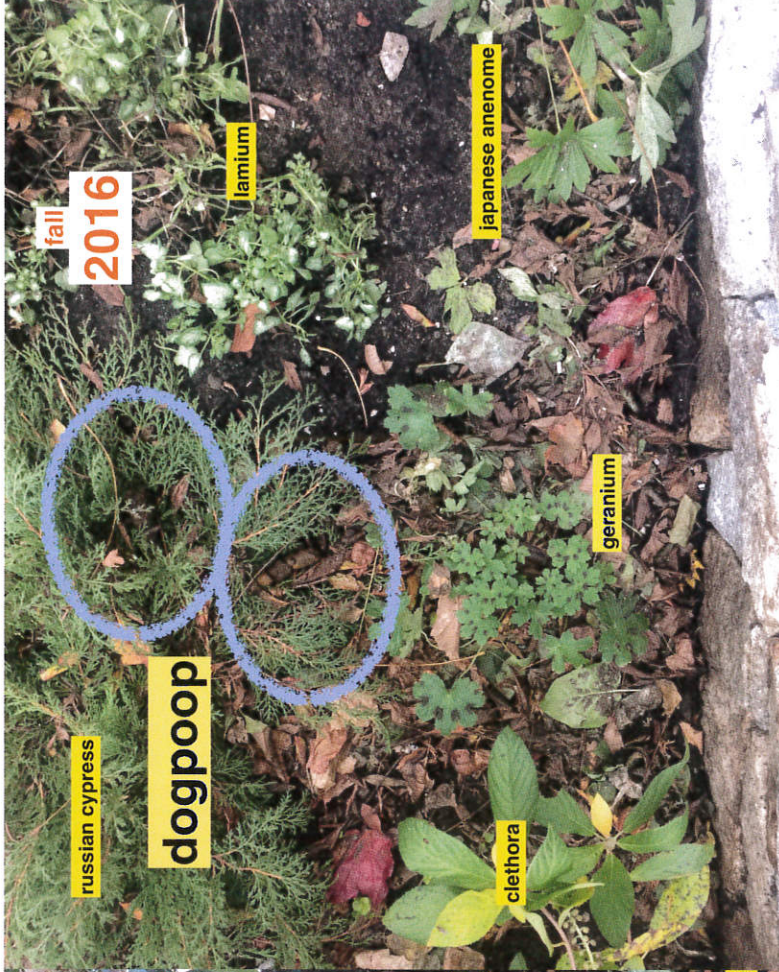
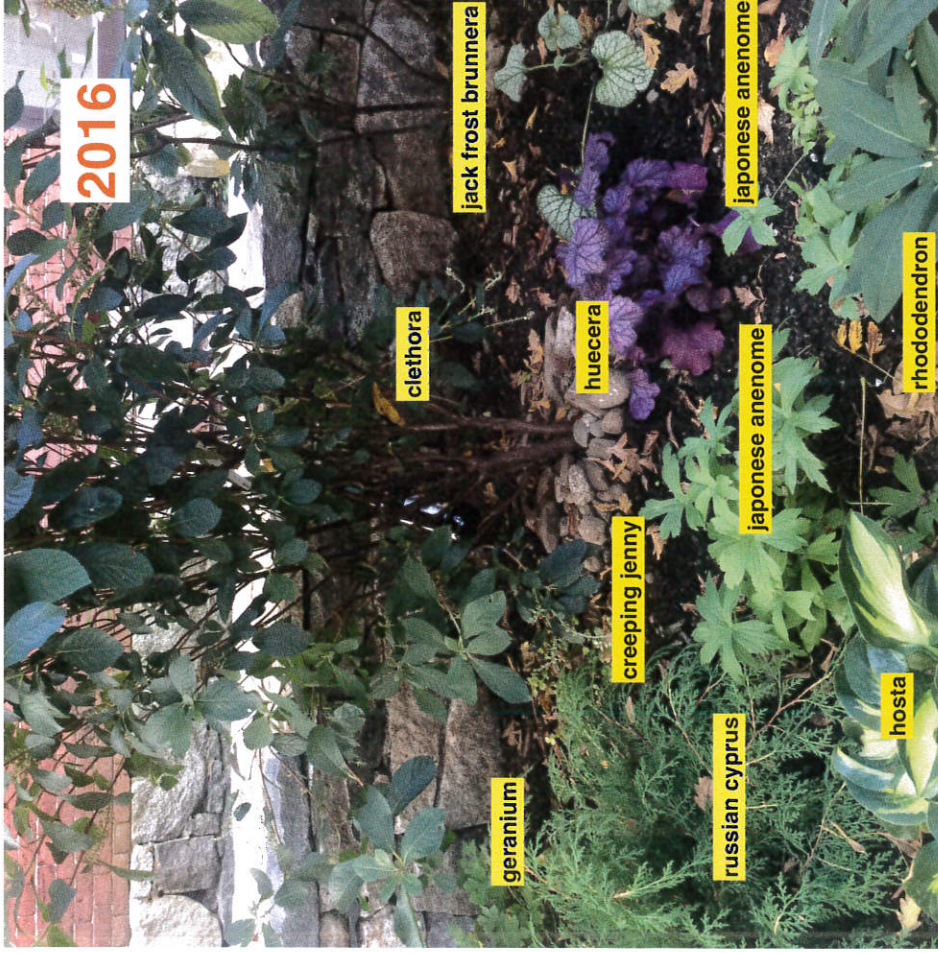
dogs not only poop in the garden, their owners allow them to dig up plants and to make holes



Winter dog damage.



Back right quadrant of the garden today.



Left quadrant of the garden then.



Left quadrant today.



This is Lucas. He lives in the garden, & it's a problem.



2016

Lucas leaves his used toilet paper in the garden and sometimes stashes his bed.



**fall
2017**

Lucas still poops in the garden & leaves his used toilet paper.



These belong to Lucas



Historically, there was a fence installed on all sides of the garden.



Installing a fence along State Street & the front edge of the garden will keep dogs from stepping over the curb & into the garden.



Remaining portion of the fence on the property that abuts the Jay Smith Memorial Garden.

Guiding Principles Related to Code Adoption in Portsmouth

The purpose of codes is to protect public health, safety and general welfare as they relate to the construction, occupancy, and operation of buildings and structures. More specific benefits include increasing life safety, protecting public health, making communities more resilient, allowing for architectural innovation and interest, more environmentally-focused construction, and achieving efficient methods and potential cost savings. The State of New Hampshire adopts codes and municipalities, as a rule, must implement the State's minimum codes upon passage.

1. **Origination of Codes:** Codes available for adoption by states and municipalities are created following a detailed process of expert review of the subject matter by professionals engaged in the fields of engineering, construction, public health, safety and general welfare. New code versions and revisions should be seen as “state of the art” in terms of advances in protecting the public as well as ensuring clear standards for implementing the newest and most energy-efficient and sustainable technologies, for examples.
2. **Timing of Adoption:** Revising our ordinances to reflect the most recently adopted State codes will provide clarity about applicable codes and ensure local amendments align with current version of the state codes. As a result, the City Council should pursue prompt revision of our ordinances to reflect adoption of the State codes. This practice will have the added benefit of more frequent legislative activity surrounding codes underlying their importance and educating the public.
3. **Consideration, Communication and Outreach:** Updating local codes should be the result of careful deliberation and consideration following the input of qualified professionals in consultation with affected parties. Monitoring and constant evaluation of processes for code administration should be ongoing. The City's process of updating codes should include proactive efforts at outreach to the community of builders, engineers & designers, firms and individuals in the building trades, homeowners, business/restaurant owners and employees, developers, and other constituencies who may interact with the code to be updated.
4. **Local Amendments to State-Adopted Codes:** In general, municipalities may only adopt local amendments to state codes if they are more restrictive than provisions in state-adopted codes, not less restrictive. Local amendments may also offer alternative means to meet code compliance, which are equally protective of the public welfare.
5. **Processes for Appeal:** Codes, state RSAs, and ordinances include processes for appeals of decisions made during code enforcement activities. Clarity about process for appeals is essential as is a clear understanding of what actions are able to be appealed. Appeals processes should comply with the legal parameters established as well as be evident in materials and resources developed by the City.

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Event Listing by Date

Starting Date: 10/16/2017

Ending Date: 12/31/2018

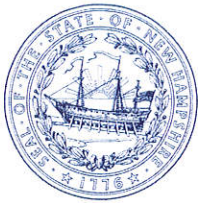
Start End	Type Description	Location	Requestor	Vote Date
10/31/2017 10/31/2017	PARADE Abigail Wiggin is the contact for this event.	Starting at Peirce Island - thru downtown - Ending	Portsmouth Halloween Committee	6/ 5/2017
11/11/2017 11/11/2017	MEMORIAL Veteran's Day ceremony, including a wreath laying at Goodwin Park. Starting at 11:00 a.m. In case of rain, the ceremony will be held at the American Legion at 96 Islington Street.	Goodwin Park	Veteran's Council	/ /
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
4/14/2018 4/14/2018	ROAD RACE Nick Diana is the contact for this event. This event begins and ends at New Castle Great Island Commons. The start is 9:00 a.m.	Starts and Ends at New Castle Commons	Nick Diana	6/19/2017
4/14/2018 4/14/2018	WALK Emily Christian is the contact for this event.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/16/2017
5/ 6/2018 5/ 6/2018	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/21/2017
5/ 6/2018 5/ 6/2018	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/21/2017
6/ 9/2018 6/ 9/2018	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	8/21/2017
6/ 9/2018 6/ 9/2018	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	8/21/2017

Event Listing by Date

Starting Date: 10/16/2017

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
6/16/2018 6/16/2018	RACE Kaity Stanton, Special Events Manager is the contact for this event. Raindate: June 17, 2018	Pleasant Street	Big Brothers Big Sisters of NH	9/18/2017
6/23/2018 6/23/2018	ROAD RACE Contact: Stephanie Puls, Development Coordinator, Special Events spulis@komennewengland.org (774)-512-0403 This event begins and ends at Great Bay Community College	Great Bay Community College	Susan G. Komen New Hampshire R	10/ 2/2017
6/30/2018 6/30/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/ 7/2018 7/ 7/2018	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	8/21/2017
7/14/2018 7/14/2018	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/21/2018 7/21/2018	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	8/21/2017
7/28/2018 7/28/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	8/21/2017



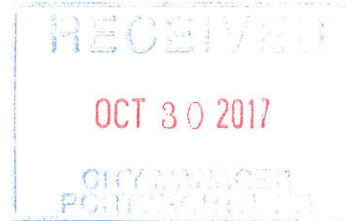
State of New Hampshire
Department of Revenue Administration

109 Pleasant Street
PO Box 487, Concord, NH 03302-0487
Telephone (603) 230-5000
www.revenue.nh.gov



MUNICIPAL AND PROPERTY
DIVISION
Stephan W. Hamilton
Director

Josephine Belville
Assistant Director



John T. Beardmore
Commissioner

Lindsey M. Stepp
Assistant Commissioner

October 26, 2017

City of Portsmouth
ATTN: CITY COUNCIL
1 Junkins Aveune
Portsmouth, NH 03801

RE: USPAP 2017 Commercial / Industrial Report for City of Portsmouth

Dear Honorable Members of the Council:

In accordance with RSA 21-J:14-b,I(c), the Department of Revenue Administration has reviewed the Uniform Standards of Professional Appraisal Practice (USPAP) Standard 6 report submitted by Property Valuation Services for the Commercial & Industrial update for the City of Portsmouth for the 2017 tax year.

Enclosed with this letter is the Mass Appraisal Evaluation Report (PA-50). Our review indicates that the report submitted for the City of Portsmouth is **compliant** with Standard 6 of the most recent edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

These results are reported annually to the Assessing Standard Board (ASB) in accordance with RSA 21-J: 11-a, II. If you have any questions, please do not hesitate to contact me at 419-9794.

Sincerely,

Charles K. Reese
District Supervisor
Municipal and Property Division

cc: File
Property Valuation Services

MASS APPRAISAL REVIEW REPORT

Compliance Checklist

Prepared by the NH Department of Revenue Administration Municipal and Property Appraisal Division

USPAP

Client:	NH Department of Revenue Administration (Department)	SR 3-2(a) SR 3-5(a)
Intended Users:	NH Assessing Standards Board (ASB), the Municipality, Company/Appraiser of the work under review, and the Department	SR 3-2(a) SR 3-5(a)
Intended Use:	1) To evaluate compliance with USPAP Standard 6 and applicable laws and regulations. 2) To provide feedback to the preparer of the Mass Appraisal under review.	SR 3-2(b) SR 3-5(b)
Purpose of the Assignment:	To measure how closely the Mass Appraisal under review conforms to the most recent iteration of USPAP Standard 6 and applicable laws and regulations, in effect as of the date of the appraisal. This review does not include the development of the reviewer's own opinion of value(s).	SR 3-2(c) SR 3-3(c) SR 3-5(c) SR 3-5(i)
Effective Date of Value:	April 1, 2017	SR 3-2(d)(ii) SR 3-5 (d)(iii)
Date of Work Under Review:	August 15, 2017	SR 3-2(d)(ii) SR 3-5(d)(ii)
Date of Last Revision Submitted to Department:	October 23, 2017	
Company / Appraiser(s) who completed the work under review:	Steve Traub/ Property Valuation Advisers	SR 3-2(d)(iii) SR 3-5(d)(iv)
Type of Revaluation: (Choose one)	Statistical update	SR 3-2(d)(iv) SR 3-5(d)(i)
Work Under Review:	2017 USPAP Report	SR 3-2(d)(iv) SR 3-5(d)(i)
Effective Date of Reviewer's Opinions and Conclusions:	October 25, 2017	SR 3-2(e) SR 3-5(e)
Extraordinary Assumptions:	See attached Assumptions and Limiting Conditions.	SR 3-2(f) SR 3-5(f)
Hypothetical Conditions:	None.	SR 3-2(g) SR 3-5(f)
Scope of Work:	See attached Scope of Work.	SR 3-2(h) SR 3-5(g)

Pursuant to RSA 21-J:14-b, I(c), the Department in its assessment review process shall review all mass appraisals to ensure compliance with USPAP Standard 6 and applicable laws and regulations. The purpose of this appraisal review is to advance the legislative objective of bringing greater credibility, uniformity, transparency, and accountability to statewide assessment practices. In so doing, this document serves as an analytical tool for identifying and documenting compliance with recognized assessment methods and techniques. This document also provides a mechanism for communicating the results of the review to the appropriate municipalities, assessors, and contractors.

PA-50 CHECKLIST

REFER TO INSTRUCTIONS

Item #	Section 1 - Letter of Transmittal	Page #	<u>Yes</u>	<u>No</u>	<u>Partial</u>	<u>USPAP</u>
			Select One, and Enter "1"			
1	Identify the appraised properties	LOT	1			SR 6-8 (i)
2	Identify the effective date of the appraisal	LOT	1			SR 6-2(d) SR 6-8(g)
3	Identify the intended use of the appraisal	LOT	1			SR 6-2 (b) SR 6-8(e)
4	Identify the client of the appraisal	LOT	1			SR 6-2(a) SR 6-8(d)
5	Identify the intended users of the appraisal	LOT	1			SR 6-2(a) SR 6-8(d)
6	Identify the type and definition of value, and cite source	LOT	1			SR 6-2(c) SR 6-8(h)
7	Identify the property interests assessed	LOT	1			SR 6-2(f,iv) SR 6-8(I)
8	Signed and dated Certification of Value	LOT	1			SR 6-8(q)

Section 1 - "Score"/Compliance:

8 0 0

Item #	Section 2 - Scope of Work	Page #	<u>Yes</u>	<u>No</u>	<u>Partial</u>	<u>USPAP</u>
			Select One, and Enter "1"			
9	Identify type of revaluation performed (partial, cyclical, statistical, full revaluation)	Contract & Scope	1			SR 6-2(j) SR 6-8(j)
10	Identification of any limiting conditions adopted for the development and reporting of value	Sec 2 - Pg 1	1			SR 6-2(i) SR 6-8(f)
11	Identify any extraordinary assumptions adopted for the development and reporting of value	Sec 2 - Pg 1	1			SR 6-2(I) SR 6-8(c)
12	Identify the extent of property inspections as reflected in the attached signed contract or in-house work plan	Sec 2 - Pg 4	1			SR 6-4(a) SR 6-5(d)
13	If no physical inspection of sales performed, provide an explanation	Sec 2 - Pg 4	1			SR 6-1(a) SR 6-5(a)
14	Identify the steps taken to complete the final review	Sec. 2 Pg 5 & 9	1			SR 6-7(a)
15	Provide a definition of highest and best use	Sec. 2 Pg 8	1			SR 6-1(a) SR 6-8(n)
16	Explain any departures from highest and best use	Sec. 2 Pg 8	1			SR 6-1(a) SR 6-8(n)
17	Identify approaches to value considered and utilized	Sec. 2 Pg 12	1			SR 6-2(j) SR 6-8(i)
18	Identify approaches to value <u>not</u> utilized, and explain why not utilized	N/A	1			SR 6-2(j) SR 6-8(i)

Section 2 - "Score"/Compliance:

10 0 0

PA-50 CHECKLIST

REFER TO INSTRUCTIONS

Item #	Section 3 – Development of Values	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
19	Brief description of basic valuation theory/mass appraisal	Sec. 3 pg 1	1			SR 6-4(a) SR 6-8(b)
20	Identify period of time from which sales were utilized for the development of values (in the sales analysis)	Sec. 3 pg 5	1			SR 6-4(a,b)
21	Describe how sales utilized in the sales analysis were selected	Sec. 3 pg 5	1			SR 6-4(a,b)
22	Describe extent of sale verification and data collection procedures	Sec. 3 pg 5	1			SR 6-4(a,b)
23	Identify the number of sales utilized in sales analysis by property type	Sec. 3 pg 5	1			SR 6-8(a,b)
24	Provide a brief description of data calibration methods	Sec. 3 pg 7	1			SR 6-4 (a,b,c)

Section 3 - "Score"/Compliance:

6 0 0

Item #	Section 4 – Time Trending	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
25	Provide a brief narrative discussion of the methodology utilized to develop a market-supported time trend analysis	Sec. 5 pg 2	1			SR 6-2(f,h) SR 6-1(a)
26	Provide documentation and analytical support for the time trending analysis and conclusions	Sec. 5 pg 4	1			SR 6-2(f,h) SR 6-1(a)

Section 4 - "Score"/Compliance:

2 0 0

Item #	Section 5 - Land and Neighborhood Data	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
27	Provide supporting explanation and documentation for base land rate, and base land rate adjustment factors	3-4	1			SR 6-2(h), SR 6-8(l)
28	Provide supporting explanation and documentation for neighborhood classification and neighborhood adjustment factors	5-7	1			SR 6-2(h), SR 6-8(l)
29	Provide supporting explanation and documentation to explain the increment of value for "site improvement" above base land value	3-4 / Insert	1			SR 6-2(h), SR 6-8(l)
30	Provide land area adjustment table	7	1			SR 6-4(b) SR 6-8(b)
31	Provide documentation and support for any other adjustments associated with site specific adjustments	9-12	1			SR 6-4(b) SR 6-8(b)
32	Provide supporting documentation and support for any positive or negative land adjustments for external influences	4-5 Sect 6, pg 3-5	1			SR 6-3(a) SR 6-4(b) SR 6-8(b)
33	Provide a list of land sales utilized in analysis	Sec 3 pg 24	1			SR 6-4(a,b)
34	Provide a list of land sales <u>NOT</u> utilized in analysis	Insert	1			SR 6-1(b) SR 6-8(l)

Section 5 - "Score"/Compliance:

8 0 0

PA-50 CHECKLIST

REFER TO INSTRUCTIONS

<u>Item #</u>	<u>Section 6 - Improved Property Data</u>	<u>Page #</u>	<u>Yes</u>	<u>No</u>	<u>Partial</u>	<u>USPAP</u>
			Select One, and Enter "1"			
35	Provide a brief narrative explanation for types of depreciation utilized	Sec 7 pg 9	1			SR 6-1(a) SR 6-4(a) SR 6-8(b)
36	Provide documentation and support to explain derivation of depreciation utilized in the analysis	Sec 6 pg 10-11	1			SR 6-5(a)(iii) SR 6-8(b)
37	Provide documentation and support for derivation of effective area factors	Sec 4-D	1			SR 6-4(b) SR 6-8(b)
38	Provide documentation and support for derivation of story height adjustments	Insert	1			SR 6-1(a) SR 6-8(b)
39	Provide documentation and support for derivation of quality adjustments	Sec 4 pg 3	1			SR 6-1(a) SR 6-8(b)
40	Provide documentation and support for derivation of building cost tables	Sec 4 & 7	1			SR 6-1(a) SR 6-8(b)
41	Provide documentation and support for derivation of building style adjustments	Spread Sheets	1			SR 6-1(a) SR 6-8(b)
42	If Income Approach is utilized– describe support for income and expense data utilized	Sec 3 pg 27-48	1			SR 6-1(a) SR 6-5(b)
43	If Income Approach is utilized– provide documentation and analytical support for vacancy and cap rates utilized	Sec 3 pg 50-59	1			SR 6-1(a) SR 6-5(b)
44	Provide list of improved sales utilized in analysis	Sec 3 pg 21	1			SR 6-4(a,c) SR 6-5(a)(iv)
45	Provide list of Property Record Cards (of improved sales) NOT utilized in analysis	Sec 9 Appd I	1			SR 6-8(a,b)

Section 6 - "Score"/Compliance:

11 0 0

<u>Item #</u>	<u>Section 7 - Statistical Analysis, Testing and Quality Control</u>	<u>Page #</u>	<u>Yes</u>	<u>No</u>	<u>Partial</u>	<u>USPAP</u>
			Select One, and Enter "1"			
46	Ratio study using new assessed values	8-A	1			SR 6-7(b) SR 6-8 (b,o)
47	Ratio study using old assessed values	8-A	1			SR 6-7(b) SR 6-8 (b,o)
48	COD study using new assessed values	8-B	1			SR 6-7(b) SR 6-8 (b,o)
49	COD study using old assessed values	8-A	1			SR 6-7(b) SR 6-8 (b,o)
50	PRD study using new assessed values	8-B	1			SR 6-7(b) SR 6-8 (b,o)
51	PRD study using old assessed values	8-A	1			SR 6-7(b) SR 6-8 (b,o)
52	Provide strata analysis using new assessed values for each strata	8-B	1			SR 6-7(b) SR 6-8 (b,o)
53	Provide strata analysis using old assessed values for each strata	8-A	1			SR 6-7(b) SR 6-8 (b,o)

Section 7 - "Score"/Compliance:

8 0 0

CHECKLIST

REFER TO INSTRUCTIONS

Item #	Section 8 - Appendices	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
54	Appendix A: Copy of contract or in-house work plan, if not already provided	Apdx 9 - a	1			SR 6-8(b,I)
55	Appendix B: Copy of neighborhood map(s) or electronic file, if not already provided	Apdx 9 - b	1			SR 6-8(b,I)
56	Appendix C: Individuals responsible and/or assisting in the development of the USPAP compliant report	Apdx 9 - 4	1			SR 6-8(b) SR 6-9
57	Appendix D: Identify CAMA System codes. Identify any codes that are unique to your municipality	Sec. 4 F	1			SR 6-8(b,I)
58	Appendix E: Provide identification of zoning district(s)	Sec. 4 - c	1			SR 6-8(b,I)
59	Appendix F: Provide list of "qualified" and "unqualified" sale codes	Apnx E	1			SR 6-8(b,I)
60	Appendix G: Qualifications. Provide copies of the DRA certifying documents for each individual identified in Line #56.	Apdx C- 2	1			SR 6-1(a)
61	Appendix H: Definitions. A summary of useful definitions is available from the DRA.	Apdx H	1			SR 6-8(b,I)

Section 8 - "Score"/Compliance:

8 0 0

TOTAL "SCORE"/COMPLIANCE:

61 0 0

CHECKLIST

COMMENTS

Comment on all subject matters checked as "no" or "partial". Also offer any general comments.

Line #	COMMENT
	LOT = Letter of transmittal.

DRA Reviewer: Charles K. Reese

Date: 10/26/2017

**USPAP STANDARD 3 REPORT
LETTER OF TRANSMITTAL**

DATE: October 26, 2017

CLIENT: NH Department of Revenue Administration, Municipal and Property Division

RE: Review of Mass Appraisal Report In the City of: Portsmouth, NH For the: statistical update of commercial / industrial properties.

In accordance with RSA 21-J:14-b I(c) I have completed a review of the mass appraisal report prepared by Stephen Traub of Property Valuation Advisers. The purpose of this review is to evaluate the appraisal for compliance with Standard 6 of the Uniform Standards of Professional Appraisal Practice (USPAP), applicable laws and regulations, and to determine if the results of the work under review are credible for their intended use. I have developed an opinion as to the completeness of the report under review, the adequacy and relevance of the data presented in the report and the reasonableness of the conclusions. I have not developed my own opinion of value; this review should not be construed as an appraisal of the subject properties. I have not made a personal inspection of the referenced properties; this is a technical desk review. The original effective date of value of the appraisal under review was April 1, 2017 and the date of that report was August 15, 2017. The effective date of this review is October 25, 2017.

The intended users of this appraisal are the Assessing Standards Board (ASB), the municipality, the company/appraiser of the report under review, and the NH Department of Revenue Administration (Department). The review appraiser is not responsible for unintended use of this report. The opinions contained in this report set forth my best judgment in light of the information available at the time of the preparation of this report. Any use of this review by any other person or entity, or any reliance or decisions based on this review is the sole responsibility of the third party. This letter must remain attached to the report in order for the opinions set forth herein to be considered valid.

This is an appraisal review which is intended to comply with the appraisal review, development and reporting requirements set forth under Standard 3 of USPAP. Supporting documentation concerning the data, reasoning and analyses is retained in the Department's files. The information in this report is specific to the needs of the client and for the intended use stated in this report.

This is a retrospective review appraisal. It is assumed that the factual data about the subject properties provided by the appraiser in the report under review is accurate unless otherwise stated. This is what USPAP refers to as an extraordinary assumption; if found to be incorrect, it could affect the review conclusions.

This appraisal review is qualified by certain definitions, assumptions and limiting conditions, and certifications that are set forth in the attached report.

After analyzing all relevant facts and opinions expressed in the mass appraisal report reviewed, I have concluded that the appraisal under review does comply with all requirements set forth in Standard 6 of USPAP and applicable laws and regulations.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles K. Reese". The signature is written in black ink and is positioned above a horizontal line.

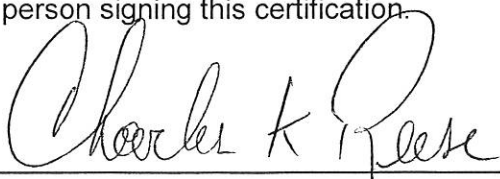
Charles K. Reese, CNHA
Municipal and Property Division
DRA-Certified Assessor Supervisor

Cc: PVA
Department File

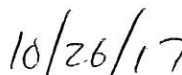
CERTIFICATION (Standards Rule 3-6)

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the properties that are the subject of the work under review and no personal interest with respect to the parties involved.
- I am employed by the New Hampshire Department of Revenue (Department). Per RSA 21-J:11, the Department reviews all revaluations in New Hampshire, and performs assessing oversight and monitoring annually. I have performed no other services, as an appraiser or in any other capacity, regarding the properties that are the subject of the work under review.
- I have no bias with respect to the properties that are the subject of the work under review or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions or conclusions in this review or from its use.
- My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favor the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- My analyses, opinions, and conclusions were developed, and this review report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have not made a personal inspection of all of the properties that are the subject of the work under review.
- Keith Gagnon provided significant appraisal or appraisal review assistance to the person signing this certification.



Signature



Date

SCOPE OF WORK

Scope of Work:

Scope of work defined: *"The type and extent of research and analyses in an assignment."*¹

Unless otherwise stated, I have:

- Read the entire mass appraisal report under review provided by the appraiser to support his/her analyses.
- Reviewed a sample of provided sale data.
- Reviewed a portion of the sales provided to determine whether the data is appropriate, adequate and consistently applied.
- Developed an opinion as to whether the appraiser's methods and techniques are consistent with industry standards.
- Determined if the mass appraisal was completed in compliance with Standard 6 of the version of USPAP in effect as of the date of the appraisal report under review, by comparison to the elements described in the PA-50 checklist.
- Developed an opinion as to whether the report under review is appropriate and not misleading. This takes into consideration the context of the requirements applicable to that work, as described in the contract and/or in-house work plan, and the mass appraisal scope of work.

As the review appraiser, I have not:

- Inspected all properties.
- Utilized the mass appraisal under review to develop my own opinion of value (either individually or collectively).
- Verified all the mathematical calculations in the model.

¹ *The Appraisal of Real Estate, 14th edition, Appraisal Institute, page 87*

ASSUMPTIONS AND LIMITING CONDITIONS

The submitted review report is subject to the following underlying assumptions and limiting conditions:

Extraordinary Assumptions:

An extraordinary assumption is defined as “an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser’s opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.”² This review was made under the extraordinary assumption that the data contained in the work under review is accurate. The review appraiser is not responsible for errors in the data or for undisclosed conditions of the properties or the marketplace which would only be apparent from a thorough physical inspection and further research.

Hypothetical Conditions:

This review does not include any hypothetical conditions.

General Assumptions:

- This is an appraisal review which is intended to comply with the appraisal review, development and reporting requirements set forth under Standard 3 of USPAP. Supporting documentation concerning the data, reasoning and analyses is retained in the Department’s files. The information in this report is specific to the needs of the client and for the intended use stated in this report. The review appraiser is not responsible for unauthorized use of this report. Possession of a copy of this report by the reader does not make the reader an intended user.
- The purpose of the assignment is to review the mass appraisal for compliance with USPAP and applicable laws and regulations and to determine if the results of the work under review are credible for the intended user’s intended use. The review appraiser has developed an opinion as to the completeness of the report, the adequacy and relevance of the data presented in the report and the reasonableness of the conclusions. The review appraiser has NOT developed his or her own opinion of value conclusion and this review should not be construed as an appraisal of the subject properties.
- It has been assumed that all principal and appurtenant buildings or other improvements have been accurately measured and listed; and, all land parcels and any attributes that may affect the market value have been accurately listed. It has been assumed that all elements which may affect market value have been taken into consideration which may include, but not limited to: legal and title matters, encumbrances, restrictions, physical and location issues, known contamination, zoning and use regulations, any depreciation factors or other issues unless otherwise stated in this report.
- The information furnished by others is believed to be reliable. All factual data contained in the appraisal under review is assumed to be accurate. No warranty, however, is given for its accuracy.
- Possession of this report, or a copy thereof, does not carry with it the right of publication.
- The review appraiser herein by reason of this review is not required to give further consultation, testimony, or be in attendance in court with reference to the properties in question unless arrangements have been previously made, or as otherwise required by law.
- This review appraisal has been performed by an appraiser(s) with the experience, competency and education necessary to review mass appraisals. There were no additional steps required to competently complete the attached review report. The review appraiser is a DRA-certified Appraiser Supervisor. Confirmation is available at www.revenue.nh.gov.

² *The Dictionary of Real Estate Appraisal, 5th edition*, Appraisal Institute, page 176



TRUSTEES OF TRUST FUNDS
CITY OF PORTSMOUTH, NH
CITY HALL – ONE JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE 03801

Phyllis Eldridge, Trustee Chair
Dana S. Levenson, Trustee
Thomas R. Watson, Trustee



October 31, 2017

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

To Whom It May Concern:

Please find enclosed a copy of the Trustees of Trust Funds Annual Report, MS-9 and MS-10, for fiscal year 2017 ending June 30, 2017.

Any questions or concerns should be directed to the Trustees' attention at the address above.

Sincerely,

Trustees of Trust Funds, City of Portsmouth



REPORT OF TRUST AND CAPITAL RESERVE FUNDS

Form Due Date: **March 1st (Calendar Year), or September 1st (Fiscal Year)**

Instructions

A hard copy of this form, as well as the signature page, must be sent to:

Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397

Cover Page

- Select the Municipality name from the pull down menu
- Enter the preparer's information

Reporting:

- Complete all fields as necessary for the *Report of Trust Funds* and *Principal Only* sections.
- INVESTMENT POLICY - RSA 31:25 requires the trustees to adopt an investment policy and review and confirm this policy at least annually. A copy of this policy must be filed with the Director of Charitable Trusts (RSA 31:25, 34, 35:9).
- PROFESSIONAL BANKING AND BROKERAGE ASSISTANCE - RSA 31:38-a enables you to have a professional banking or brokerage firm assist you in performing your trustee duties. Refer to the law for further information. Attributable expenses may be charged against the trust fund involved, however, please be advised the fees can be taken from income only and not from principal.
- WEB SITE - A trustee handbook can be downloaded from the website for the Attorney General's Charitable Trust Division at www.doj.nh.gov/charitable
- FAIR VALUE - Use this section to disclose the fair value (market value) of principal only. This information may be obtained from financial publications or from your professional banker or broker.
- CAPITAL RESERVE FUND - Must be kept in a separate account and not intermingled with any other funds of the municipality (RSA 35:9).
- WHEN and WHERE TO FILE - By March 1 if filing for a calendar year and by September 1 if filing for optional fiscal year. See instructions and address on the last page of this form. If you hold funds for the school, the school business administrator will also need a copy for the school's financial report.

For Assistance Please Contact:

NH DRA Municipal and Property Division

Phone: (603) 230-5090

Fax: (603) 230-5947

<http://www.revenue.nh.gov/mun-prop/>

ENTITY'S INFORMATION

Municipality:

County:

Total of All Funds:

PREPARER'S INFORMATION

First Name

Judy

Last Name

Renaud

Street No.

1

Street Name

Junkins Avenue

Phone Number

(603) 610-7259

Email (optional)

trustfunds@cityofportsmouth.com



New Hampshire
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Report of the Trust Funds

	Trust Fund 1	Trust Fund 2	Trust Fund 3	Trust Fund 4	Trust Fund 5
Date of Creation	'1954	'1896	'1955	'1992	'1995
Name of Trust Fund	Josie F. Prescott	Haven Park Fund	William Cater	Bishop Flower Fund	Memorial Bench Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$4,780,601	\$13,707	\$15,207	\$4,074	\$57,137
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$445,760	\$2,015	\$2,008	\$516	\$7,546
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$5,226,361	\$15,723	\$17,215	\$4,589	\$64,684
Balance Beginning of Year	(\$997,863)	\$3,040	\$1,448	\$203	\$5,459
Income During Year (Amount)	\$112,313	\$450	\$448	\$115	\$1,684
Expended During Year	(\$217,321)	(\$219)	(\$62)	(\$115)	(\$233)
Balance at End of Year	(\$1,102,871)	\$3,271	\$1,834	\$203	\$6,910
Grand Total Principal & Income End of Year	\$4,123,490	\$18,993	\$19,049	\$4,792	\$71,593
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

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	Trust Fund 6	Trust Fund 7	Trust Fund 8	Trust Fund 9	Trust Fund 10
Date of Creation	'1995	'1999	'2000	'2002	01/01/2002
Name of Trust Fund	Prescott Memorial	Peirce Island	Lower State Street Park	Great Bog Conservation	Great Bog Stewardship
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$5,602	\$4,049	\$36,282	\$72	\$13,813
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$907	\$700	\$5,969	\$12	\$2,062
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$6,509	\$4,750	\$42,251	\$85	\$15,876
Balance Beginning of Year	\$1,976	\$1,760	\$13,231	\$28	\$3,294
Income During Year (Amount)	\$203	\$156	\$1,332	\$3	\$460
Expended During Year	(\$28)	(\$22)	(\$1,784)	\$0	(\$64)
Balance at End of Year	\$2,100	\$1,895	\$12,779	\$31	\$3,690
Grand Total Principal & Income End of Year	\$8,609	\$6,645	\$55,030	\$115	\$19,566
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL INCOME



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	Trust Fund 11	Trust Fund 12	Trust Fund 13	Trust Fund 14	Trust Fund 15
Date of Creation	'2007	'2012	'2013	'2015	'2005
Name of Trust Fund	Friend of the Southend Trust	Margaret S. & Marietta Sewell	Memorial Bridge Illumination	Historic Cemetery Trust	Arts & Cultural Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Cemetery Trust - Other	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Single Investment	Common Fund	Single Investment
Balance Beginning of Year	\$18,487	\$8,775	\$137,894	\$2,994	\$43,918
New Funds Created	\$2,000	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$2,543	\$1,092		\$363	
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$23,030	\$9,867	\$137,894	\$3,357	\$43,918
Balance Beginning of Year	\$608	\$285	(\$137,727)	\$18	(\$43,358)
Income During Year (Amount)	\$435	\$244		\$80	
Expended During Year	(\$435)	(\$244)		(\$11)	
Balance at End of Year	\$608	\$285	(\$137,727)	\$87	(\$43,358)
Grand Total Principal & Income End of Year	\$23,638	\$10,152	\$166	\$3,444	\$560
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

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	Trust Fund 16	Trust Fund 17	Trust Fund 18	Trust Fund 19	Trust Fund 20
Date of Creation	'2009	'2004	'1997	'1834	'1934
Name of Trust Fund	Cable Television Public Access	Peirce Estate Recreational & En	Marine Maintenance Trust	Mary Clark	Horace A. Haven
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Scholarship	Scholarship
How Invested	Single Investment	Single Investment	Single Investment	Common Fund	Common Fund
Balance Beginning of Year	\$800,630	\$593,103	\$12,576	\$677	\$2,635
New Funds Created	\$173,407	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities				\$85	\$339
Withdrawals		\$0	\$0	\$0	\$0
Balance End of Year	\$974,037	\$593,103	\$12,576	\$763	\$2,974
Balance Beginning of Year	(\$743,091)	\$16,273	(\$585,032)	\$97	\$435
Income During Year (Amount)	\$7	\$2,337	\$64,000	\$20	\$79
Expended During Year	(\$160,602)	\$0	(\$18,555)	(\$3)	(\$11)
Balance at End of Year	(\$903,686)	\$18,610	(\$539,587)	\$114	\$503
Grand Total Principal & Income End of Year	\$70,351	\$611,714	(\$527,011)	\$877	\$3,476
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



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	Trust Fund 21	Trust Fund 22	Trust Fund 23	Trust Fund 24	Trust Fund 25
Date of Creation	'1917	'1955	'1971	1872	'1971
Name of Trust Fund	Annie Fields	Gray Scholarship	MP Alkon Scholarship	Martha DeMeritt	Annie McIntosh
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$12,860	\$592,506	\$1,451	\$1,388,599	\$1,385,023
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$1,664	\$65,148	\$202	\$153,024	\$152,390
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$14,524	\$657,655	\$1,654	\$1,541,623	\$1,537,413
Balance Beginning of Year	\$2,211	\$13,546	\$382	\$30,865	\$17,784
Income During Year (Amount)	\$389	\$15,325	\$47	\$35,982	\$35,621
Expended During Year	(\$55)	(\$19,162)	(\$7)	(\$41,576)	(\$26,020)
Balance at End of Year	\$2,545	\$9,710	\$422	\$25,272	\$27,386
Grand Total Principal & Income End of Year	\$17,069	\$667,364	\$2,076	\$1,566,895	\$1,564,798
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



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	Trust Fund 26	Trust Fund 27	Trust Fund 28	Trust Fund 29	Trust Fund 30
Date of Creation	'1974	'1974	'1980	'1980	'1982
Name of Trust Fund	Barry Hodgdon	Edward Brady	James Sullivan	Haven School Athletic	Demaris-Brooks
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Religious/Church
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$22,512	\$6,733	\$8,895	\$8,942	\$55,717
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$2,565	\$831	\$1,161	\$1,086	\$7,334
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$25,078	\$7,564	\$10,056	\$10,028	\$63,051
Balance Beginning of Year	\$722	\$794	\$1,622	\$891	\$12,137
Income During Year (Amount)	\$600	\$194	\$271	\$254	\$1,715
Expended During Year	(\$85)	(\$227)	(\$38)	(\$36)	(\$1,667)
Balance at End of Year	\$1,238	\$761	\$1,855	\$1,109	\$12,185
Grand Total Principal & Income End of Year	\$26,315	\$8,324	\$11,910	\$11,137	\$75,236
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

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	Trust Fund 31	Trust Fund 32	Trust Fund 33	Trust Fund 34	Trust Fund 35
Date of Creation	'1982	'1982'	'1982	'1982	'1092
Name of Trust Fund	Alice M. Lee	Bartlett Speaking Awards	Ermino A. Ricci	Ray Murphy Award	Sandra H. Rosen
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$12,579	\$37,474	\$95,686	\$12,136	\$14,009
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$1,523	\$4,157	\$10,522	\$1,373	\$1,694
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$14,102	\$41,630	\$106,208	\$13,509	\$15,703
Balance Beginning of Year	\$1,219	\$172	\$2,362	\$302	\$1,812
Income During Year (Amount)	\$356	\$973	\$2,463	\$321	\$403
Expended During Year	(\$400)	(\$1,037)	(\$3,099)	(\$45)	(\$532)
Balance at End of Year	\$1,175	\$107	\$1,727	\$577	\$1,684
Grand Total Principal & Income End of Year	\$15,278	\$41,738	\$107,934	\$14,087	\$17,387
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



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	Trust Fund 36	Trust Fund 37	Trust Fund 38	Trust Fund 39	Trust Fund 40
Date of Creation	'1988	'1993	'1994	'1995	'1994
Name of Trust Fund	Clarence I. Sherwood	Donald Smith	Agnes C. Griffin	Walter Richards	Theresa Demaris
Type of Fund	Expendable Trust (RSA 31:19-a)	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$31,804	\$5,506	\$4,262	\$8,942	\$11,158
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$3,726	\$760	\$483	\$1,005	\$1,448
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$35,530	\$6,266	\$4,745	\$9,947	\$12,606
Balance Beginning of Year	\$2,392	\$1,576	\$109	\$156	\$1,961
Income During Year (Amount)	\$878	\$181	\$113	\$235	\$339
Expended During Year	(\$574)	(\$225)	(\$16)	(\$33)	(\$398)
Balance at End of Year	\$2,696	\$1,532	\$206	\$357	\$1,902
Grand Total Principal & Income End of Year	\$38,227	\$7,798	\$4,951	\$10,304	\$14,508
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

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	Trust Fund 41	Trust Fund 42	Trust Fund 43	Trust Fund 44	Trust Fund 45
Date of Creation	'1997	'1999	'1998	'1999	01/01/2000
Name of Trust Fund	John H. Foley	Joseph H. Grilli	Carrie Lee MacKail	S. Michael Wentworth	Salvatore & Joanne Graso
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$24,346	\$53,366	\$28,675	\$18,879	\$43,000
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$2,709	\$5,853	\$3,153	\$2,112	\$4,773
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$27,055	\$59,219	\$31,828	\$20,991	\$47,773
Balance Beginning of Year	\$789	\$1,046	\$630	\$718	\$1,233
Income During Year (Amount)	\$634	\$1,370	\$749	\$491	\$1,117
Expended During Year	(\$690)	(\$1,594)	(\$855)	(\$518)	(\$1,158)
Balance at End of Year	\$733	\$822	\$524	\$691	\$1,192
Grand Total Principal & Income End of Year	\$27,788	\$60,040	\$32,352	\$21,682	\$48,965
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL INCOME



New Hampshire
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	Trust Fund 46	Trust Fund 47	Trust Fund 48	Trust Fund 49	Trust Fund 50
Date of Creation	'2000	'2003	'2003	'2003	'2008
Name of Trust Fund	Phillip Nelson Trust Fund	John Wholey Trust Fund	John & Olga Leary Trust Fund	William & Irene Mortimer Trust Fund	Jhaime Dye Trust Fund
Type of Fund	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
Purpose of Trust					
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$17,956	\$17,588	\$893,567	\$41,106	\$16,358
New Funds Created	\$0	\$0	\$0	\$0	\$218
Cash Gains or Losses on Securities	\$1,950	\$1,969	\$97,060	\$5,116	\$1,900
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$19,906	\$19,558	\$990,627	\$46,222	\$18,476
Balance Beginning of Year	\$203	\$747	\$13,514	\$5,230	\$1,080
Income During Year (Amount)	\$464	\$461	\$22,688	\$1,196	\$451
Expended During Year	(\$565)	(\$565)	(\$23,197)	(\$169)	(\$513)
Balance at End of Year	\$102	\$642	\$13,004	\$6,258	\$1,018
Grand Total Principal & Income End of Year	\$20,008	\$20,200	\$1,003,631	\$52,480	\$19,493
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



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Department of
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	Trust Fund 51	Trust Fund 52	Trust Fund 53	Trust Fund 54	Trust Fund 55
Date of Creation	'2008	'2008	'2009	'2009	'2011
Name of Trust Fund	Lillian D. Goldin	Harold & Ruth Whitehouse	Henry & Phyllis Coito	Diane Leiberman Share	Col. Helen D. Maslanka
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$15,728	\$6,157	\$10,429	\$6,713	\$108,948
New Funds Created	\$811	\$0	\$1,150	\$0	\$0
Cash Gains or Losses on Securities	\$1,927	\$708	\$1,220	\$717	\$12,263
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$18,465	\$6,864	\$12,799	\$7,430	\$121,211
Balance Beginning of Year	\$2,000	\$555	\$571	\$280	\$4,117
Income During Year (Amount)	\$450	\$165	\$284	\$168	\$2,895
Expended During Year	(\$313)	(\$23)	(\$40)	(\$524)	(\$2,406)
Balance at End of Year	\$2,137	\$697	\$816	(\$76)	\$4,606
Grand Total Principal & Income End of Year	\$20,602	\$7,561	\$13,614	\$7,354	\$125,818
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

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INCOME



New Hampshire
Department of
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	Trust Fund 56	Trust Fund 57	Trust Fund 58	Trust Fund 59	Trust Fund 60
Date of Creation	'2011	'2012	'2012	'2013	'2015
Name of Trust Fund	Henry B. Margeson	Patty Wojnar Award	Little Harbour Math Award	John Durgin	Barbara Porter Memorial
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$15,188	\$4,425	\$3,267	\$41,835	\$14,894
New Funds Created	\$2,500	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$638	\$541	\$330	\$4,646	\$1,727
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$18,327	\$4,966	\$3,597	\$46,481	\$16,621
Balance Beginning of Year	(\$6,908)	\$473	(\$279)	\$1,245	\$750
Income During Year (Amount)	\$152	\$126	\$77	\$1,087	\$404
Expended During Year	(\$2,522)	(\$18)	(\$11)	(\$1,154)	(\$57)
Balance at End of Year	(\$9,278)	\$582	(\$212)	\$1,179	\$1,097
Grand Total Principal & Income End of Year	\$9,049	\$5,547	\$3,385	\$47,659	\$17,718
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



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	Trust Fund 61	Trust Fund 62	Trust Fund 63	Trust Fund 64	Trust Fund 65
Date of Creation	'2015	'2015	'2015	'1925	'1943
Name of Trust Fund	Tony Rahn Memorial Trust Fund	William & Irene Mortimer II Trust Fund	Bud Ricci Memorial Trust Fund	T.A. Harris Trust Fund	Theodora Lyman Trust Fund
Type of Fund	Scholarship	Scholarship	Scholarship	Schools	Schools
Purpose of Trust					
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$29,785	\$28,328	\$33,083	\$28,429	\$9,875
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$3,383	\$3,180	\$3,693	\$6,269	\$2,059
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$33,168	\$31,507	\$36,776	\$34,698	\$11,934
Balance Beginning of Year	\$449	\$1,374	\$1,868	\$23,575	\$7,207
Income During Year (Amount)	\$792	\$740	\$871	\$1,399	\$460
Expended During Year	(\$1,612)	(\$103)	(\$1,122)	(\$194)	(\$64)
Balance at End of Year	(\$371)	\$2,011	\$1,616	\$24,781	\$7,603
Grand Total Principal & Income End of Year	\$32,797	\$33,519	\$38,392	\$59,479	\$19,538
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



New Hampshire
Department of
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	Trust Fund 66	Trust Fund 67	Trust Fund 68	Trust Fund 69	Trust Fund 70
Date of Creation	'1974	'1994	'2010	'2009 & 2011	'1853
Name of Trust Fund	Jone, DeMerrit & Drake	PHS Clipper Band	PHS Student Council	Futures Program Endowment	Toppan
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Schools	Schools	Scholarship	Poor and/or Indigent
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$5,853	\$42,509	\$21,792	\$686,423	\$1,249
New Funds Created	\$0	\$0	\$0	\$271,149	\$0
Cash Gains or Losses on Securities	\$1,369	\$5,403	\$441	\$13,463	\$301
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$7,222	\$47,911	\$22,233	\$971,036	\$1,550
Balance Beginning of Year	\$5,503	\$2,309	\$2,869	(\$520,722)	\$1,251
Income During Year (Amount)	\$306	\$1,208	\$448	\$4,573	\$67
Expended During Year	(\$42)	(\$168)	(\$21,052)	(\$166,580)	(\$9)
Balance at End of Year	\$5,766	\$3,349	(\$17,735)	(\$682,729)	\$1,309
Grand Total Principal & Income End of Year	\$12,988	\$51,260	\$4,498	\$288,307	\$2,859
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



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	Trust Fund 71	Trust Fund 72	Trust Fund 73	Trust Fund 74	Trust Fund 75
Date of Creation	'1923	'1931	'1927	'1974	'1993
Name of Trust Fund	Pickering	Eclectic Benevolent	Louise K. Hovey Fountain	Marcy C. Dondero	Phyllis Hodgdon
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Poor and/or Indigent	Poor and/or Indigent	Other (Enter Below) Memorial	Other (Enter Below) Memorial	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$14,779	\$13,056	\$8,529	\$9,792	\$228,455
New Funds Created	\$0	\$0	\$1,080	\$0	\$0
Cash Gains or Losses on Securities	\$3,040	\$2,546	\$1,181	\$2,725	\$38,028
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$17,819	\$15,602	\$10,790	\$12,517	\$266,483
Balance Beginning of Year	\$10,439	\$8,065	\$190	\$12,812	\$87,071
Income During Year (Amount)	\$678	\$568	\$255	\$608	\$8,486
Expended During Year	(\$94)	(\$79)	(\$255)	(\$84)	(\$1,174)
Balance at End of Year	\$11,023	\$8,554	\$190	\$13,336	\$94,383
Grand Total Principal & Income End of Year	\$28,842	\$24,156	\$10,980	\$25,853	\$360,866
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



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	Trust Fund 76	Trust Fund 77	Trust Fund 78	Trust Fund 79	Trust Fund 80
Date of Creation	'2010	'2012	'1880	'1976	'1998
Name of Trust Fund	African Burying Ground Trust	Army & Navy Fund	Daniel Austin	Tricentennial Fund	Ambassador's Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Other (Enter Below) Memorial	Parks and/or Recreation	Other (Enter Below) Commemoration	Other (Enter Below) Commemoration	Other (Enter Below) Commemoration
How Invested	Single Investment	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$1,088,385	\$23,439	\$3,145	\$4,064	\$39,975
New Funds Created	\$20,424	\$0	\$0	\$584	\$0
Cash Gains or Losses on Securities			\$437		\$3,347
Withdrawals	\$0		\$0	\$0	\$0
Balance End of Year	\$1,108,809	\$23,439	\$3,582	\$4,649	\$43,322
Balance Beginning of Year	(\$1,034,259)	(\$23,439)	\$484		(\$12,212)
Income During Year (Amount)	\$102		\$98		\$747
Expended During Year	\$0		(\$14)		(\$103)
Balance at End of Year	(\$1,034,157)	(\$23,439)	\$569		(\$11,568)
Grand Total Principal & Income End of Year	\$74,652		\$4,151	\$4,649	\$31,754
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



New Hampshire
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	Trust Fund 81	Trust Fund 82	Trust Fund 83	Trust Fund 84	Trust Fund 85
Date of Creation	'2012	'1962	'1972	'1968	'1990
Name of Trust Fund	Daniel Street Trust	Library Common Trust #1	Library Common Trust #2	Peter Czachor Library Fund	Rosemerld Boyan Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Other (Enter Below) Commemoration	Literary Fund	Literary Fund	Literary Fund	Literary Fund
How Invested	Single Investment	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$1,500,000	\$57,290	\$2,171	\$4,176	\$19,552
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities		\$6,829	\$259	\$498	\$2,760
Withdrawals		\$0	\$0	\$0	\$0
Balance End of Year	\$1,500,000	\$64,119	\$2,429	\$4,674	\$22,312
Balance Beginning of Year	\$20,481	\$829	\$31	\$61	\$3,788
Income During Year (Amount)	\$5,145	\$1,548	\$59	\$113	\$623
Expended During Year	\$0	(\$1,682)	(\$64)	(\$123)	(\$528)
Balance at End of Year	\$25,626	\$695	\$26	\$51	\$3,884
Grand Total Principal & Income End of Year	\$1,525,626	\$64,814	\$2,456	\$4,725	\$26,197
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL INCOME



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	Trust Fund 86	Trust Fund 87	Trust Fund 88	Trust Fund 89	Trust Fund 90
Date of Creation	'1998	'2007	'2015	'1993	'2017
Name of Trust Fund	Jeremy Stewart Fund	Dorothy & William D. Fernald Fund	Levenson Family Trust	Portsmouth Housing Endowment	Frank J Caswell Scholarship
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Literary Fund	Literary Fund	Literary Fund	Poor and/or Indigent	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Single Investment
Balance Beginning of Year	\$8,431	\$356,041	\$16,430	\$1,745,111	\$1,500
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$1,219	\$42,483	\$2,046	\$175,724	\$0
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$9,650	\$398,523	\$18,476	\$1,920,834	\$1,500
Balance Beginning of Year	\$1,947	\$5,496	\$545	(\$149,842)	
Income During Year (Amount)	\$277	\$9,633	\$457	\$42,403	
Expended During Year	(\$300)	(\$10,463)	(\$63)	(\$5,814)	
Balance at End of Year	\$1,923	\$4,666	\$939	(\$113,253)	
Grand Total Principal & Income End of Year	\$11,574	\$403,189	\$19,415	\$1,807,581	\$1,500
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



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	Trust Fund 91	Trust Fund 92	Trust Fund 93	Trust Fund 94	Trust Fund 95
Date of Creation	'2017				
Name of Trust Fund	400th Anniversary				
Type of Fund	Trust Fund				
Purpose of Trust	Other (Enter Below) Commemoration				
How Invested	Single Investment				
Balance Beginning of Year					
New Funds Created	\$4,350				
Cash Gains or Losses on Securities					
Withdrawals	\$0				
Balance End of Year	\$4,350				
Balance Beginning of Year					
Income During Year (Amount)					
Expended During Year	\$0				
Balance at End of Year					
Grand Total Principal & Income End of Year	\$4,350				
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



Principal Only ?

Fund No.	Beginning of Year Fair Value	Unrealized Annual Gains	End of Year Fair Value
1	\$5,636,462	\$425,556	\$6,062,018
2	\$16,225	\$1,960	\$18,185
3	\$19,975	\$1,920	\$21,895
4	\$4,853	\$465	\$5,318
5	\$69,536	\$7,209	\$76,745
6	\$6,621	\$900	\$7,521
7	\$4,786	\$702	\$5,488
8	\$42,886	\$6,129	\$49,015
9	\$86	\$12	\$98
10	\$16,327	\$2,018	\$18,345
11	\$21,937	\$4,746	\$26,683
12	\$10,413	\$1,020	\$11,433
13	\$137,894		\$137,894
14	\$3,177	\$702	\$3,879
15	\$560		\$560
16	\$57,539	\$12,812	\$70,351
17	\$593,103		\$593,103
18	\$12,576		\$12,576
19	\$784	\$85	\$869
20	\$3,052	\$337	\$3,389
21	\$14,895	\$1,658	\$16,553
22	\$686,156	\$63,387	\$749,543
23	\$1,681	\$204	\$1,885
24	\$1,605,346	\$151,768	\$1,757,113
25	\$1,600,304	\$151,590	\$1,751,894
26	\$26,070	\$2,510	\$28,580
27	\$7,826	\$819	\$8,645



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Fund No.	Beginning of Year Fair Value	Unrealized Annual Gains	End of Year Fair Value
28	\$10,302	\$1,158	\$11,460
29	\$10,357	\$1,071	\$11,428
30	\$64,458	\$7,398	\$71,856
31	\$14,569	\$1,548	\$16,117
32	\$43,549	\$4,020	\$47,569
33	\$110,940	\$10,097	\$121,038
34	\$14,056	\$1,340	\$15,396
35	\$16,225	\$1,665	\$17,890
36	\$36,835	\$3,650	\$40,485
37	\$6,378	\$761	\$7,139
38	\$4,935	\$472	\$5,407
39	\$10,357	\$979	\$11,336
40	\$12,923	\$1,486	\$14,409
41	\$28,194	\$2,639	\$30,833
42	\$61,799	\$5,689	\$67,488
43	\$33,206	\$3,055	\$36,261
44	\$21,379	\$2,522	\$23,901
45	\$49,758	\$4,687	\$54,444
46	\$20,875	\$1,803	\$22,678
47	\$20,370	\$1,918	\$22,289
48	\$1,030,326	\$97,540	\$1,127,866
49	\$47,612	\$5,066	\$52,677
50	\$18,939	\$2,110	\$21,049
51	\$18,114	\$2,798	\$20,912
52	\$7,058	\$727	\$7,785
53	\$11,983	\$2,506	\$14,489
54	\$7,775	\$692	\$8,467
55	\$125,786	\$12,324	\$138,109



New Hampshire
Department of
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56	\$17,591	\$2,585	\$20,176
57	\$5,125	\$534	\$5,659
58	\$3,784	\$316	\$4,099
59	\$48,452	\$4,519	\$52,971
60	\$17,341	\$1,601	\$18,942
61	\$34,682	\$3,185	\$37,867
62	\$32,461	\$3,448	\$35,909
63	\$38,455	\$3,449	\$41,904
64	\$33,603	\$6,493	\$40,096
65	\$11,672	\$2,119	\$13,791
66	\$6,918	\$1,427	\$8,345
67	\$50,815	\$4,549	\$55,364
68	\$25,758	(\$66)	\$25,692
69	\$184,992	\$136,904	\$321,896
70	\$1,477	\$315	\$1,792
71	\$17,469	\$3,122	\$20,591
72	\$15,432	\$2,597	\$18,029
73	\$10,053	\$2,449	\$12,502
74	\$11,575	\$2,890	\$14,465
75	\$270,024	\$37,903	\$307,927
76	\$1,088,385	\$20,424	\$1,108,809
77			
78	\$3,717	\$422	\$4,139
79	\$4,804	\$568	\$5,372
80	\$47,251	\$2,810	\$50,061
81	\$1,500,000		\$1,500,000
82	\$67,717	\$6,377	\$74,093
83	\$2,566	\$242	\$2,807
84	\$4,936	\$465	\$5,401



New Hampshire
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85	\$23,110	\$2,673	\$25,783
86	\$9,965	\$1,186	\$11,151
87	\$420,840	\$39,676	\$460,516
88	\$19,420	\$1,930	\$21,350
89	\$2,027,641	\$165,970	\$2,193,611
90		\$1,500	\$1,500
91		\$4,350	\$4,350
92			
93			
94			
95			



1. CERTIFY THIS FORM

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Preparer's First Name Judy	Preparer's Last Name Renaud	Date Sep 28, 2017
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2. SAVE AND EMAIL THIS FORM

Please save and e-mail the completed PDF form to your Municipal Services Advisor.

3. PRINT, SIGN, AND UPLOAD THIS FORM

This completed PDF form must be PRINTED, SIGNED, SCANNED, and UPLOADED onto the Municipal Tax Rate Setting Portal (MTRSP) at <http://proptax.org/nh/>. If you have any questions, please contact your Municipal Services Advisor.

TRUSTEE CERTIFICATION

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

 Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
 Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
 Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
_____ Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
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Per RSA 31:38, copies of this report must also be provided to the governing body of the municipality and to the Attorney General at the following address:

Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397



COPY

REPORT OF COMMON TRUST FUND INVESTMENTS

Form Due Date: **March 1st (if operating on Calendar Year)**
September 1st (if operating on Fiscal Year)

Instructions

Cover Page

- Select the Municipality name from the pull down menu
- Enter the entities contact information
- Enter the preparer's information

Reporting:

- Please complete all fields as necessary for the *Report of the Common Trust Funds Investments, For the Year Ending, and Principal Only* sections

A hard copy of this form, as well as the signature page, must be sent to:

Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397

For Assistance Please Contact:

NH DRA Municipal and Property Division
Phone: (603) 230-5090
Fax: (603) 230-5947
<http://www.revenue.nh.gov/mun-prop/>

ENTITY'S INFORMATION

Municipality: PORTSMOUTH

County: ROCKINGHAM

PREPARER'S INFORMATION

First Name

Judy

Last Name

Renaud

Street No.

1

Street Name

Junkins Avenue

Phone Number

(603) 610-7259

Email (optional)

trustfunds@cityofportsmouth.com



Report of The Common Trust Funds Investments For the Year Ending

	Trust Fund 1	Trust Fund 2	Trust Fund 3	Trust Fund 4	Trust Fund 5
How Invested	# of Shares or Other Units 4.57	0.17			
(Names of Banks, Stocks, Bonds, etc.) Put * by any de-listed securities held pursuant to RSA 31:25-a & explain.	Money Market Funds iShares-Fixed Bond & Gov't ETF Vanguard High Yield ETF Vanguard Foreign ETF's Vanguard Equity ETF's.	Money Market Funds iShares-Fixed Bond & Gov't ETF Vanguard High Yield ETF Vanguard Foreign ETF Vanguard Equity ETF's			
Explanation for de-listed securities held pursuant to RSA 31:25-a	N/A	N/A			
PRINCIPAL					
Balance Beginning of Year	\$57,290	\$2,171			
Purchases	\$0	\$0			
Cash Capital Gains	\$6,829	\$259			
Proceeds from Sales	\$0	\$0			
Gains/Losses from Sales	\$0	\$0			
Balance End of Year	\$64,119	\$2,429			
INCOME					
Balance Beginning of Year	\$829	\$31			
Income During Year	\$1,548	\$59			
Expended During Year	(\$1,682)	(\$64)			
Balance at End of Year	\$695	\$26			
Grand Total Principal & Income End of Year	\$64,814	\$2,456			
Add Page	Remove This Trust Fund	Remove This Trust Fund	Remove This Trust Fund	Remove This Trust Fund	Remove This Trust Fund



Principal Only ?

Fund No.	Beginning of Year Fair Value	Unrealized Annual Gains	End of Year Fair Value
1	\$66,422	\$6,377	\$72,799
2	\$2,517	\$242	\$2,758
3			
4			
5			

Fees and Expenses, if any, paid for Professional Banking Assistance and Brokerage Assistance (RSA 81:38-a, IV)

	Entity 1	Entity 2	Entity 3	Entity 4
Name of Bank, Brokerage Firm, or Investment Adviser	HM Payson & Sons			
Fees Paid	\$43,666			
Expenses Paid				
Add Entity	Remove This Entity	Remove This Entity	Remove This Entity	Remove This Entity



1. CERTIFY THIS FORM

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Preparer's First Name Judy	Preparer's Last Name Renaud	Date Sep 28, 2017
-------------------------------	--------------------------------	----------------------

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Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397



TRUSTEES OF TRUST FUNDS
CITY OF PORTSMOUTH, NH
CITY HALL – ONE JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE 03801

Phyllis Eldridge, Trustee Chair
Dana S. Levenson, Trustee
Thomas R. Watson, Trustee



October 31, 2017

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

To Whom It May Concern:

Please find enclosed a copy of the Trustees of Trust Funds Annual Report, MS-9 and MS-10, for fiscal year 2017 ending June 30, 2017.

Any questions or concerns should be directed to the Trustees' attention at the address above.

Sincerely,

Trustees of Trust Funds, City of Portsmouth



REPORT OF TRUST AND CAPITAL RESERVE FUNDS

Form Due Date: **March 1st (Calendar Year), or September 1st (Fiscal Year)**

Instructions

A hard copy of this form, as well as the signature page, must be sent to:

Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397

Cover Page

- Select the Municipality name from the pull down menu
- Enter the preparer's information

Reporting:

- Complete all fields as necessary for the *Report of Trust Funds* and *Principal Only* sections.
- INVESTMENT POLICY - RSA 31:25 requires the trustees to adopt an investment policy and review and confirm this policy at least annually. A copy of this policy must be filed with the Director of Charitable Trusts (RSA 31:25, 34, 35:9).
- PROFESSIONAL BANKING AND BROKERAGE ASSISTANCE - RSA 31:38-a enables you to have a professional banking or brokerage firm assist you in performing your trustee duties. Refer to the law for further information. Attributable expenses may be charged against the trust fund involved, however, please be advised the fees can be taken from income only and not from principal.
- WEB SITE - A trustee handbook can be downloaded from the website for the Attorney General's Charitable Trust Division at www.doj.nh.gov/charitable
- FAIR VALUE - Use this section to disclose the fair value (market value) of principal only. This information may be obtained from financial publications or from your professional banker or broker.
- CAPITAL RESERVE FUND - Must be kept in a separate account and not intermingled with any other funds of the municipality (RSA 35:9).
- WHEN and WHERE TO FILE - By March 1 if filing for a calendar year and by September 1 if filing for optional fiscal year. See instructions and address on the last page of this form. If you hold funds for the school, the school business administrator will also need a copy for the school's financial report.

For Assistance Please Contact:

NH DRA Municipal and Property Division

Phone: (603) 230-5090

Fax: (603) 230-5947

<http://www.revenue.nh.gov/mun-prop/>

ENTITY'S INFORMATION

Municipality:

County:

Total of All Funds:

PREPARER'S INFORMATION

First Name

Last Name

Street No.

Street Name

Phone Number

Email (optional)



New Hampshire
Department of
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Report of the Trust Funds

	Trust Fund 1	Trust Fund 2	Trust Fund 3	Trust Fund 4	Trust Fund 5
Date of Creation	'1954	'1896	'1955	'1992	'1995
Name of Trust Fund	Josie F. Prescott Trust Fund	Haven Park Fund Trust Fund	William Cater Trust Fund	Bishop Flower Fund Trust Fund	Memorial Bench Fund Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$4,780,601	\$13,707	\$15,207	\$4,074	\$57,137
New Funds Created	\$0	\$2,015	\$2,008	\$0	\$0
Cash Gains or Losses on Securities	\$445,760	\$0	\$0	\$516	\$7,546
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$5,226,361 (\$997,863)	\$15,723 \$3,040	\$17,215 \$1,448	\$4,589 \$203	\$64,684 \$5,459
Income During Year (Amount)	\$112,313	\$450	\$448	\$115	\$1,684
Expended During Year	(\$217,321)	(\$219)	(\$62)	(\$115)	(\$233)
Balance at End of Year	(\$1,102,871)	\$3,271	\$1,834	\$203	\$6,910
Grand Total Principal & Income End of Year	\$4,123,490	\$18,993	\$19,049	\$4,792	\$71,593
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	Trust Fund 6	Trust Fund 7	Trust Fund 8	Trust Fund 9	Trust Fund 10
Date of Creation	'1995	'1999	'2000	'2002	01/01/2002
Name of Trust Fund	Prescott Memorial	Peirce Island	Lower State Street Park	Great Bog Conservation	Great Bog Stewardship
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$5,602	\$4,049	\$36,282	\$72	\$13,813
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$907	\$700	\$5,969	\$12	\$2,062
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$6,509	\$4,750	\$42,251	\$85	\$15,876
Balance Beginning of Year	\$1,976	\$1,760	\$13,231	\$28	\$3,294
Income During Year (Amount)	\$203	\$156	\$1,332	\$3	\$460
Expended During Year	(\$28)	(\$22)	(\$1,784)	\$0	(\$64)
Balance at End of Year	\$2,100	\$1,895	\$12,779	\$31	\$3,690
Grand Total Principal & Income End of Year	\$8,609	\$6,645	\$55,030	\$115	\$19,566
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	Trust Fund 11	Trust Fund 12	Trust Fund 13	Trust Fund 14	Trust Fund 15
Date of Creation	'2007	'2012	'2013	'2015	'2005
Name of Trust Fund	Friend of the Southend Trust	Margaret S. & Marietta Sewell	Memorial Bridge Illumination	Historic Cemetery Trust	Arts & Cultural Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Cemetery Trust - Other	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Single Investment	Common Fund	Single Investment
Balance Beginning of Year	\$18,487	\$8,775	\$137,894	\$2,994	\$43,918
New Funds Created	\$2,000	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$2,543	\$1,092		\$363	
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$23,030	\$9,867	\$137,894	\$3,357	\$43,918
Balance Beginning of Year	\$608	\$285	(\$137,727)	\$18	(\$43,358)
Income During Year (Amount)	\$435	\$244		\$80	
Expended During Year	(\$435)	(\$244)		(\$11)	
Balance at End of Year	\$608	\$285	(\$137,727)	\$87	(\$43,358)
Grand Total Principal & Income End of Year	\$23,638	\$10,152	\$166	\$3,444	\$560
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	Trust Fund 16	Trust Fund 17	Trust Fund 18	Trust Fund 19	Trust Fund 20
Date of Creation	'2009	'2004	'1997	'1834	'1934
Name of Trust Fund	Cable Television Public Access	Peirce Estate Recreational & En	Marine Maintenance Trust	Mary Clark	Horace A. Haven
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Parks and/or Recreation	Parks and/or Recreation	Parks and/or Recreation	Scholarship	Scholarship
How Invested	Single Investment	Single Investment	Single Investment	Common Fund	Common Fund
Balance Beginning of Year	\$800,630	\$593,103	\$12,576	\$677	\$2,635
New Funds Created	\$173,407	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities				\$85	\$339
Withdrawals		\$0	\$0	\$0	\$0
Balance End of Year	\$974,037	\$593,103	\$12,576	\$763	\$2,974
Balance Beginning of Year	(\$743,091)	\$16,273	(\$585,032)	\$97	\$435
Income During Year (Amount)	\$7	\$2,337	\$64,000	\$20	\$79
Expended During Year	(\$160,602)	\$0	(\$18,555)	(\$3)	(\$11)
Balance at End of Year	(\$903,686)	\$18,610	(\$539,587)	\$114	\$503
Grand Total Principal & Income End of Year	\$70,351	\$611,714	(\$527,011)	\$877	\$3,476
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	Trust Fund 21	Trust Fund 22	Trust Fund 23	Trust Fund 24	Trust Fund 25
Date of Creation	'1917	'1955	'1971	1872	'1971
Name of Trust Fund	Annie Fields	Gray Scholarship	MP Alkon Scholarship	Martha DeMeritt	Annie McIntosh
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$12,860	\$592,506	\$1,451	\$1,388,599	\$1,385,023
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$1,664	\$65,148	\$202	\$153,024	\$152,390
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$14,524	\$657,655	\$1,654	\$1,541,623	\$1,537,413
Balance Beginning of Year	\$2,211	\$13,546	\$382	\$30,865	\$17,784
Income During Year (Amount)	\$389	\$15,325	\$47	\$35,982	\$35,621
Expended During Year	(\$55)	(\$19,162)	(\$7)	(\$41,576)	(\$26,020)
Balance at End of Year	\$2,545	\$9,710	\$422	\$25,272	\$27,386
Grand Total Principal & Income End of Year	\$17,069	\$667,364	\$2,076	\$1,566,895	\$1,564,798
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	Trust Fund 26	Trust Fund 27	Trust Fund 28	Trust Fund 29	Trust Fund 30
Date of Creation	'1974	'1974	'1980	'1980	'1982
Name of Trust Fund	Barry Hodgdon	Edward Brady	James Sullivan	Haven School Athletic	Demaris-Brooks
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Religious/Church
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$22,512	\$6,733	\$8,895	\$8,942	\$55,717
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$2,565	\$831	\$1,161	\$1,086	\$7,334
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$25,078	\$7,564	\$10,056	\$10,028	\$63,051
Balance Beginning of Year	\$722	\$794	\$1,622	\$891	\$12,137
Income During Year (Amount)	\$600	\$194	\$271	\$254	\$1,715
Expended During Year	(\$85)	(\$227)	(\$38)	(\$36)	(\$1,667)
Balance at End of Year	\$1,238	\$761	\$1,855	\$1,109	\$12,185
Grand Total Principal & Income End of Year	\$26,315	\$8,324	\$11,910	\$11,137	\$75,236
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	Trust Fund 31	Trust Fund 32	Trust Fund 33	Trust Fund 34	Trust Fund 35
Date of Creation	'1982	'1982'	'1982	'1982	'1092
Name of Trust Fund	Alice M. Lee	Bartlett Speaking Awards	Ermino A. Ricci	Ray Murphy Award	Sandra H. Rosen
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$12,579	\$37,474	\$95,686	\$12,136	\$14,009
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$1,523	\$4,157	\$10,522	\$1,373	\$1,694
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$14,102	\$41,630	\$106,208	\$13,509	\$15,703
Balance Beginning of Year	\$1,219	\$172	\$2,362	\$302	\$1,812
Income During Year (Amount)	\$356	\$973	\$2,463	\$321	\$403
Expended During Year	(\$400)	(\$1,037)	(\$3,099)	(\$45)	(\$532)
Balance at End of Year	\$1,175	\$107	\$1,727	\$577	\$1,684
Grand Total Principal & Income End of Year	\$15,278	\$41,738	\$107,934	\$14,087	\$17,387
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	Trust Fund 36	Trust Fund 37	Trust Fund 38	Trust Fund 39	Trust Fund 40
Date of Creation	'1988	'1993	'1994	'1995	'1994
Name of Trust Fund	Clarence I. Sherwood	Donald Smith	Agnes C. Griffin	Walter Richards	Theresa Demaris
Type of Fund	Expendable Trust (RSA 31:19-a)	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$31,804	\$5,506	\$4,262	\$8,942	\$11,158
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$3,726	\$760	\$483	\$1,005	\$1,448
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$35,530	\$6,266	\$4,745	\$9,947	\$12,606
Balance Beginning of Year	\$2,392	\$1,576	\$109	\$156	\$1,961
Income During Year (Amount)	\$878	\$181	\$113	\$235	\$339
Expended During Year	(\$574)	(\$225)	(\$16)	(\$33)	(\$398)
Balance at End of Year	\$2,696	\$1,532	\$206	\$357	\$1,902
Grand Total Principal & Income End of Year	\$38,227	\$7,798	\$4,951	\$10,304	\$14,508
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	Trust Fund 41	Trust Fund 42	Trust Fund 43	Trust Fund 44	Trust Fund 45
Date of Creation	'1997	'1999	'1998	'1999	01/01/2000
Name of Trust Fund	John H. Foley	Joseph H. Grilli	Carrie Lee MacKail	S. Michael Wentworth	Salvatore & Joanne Graso
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$24,346	\$53,366	\$28,675	\$18,879	\$43,000
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$2,709	\$5,853	\$3,153	\$2,112	\$4,773
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$27,055	\$59,219	\$31,828	\$20,991	\$47,773
Balance Beginning of Year	\$789	\$1,046	\$630	\$718	\$1,233
Income During Year (Amount)	\$634	\$1,370	\$749	\$491	\$1,117
Expended During Year	(\$690)	(\$1,594)	(\$855)	(\$518)	(\$1,158)
Balance at End of Year	\$733	\$822	\$524	\$691	\$1,192
Grand Total Principal & Income End of Year	\$27,788	\$60,040	\$32,352	\$21,682	\$48,965
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	Trust Fund 46	Trust Fund 47	Trust Fund 48	Trust Fund 49	Trust Fund 50
Date of Creation	'2000	'2003	'2003	'2003	'2008
Name of Trust Fund	Phillip Nelson	John Wholey	John & Olga Leary	William & Irene Mortimer	Jhaime Dye
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$17,956	\$17,588	\$893,567	\$41,106	\$16,358
New Funds Created	\$0	\$0	\$0	\$0	\$218
Cash Gains or Losses on Securities	\$1,950	\$1,969	\$97,060	\$5,116	\$1,900
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$19,906	\$19,558	\$990,627	\$46,222	\$18,476
Balance Beginning of Year	\$203	\$747	\$13,514	\$5,230	\$1,080
Income During Year (Amount)	\$464	\$461	\$22,688	\$1,196	\$451
Expended During Year	(\$565)	(\$565)	(\$23,197)	(\$169)	(\$513)
Balance at End of Year	\$102	\$642	\$13,004	\$6,258	\$1,018
Grand Total Principal & Income End of Year	\$20,008	\$20,200	\$1,003,631	\$52,480	\$19,493
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	Trust Fund 51	Trust Fund 52	Trust Fund 53	Trust Fund 54	Trust Fund 55
Date of Creation	'2008	'2008	'2009	'2009	'2011
Name of Trust Fund	Lillian D. Goldin	Harold & Ruth Whitehouse	Henry & Phyllis Coito	Diane Leiberman Share	Col. Helen D. Maslanka
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$15,728	\$6,157	\$10,429	\$6,713	\$108,948
New Funds Created	\$811	\$0	\$1,150	\$0	\$0
Cash Gains or Losses on Securities	\$1,927	\$708	\$1,220	\$717	\$12,263
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$18,465	\$6,864	\$12,799	\$7,430	\$121,211
Balance Beginning of Year	\$2,000	\$555	\$571	\$280	\$4,117
Income During Year (Amount)	\$450	\$165	\$284	\$168	\$2,895
Expended During Year	(\$313)	(\$23)	(\$40)	(\$524)	(\$2,406)
Balance at End of Year	\$2,137	\$697	\$816	(\$76)	\$4,606
Grand Total Principal & Income End of Year	\$20,602	\$7,561	\$13,614	\$7,354	\$125,818
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	Trust Fund 56	Trust Fund 57	Trust Fund 58	Trust Fund 59	Trust Fund 60
Date of Creation	'2011	'2012	'2012	'2013	'2015
Name of Trust Fund	Henry B. Margeson	Patty Wojnar Award	Little Harbour Math Award	John Durgin	Barbara Porter Memorial
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Scholarship	Scholarship	Scholarship	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$15,188	\$4,425	\$3,267	\$41,835	\$14,894
New Funds Created	\$2,500	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$638	\$541	\$330	\$4,646	\$1,727
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$18,327	\$4,966	\$3,597	\$46,481	\$16,621
Balance Beginning of Year	(\$6,908)	\$473	(\$279)	\$1,245	\$750
Income During Year (Amount)	\$152	\$126	\$77	\$1,087	\$404
Expended During Year	(\$2,522)	(\$18)	(\$11)	(\$1,154)	(\$57)
Balance at End of Year	(\$9,278)	\$582	(\$212)	\$1,179	\$1,097
Grand Total Principal & Income End of Year	\$9,049	\$5,547	\$3,385	\$47,659	\$17,718
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	Trust Fund 61	Trust Fund 62	Trust Fund 63	Trust Fund 64	Trust Fund 65
Date of Creation	'2015	'2015	'2015	'1925	'1943
Name of Trust Fund	Tony Rahn Memorial Trust Fund	William & Irene Mortimer II Trust Fund	Bud Ricci Memorial Trust Fund	T.A. Harris Trust Fund	Theodora Lyman Trust Fund
Type of Fund	Scholarship	Scholarship	Scholarship	Schools	Schools
Purpose of Trust					
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$29,785	\$28,328	\$33,083	\$28,429	\$9,875
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$3,383	\$3,180	\$3,693	\$6,269	\$2,059
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$33,168	\$31,507	\$36,776	\$34,698	\$11,934
Balance Beginning of Year	\$449	\$1,374	\$1,868	\$23,575	\$7,207
Income During Year (Amount)	\$792	\$740	\$871	\$1,399	\$460
Expended During Year	(\$1,612)	(\$103)	(\$1,122)	(\$194)	(\$64)
Balance at End of Year	(\$371)	\$2,011	\$1,616	\$24,781	\$7,603
Grand Total Principal & Income End of Year	\$32,797	\$33,519	\$38,392	\$59,479	\$19,538
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	Trust Fund 66	Trust Fund 67	Trust Fund 68	Trust Fund 69	Trust Fund 70
Date of Creation	'1974	'1994	'2010	'2009 & 2011	'1853
Name of Trust Fund	Jone, DeMerrit & Drake	PHS Clipper Band	PHS Student Council	Futures Program Endowment	Toppan
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Scholarship	Schools	Schools	Scholarship	Poor and/or Indigent
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$5,853	\$42,509	\$21,792	\$686,423	\$1,249
New Funds Created	\$0	\$0	\$0	\$271,149	\$0
Cash Gains or Losses on Securities	\$1,369	\$5,403	\$441	\$13,463	\$301
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$7,222	\$47,911	\$22,233	\$971,036	\$1,550
Balance Beginning of Year	\$5,503	\$2,309	\$2,869	(\$520,722)	\$1,251
Income During Year (Amount)	\$306	\$1,208	\$448	\$4,573	\$67
Expended During Year	(\$42)	(\$168)	(\$21,052)	(\$166,580)	(\$9)
Balance at End of Year	\$5,766	\$3,349	(\$17,735)	(\$682,729)	\$1,309
Grand Total Principal & Income End of Year	\$12,988	\$51,260	\$4,498	\$288,307	\$2,859
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	Trust Fund 71	Trust Fund 72	Trust Fund 73	Trust Fund 74	Trust Fund 75
Date of Creation	'1923	'1931	'1927	'1974	'1993
Name of Trust Fund	Pickering	Eclectic Benevolent	Louise K. Hovey Fountain	Marcy C. Dondero	Phyllis Hodgdon
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Poor and/or Indigent	Poor and/or Indigent	Other (Enter Below) Memorial	Other (Enter Below) Memorial	Parks and/or Recreation
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$14,779	\$13,056	\$8,529	\$9,792	\$228,455
New Funds Created	\$0	\$0	\$1,080	\$0	\$0
Cash Gains or Losses on Securities	\$3,040	\$2,546	\$1,181	\$2,725	\$38,028
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$17,819	\$15,602	\$10,790	\$12,517	\$266,483
Balance Beginning of Year	\$10,439	\$8,065	\$190	\$12,812	\$87,071
Income During Year (Amount)	\$678	\$568	\$255	\$608	\$8,486
Expended During Year	(\$94)	(\$79)	(\$255)	(\$84)	(\$1,174)
Balance at End of Year	\$11,023	\$8,554	\$190	\$13,336	\$94,383
Grand Total Principal & Income End of Year	\$28,842	\$24,156	\$10,980	\$25,853	\$360,866
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



New Hampshire
Department of
Revenue Administration

2017
MS-9

	Trust Fund 76	Trust Fund 77	Trust Fund 78	Trust Fund 79	Trust Fund 80
Date of Creation	'2010	'2012	'1880	'1976	'1998
Name of Trust Fund	African Burying Ground Trust	Army & Navy Fund	Daniel Austin	Tricentennial Fund	Ambassador's Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Other (Enter Below) Memorial	Parks and/or Recreation	Other (Enter Below) Commemoration	Other (Enter Below) Commemoration	Other (Enter Below) Commemoration
How Invested	Single Investment	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$1,088,385	\$23,439	\$3,145	\$4,064	\$39,975
New Funds Created	\$20,424	\$0	\$0	\$584	\$0
Cash Gains or Losses on Securities			\$437		\$3,347
Withdrawals	\$0		\$0	\$0	\$0
Balance End of Year	\$1,108,809	\$23,439	\$3,582	\$4,649	\$43,322
Balance Beginning of Year	(\$1,034,259)	(\$23,439)	\$484		(\$12,212)
Income During Year (Amount)	\$102		\$98		\$747
Expended During Year	\$0		(\$14)		(\$103)
Balance at End of Year	(\$1,034,157)	(\$23,439)	\$569		(\$11,568)
Grand Total Principal & Income End of Year	\$74,652		\$4,151	\$4,649	\$31,754
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund



New Hampshire
Department of
Revenue Administration

2017
MS-9

	Trust Fund 81	Trust Fund 82	Trust Fund 83	Trust Fund 84	Trust Fund 85
Date of Creation	'2012	'1962	'1972	'1968	'1990
Name of Trust Fund	Daniel Street Trust	Library Common Trust #1	Library Common Trust #2	Peter Czachor Library Fund	Rosemerld Boyan Fund
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Other (Enter Below) Commemoration	Literary Fund	Literary Fund	Literary Fund	Literary Fund
How Invested	Single Investment	Common Fund	Common Fund	Common Fund	Common Fund
Balance Beginning of Year	\$1,500,000	\$57,290	\$2,171	\$4,176	\$19,552
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities		\$6,829	\$259	\$498	\$2,760
Withdrawals		\$0	\$0	\$0	\$0
Balance End of Year	\$1,500,000	\$64,119	\$2,429	\$4,674	\$22,312
Balance Beginning of Year	\$20,481	\$829	\$31	\$61	\$3,788
Income During Year (Amount)	\$5,145	\$1,548	\$59	\$113	\$623
Expended During Year	\$0	(\$1,682)	(\$64)	(\$123)	(\$528)
Balance at End of Year	\$25,626	\$695	\$26	\$51	\$3,884
Grand Total Principal & Income End of Year	\$1,525,626	\$64,814	\$2,456	\$4,725	\$26,197
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



New Hampshire
Department of
Revenue Administration

2017
MS-9

	Trust Fund 86	Trust Fund 87	Trust Fund 88	Trust Fund 89	Trust Fund 90
Date of Creation	'1998	'2007	'2015	'1993	'2017
Name of Trust Fund	Jeremy Stewart Fund	Dorothy & William D. Fernald Fund	Levenson Family Trust	Portsmouth Housing Endowment	Frank J Caswell Scholarship
Type of Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Purpose of Trust	Literary Fund	Literary Fund	Literary Fund	Poor and/or Indigent	Scholarship
How Invested	Common Fund	Common Fund	Common Fund	Common Fund	Single Investment
Balance Beginning of Year	\$8,431	\$356,041	\$16,430	\$1,745,111	\$1,500
New Funds Created	\$0	\$0	\$0	\$0	\$0
Cash Gains or Losses on Securities	\$1,219	\$42,483	\$2,046	\$175,724	\$0
Withdrawals	\$0	\$0	\$0	\$0	\$0
Balance End of Year	\$9,650	\$398,523	\$18,476	\$1,920,834	\$1,500
Balance Beginning of Year	\$1,947	\$5,496	\$545	(\$149,842)	
Income During Year (Amount)	\$277	\$9,633	\$457	\$42,403	
Expended During Year	(\$300)	(\$10,463)	(\$63)	(\$5,814)	
Balance at End of Year	\$1,923	\$4,666	\$939	(\$113,253)	
Grand Total Principal & Income End of Year	\$11,574	\$403,189	\$19,415	\$1,807,581	\$1,500
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



New Hampshire
Department of
Revenue Administration

2017
MS-9

	Trust Fund 91	Trust Fund 92	Trust Fund 93	Trust Fund 94	Trust Fund 95
Date of Creation	'2017				
Name of Trust Fund	400th Anniversary				
Type of Fund	Trust Fund				
Purpose of Trust	Other (Enter Below) Commemoration				
How Invested	Single Investment				
Balance Beginning of Year					
New Funds Created	\$4,350				
Cash Gains or Losses on Securities					
Withdrawals	\$0				
Balance End of Year	\$4,350				
Balance Beginning of Year					
Income During Year (Amount)					
Expended During Year	\$0				
Balance at End of Year					
Grand Total Principal & Income End of Year	\$4,350				
Add New Page	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund	Remove Trust Fund

PRINCIPAL

INCOME



Principal Only ?

Fund No.	Beginning of Year Fair Value	Unrealized Annual Gains	End of Year Fair Value
1	\$5,636,462	\$425,556	\$6,062,018
2	\$16,225	\$1,960	\$18,185
3	\$19,975	\$1,920	\$21,895
4	\$4,853	\$465	\$5,318
5	\$69,536	\$7,209	\$76,745
6	\$6,621	\$900	\$7,521
7	\$4,786	\$702	\$5,488
8	\$42,886	\$6,129	\$49,015
9	\$86	\$12	\$98
10	\$16,327	\$2,018	\$18,345
11	\$21,937	\$4,746	\$26,683
12	\$10,413	\$1,020	\$11,433
13	\$137,894		\$137,894
14	\$3,177	\$702	\$3,879
15	\$560		\$560
16	\$57,539	\$12,812	\$70,351
17	\$593,103		\$593,103
18	\$12,576		\$12,576
19	\$784	\$85	\$869
20	\$3,052	\$337	\$3,389
21	\$14,895	\$1,658	\$16,553
22	\$686,156	\$63,387	\$749,543
23	\$1,681	\$204	\$1,885
24	\$1,605,346	\$151,768	\$1,757,113
25	\$1,600,304	\$151,590	\$1,751,894
26	\$26,070	\$2,510	\$28,580
27	\$7,826	\$819	\$8,645



New Hampshire
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Fund No.	Beginning of Year Fair Value	Unrealized Annual Gains	End of Year Fair Value
28	\$10,302	\$1,158	\$11,460
29	\$10,357	\$1,071	\$11,428
30	\$64,458	\$7,398	\$71,856
31	\$14,569	\$1,548	\$16,117
32	\$43,549	\$4,020	\$47,569
33	\$110,940	\$10,097	\$121,038
34	\$14,056	\$1,340	\$15,396
35	\$16,225	\$1,665	\$17,890
36	\$36,835	\$3,650	\$40,485
37	\$6,378	\$761	\$7,139
38	\$4,935	\$472	\$5,407
39	\$10,357	\$979	\$11,336
40	\$12,923	\$1,486	\$14,409
41	\$28,194	\$2,639	\$30,833
42	\$61,799	\$5,689	\$67,488
43	\$33,206	\$3,055	\$36,261
44	\$21,379	\$2,522	\$23,901
45	\$49,758	\$4,687	\$54,444
46	\$20,875	\$1,803	\$22,678
47	\$20,370	\$1,918	\$22,289
48	\$1,030,326	\$97,540	\$1,127,866
49	\$47,612	\$5,066	\$52,677
50	\$18,939	\$2,110	\$21,049
51	\$18,114	\$2,798	\$20,912
52	\$7,058	\$727	\$7,785
53	\$11,983	\$2,506	\$14,489
54	\$7,775	\$692	\$8,467
55	\$125,786	\$12,324	\$138,109



New Hampshire
Department of
Revenue Administration

2017
MS-9

56	\$17,591	\$2,585	\$20,176
57	\$5,125	\$534	\$5,659
58	\$3,784	\$316	\$4,099
59	\$48,452	\$4,519	\$52,971
60	\$17,341	\$1,601	\$18,942
61	\$34,682	\$3,185	\$37,867
62	\$32,461	\$3,448	\$35,909
63	\$38,455	\$3,449	\$41,904
64	\$33,603	\$6,493	\$40,096
65	\$11,672	\$2,119	\$13,791
66	\$6,918	\$1,427	\$8,345
67	\$50,815	\$4,549	\$55,364
68	\$25,758	(\$66)	\$25,692
69	\$184,992	\$136,904	\$321,896
70	\$1,477	\$315	\$1,792
71	\$17,469	\$3,122	\$20,591
72	\$15,432	\$2,597	\$18,029
73	\$10,053	\$2,449	\$12,502
74	\$11,575	\$2,890	\$14,465
75	\$270,024	\$37,903	\$307,927
76	\$1,088,385	\$20,424	\$1,108,809
77			
78	\$3,717	\$422	\$4,139
79	\$4,804	\$568	\$5,372
80	\$47,251	\$2,810	\$50,061
81	\$1,500,000		\$1,500,000
82	\$67,717	\$6,377	\$74,093
83	\$2,566	\$242	\$2,807
84	\$4,936	\$465	\$5,401



New Hampshire
Department of
Revenue Administration

2017
MS-9

85	\$23,110	\$2,673	\$25,783
86	\$9,965	\$1,186	\$11,151
87	\$420,840	\$39,676	\$460,516
88	\$19,420	\$1,930	\$21,350
89	\$2,027,641	\$165,970	\$2,193,611
90		\$1,500	\$1,500
91		\$4,350	\$4,350
92			
93			
94			
95			



1. CERTIFY THIS FORM

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Preparer's First Name	Preparer's Last Name	Date
Judy	Renaud	Sep 28, 2017

2. SAVE AND EMAIL THIS FORM

Please save and e-mail the completed PDF form to your Municipal Services Advisor.

3. PRINT, SIGN, AND UPLOAD THIS FORM

This completed PDF form must be PRINTED, SIGNED, SCANNED, and UPLOADED onto the Municipal Tax Rate Setting Portal (MTRSP) at <http://proptax.org/nh/>. If you have any questions, please contact your Municipal Services Advisor.

TRUSTEE CERTIFICATION

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

 Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
 Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
 Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature
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_____ Trustee of Trust Funds Signature	_____ Trustee of Trust Funds Signature

Per RSA 31:38, copies of this report must also be provided to the governing body of the municipality and to the Attorney General at the following address:

Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397



COPY

REPORT OF COMMON TRUST FUND INVESTMENTS

Form Due Date: **March 1st (if operating on Calendar Year)**
September 1st (if operating on Fiscal Year)

Instructions

Cover Page

- Select the Municipality name from the pull down menu
- Enter the entities contact information
- Enter the preparer's information

Reporting:

- Please complete all fields as necessary for the *Report of the Common Trust Funds Investments, For the Year Ending, and Principal Only* sections

A hard copy of this form, as well as the signature page, must be sent to:

Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397

For Assistance Please Contact:

NH DRA Municipal and Property Division
Phone: (603) 230-5090
Fax: (603) 230-5947
<http://www.revenue.nh.gov/mun-prop/>

ENTITY'S INFORMATION

Municipality: PORTSMOUTH

County: ROCKINGHAM

PREPARER'S INFORMATION

First Name

Judy

Last Name

Renaud

Street No.

1

Street Name

Junkins Avenue

Phone Number

(603) 610-7259

Email (optional)

trustfunds@cityofportsmouth.com



Report of The Common Trust Funds Investments For the Year Ending

	Trust Fund 1	Trust Fund 2	Trust Fund 3	Trust Fund 4	Trust Fund 5
How Invested	# of Shares or Other Units 4.57	0.17			
(Names of Banks, Stocks, Bonds, etc.) Put * by any de-listed securities held pursuant to RSA 31:25-a & explain.	Money Market Funds iShares-Fixed Bond & Gov't ETF Vanguard High Yield ETF Vanguard Foreign ETF's Vanguard Equity ETF's.	Money Market Funds iShares-Fixed Bond & Gov't ETF Vanguard High Yield ETF Vanguard Foreign ETF Vanguard Equity ETF's			
Explanation for de-listed securities held pursuant to RSA 31:25-a	N/A	N/A			
PRINCIPAL					
Balance Beginning of Year	\$57,290	\$2,171			
Purchases	\$0	\$0			
Cash Capital Gains	\$6,829	\$259			
Proceeds from Sales	\$0	\$0			
Gains/Losses from Sales	\$0	\$0			
Balance End of Year	\$64,119	\$2,429			
INCOME					
Balance Beginning of Year	\$829	\$31			
Income During Year	\$1,548	\$59			
Expended During Year	(\$1,682)	(\$64)			
Balance at End of Year	\$695	\$26			
Grand Total Principal & Income End of Year	\$64,814	\$2,456			
Add Page	Remove This Trust Fund	Remove This Trust Fund	Remove This Trust Fund	Remove This Trust Fund	Remove This Trust Fund



Principal Only ?

Fund No.	Beginning of Year Fair Value	Unrealized Annual Gains	End of Year Fair Value
1	\$66,422	\$6,377	\$72,799
2	\$2,517	\$242	\$2,758
3			
4			
5			

Fees and Expenses, if any, paid for Professional Banking Assistance and Brokerage Assistance (RSA 81:38-a, IV)

	Entity 1	Entity 2	Entity 3	Entity 4
Name of Bank, Brokerage Firm, or Investment Adviser	HM Payson & Sons			
Fees Paid	\$43,666			
Expenses Paid				
Add Entity	Remove This Entity	Remove This Entity	Remove This Entity	Remove This Entity



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Trustee of Trust Funds Signature	Trustee of Trust Funds Signature
_____	_____
Trustee of Trust Funds Signature	Trustee of Trust Funds Signature
_____	_____
Trustee of Trust Funds Signature	Trustee of Trust Funds Signature
_____	_____
Trustee of Trust Funds Signature	Trustee of Trust Funds Signature
_____	_____
Trustee of Trust Funds Signature	Trustee of Trust Funds Signature

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33 Capitol Street
Concord, NH 03301-6397



**THE CHAMBER COLLABORATIVE OF GREATER PORTSMOUTH
REPORT TO THE
PORTSMOUTH ECONOMIC DEVELOPMENT COMMISSION
PRESENTED 3 NOVEMBER 2017**

**Partnership Deliverables for Quarters 1, 2, & 3, 2017, January through October 2017
Chamber Contact: Valerie Rochon, President; Ben VanCamp, Vice President**

Calendar year 2017 projects involved stepped-up promotion and release of the responsive design of the tourism-dedicated website, creating collateral pieces, brochure distribution, advertising, public relations, restaurant and retail events, and a presence at five travel shows – three consumer and two trade. The goals were, and continue to be, to increase awareness of Portsmouth & the Seacoast as a tourism destination and to drive visitors to the Seacoast's businesses, increasing their revenues and contributing to the economic vitality of the region.

Measurement of the success of the initiatives was accomplished through tracking and evaluating website activity, visitor surveys, inquiries, show attendance, industry show meetings, collateral distribution, rooms and meals revenue, traffic stats and lodging occupancy levels.

The following is an analysis of the tourism marketing efforts undertaken by the Chamber Collaborative of Greater Portsmouth during calendar year 2017, through October.

WHAT'S NEW

The Greater Portsmouth Chamber of Commerce celebrated its 100th Anniversary in 2017. More than 500 Chamber members and community members joined Chamber Staff and Board under the tents at the Strawberry Banke Museum on June 29th.

During that event the Chamber announced a new name, the Chamber Collaborative of Greater Portsmouth. We also announced our new vision, mission, direction, and programs.

While many of the tourism initiatives remained the same, new programs for our member businesses, 80% of which have ten employees or less, were developed based on input from our membership, community forums, one on one discussions, and online surveys.

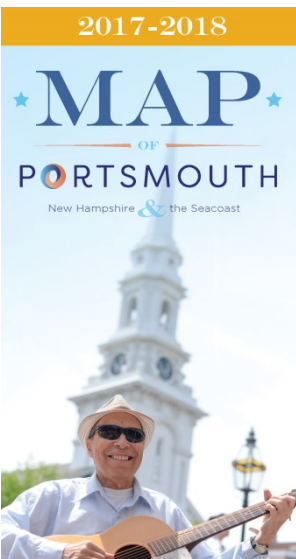
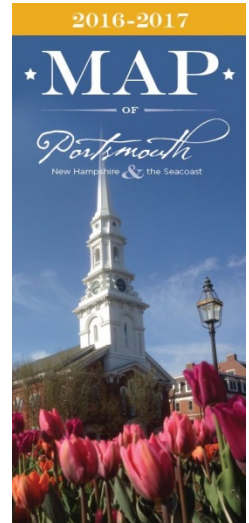
The City of Portsmouth authorized seven days of free parking over the 2016 Holidays, down from nine. To compensate for any negative impact to the downtown retail community, the City Council allocated \$20,000 of parking revenue to be used for the direct benefit of downtown merchants. The Chamber accepted the responsibility to administer the grant for the benefit of all downtown merchants, both members and non-members of the Chamber.

Marketing Mission:

The mission of the Greater Portsmouth Chamber of Commerce's Tourism initiative is to promote, develop and increase tourism/visitation to the Seacoast and create an awareness and understanding of tourism's effect on the local economy and residents' quality of life.

Official Map of Portsmouth & the Seacoast

The Chamber Collaborative of Greater Portsmouth printed 75,000 of the 2016-2017 Official Maps of Portsmouth & the Seacoast, and printed 75,000 of the 2017-2018 edition. The maps are racked in the Boston Transportation Centers, in Southern Maine, around the Seacoast, and in the North Shore of MA by CTM, and at all twelve NH State Rest Areas through White Mountain Attractions. CTM Media Group distributed 38,160 maps during FY2017 throughout MA, ME and NH and White Mountain Attractions distributed 27,650 maps over the same time in all twelve NH rest areas. We also brought approximately 3,800 maps and 1,000 Harbor Guides to the New York, Boston, and Connecticut Travel Shows this year.



The Map targets our primary geographic markets of NH, MA and ME; designed to persuade decision makers to visit our destination; provides a positive visitor experience while in Portsmouth and around the Seacoast by offering a clean and clear map of the area along with suggestions for dining, shopping, lodging, attractions, activities and services. Also used as a fulfillment piece for phone and email inquiries.

As we live in a digital age, we are keeping a close eye on distribution numbers of our print collateral to see if people still want them. We have found that people love to have a printed map – whether they've picked it up while visiting, have received our map by mail, or to use as an informational piece when we meet them at consumer travel shows.

Harbor Guide: the Official Guide to Portsmouth & the Seacoast

The Chamber Collaborative of Greater Portsmouth collaborated with Big Brown Books once again to create one comprehensive guide to our area, the Harbor Guide: The Official Guide to Portsmouth & the Seacoast for FY2017.

The Harbor Guide is an important piece of collateral to promote the region, with 55,000 copies distributed over the course of the year. It is a comprehensive and helpful tool for visitors to use while they are here, or to learn about the area before their arrival.

The Harbor Guides are primarily distributed to advertisers and other local



businesses in the Seacoast region, at the Visitor Center and Market Square Kiosk, at the three travel shows we attend yearly, throughout our hotels, restaurants and other businesses across the Seacoast, and at five of the NH State Rest Areas: Hookset North and South, Seabrook, Salem and Sutton.

The Guide targets our primary geographic markets of NH, MA and ME; designed to persuade decision makers to visit our destination; provides a positive visitor experience while in Portsmouth and around the Seacoast by offering an overview of the area along with suggestions for where to Eat, Shop, Stay, Play and Essentials. See Attachment 3.

For the 2017-2018 edition, we added in some major anniversaries, milestones, and significant celebrations to our Harbor Guide that we are proud to promote around Portsmouth & Seacoast. A few of these included the Bicentennial for the Portsmouth Athenaeum, the 25th anniversary for the Seacoast Science Center, and Portsmouth's 400th birthday coming up in 2023. We also added an apps section where people can find apps that are specific to our location, such as the Passport Parking app that assists visitors with parking. We will continue to add new businesses and services, and look for new creative ways to make the guide as user friendly and easy to navigate as possible.

Brochure Evaluation

The Chamber printed 75,000 of the 2016-2017 and 75,000 of the 2017-2018 Official Map of Portsmouth & the Seacoast in the last twelve months. The maps are racked in the Boston Transportation Centers, in Southern Maine, around the Seacoast and in the North Shore of MA by CTM, and at all twelve NH State Rest Areas by White Mountain Attractions.

The twelve rest areas throughout New Hampshire were contacted in August 2017 to request feedback on the Harbor Guide (left over from prior year) and Map distribution. We were able to speak with staff in eight of the Rest Areas, responses below. Four Rest Areas – Colebrook, North Conway, Salem, and Shelburne - did not answer the phone.

Overall the reaction to both pieces for Staff and Visitors is very positive. For obvious reasons, the Rest Areas closest to the Seacoast use the collateral extensively while those further away do not. Some locations said they need to be constantly refilling the Maps and they have high turnover on the Harbor Guides. The data gathered from the eight Rest Areas tells us that 50% to 75% of their visitors are interested in the Seacoast, and that when visitors inquire about the Seacoast our Harbor Guide and Map are always provided to them by the Rest Area staff. Additionally, the Rest Area staff indicated that they find the Map and Harbor Guide to be very useful tools for visitors and would not change anything about these pieces of collateral.

During our FY2017, we distributed Maps as follows:

- CTM Media Group distributed 38,160 Maps in NH, MA and ME.
- White Mountain Attractions distributed 27,650 maps and 4,774 Harbor Guides in NH over the same time.
- 21,000 were handed out at our Visitor Center and Market Square Kiosk, and during the Boston Globe Travel Show, New York Times Travel Show, and Hartford Courant Travel Show, and at the Discover Portsmouth Center.
- 35,734 to hotels, restaurants, retailers and attractions throughout the Portsmouth & Seacoast area.

Consumer E-Newsletters

We send monthly e-newsletters to over 8,500 consumers, enticing leisure travelers for day visits and multi-day stays by highlighting events, attractions, activities and packages. All geographic markets are targeted to promote year-round visitation.

We have a fantastic open and click through rate on our e-newsletter, exceeding the industry average for open rate of 22.4%. Below are sample stats for our January and June 2017 consumer e-newsletters.

Tourism Consumer E-Newsletter – January 2017



Tourism Consumer E-Newsletter – June 2017



We collect emails at the Visitor Information Center and seasonal Market Square kiosk, through our website www.GoPortsmouthNH.com on the e-newsletter and Request A Guide pages, through Restaurant Week surveys, and at consumer travel shows in New York, Boston, and Connecticut.

Email Marketing Stats for MailChimp: July 1, 2016 – June 30, 2017

Newsletter Date:	# Sent Recipients	Open Rate	Open Rate	# Clicks	Click through Rate
16-Jul	8,434	2,470	29.60%	317	3.80%
16-Aug	8,401	2,832	33.90%	602	7.20%
16-Sep	8,518	1,964	23.20%	172	2%
16-Oct	8,533	2,453	28.90%	512	6%
16-Nov	8,500	2,372	28.10%	570	6.70%
16-Dec	8,598	2,443	28.70%	423	5%
17-Jan	8,551	2,384	28.10%	320	3.80%
17-Feb	8,522	2,260	26.70%	217	2.60%
17-Mar	-	-	-	-	-
17-Apr	-	-	-	-	-
17-May	8,526	2,098	24.90%	259	3.10%
17-Jun	8,451	1,959	23.40%	210	2.50%
Average:	8,503	2,324	27.55%	360.2	4.27%

Our newsletter is sent to 8,503 people on average, which is up by 442 from FY2016. Our open rate is averaging 27.55% which is above the industry average of 22.4%. Our newsletter was not sent out during March and April of this year because our staff was very busy during these months working on RWPS and retail promotions that were new this year. Additionally, The Chamber Collaborative was tasked with managing a city grant to benefit all downtown merchants and we were going through some time consuming planning with these projects. Moving forward in FY2018, we will ensure that we are sending the newsletter out every month so that we continue educating our consumers about our destination and continue getting new subscribers.

New York Times Travel Show

In January we attended the New York Times Travel Show for the third year in a row. We were pleased to be working with C&J Bus Lines to promote C&J's daily executive coach between NYC and the Pease Tradeport - a major selling point for residents of NYC, many of whom do not have cars.

Our booth saw hundreds of people interested in learning more about visiting Portsmouth. Attendance at the 2017 Travel Show reached a record of 30,099 - the highest attendance in the Show's history - which included 9,253 travel trade and 20,846 consumer attendees.

We collected 239 names, with 62 people opting in to our monthly consumer e-newsletters. Among the 239 people that came to our booth, 138 were from NY, 38 came from NJ, 14 came from CT, 5 were from MA, two came from PA, and one each came from NH, ME and Washington DC.

The remaining number did not indicate where they were from. We handed out over 300 Harbor Guides and 2100 Maps of Portsmouth & the Seacoast, as well as various individual brochures and rack cards from our hospitality members. Although we were hoping to collect even more names, traffic was extremely steady throughout the entire three days and there was great interest in our destination and the C&J Executive Coach. Many journalists picked up our Harbor Guides and Maps, and some people took multiple Maps and Harbor Guides to share with their family and friends.

Canadian Market

Through the New England Tourism Center (NETC) we reach the Quebec and Ontario markets using online advertising, distribution of our Harbor Guides and Maps at consumer shows in Toronto, Ottawa and Montreal, and an ad in the East Coast Traveler Magazine. We were also fortunate to attend the NHDTTD sponsored press event in Montreal for the second year where we met with Canadian journalists and invited them to visit Portsmouth, resulting in great articles in the Canadian press.

Canada is a secondary geographic market, but represents significant visitors during the summer season. Culinary and tax-free shopping messaging is important to this market. Working with NETC allows us a budget friendly way to put our information in front of Canadian travelers.



Our link on the www.ne-tc.com website is a cheap and easy way to direct people to GoPortsmouthNH.com. From July 1, 2016 – June 30, 2017, our link on ne-tc.com received 1,062 click-throughs. Our print ad in East Coast Traveler reinforces our destination marketing and is situated in the NH section. NETC produced 60,000 copies of the magazine in March 2017.

The CAA offices took over 25,000 copies and the welcome centers in Quebec, and VT and New York, took over 28,000 copies. These welcome centers receive over 3 million visitors per year, so we are certain our ad is being seen in our Canadian markets. This is great exposure for Portsmouth & the Seacoast and we will continue working with NETC for our collateral distribution and Canadian marketing.

We sent 2,000 Maps and 700 Harbor Guides to Canada to be distributed at five Canadian Travel Shows, and while we wish we were able to attend ourselves, we are unable to due to our budgetary constraints.

From July 1, 2016 – June 30, 2017, we surveyed 895 people who came into our Visitor Center or stopped by the Market Square Kiosk. Out of the 288 international visitors, 27% were from Canada, who heard about Portsmouth primarily through word of mouth, travel guides, and the internet.

Public Relations

Hiring a public relations company helps to expand our reach into our target geographic areas (New York, Boston, drive markets) through connections to travel writers and press. We have had great success working with Martha Sullivan from Sullivan Communications to generate press, both in print and online, about our destination and many of the events and promotions that go on throughout the year. Public Relations reaches across geographic, psychographic, demographic, and niche markets through targeting specific media with message-appropriate stories.

Martha focused on raising awareness about our craft brewery scene, and specifically the Seacoast Brewery Map that was designed by The Chamber Collaborative, Fall and Spring Restaurant Weeks, and Shop Portsmouth Day - a one-day retail promotion we planned for the downtown shops in June. Additionally, her efforts resulted in many travel, tourism, and culinary feature stories.

Through Martha's strong connections in Boston and throughout New England, and her attendance at the NHDTTD sponsored press events in Montreal and New York City, we hosted many journalist FAMs and received some amazing press in FY2017.

Below is a small sampling of the press received during FY2017:



Yankee Magazine, Best Christmas Celebrations in New England

<https://newengland.com/today/travel/new-england/things-to-do/best-christmas-celebrations-new-england/>

Eater Maine: Restaurants worth driving to in Portsmouth, NH

<https://maine.eater.com/maps/best-restaurants-bars-portsmouth-new-hampshire>

USA Today, Best Small Town Food Scene

<https://www.thrillist.com/travel/nation/the-worlds-top-20-small-towns-according-to-the-dude-who-visited-every-country>

Thrillist, Best Small Towns to Visit, Portsmouth

<https://www.thrillist.com/travel/nation/the-worlds-top-20-small-towns-according-to-the-dude-who-visited-every-country>

Travel & Leisure, 5 Best Day Trips from Boston:

www.travelandleisure.com/trip-ideas/road-trips/best-day-trips-from-boston

Boston.com, 5 Things to Know About Living in Portsmouth, NH

<http://realestate.boston.com/buying/2016/03/19/5-things-to-know-about-living-in-portsmouth-new-hampshire/>

Fosters NH, Get Ready for Hit The Decks

<http://www.fosters.com/article/20160428/NEWS/160429365>

RadioBDC/The Boston Globe, Boston.com....Chef Matt Louis of Moxy & The Franklin Oyster House Visit In Studio to Talk About Restaurant Week Portsmouth & The Seacoast, Spring 2016

<http://www.bdcwire.com/restaurant-week-in-portsmouth/>

The Boston Herald Radio, Status Report....Chef Lee Frank of Anneke Jans is in the house talking about Restaurant Week Portsmouth & The Seacoast, Spring 2016

https://www.facebook.com/permalink.php?id=1672470462981400&story_fbid=1760651174163328

QUANTITATIVE RESEARCH

VISITOR CENTER SURVEYS

Methodology: Intercept surveys are administered throughout the year, but primarily April through October by Visitor Assistants at the Visitor Welcome Center and Market Square kiosk.

Goal: to obtain 1,000 usable surveys between July 1, 2016 to June 30, 2017.

Results: 895 surveys collected during that time period.

Visitor Geographics:

Of 895 total respondents:

- 656 (73%) from United States, down from 75% last year
- 228 (25%) from other countries, up from 24% last year
- 13 no responses

United States:

Visitors from 47 states and Washington DC stopped into the information center(s) while visiting Portsmouth during July 2016 through June 2017. The top states included:

STATE	# VISITORS	% OF TOTAL	% Change to Last Year
MA	96	15%	1%
NY	76	12%	4%
CT	56	9%	4%
NJ	40	6%	2%
NH	33	5%	-1%
PA	32	4%	0%
CA	30	4%	1%
FL	18	3%	0%
TX	20	3%	1%
RI	22	3%	1%
OH	23	3%	2%
MD	14	2%	-1%

All other states represented 1% or less of visitors. Of the 895 people who responded to frequency of visits, 69% were first time visitors, down 1% from FY2016, 23% said they were repeat visitors, and the remaining 8% did not indicate whether they were first time or repeat visitors. We saw a 4% increase in visitors from NY and CT compared to 2016, which tells us that our promotion at the New York and Connecticut travel shows has made an impact on visitors in those areas.

The international visitors and press who came into the Portsmouth Visitor Center or stopped by the information kiosk in Market Square were from the following countries. All other countries represented 1% or less of visitors.

COUNTRY	# VISITORS	% OF TOTAL	% Change to Last Year
Canada	63	27.00%	-3.50%
Germany	32	14.00%	0.37%
UK	21	9.00%	-8.57%
France	10	4.00%	0.89%
Italy	8	3.50%	1.25%
Switzerland	8	3.50%	1.25%
Australia	7	3.00%	-4.00%
Israel	6	2.60%	0.87%
Ireland	6	2.00%	0.00%
Netherlands	6	2.00%	-0.25%
Brazil	4	1.70%	0.32%
Japan	4	1.70%	0.32%

In addition, we saw visitors from Austria, Beijing, Belgium, Czech Republic, Denmark, India, New Zealand, Norway, Korea, Russia, Scotland, South Africa, Spain, and Taiwan.

Source of Visit

We tallied responses to the question “How did you hear about the Seacoast?” Some people did not answer the question, and others responded with more than one source.

FY2017 SOURCE	#	% of TOTAL
Friends / WOM	341	45%
Travel Guide	107	14%
Internet	100	13%
Other	75	10%
Previous Visit	44	6%
Highway Sign	33	4%
Magazine	20	3%
Here for an Event	12	2%
Business	9	1%
Harbor Guide	7	1%
Rest Area	6	1%
Former Resident	3	0%
Newspaper	3	0%
Current Resident	0	0%
TOTAL	760	100%

Compared to 2016:

FY2016 SOURCE	#	% of TOTAL
Friends / WOM	334	33%
Travel Guide	253	25%
Internet	150	15%
Highway Sign	84	8%
Other	52	5%
Previous Visit	44	4%
Current Resident	17	2%
Magazine	12	1%
Rest Area	12	1%
Here for an Event	12	1%
Former Resident	10	1%
Harbor Guide	9	1%
Newspaper	9	1%
Business	5	0%
TOTAL	1003	100%

Friends/word of mouth, travel guides, and internet searches continue to be the top three reasons people are traveling to Portsmouth & the Seacoast. Between repeat visitors (27%), former and current residents (3%), recommendations from friends and word of mouth (33%), 63% of our visitors are familiar with our destination from sources other than marketing outreach. We might interpret that the 8% who came because of our highway sign exited the highway to use the rest rooms or for directions, because they'd heard the name of Portsmouth and wanted to visit, or simply needed a break on their way to/from Maine, but regardless we should thank our Department of Transportation for the directional.

Primary Purpose of Visit

	2017	2016	2015	2014	2013
Entertainment/Vacation	31%	68%	76%	68%	74%
On the way to....	1%	9%	18%	8%	10%
Visiting Friends/Relatives	<1%	9%	10%	7%	4%
Other	1%	4%	3%	4%	4%
Event/Wedding	1%	5%	4%	3%	3%
Business	0%	2%	3%	3%	2%
Need Directions	<1%	3%	-	-	-

We did not receive a lot of data on our visitor's primary reasons for coming to the Seacoast as we have in years past. However, we can see that Entertainment/Vacation has a strong lead among the other categories. From this data we can conclude that most of our visitors who come to the Visitor Center and Kiosk are leisure travelers and coming here to vacation.

Activities Planned While Visiting

	2017	2016
Sightseeing	23%	27%
Dining	23%	18%
Shopping	14%	13%
Historic Sites/Museums	14%	13%
Strawbery Banke Museum	7%	8%
Cruises	9%	7%
Beaches and Parks	2%	4%
Walk/Bike/Kayak Tours	2%	3%
Theatre/Live Music	1%	2%

Lighthouses	2%	3%
Other	<1%	1%
Fairs/ Festivals	<1%	1%
Art Galleries	<1%	1%
TOTAL RESPONSES	2520	2368

The visitors that came into our Visitor Center selected the activities they had planned during their visit, many of them selected more than one choice. Sightseeing, dining, historic sites/museums, and shopping remain in the top four activities people have planned when they come to the Seacoast. Overall this data hasn't changed dramatically compared to the year before. Dining increased by 5%, which we can assume is because of our consistent culinary destination marketing, and shopping increased by 1.2%.

Number of Days Visiting the Seacoast

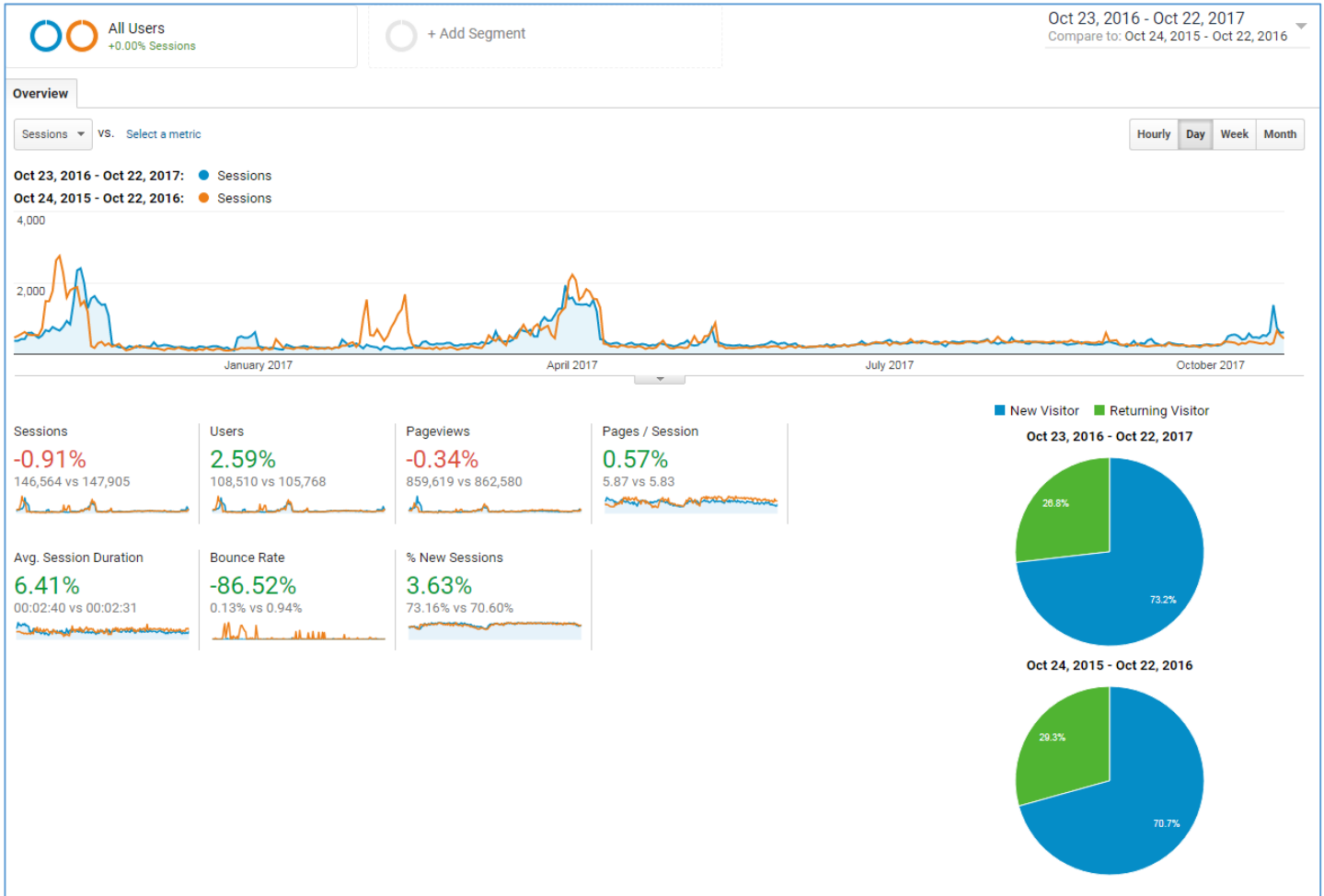
# DAYS	2017	2016	2015	2014	2013
<= One	69%	53%	59%	59%	58%
Two	25%	23%	21%	21%	16%
Three	6%	13%	12%	12%	15%
Four	0%	4%	3%	3%	4%
Five to Nine	0%	1%	4%	4%	7%
>= Ten	0%	2%	1%	1%	1%

While most of our visitors are day trippers, we are encouraged by the 2% increase in two-night stays.

GOOGLE ANALYTICS – October 2016 – October 2017 Traffic for GoPortsmouthNH.com

Analytics for the twelve month period ending October 22, 2017 show a slight decline (less than 1%) in overall sessions and page views. The graph tells us why: in 2016 we saw a significant bump in website traffic when we produced the Fire & Ice Festival, which was not produced in 2017.

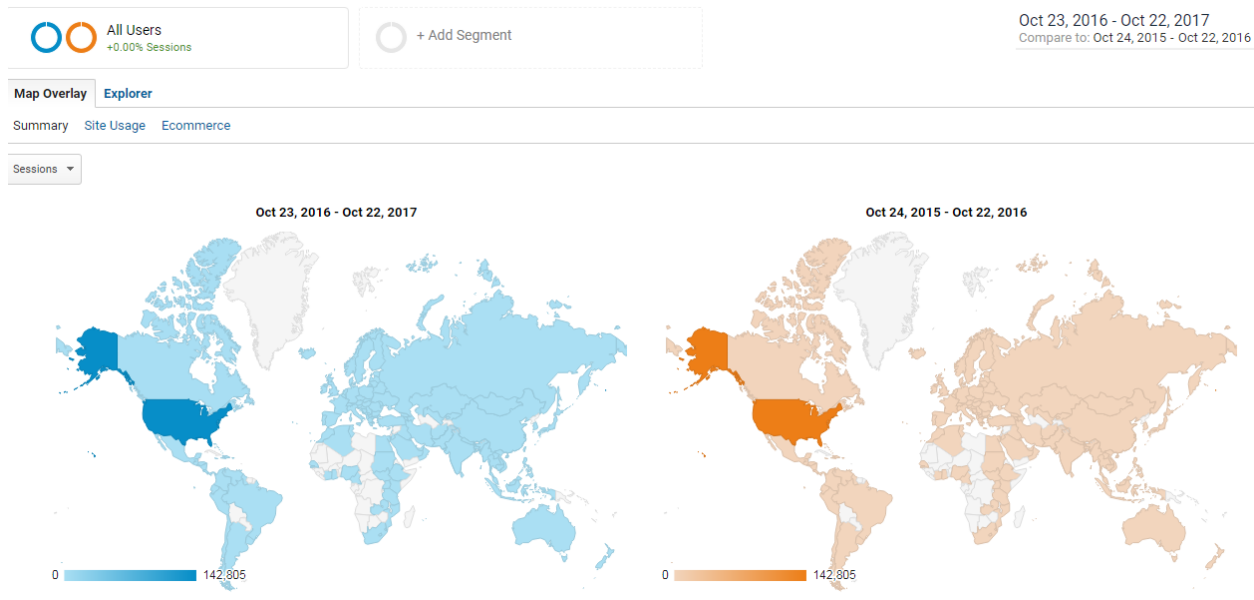
The good news is that the overall number of users and the number of new sessions is up. Visitors to our site are also viewing more pages and staying on the site longer.



With the work we are doing in conjunction with NH's Department of Travel & Tourism Development and Discover New England, we are increasing the number of website visitors from Canada (English and French speaking) and Great Britain.

Language ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	0.91% ↓ 146,564 vs 147,905	3.59% ↑ 73.19% vs 70.66%	2.65% ↑ 107,277 vs 104,508	86.52% ↑ 0.13% vs 0.94%	0.57% ↑ 5.87 vs 5.83	6.41% ↑ 00:02:40 vs 00:02:31
1. en-us						
Oct 23, 2016 - Oct 22, 2017	141,792 (96.74%)	72.73%	103,123 (96.13%)	0.08%	5.90	00:02:42
Oct 24, 2015 - Oct 22, 2016	143,100 (96.75%)	69.98%	100,137 (95.82%)	0.26%	5.85	00:02:32
% Change	-0.91%	3.93%	2.98%	-70.70%	0.89%	6.81%
2. en-gb						
Oct 23, 2016 - Oct 22, 2017	2,088 (1.42%)	93.87%	1,960 (1.83%)	0.10%	3.80	00:00:53
Oct 24, 2015 - Oct 22, 2016	1,107 (0.75%)	87.71%	971 (0.93%)	0.18%	6.30	00:02:06
% Change	88.62%	7.02%	101.85%	-46.98%	-39.76%	-58.21%
3. en-ca						
Oct 23, 2016 - Oct 22, 2017	445 (0.30%)	85.17%	379 (0.35%)	0.22%	6.19	00:02:23
Oct 24, 2015 - Oct 22, 2016	342 (0.23%)	91.52%	313 (0.30%)	0.29%	9.00	00:03:42
6. fr-ca						
Oct 23, 2016 - Oct 22, 2017	199 (0.14%)	89.95%	179 (0.17%)	0.00%	8.16	00:03:14
Oct 24, 2015 - Oct 22, 2016	174 (0.12%)	87.36%	152 (0.15%)	0.00%	10.33	00:04:29
% Change	14.37%	2.97%	17.76%	0.00%	-21.02%	-27.86%

What countries do our website visitors come from? Not surprisingly, most are from the United States, then Canada and the U.K. It appears the Russians are onto us also. We do not market there.



Country ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	0.91% ↓ 146,564 vs 147,905	3.59% ↑ 73.19% vs 70.66%	2.65% ↑ 107,277 vs 104,508	86.52% ↑ 0.13% vs 0.94%	0.57% ↑ 5.87 vs 5.83	6.41% ↑ 00:02:40 vs 00:02:31
1. 🇺🇸 United States						
Oct 23, 2016 - Oct 22, 2017	140,903 (96.14%)	72.57%	102,260 (95.32%)	0.08%	5.90	00:02:42
Oct 24, 2015 - Oct 22, 2016	142,805 (96.55%)	69.99%	99,943 (95.63%)	0.40%	5.82	00:02:31
% Change	-1.33%	3.70%	2.32%	-80.55%	1.36%	7.48%
2. 🇨🇦 Canada						
Oct 23, 2016 - Oct 22, 2017	1,440 (0.98%)	88.68%	1,277 (1.19%)	0.14%	7.02	00:02:32
Oct 24, 2015 - Oct 22, 2016	1,209 (0.82%)	89.50%	1,082 (1.04%)	1.57%	9.44	00:03:27
% Change	19.11%	-0.91%	18.02%	-91.16%	-25.67%	-26.75%
3. 🇬🇧 United Kingdom						
Oct 23, 2016 - Oct 22, 2017	1,095 (0.75%)	94.34%	1,033 (0.96%)	0.27%	4.49	00:01:18
Oct 24, 2015 - Oct 22, 2016	1,072 (0.72%)	93.94%	1,007 (0.96%)	17.63%	5.20	00:01:34
% Change	2.15%	0.43%	2.58%	-98.45%	-13.54%	-16.93%
5. 🇷🇺 Russia						
Oct 23, 2016 - Oct 22, 2017	226 (0.15%)	38.94%	88 (0.08%)	3.54%	2.11	00:03:17
Oct 24, 2015 - Oct 22, 2016	148 (0.10%)	56.76%	84 (0.08%)	44.59%	1.80	00:00:16
% Change	52.70%	-31.39%	4.76%	-92.06%	17.19%	1,161.08%

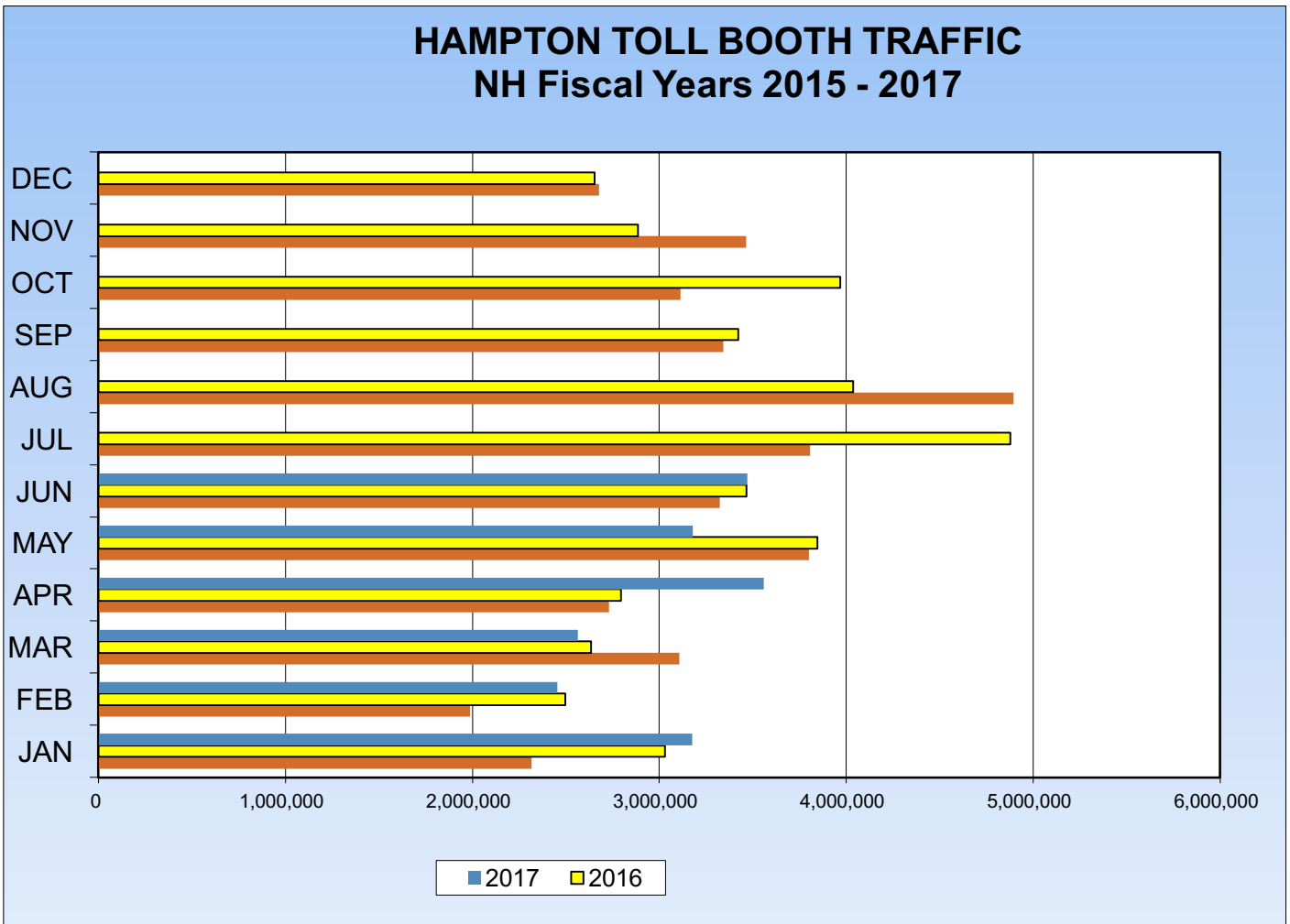
Most of our marketing and advertising is done in our drive markets, and most of that advertising is done in New Hampshire, northern Massachusetts, and southern Maine for Restaurant Weeks. Traffic from NJ follows CT with 1.36%, RI with 1.17%, PA with 1.09%, and Florida with 1.08%. CA falls below the 1% mark at 0.92%.

Region ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	1.33% ↓ 140,903 vs 142,805	3.70% ↑ 72.57% vs 69.99%	2.32% ↑ 102,260 vs 99,943	80.55% ↑ 0.08% vs 0.40%	1.36% ↑ 5.90 vs 5.82	7.48% ↑ 00:02:42 vs 00:02:31
1. New Hampshire						
Oct 23, 2016 - Oct 22, 2017	58,435 (41.47%)	64.60%	37,751 (36.92%)	0.04%	5.36	00:02:50
Oct 24, 2015 - Oct 22, 2016	60,605 (42.44%)	61.56%	37,310 (37.33%)	0.08%	4.55	00:02:20
% Change	-3.58%	4.94%	1.18%	-48.14%	17.98%	21.12%
2. Massachusetts						
Oct 23, 2016 - Oct 22, 2017	36,725 (26.06%)	75.72%	27,808 (27.19%)	0.09%	5.80	00:02:28
Oct 24, 2015 - Oct 22, 2016	36,792 (25.76%)	74.29%	27,333 (27.35%)	0.39%	6.00	00:02:23
% Change	-0.18%	1.92%	1.74%	-77.74%	-3.22%	3.61%
3. New York						
Oct 23, 2016 - Oct 22, 2017	11,599 (8.23%)	76.42%	8,864 (8.67%)	0.09%	5.65	00:02:21
Oct 24, 2015 - Oct 22, 2016	11,495 (8.05%)	73.36%	8,433 (8.44%)	0.69%	6.52	00:02:33
% Change	0.90%	4.17%	5.11%	-87.46%	-13.27%	-8.20%
4. Maine						
Oct 23, 2016 - Oct 22, 2017	8,997 (6.39%)	73.11%	6,578 (6.43%)	0.08%	6.02	00:02:53
Oct 24, 2015 - Oct 22, 2016	7,129 (4.99%)	70.78%	5,046 (5.05%)	0.11%	5.93	00:02:47
% Change	26.20%	3.29%	30.36%	-30.67%	1.52%	3.27%
5. Connecticut						
Oct 23, 2016 - Oct 22, 2017	4,876 (3.46%)	82.26%	4,011 (3.92%)	0.02%	7.96	00:03:04
Oct 24, 2015 - Oct 22, 2016	4,535 (3.18%)	81.01%	3,674 (3.68%)	0.18%	9.22	00:03:24
% Change	7.52%	1.54%	9.17%	-88.37%	-13.66%	-9.73%

Continuing the trend away from desktops and tablets, our mobile traffic has increased by almost 10%. The upgrade to responsive design for our website clearly had significant impact.

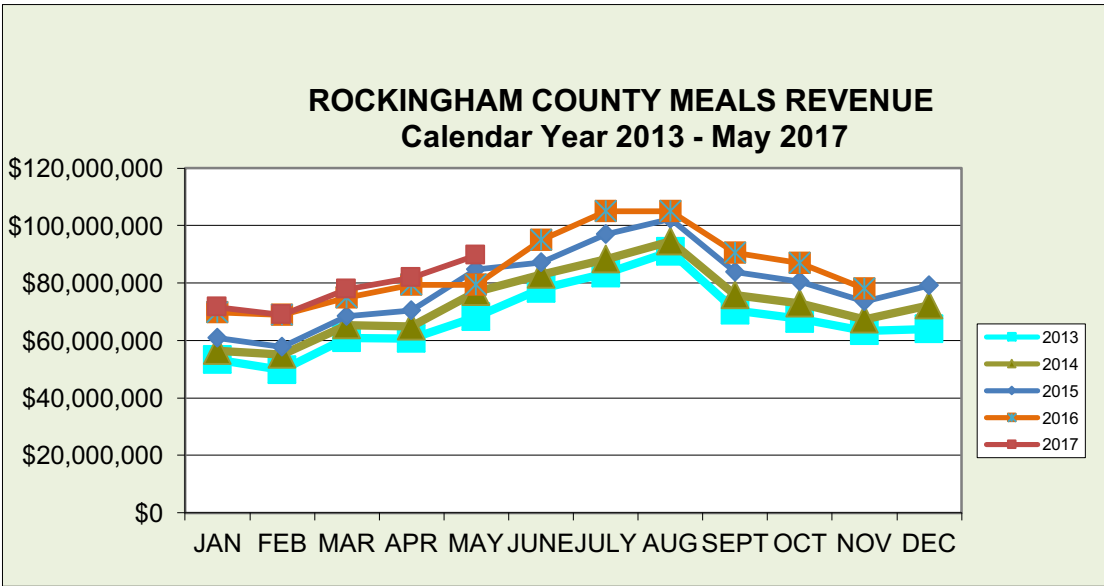
Device Category [?]	Acquisition			Behavior		
	Sessions [?] ↓	% New Sessions [?]	New Users [?]	Bounce Rate [?]	Pages / Session [?]	Avg. Session Duration [?]
	0.91% ▼ 146,564 vs 147,905	3.59% ▲ 73.19% vs 70.66%	2.65% ▲ 107,277 vs 104,508	86.52% ▲ 0.13% vs 0.94%	0.57% ▲ 5.87 vs 5.83	6.41% ▲ 00:02:40 vs 00:02:31
1. mobile						
Oct 23, 2016 - Oct 22, 2017	65,484 (44.68%)	72.43%	47,427 (44.21%)	0.10%	4.15	00:01:48
Oct 24, 2015 - Oct 22, 2016	59,649 (40.33%)	69.08%	41,204 (39.43%)	0.41%	4.33	00:01:43
% Change	9.78%	4.85%	15.10%	-75.83%	-4.13%	4.75%
2. desktop						
Oct 23, 2016 - Oct 22, 2017	63,512 (43.33%)	74.91%	47,576 (44.35%)	0.17%	7.50	00:03:26
Oct 24, 2015 - Oct 22, 2016	67,465 (45.61%)	73.41%	49,528 (47.39%)	1.66%	6.83	00:03:00
% Change	-5.86%	2.04%	-3.94%	-89.67%	9.71%	14.60%
3. tablet						
Oct 23, 2016 - Oct 22, 2017	17,568 (11.99%)	69.87%	12,274 (11.44%)	0.07%	6.35	00:03:11
Oct 24, 2015 - Oct 22, 2016	20,791 (14.06%)	66.26%	13,776 (13.18%)	0.13%	6.89	00:03:13
% Change	-15.50%	5.44%	-10.90%	-45.38%	-7.84%	-1.16%

HAMPTON TOLL BOOTH TRAFFIC



NH State Fiscal Year 2017 saw an overall increase of traffic coming through the Hampton toll booths of 2%, with 25,203,474 vehicles coming through at Hampton Main and 15,044,361 passing through at Hampton Side. We continue to question whether these toll numbers are useful for determining traffic into Portsmouth. Much of the Hampton Side traffic is from commuters accessing Route 101. The increase in toll traffic through Hampton Main, though might be indicative of increased visitation to Portsmouth, it is more likely that Maine's increased promotions south of us are working to draw people into Maine.

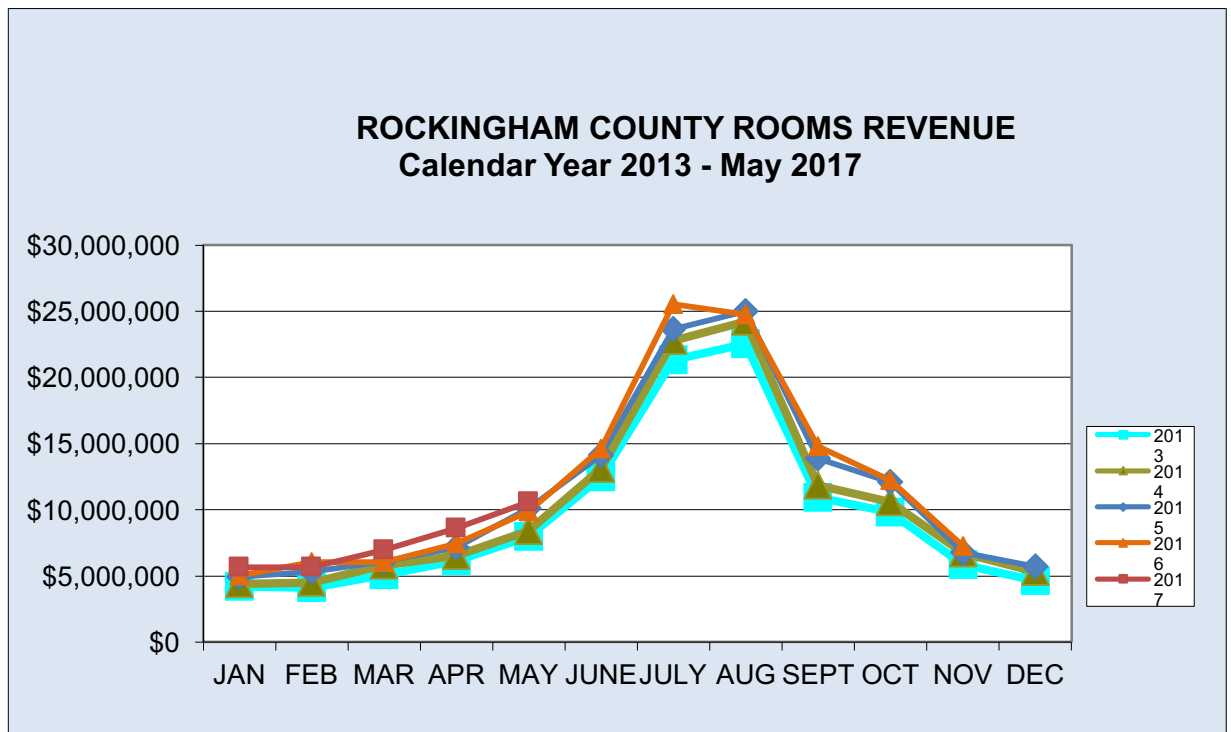
ROOMS & MEALS TAX REVENUE, ROCKINGHAM COUNTY VS. STATE



Rockingham County has generated 34% of meals revenue in the State for FY2017, for the eleven months through May 2017, at \$937,648,268. That revenue generated \$82,981,872 in tax revenue to the State.

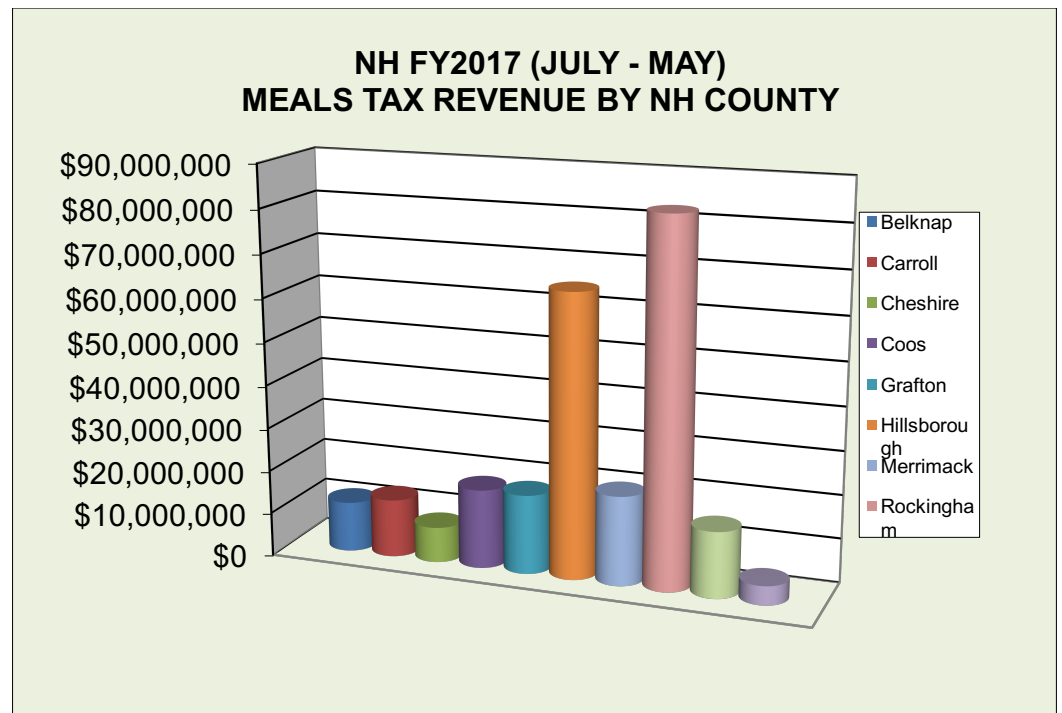
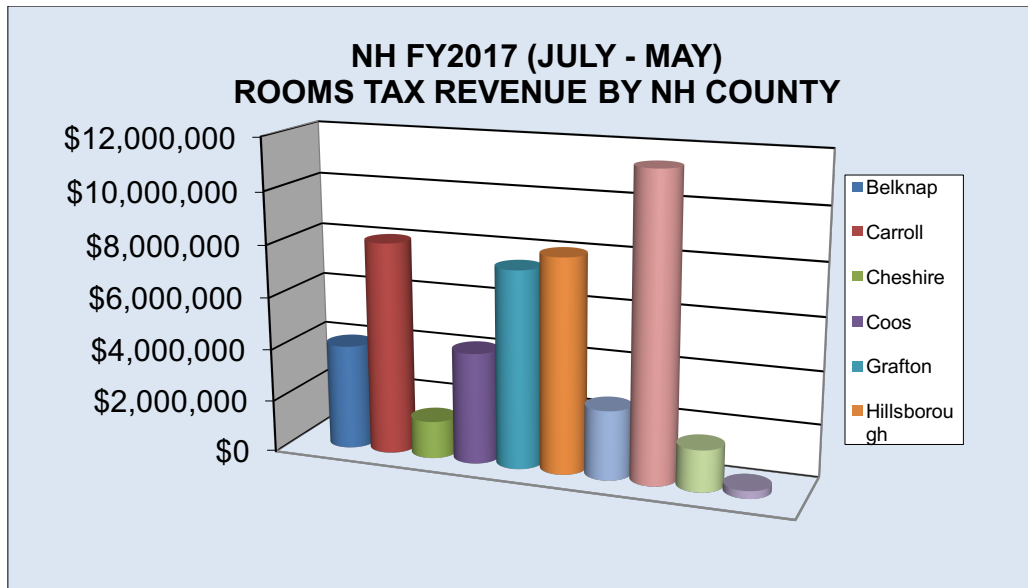
The next highest county is Hillsborough at 27%, then all other counties contribute between 2% and 8% each.

During the same time period, Rockingham generated \$128,240,509 of rooms revenue, sending \$11,451,877 to the State in rooms tax revenue. Rockingham generates 23% of all rooms tax revenue in the State, with Hillsborough at 17%, Carroll at 16%, Grafton at 15%, and all other counties ranging from 1% to 9%.



While there is no way for us to know how much Portsmouth has contributed to those totals, we can extrapolate that Portsmouth contributes between \$30M and \$40M of the rooms and meals tax revenue.

Clearly the Seacoast's reputation as a culinary destination is a significant contributor to these numbers. The quality of the culinary product combined with the significant and continuous outreach marketing and PR conducted by GPCC are contributing factors to the Seacoast's success as a culinary destination.

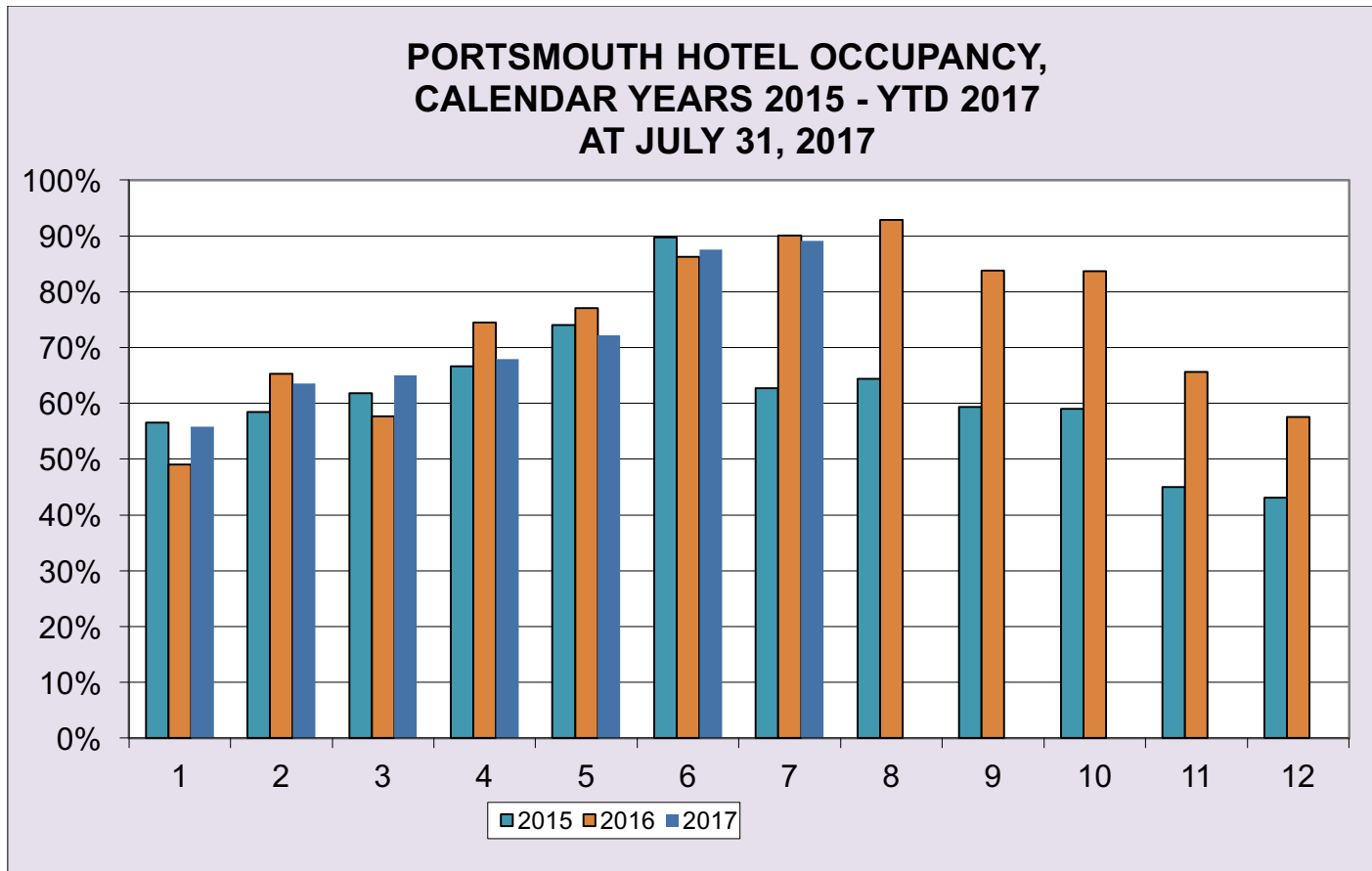


LODGING OCCUPANCY

Properties owned and/or managed by brands in Portsmouth are reluctant to provide occupancy figures to the Chamber, and those rooms represent 81% of the total rooms available in the Portsmouth area.

Anecdotally, we know that most of our downtown hotels are running over 80% occupancy from April through October, with June through September hovering in the mid to high nineties. We also know

that those who cater to business, weddings, and conferences are seeing a rise in occupancy and ADR. Those who supply long term housing for the Portsmouth Naval Base and the Base's visitors have a solid and consistently high occupancy rate. The outlook from all properties is positive, with ADR and RevPAR gaining percentage points through the shoulder season months.



CONVERSION STUDY

We created a conversion survey to understand what sources influenced visitors' decisions to visit Portsmouth and the Seacoast, how they requested information about our destination, how influential our marketing and advertising was, whether or not they visited us, and if they did visit us, for how long and where they stayed, among other things.

We sent the survey to 500 people who requested information from our Visitor Center during the past year. We received 58 responses from visitors primarily located in CT, NJ, MA, NH, NY, and PA, with 5% or fewer responding from MI, CA, IN, GA, ME, OH, OR, FL, TN, IL, and in Canada and the UK. While we did not reach the desired goal of 200-300 usable surveys, we did hit the desired goal of a 10% response rate.

The results of the survey tell us that the marketing and advertising we do has been successful in generating awareness about Portsmouth & the Seacoast. Over 55% of people said that our Map and Harbor Guide helped them evaluate Portsmouth & the Seacoast as a possible travel destination. Nearly 45% of respondents said they have previously visited Portsmouth, and 34% considered traveling here through word of mouth, which tells us that we are a familiar and recommended destination.

The survey also tells us that our print and web-based advertising, as well as general destination promotion, has been successful. Approximately 59% of respondents said our advertising and promotional material reinforced their feelings about deciding to visit Portsmouth & the Seacoast. The remaining 39% indicated they had already decided to visit Portsmouth prior to requesting information so our promotional material did not have an impact on their decision to visit, but hopefully had an influence on what they intended to experience while here.

Among the 58 people who responded, nearly 69% said they visited Portsmouth & the Seacoast during the past year, 46% of which were repeat visits. Fifty percent of these visits involved an overnight stay. We believe these numbers are strong, and expect to see our number of multi-day visits increase. All 58 respondents said they would consider Portsmouth & the Seacoast for a future visit.

SMALL BUSINESS DEVELOPMENT INITIATIVES

New Brand Launched at 100th Anniversary

In June of 2017 the Greater Portsmouth Chamber of Commerce became The Chamber Collaborative of Greater Portsmouth while celebrating its 100th Anniversary of serving the area. The new branding was implemented after months of community research and dialogue led by a steering committee comprised of both members and partners.



The new branding is the first step in a transformation that the organization will go through over the next year to better serve the business community with relevant programs and meaningful communication.

New Programs Announced for Fall of 2017

Exec's Lunch Circle

This networking group is for the decision makers within your company to come together and connect with their peers in the community for lunch, once a month. Hosted by Tuscan Kitchen, this group will be exclusive to business owners or local company leaders that want to connect and learn from one another at a higher level. The first meeting of this group took place on October 24th.

Greater Portsmouth Manufacturers Roundtable

The challenges facing the manufacturing community locally are complex and unique. This quarterly meeting of local manufacturing leadership will bring community partners such as the City of Portsmouth, Great Bay Community College, University of New Hampshire, the State of New Hampshire, and The Chamber Collaborative together with local manufacturing leadership to address key issues facing this critical industry. The Manufacturers Executive Roundtable will hold its first meeting on November 17th.

Seacoast Business Book Club

This isn't your mother's book club. Take your skills to the next level with this monthly book club designed to enhance your leadership, communication, and sales skills. The group is being organized in partnership with Catapult Seacoast and will connect at Book & Bar on the 3rd Wednesday of each month at 5:30 to discuss the latest read.

Trend Talks

A partnership between Leadership Seacoast and The Chamber Collaborative, these breakfast sessions will be discussions on the data in Leadership Seacoast's core topic areas including: Justice, Education, Arts / Culture, Economic Development, Government, Health and Human Services, and Environment. These discussions are open to Leadership Seacoast Students and Alumni, along with Chamber Collaborative members.

#10 to Watch Speaks

Hear from the recipients of Catapult Seacoast's #10 to Watch award recipients in this speaker series at this casual bi-monthly networking session held at Profile Coffee Bar on Portwalk Place. The #10 to Watch Speaks is a joint venture between Catapult Seacoast and The Chamber Collaborative.

Pathways for Portsmouth Future

The Chamber Collaborative will be partnering with the Portsmouth school system to introduce middle school through high school age students to business and career pathways through immersion opportunities for internships and mentoring. These Experiential Learning Opportunities (ELO) will allow the students to gain credit for school competencies through hands on application of theories and subject matter. The goal for our businesses is to engage students early, increasing the chances that they will ultimately become employees.

Opportunities for Businesses to Connect

Eighty percent of the Greater Portsmouth Chamber of Commerce membership is comprised of small businesses with less than twenty people. It is the Chamber's goal to contribute to the success of all member businesses, particularly the small business community that is the foundation of our local economy.

Breakfast Forum Series - 40 – 60 attendees each session

- 3/29/17 State of the State with Governor Sununu
- 4/18/17 University System of New Hampshire Workforce Development
- 5/3/17 State of the City with Mayor Jack Blalock and City Manager John Bokenko
- 10/12/17 The Arts Make Money?!
- 11/8/17 Partnerships for Community Impact



Business Development Series - 25 – 35 attendees per session

- 2/14/17 Motivating Your Team in 2017
- 4/4/17 Boosting Your Brand and Advertising on Social Media
- 9/26/17 Best Employment Practices for Millennials
- 10/25/17 Cool Corporate Cultures for Retaining Employees
- 11/15/17 Power of the Intern
- 12/5/17 Instagram for Your Business?

Power Biz Hour - 20 - 25 attendees per session

- 2/8/17 Building YOUR Brand on Social Media
- 3/8/17 Marketing Professional Help on a DIY Budget
- 5/11/17 The Power of You in Your Brand
- 9/6/18 Hot Trends in Marketing
- 10/4/17 Video Content For Your Brand
- 11/2/17 Digital Reputation Management

Business After Hours – Networking Event - 150 – 250 attendees per session

- 1/26/17 Holiday Inn
- 2/23/17 ConvenientMD
- 3/23/17 Global Technical Talent
- 4/27/17 3S Artspace & Block Six
- 5/25/17 Bank of New Hampshire at Hampton Inn and Suites Downtown
- 6/22/17 Portsmouth Gas Light Co.
- 7/27/17 Tuscan Kitchen & Market
- 8/24/17 The Garrison Hotel with Dover Chamber of Commerce
- 10/5/17 Grill 28 with Tenants Association at Pease
- 10/26/17 Bangor Savings Bank & Cooperative Venture Workspace



Morning Mixer Networking Event - 20 – 25 attendees per session

- First Friday of the month



SUMMARY

In closing, we would like to express our appreciation for the support and partnering opportunities available to us through the City of Portsmouth, without which our tourism marketing efforts would be severely limited. Thank you!



THE CHAMBER COLLABORATIVE OF GREATER PORTSMOUTH
REPORT TO THE
PORTSMOUTH ECONOMIC DEVELOPMENT COMMISSION
PRESENTED 3 NOVEMBER 2017

Partnership Deliverables for Quarters 1, 2, & 3, 2017, January through October 2017
Chamber Contact: Valerie Rochon, President; Ben VanCamp, Vice President

Calendar year 2017 projects involved stepped-up promotion and release of the responsive design of the tourism-dedicated website, creating collateral pieces, brochure distribution, advertising, public relations, restaurant and retail events, and a presence at five travel shows – three consumer and two trade. The goals were, and continue to be, to increase awareness of Portsmouth & the Seacoast as a tourism destination and to drive visitors to the Seacoast's businesses, increasing their revenues and contributing to the economic vitality of the region.

Measurement of the success of the initiatives was accomplished through tracking and evaluating website activity, visitor surveys, inquiries, show attendance, industry show meetings, collateral distribution, rooms and meals revenue, traffic stats and lodging occupancy levels.

The following is an analysis of the tourism marketing efforts undertaken by the Chamber Collaborative of Greater Portsmouth during calendar year 2017, through October.

WHAT'S NEW

The Greater Portsmouth Chamber of Commerce celebrated its 100th Anniversary in 2017. More than 500 Chamber members and community members joined Chamber Staff and Board under the tents at the Strawberry Banke Museum on June 29th.

During that event the Chamber announced a new name, the Chamber Collaborative of Greater Portsmouth. We also announced our new vision, mission, direction, and programs.

While many of the tourism initiatives remained the same, new programs for our member businesses, 80% of which have ten employees or less, were developed based on input from our membership, community forums, one on one discussions, and online surveys.

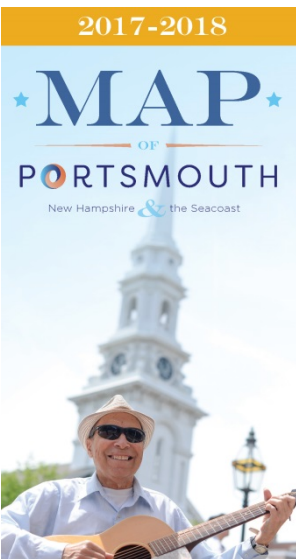
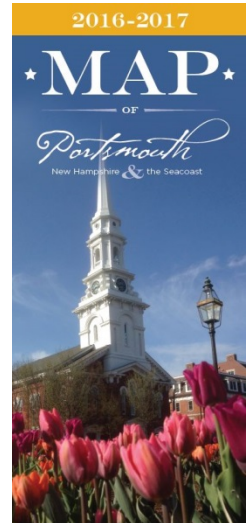
The City of Portsmouth authorized seven days of free parking over the 2016 Holidays, down from nine. To compensate for any negative impact to the downtown retail community, the City Council allocated \$20,000 of parking revenue to be used for the direct benefit of downtown merchants. The Chamber accepted the responsibility to administer the grant for the benefit of all downtown merchants, both members and non-members of the Chamber.

Marketing Mission:

The mission of the Greater Portsmouth Chamber of Commerce's Tourism initiative is to promote, develop and increase tourism/visitation to the Seacoast and create an awareness and understanding of tourism's effect on the local economy and residents' quality of life.

Official Map of Portsmouth & the Seacoast

The Chamber Collaborative of Greater Portsmouth printed 75,000 of the 2016-2017 Official Maps of Portsmouth & the Seacoast, and printed 75,000 of the 2017-2018 edition. The maps are racked in the Boston Transportation Centers, in Southern Maine, around the Seacoast, and in the North Shore of MA by CTM, and at all twelve NH State Rest Areas through White Mountain Attractions. CTM Media Group distributed 38,160 maps during FY2017 throughout MA, ME and NH and White Mountain Attractions distributed 27,650 maps over the same time in all twelve NH rest areas. We also brought approximately 3,800 maps and 1,000 Harbor Guides to the New York, Boston, and Connecticut Travel Shows this year.



The Map targets our primary geographic markets of NH, MA and ME; designed to persuade decision makers to visit our destination; provides a positive visitor experience while in Portsmouth and around the Seacoast by offering a clean and clear map of the area along with suggestions for dining, shopping, lodging, attractions, activities and services. Also used as a fulfillment piece for phone and email inquiries.

As we live in a digital age, we are keeping a close eye on distribution numbers of our print collateral to see if people still want them. We have found that people love to have a printed map – whether they've picked it up while visiting, have received our map by mail, or to use as an informational piece when we meet them at consumer travel shows.

Harbor Guide: the Official Guide to Portsmouth & the Seacoast

The Chamber Collaborative of Greater Portsmouth collaborated with Big Brown Books once again to create one comprehensive guide to our area, the Harbor Guide: The Official Guide to Portsmouth & the Seacoast for FY2017.

The Harbor Guide is an important piece of collateral to promote the region, with 55,000 copies distributed over the course of the year. It is a comprehensive and helpful tool for visitors to use while they are here, or to learn about the area before their arrival.

The Harbor Guides are primarily distributed to advertisers and other local



businesses in the Seacoast region, at the Visitor Center and Market Square Kiosk, at the three travel shows we attend yearly, throughout our hotels, restaurants and other businesses across the Seacoast, and at five of the NH State Rest Areas: Hookset North and South, Seabrook, Salem and Sutton.

The Guide targets our primary geographic markets of NH, MA and ME; designed to persuade decision makers to visit our destination; provides a positive visitor experience while in Portsmouth and around the Seacoast by offering an overview of the area along with suggestions for where to Eat, Shop, Stay, Play and Essentials. See Attachment 3.

For the 2017-2018 edition, we added in some major anniversaries, milestones, and significant celebrations to our Harbor Guide that we are proud to promote around Portsmouth & Seacoast. A few of these included the Bicentennial for the Portsmouth Athenaeum, the 25th anniversary for the Seacoast Science Center, and Portsmouth's 400th birthday coming up in 2023. We also added an apps section where people can find apps that are specific to our location, such as the Passport Parking app that assists visitors with parking. We will continue to add new businesses and services, and look for new creative ways to make the guide as user friendly and easy to navigate as possible.

Brochure Evaluation

The Chamber printed 75,000 of the 2016-2017 and 75,000 of the 2017-2018 Official Map of Portsmouth & the Seacoast in the last twelve months. The maps are racked in the Boston Transportation Centers, in Southern Maine, around the Seacoast and in the North Shore of MA by CTM, and at all twelve NH State Rest Areas by White Mountain Attractions.

The twelve rest areas throughout New Hampshire were contacted in August 2017 to request feedback on the Harbor Guide (left over from prior year) and Map distribution. We were able to speak with staff in eight of the Rest Areas, responses below. Four Rest Areas – Colebrook, North Conway, Salem, and Shelburne - did not answer the phone.

Overall the reaction to both pieces for Staff and Visitors is very positive. For obvious reasons, the Rest Areas closest to the Seacoast use the collateral extensively while those further away do not. Some locations said they need to be constantly refilling the Maps and they have high turnover on the Harbor Guides. The data gathered from the eight Rest Areas tells us that 50% to 75% of their visitors are interested in the Seacoast, and that when visitors inquire about the Seacoast our Harbor Guide and Map are always provided to them by the Rest Area staff. Additionally, the Rest Area staff indicated that they find the Map and Harbor Guide to be very useful tools for visitors and would not change anything about these pieces of collateral.

During our FY2017, we distributed Maps as follows:

- CTM Media Group distributed 38,160 Maps in NH, MA and ME.
- White Mountain Attractions distributed 27,650 maps and 4,774 Harbor Guides in NH over the same time.
- 21,000 were handed out at our Visitor Center and Market Square Kiosk, and during the Boston Globe Travel Show, New York Times Travel Show, and Hartford Courant Travel Show, and at the Discover Portsmouth Center.
- 35,734 to hotels, restaurants, retailers and attractions throughout the Portsmouth & Seacoast area.

Consumer E-Newsletters

We send monthly e-newsletters to over 8,500 consumers, enticing leisure travelers for day visits and multi-day stays by highlighting events, attractions, activities and packages. All geographic markets are targeted to promote year-round visitation.

We have a fantastic open and click through rate on our e-newsletter, exceeding the industry average for open rate of 22.4%. Below are sample stats for our January and June 2017 consumer e-newsletters.

Tourism Consumer E-Newsletter – January 2017



Tourism Consumer E-Newsletter – June 2017



We collect emails at the Visitor Information Center and seasonal Market Square kiosk, through our website www.GoPortsmouthNH.com on the e-newsletter and Request A Guide pages, through Restaurant Week surveys, and at consumer travel shows in New York, Boston, and Connecticut.

Email Marketing Stats for MailChimp: July 1, 2016 – June 30, 2017

Newsletter Date:	# Sent Recipients	Open Rate	Open Rate	# Clicks	Click through Rate
16-Jul	8,434	2,470	29.60%	317	3.80%
16-Aug	8,401	2,832	33.90%	602	7.20%
16-Sep	8,518	1,964	23.20%	172	2%
16-Oct	8,533	2,453	28.90%	512	6%
16-Nov	8,500	2,372	28.10%	570	6.70%
16-Dec	8,598	2,443	28.70%	423	5%
17-Jan	8,551	2,384	28.10%	320	3.80%
17-Feb	8,522	2,260	26.70%	217	2.60%
17-Mar	-	-	-	-	-
17-Apr	-	-	-	-	-
17-May	8,526	2,098	24.90%	259	3.10%
17-Jun	8,451	1,959	23.40%	210	2.50%
Average:	8,503	2,324	27.55%	360.2	4.27%

Our newsletter is sent to 8,503 people on average, which is up by 442 from FY2016. Our open rate is averaging 27.55% which is above the industry average of 22.4%. Our newsletter was not sent out during March and April of this year because our staff was very busy during these months working on RWPS and retail promotions that were new this year. Additionally, The Chamber Collaborative was tasked with managing a city grant to benefit all downtown merchants and we were going through some time consuming planning with these projects. Moving forward in FY2018, we will ensure that we are sending the newsletter out every month so that we continue educating our consumers about our destination and continue getting new subscribers.

New York Times Travel Show

In January we attended the New York Times Travel Show for the third year in a row. We were pleased to be working with C&J Bus Lines to promote C&J's daily executive coach between NYC and the Pease Tradeport - a major selling point for residents of NYC, many of whom do not have cars.

Our booth saw hundreds of people interested in learning more about visiting Portsmouth. Attendance at the 2017 Travel Show reached a record of 30,099 - the highest attendance in the Show's history - which included 9,253 travel trade and 20,846 consumer attendees.

We collected 239 names, with 62 people opting in to our monthly consumer e-newsletters. Among the 239 people that came to our booth, 138 were from NY, 38 came from NJ, 14 came from CT, 5 were from MA, two came from PA, and one each came from NH, ME and Washington DC.

The remaining number did not indicate where they were from. We handed out over 300 Harbor Guides and 2100 Maps of Portsmouth & the Seacoast, as well as various individual brochures and rack cards from our hospitality members. Although we were hoping to collect even more names, traffic was extremely steady throughout the entire three days and there was great interest in our destination and the C&J Executive Coach. Many journalists picked up our Harbor Guides and Maps, and some people took multiple Maps and Harbor Guides to share with their family and friends.

Canadian Market

Through the New England Tourism Center (NETC) we reach the Quebec and Ontario markets using online advertising, distribution of our Harbor Guides and Maps at consumer shows in Toronto, Ottawa and Montreal, and an ad in the East Coast Traveler Magazine. We were also fortunate to attend the NHDTTD sponsored press event in Montreal for the second year where we met with Canadian journalists and invited them to visit Portsmouth, resulting in great articles in the Canadian press.

Canada is a secondary geographic market, but represents significant visitors during the summer season. Culinary and tax-free shopping messaging is important to this market. Working with NETC allows us a budget friendly way to put our information in front of Canadian travelers.



Our link on the www.ne-tc.com website is a cheap and easy way to direct people to GoPortsmouthNH.com. From July 1, 2016 – June 30, 2017, our link on ne-tc.com received 1,062 click-throughs. Our print ad in East Coast Traveler reinforces our destination marketing and is situated in the NH section. NETC produced 60,000 copies of the magazine in March 2017.

The CAA offices took over 25,000 copies and the welcome centers in Quebec, and VT and New York, took over 28,000 copies. These welcome centers receive over 3 million visitors per year, so we are certain our ad is being seen in our Canadian markets. This is great exposure for Portsmouth & the Seacoast and we will continue working with NETC for our collateral distribution and Canadian marketing.

We sent 2,000 Maps and 700 Harbor Guides to Canada to be distributed at five Canadian Travel Shows, and while we wish we were able to attend ourselves, we are unable to due to our budgetary constraints.

From July 1, 2016 – June 30, 2017, we surveyed 895 people who came into our Visitor Center or stopped by the Market Square Kiosk. Out of the 288 international visitors, 27% were from Canada, who heard about Portsmouth primarily through word of mouth, travel guides, and the internet.

Public Relations

Hiring a public relations company helps to expand our reach into our target geographic areas (New York, Boston, drive markets) through connections to travel writers and press. We have had great success working with Martha Sullivan from Sullivan Communications to generate press, both in print and online, about our destination and many of the events and promotions that go on throughout the year. Public Relations reaches across geographic, psychographic, demographic, and niche markets through targeting specific media with message-appropriate stories.

Martha focused on raising awareness about our craft brewery scene, and specifically the Seacoast Brewery Map that was designed by The Chamber Collaborative, Fall and Spring Restaurant Weeks, and Shop Portsmouth Day - a one-day retail promotion we planned for the downtown shops in June. Additionally, her efforts resulted in many travel, tourism, and culinary feature stories.

Through Martha's strong connections in Boston and throughout New England, and her attendance at the NHDTTD sponsored press events in Montreal and New York City, we hosted many journalist FAMs and received some amazing press in FY2017.

Below is a small sampling of the press received during FY2017:



Yankee Magazine, Best Christmas Celebrations in New England

<https://newengland.com/today/travel/new-england/things-to-do/best-christmas-celebrations-new-england/>

Eater Maine: Restaurants worth driving to in Portsmouth, NH

<https://maine.eater.com/maps/best-restaurants-bars-portsmouth-new-hampshire>

USA Today, Best Small Town Food Scene

<https://www.thrillist.com/travel/nation/the-worlds-top-20-small-towns-according-to-the-dude-who-visited-every-country>

Thrillist, Best Small Towns to Visit, Portsmouth

<https://www.thrillist.com/travel/nation/the-worlds-top-20-small-towns-according-to-the-dude-who-visited-every-country>

Travel & Leisure, 5 Best Day Trips from Boston:

www.travelandleisure.com/trip-ideas/road-trips/best-day-trips-from-boston

Boston.com, 5 Things to Know About Living in Portsmouth, NH

<http://realestate.boston.com/buying/2016/03/19/5-things-to-know-about-living-in-portsmouth-new-hampshire/>

Fosters NH, Get Ready for Hit The Decks

<http://www.fosters.com/article/20160428/NEWS/160429365>

RadioBDC/The Boston Globe, Boston.com....Chef Matt Louis of Moxy & The Franklin Oyster House Visit In Studio to Talk About Restaurant Week Portsmouth & The Seacoast, Spring 2016

<http://www.bdcwire.com/restaurant-week-in-portsmouth/>

The Boston Herald Radio, Status Report....Chef Lee Frank of Anneke Jans is in the house talking about Restaurant Week Portsmouth & The Seacoast, Spring 2016

https://www.facebook.com/permalink.php?id=1672470462981400&story_fbid=1760651174163328

QUANTITATIVE RESEARCH

VISITOR CENTER SURVEYS

Methodology: Intercept surveys are administered throughout the year, but primarily April through October by Visitor Assistants at the Visitor Welcome Center and Market Square kiosk.

Goal: to obtain 1,000 usable surveys between July 1, 2016 to June 30, 2017.

Results: 895 surveys collected during that time period.

Visitor Geographics:

Of 895 total respondents:

656 (73%) from United States, down from 75% last year
228 (25%) from other countries, up from 24% last year
13 no responses

United States:

Visitors from 47 states and Washington DC stopped into the information center(s) while visiting Portsmouth during July 2016 through June 2017. The top states included:

STATE	# VISITORS	% OF TOTAL	% Change to Last Year
MA	96	15%	1%
NY	76	12%	4%
CT	56	9%	4%
NJ	40	6%	2%
NH	33	5%	-1%
PA	32	4%	0%
CA	30	4%	1%
FL	18	3%	0%
TX	20	3%	1%
RI	22	3%	1%
OH	23	3%	2%
MD	14	2%	-1%

All other states represented 1% or less of visitors. Of the 895 people who responded to frequency of visits, 69% were first time visitors, down 1% from FY2016, 23% said they were repeat visitors, and the remaining 8% did not indicate whether they were first time or repeat visitors. We saw a 4% increase in visitors from NY and CT compared to 2016, which tells us that our promotion at the New York and Connecticut travel shows has made an impact on visitors in those areas.

The international visitors and press who came into the Portsmouth Visitor Center or stopped by the information kiosk in Market Square were from the following countries. All other countries represented 1% or less of visitors.

COUNTRY	# VISITORS	% OF TOTAL	% Change to Last Year
Canada	63	27.00%	-3.50%
Germany	32	14.00%	0.37%
UK	21	9.00%	-8.57%
France	10	4.00%	0.89%
Italy	8	3.50%	1.25%
Switzerland	8	3.50%	1.25%
Australia	7	3.00%	-4.00%
Israel	6	2.60%	0.87%
Ireland	6	2.00%	0.00%
Netherlands	6	2.00%	-0.25%
Brazil	4	1.70%	0.32%
Japan	4	1.70%	0.32%

In addition, we saw visitors from Austria, Beijing, Belgium, Czech Republic, Denmark, India, New Zealand, Norway, Korea, Russia, Scotland, South Africa, Spain, and Taiwan.

Source of Visit

We tallied responses to the question “How did you hear about the Seacoast?” Some people did not answer the question, and others responded with more than one source.

FY2017 SOURCE	#	% of TOTAL
Friends / WOM	341	45%
Travel Guide	107	14%
Internet	100	13%
Other	75	10%
Previous Visit	44	6%
Highway Sign	33	4%
Magazine	20	3%
Here for an Event	12	2%
Business	9	1%
Harbor Guide	7	1%
Rest Area	6	1%
Former Resident	3	0%
Newspaper	3	0%
Current Resident	0	0%
TOTAL	760	100%

Compared to 2016:

FY2016 SOURCE	#	% of TOTAL
Friends / WOM	334	33%
Travel Guide	253	25%
Internet	150	15%
Highway Sign	84	8%
Other	52	5%
Previous Visit	44	4%
Current Resident	17	2%
Magazine	12	1%
Rest Area	12	1%
Here for an Event	12	1%
Former Resident	10	1%
Harbor Guide	9	1%
Newspaper	9	1%
Business	5	0%
TOTAL	1003	100%

Friends/word of mouth, travel guides, and internet searches continue to be the top three reasons people are traveling to Portsmouth & the Seacoast. Between repeat visitors (27%), former and current residents (3%), recommendations from friends and word of mouth (33%), 63% of our visitors are familiar with our destination from sources other than marketing outreach. We might interpret that the 8% who came because of our highway sign exited the highway to use the rest rooms or for directions, because they'd heard the name of Portsmouth and wanted to visit, or simply needed a break on their way to/from Maine, but regardless we should thank our Department of Transportation for the directional.

Primary Purpose of Visit

	2017	2016	2015	2014	2013
Entertainment/Vacation	31%	68%	76%	68%	74%
On the way to....	1%	9%	18%	8%	10%
Visiting Friends/Relatives	<1%	9%	10%	7%	4%
Other	1%	4%	3%	4%	4%
Event/Wedding	1%	5%	4%	3%	3%
Business	0%	2%	3%	3%	2%
Need Directions	<1%	3%	-	-	-

We did not receive a lot of data on our visitor's primary reasons for coming to the Seacoast as we have in years past. However, we can see that Entertainment/Vacation has a strong lead among the other categories. From this data we can conclude that most of our visitors who come to the Visitor Center and Kiosk are leisure travelers and coming here to vacation.

Activities Planned While Visiting

	2017	2016
Sightseeing	23%	27%
Dining	23%	18%
Shopping	14%	13%
Historic Sites/Museums	14%	13%
Strawbery Banke Museum	7%	8%
Cruises	9%	7%
Beaches and Parks	2%	4%
Walk/Bike/Kayak Tours	2%	3%
Theatre/Live Music	1%	2%

Lighthouses	2%	3%
Other	<1%	1%
Fairs/ Festivals	<1%	1%
Art Galleries	<1%	1%
TOTAL RESPONSES	2520	2368

The visitors that came into our Visitor Center selected the activities they had planned during their visit, many of them selected more than one choice. Sightseeing, dining, historic sites/museums, and shopping remain in the top four activities people have planned when they come to the Seacoast. Overall this data hasn't changed dramatically compared to the year before. Dining increased by 5%, which we can assume is because of our consistent culinary destination marketing, and shopping increased by 1.2%.

Number of Days Visiting the Seacoast

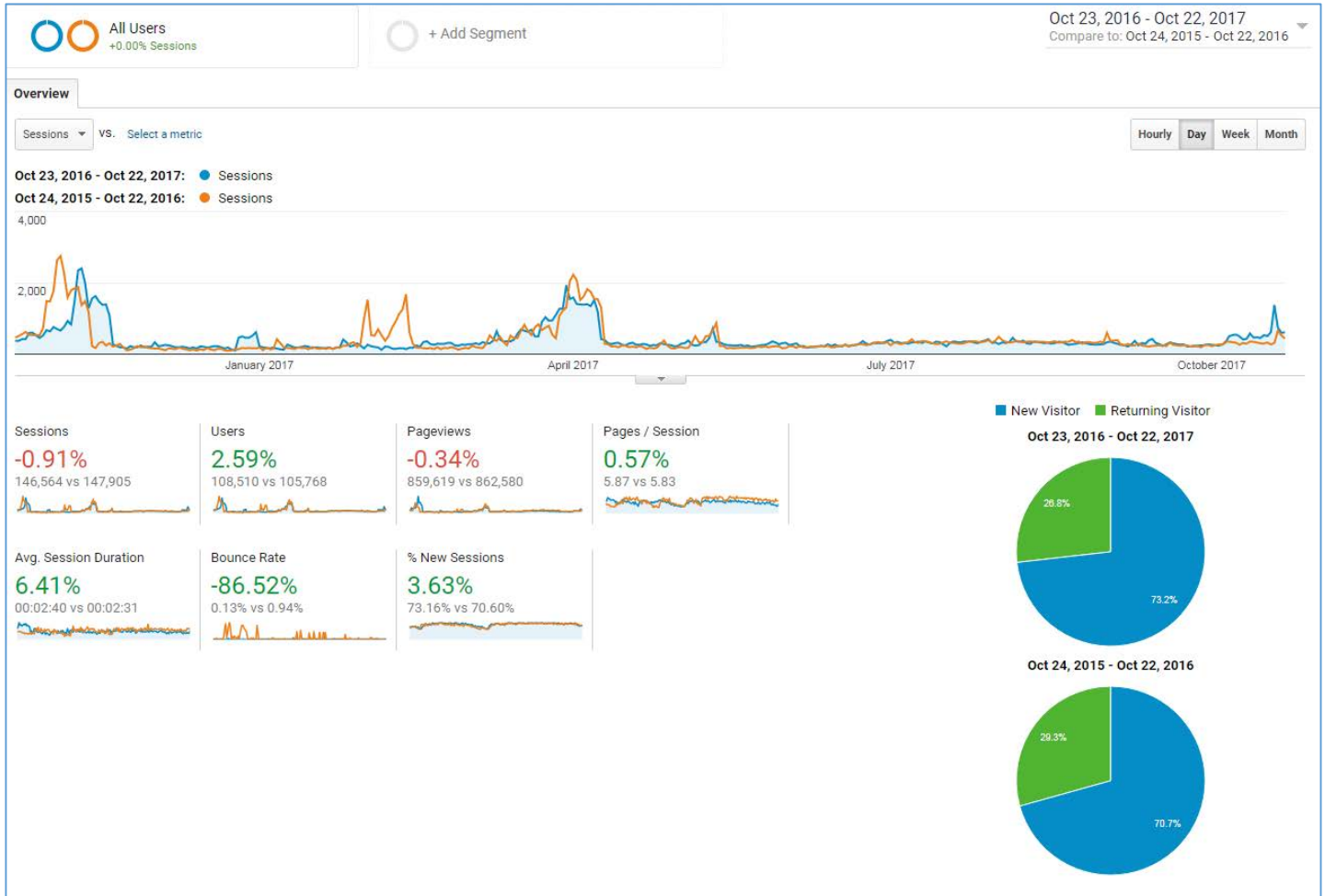
# DAYS	2017	2016	2015	2014	2013
<= One	69%	53%	59%	59%	58%
Two	25%	23%	21%	21%	16%
Three	6%	13%	12%	12%	15%
Four	0%	4%	3%	3%	4%
Five to Nine	0%	1%	4%	4%	7%
>= Ten	0%	2%	1%	1%	1%

While most of our visitors are day trippers, we are encouraged by the 2% increase in two-night stays.

GOOGLE ANALYTICS – October 2016 – October 2017
Traffic for GoPortsmouthNH.com

Analytics for the twelve month period ending October 22, 2017 show a slight decline (less than 1%) in overall sessions and page views. The graph tells us why: in 2016 we saw a significant bump in website traffic when we produced the Fire & Ice Festival, which was not produced in 2017.

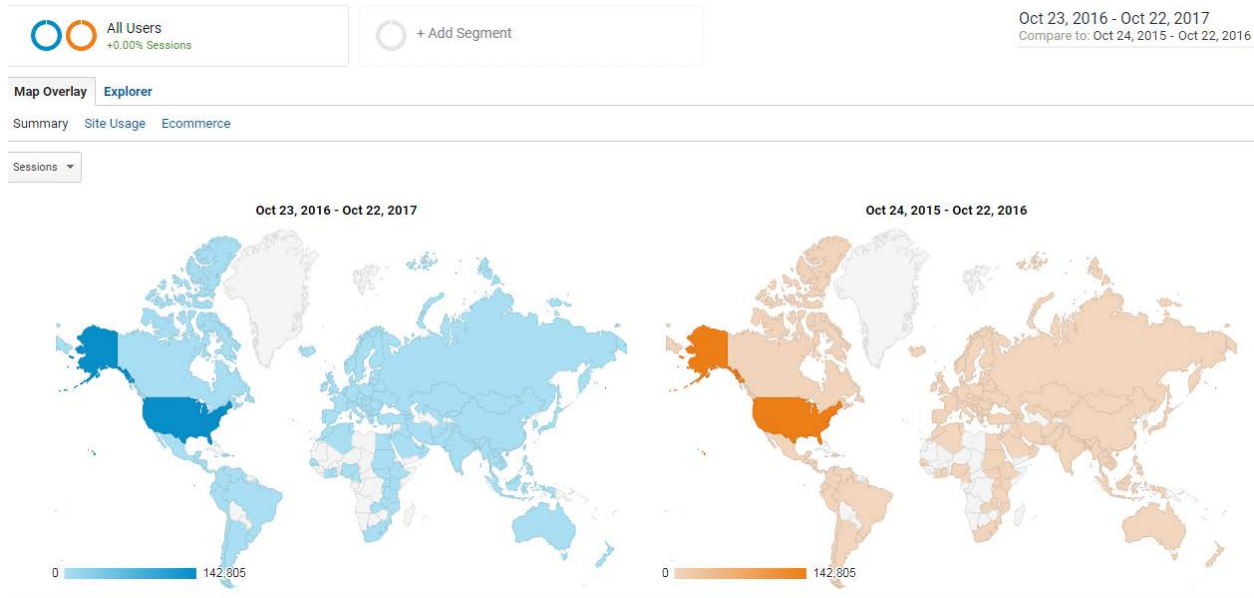
The good news is that the overall number of users and the number of new sessions is up. Visitors to our site are also viewing more pages and staying on the site longer.



With the work we are doing in conjunction with NH's Department of Travel & Tourism Development and Discover New England, we are increasing the number of website visitors from Canada (English and French speaking) and Great Britain.

Language ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	0.91% ↓ 146,564 vs 147,905	3.59% ↑ 73.19% vs 70.66%	2.65% ↑ 107,277 vs 104,508	86.52% ↑ 0.13% vs 0.94%	0.57% ↑ 5.87 vs 5.83	6.41% ↑ 00:02:40 vs 00:02:31
1. en-us						
Oct 23, 2016 - Oct 22, 2017	141,792 (96.74%)	72.73%	103,123 (96.13%)	0.08%	5.90	00:02:42
Oct 24, 2015 - Oct 22, 2016	143,100 (96.75%)	69.98%	100,137 (95.82%)	0.26%	5.85	00:02:32
% Change	-0.91%	3.93%	2.98%	-70.70%	0.89%	6.81%
2. en-gb						
Oct 23, 2016 - Oct 22, 2017	2,088 (1.42%)	93.87%	1,960 (1.83%)	0.10%	3.80	00:00:53
Oct 24, 2015 - Oct 22, 2016	1,107 (0.75%)	87.71%	971 (0.93%)	0.18%	6.30	00:02:06
% Change	88.62%	7.02%	101.85%	-46.98%	-39.76%	-58.21%
3. en-ca						
Oct 23, 2016 - Oct 22, 2017	445 (0.30%)	85.17%	379 (0.35%)	0.22%	6.19	00:02:23
Oct 24, 2015 - Oct 22, 2016	342 (0.23%)	91.52%	313 (0.30%)	0.29%	9.00	00:03:42
6. fr-ca						
Oct 23, 2016 - Oct 22, 2017	199 (0.14%)	89.95%	179 (0.17%)	0.00%	8.16	00:03:14
Oct 24, 2015 - Oct 22, 2016	174 (0.12%)	87.36%	152 (0.15%)	0.00%	10.33	00:04:29
% Change	14.37%	2.97%	17.76%	0.00%	-21.02%	-27.86%

What countries do our website visitors come from? Not surprisingly, most are from the United States, then Canada and the U.K. It appears the Russians are onto us also. We do not market there.



Country ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	0.91% ↓ 146,564 vs 147,905	3.59% ↑ 73.19% vs 70.66%	2.65% ↑ 107,277 vs 104,508	86.52% ↑ 0.13% vs 0.94%	0.57% ↑ 5.87 vs 5.83	6.41% ↑ 00:02:40 vs 00:02:31
1. 🇺🇸 United States						
Oct 23, 2016 - Oct 22, 2017	140,903 (96.14%)	72.57%	102,260 (95.32%)	0.08%	5.90	00:02:42
Oct 24, 2015 - Oct 22, 2016	142,805 (96.55%)	69.99%	99,943 (95.63%)	0.40%	5.82	00:02:31
% Change	-1.33%	3.70%	2.32%	-80.55%	1.36%	7.48%
2. 🇨🇦 Canada						
Oct 23, 2016 - Oct 22, 2017	1,440 (0.98%)	88.68%	1,277 (1.19%)	0.14%	7.02	00:02:32
Oct 24, 2015 - Oct 22, 2016	1,209 (0.82%)	89.50%	1,082 (1.04%)	1.57%	9.44	00:03:27
% Change	19.11%	-0.91%	18.02%	-91.16%	-25.67%	-26.75%
3. 🇬🇧 United Kingdom						
Oct 23, 2016 - Oct 22, 2017	1,095 (0.75%)	94.34%	1,033 (0.96%)	0.27%	4.49	00:01:18
Oct 24, 2015 - Oct 22, 2016	1,072 (0.72%)	93.94%	1,007 (0.96%)	17.63%	5.20	00:01:34
% Change	2.15%	0.43%	2.58%	-98.45%	-13.54%	-16.93%
5. 🇷🇺 Russia						
Oct 23, 2016 - Oct 22, 2017	226 (0.15%)	38.94%	88 (0.08%)	3.54%	2.11	00:03:17
Oct 24, 2015 - Oct 22, 2016	148 (0.10%)	56.76%	84 (0.08%)	44.59%	1.80	00:00:16
% Change	52.70%	-31.39%	4.76%	-92.06%	17.19%	1,161.08%

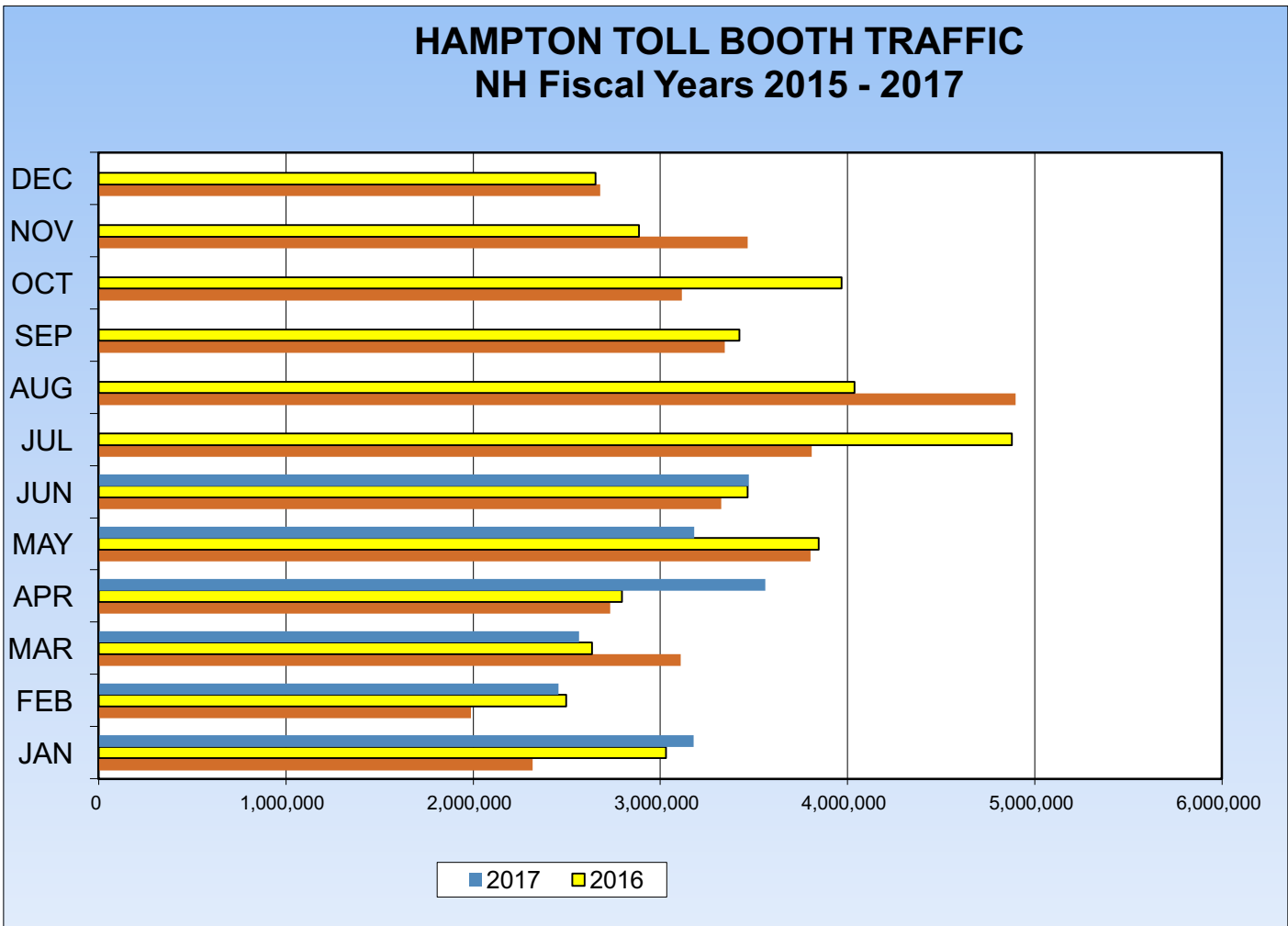
Most of our marketing and advertising is done in our drive markets, and most of that advertising is done in New Hampshire, northern Massachusetts, and southern Maine for Restaurant Weeks. Traffic from NJ follows CT with 1.36%, RI with 1.17%, PA with 1.09%, and Florida with 1.08%. CA falls below the 1% mark at 0.92%.

Region ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	1.33% ↓ 140,903 vs 142,805	3.70% ↑ 72.57% vs 69.99%	2.32% ↑ 102,260 vs 99,943	80.55% ↑ 0.08% vs 0.40%	1.36% ↑ 5.90 vs 5.82	7.48% ↑ 00:02:42 vs 00:02:31
1. New Hampshire						
Oct 23, 2016 - Oct 22, 2017	58,435 (41.47%)	64.60%	37,751 (36.92%)	0.04%	5.36	00:02:50
Oct 24, 2015 - Oct 22, 2016	60,605 (42.44%)	61.56%	37,310 (37.33%)	0.08%	4.55	00:02:20
% Change	-3.58%	4.94%	1.18%	-48.14%	17.98%	21.12%
2. Massachusetts						
Oct 23, 2016 - Oct 22, 2017	36,725 (26.06%)	75.72%	27,808 (27.19%)	0.09%	5.80	00:02:28
Oct 24, 2015 - Oct 22, 2016	36,792 (25.76%)	74.29%	27,333 (27.35%)	0.39%	6.00	00:02:23
% Change	-0.18%	1.92%	1.74%	-77.74%	-3.22%	3.61%
3. New York						
Oct 23, 2016 - Oct 22, 2017	11,599 (8.23%)	76.42%	8,864 (8.67%)	0.09%	5.65	00:02:21
Oct 24, 2015 - Oct 22, 2016	11,495 (8.05%)	73.36%	8,433 (8.44%)	0.69%	6.52	00:02:33
% Change	0.90%	4.17%	5.11%	-87.46%	-13.27%	-8.20%
4. Maine						
Oct 23, 2016 - Oct 22, 2017	8,997 (6.39%)	73.11%	6,578 (6.43%)	0.08%	6.02	00:02:53
Oct 24, 2015 - Oct 22, 2016	7,129 (4.99%)	70.78%	5,046 (5.05%)	0.11%	5.93	00:02:47
% Change	26.20%	3.29%	30.36%	-30.67%	1.52%	3.27%
5. Connecticut						
Oct 23, 2016 - Oct 22, 2017	4,876 (3.46%)	82.26%	4,011 (3.92%)	0.02%	7.96	00:03:04
Oct 24, 2015 - Oct 22, 2016	4,535 (3.18%)	81.01%	3,674 (3.68%)	0.18%	9.22	00:03:24
% Change	7.52%	1.54%	9.17%	-88.37%	-13.66%	-9.73%

Continuing the trend away from desktops and tablets, our mobile traffic has increased by almost 10%. The upgrade to responsive design for our website clearly had significant impact.

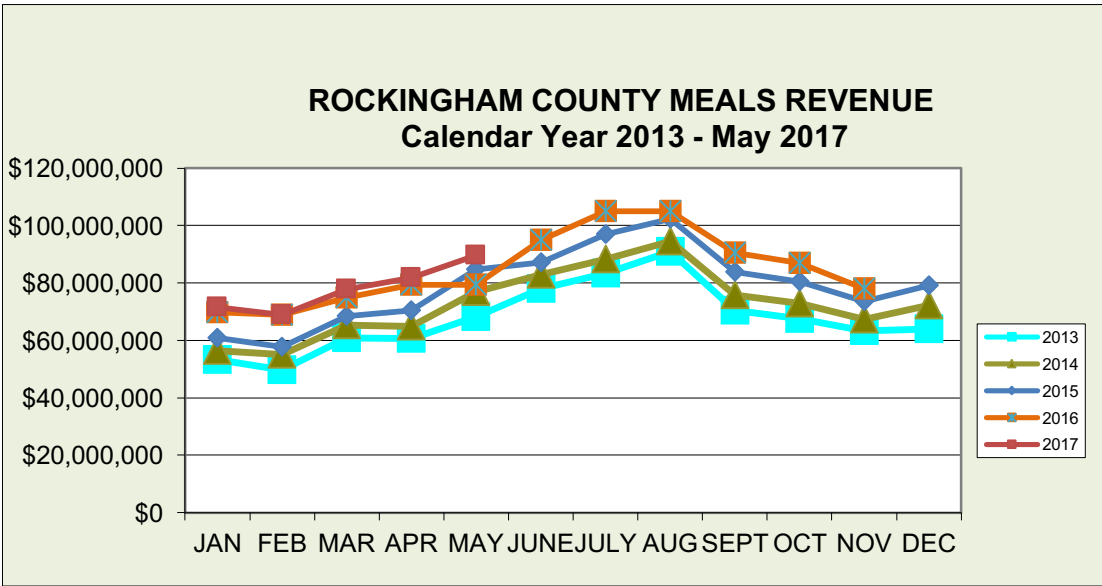
Device Category ?	Acquisition			Behavior		
	Sessions ? ↓	% New Sessions ?	New Users ?	Bounce Rate ?	Pages / Session ?	Avg. Session Duration ?
	0.91% ↓ 146,564 vs 147,905	3.59% ↑ 73.19% vs 70.66%	2.65% ↑ 107,277 vs 104,508	86.52% ↑ 0.13% vs 0.94%	0.57% ↑ 5.87 vs 5.83	6.41% ↑ 00:02:40 vs 00:02:31
1. mobile						
Oct 23, 2016 - Oct 22, 2017	65,484 (44.68%)	72.43%	47,427 (44.21%)	0.10%	4.15	00:01:48
Oct 24, 2015 - Oct 22, 2016	59,649 (40.33%)	69.08%	41,204 (39.43%)	0.41%	4.33	00:01:43
% Change	9.78%	4.85%	15.10%	-75.83%	-4.13%	4.75%
2. desktop						
Oct 23, 2016 - Oct 22, 2017	63,512 (43.33%)	74.91%	47,576 (44.35%)	0.17%	7.50	00:03:26
Oct 24, 2015 - Oct 22, 2016	67,465 (45.61%)	73.41%	49,528 (47.39%)	1.66%	6.83	00:03:00
% Change	-5.86%	2.04%	-3.94%	-89.67%	9.71%	14.60%
3. tablet						
Oct 23, 2016 - Oct 22, 2017	17,568 (11.99%)	69.87%	12,274 (11.44%)	0.07%	6.35	00:03:11
Oct 24, 2015 - Oct 22, 2016	20,791 (14.06%)	66.26%	13,776 (13.18%)	0.13%	6.89	00:03:13
% Change	-15.50%	5.44%	-10.90%	-45.38%	-7.84%	-1.16%

HAMPTON TOLL BOOTH TRAFFIC



NH State Fiscal Year 2017 saw an overall increase of traffic coming through the Hampton toll booths of 2%, with 25,203,474 vehicles coming through at Hampton Main and 15,044,361 passing through at Hampton Side. We continue to question whether these toll numbers are useful for determining traffic into Portsmouth. Much of the Hampton Side traffic is from commuters accessing Route 101. The increase in toll traffic through Hampton Main, though might be indicative of increased visitation to Portsmouth, it is more likely that Maine's increased promotions south of us are working to draw people into Maine.

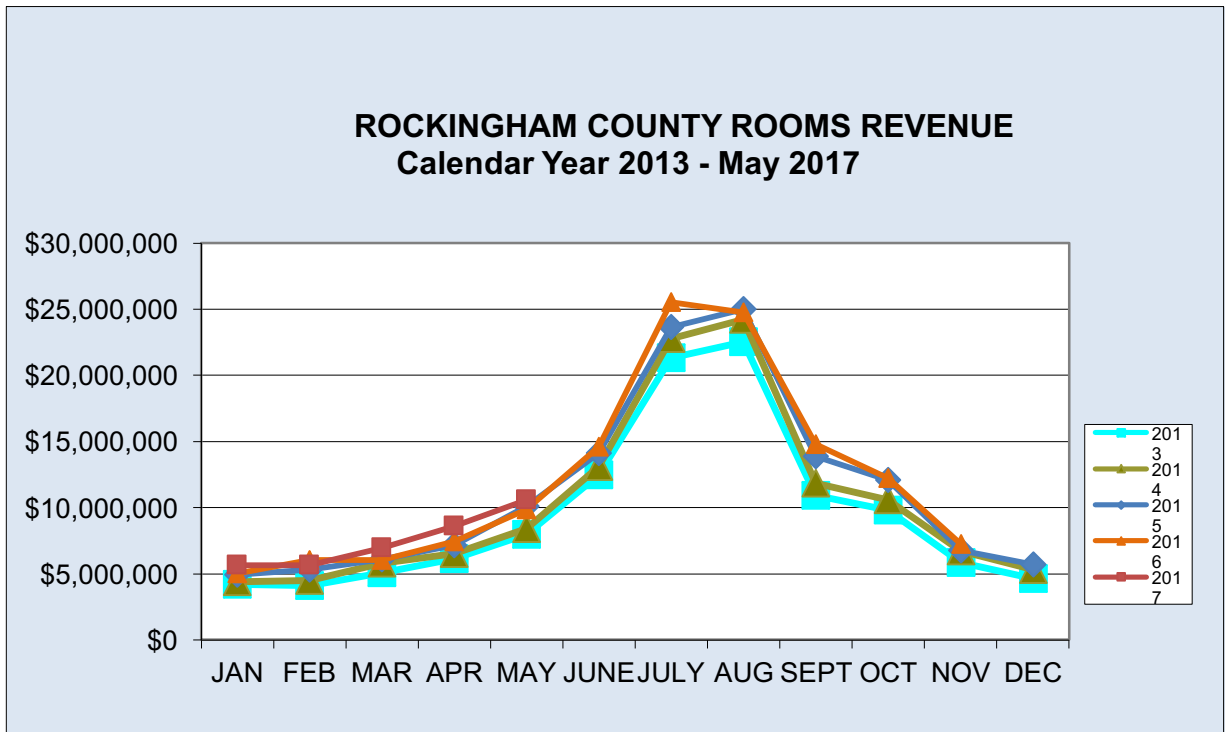
ROOMS & MEALS TAX REVENUE, ROCKINGHAM COUNTY VS. STATE



Rockingham County has generated 34% of meals revenue in the State for FY2017, for the eleven months through May 2017, at \$937,648,268. That revenue generated \$82,981,872 in tax revenue to the State.

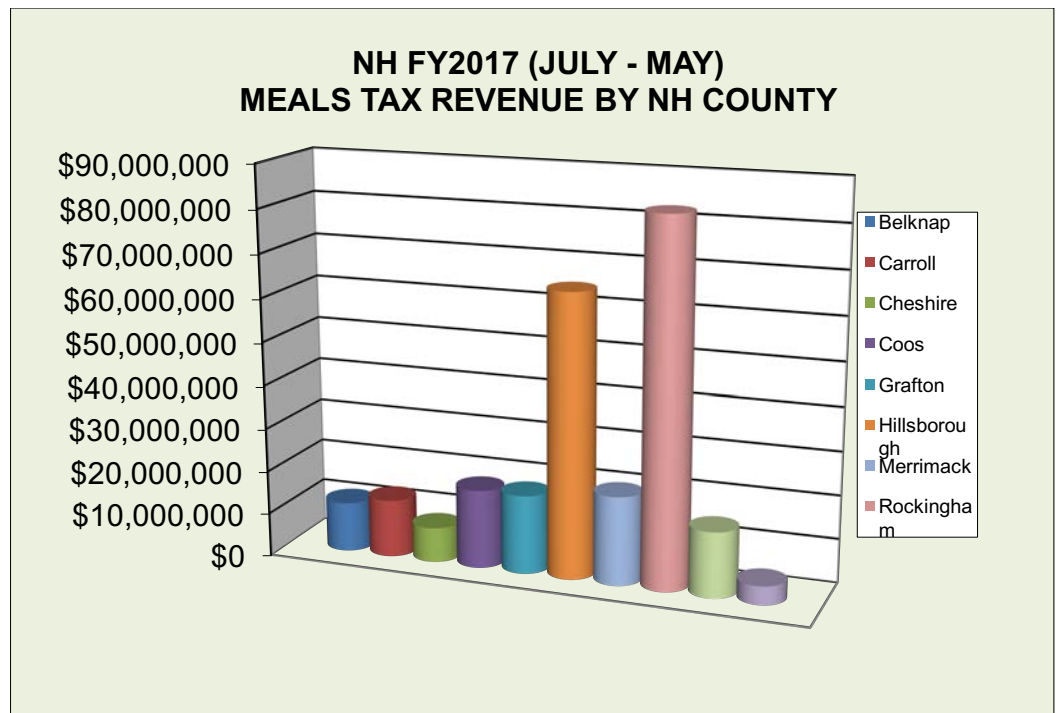
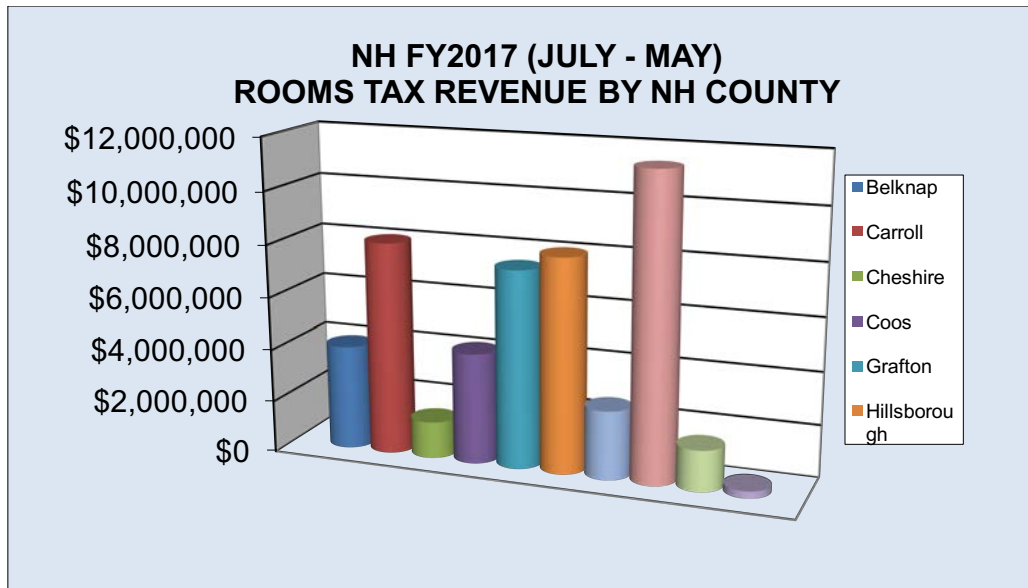
The next highest county is Hillsborough at 27%, then all other counties contribute between 2% and 8% each.

During the same time period, Rockingham generated \$128,240,509 of rooms revenue, sending \$11,451,877 to the State in rooms tax revenue. Rockingham generates 23% of all rooms tax revenue in the State, with Hillsborough at 17%, Carroll at 16%, Grafton at 15%, and all other counties ranging from 1% to 9%.



While there is no way for us to know how much Portsmouth has contributed to those totals, we can extrapolate that Portsmouth contributes between \$30M and \$40M of the rooms and meals tax revenue.

Clearly the Seacoast's reputation as a culinary destination is a significant contributor to these numbers. The quality of the culinary product combined with the significant and continuous outreach marketing and PR conducted by GPCC are contributing factors to the Seacoast's success as a culinary destination.

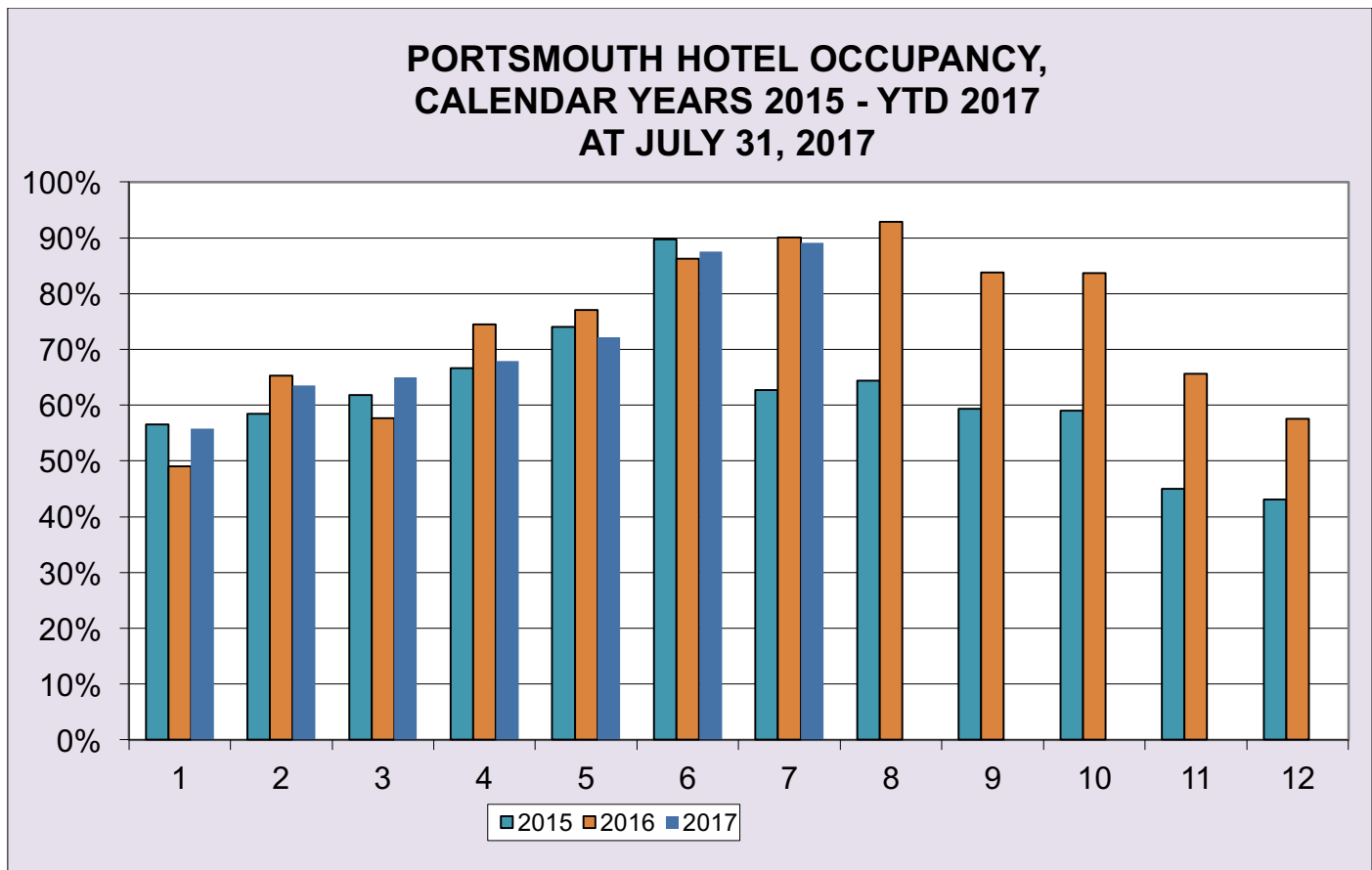


LODGING OCCUPANCY

Properties owned and/or managed by brands in Portsmouth are reluctant to provide occupancy figures to the Chamber, and those rooms represent 81% of the total rooms available in the Portsmouth area.

Anecdotally, we know that most of our downtown hotels are running over 80% occupancy from April through October, with June through September hovering in the mid to high nineties. We also know

that those who cater to business, weddings, and conferences are seeing a rise in occupancy and ADR. Those who supply long term housing for the Portsmouth Naval Base and the Base’s visitors have a solid and consistently high occupancy rate. The outlook from all properties is positive, with ADR and RevPAR gaining percentage points through the shoulder season months.



CONVERSION STUDY

We created a conversion survey to understand what sources influenced visitors’ decisions to visit Portsmouth and the Seacoast, how they requested information about our destination, how influential our marketing and advertising was, whether or not they visited us, and if they did visit us, for how long and where they stayed, among other things.

We sent the survey to 500 people who requested information from our Visitor Center during the past year. We received 58 responses from visitors primarily located in CT, NJ, MA, NH, NY, and PA, with 5% or fewer responding from MI, CA, IN, GA, ME, OH, OR, FL, TN, IL, and in Canada and the UK. While we did not reach the desired goal of 200-300 usable surveys, we did hit the desired goal of a 10% response rate.

The results of the survey tell us that the marketing and advertising we do has been successful in generating awareness about Portsmouth & the Seacoast. Over 55% of people said that our Map and Harbor Guide helped them evaluate Portsmouth & the Seacoast as a possible travel destination. Nearly 45% of respondents said they have previously visited Portsmouth, and 34% considered traveling here through word of mouth, which tells us that we are a familiar and recommended destination.

The survey also tells us that our print and web-based advertising, as well as general destination promotion, has been successful. Approximately 59% of respondents said our advertising and promotional material reinforced their feelings about deciding to visit Portsmouth & the Seacoast. The remaining 39% indicated they had already decided to visit Portsmouth prior to requesting information so our promotional material did not have an impact on their decision to visit, but hopefully had an influence on what they intended to experience while here.

Among the 58 people who responded, nearly 69% said they visited Portsmouth & the Seacoast during the past year, 46% of which were repeat visits. Fifty percent of these visits involved an overnight stay. We believe these numbers are strong, and expect to see our number of multi-day visits increase. All 58 respondents said they would consider Portsmouth & the Seacoast for a future visit.

SMALL BUSINESS DEVELOPMENT INITIATIVES

New Brand Launched at 100th Anniversary

In June of 2017 the Greater Portsmouth Chamber of Commerce became The Chamber Collaborative of Greater Portsmouth while celebrating its 100th Anniversary of serving the area. The new branding was implemented after months of community research and dialogue led by a steering committee comprised of both members and partners.



The new branding is the first step in a transformation that the organization will go through over the next year to better serve the business community with relevant programs and meaningful communication.

New Programs Announced for Fall of 2017

Exec's Lunch Circle

This networking group is for the decision makers within your company to come together and connect with their peers in the community for lunch, once a month. Hosted by Tuscan Kitchen, this group will be exclusive to business owners or local company leaders that want to connect and learn from one another at a higher level. The first meeting of this group took place on October 24th.

Greater Portsmouth Manufacturers Roundtable

The challenges facing the manufacturing community locally are complex and unique. This quarterly meeting of local manufacturing leadership will bring community partners such as the City of Portsmouth, Great Bay Community College, University of New Hampshire, the State of New Hampshire, and The Chamber Collaborative together with local manufacturing leadership to address key issues facing this critical industry. The Manufacturers Executive Roundtable will hold its first meeting on November 17th.

Seacoast Business Book Club

This isn't your mother's book club. Take your skills to the next level with this monthly book club designed to enhance your leadership, communication, and sales skills. The group is being organized in partnership with Catapult Seacoast and will connect at Book & Bar on the 3rd Wednesday of each month at 5:30 to discuss the latest read.

Trend Talks

A partnership between Leadership Seacoast and The Chamber Collaborative, these breakfast sessions will be discussions on the data in Leadership Seacoast's core topic areas including: Justice, Education, Arts / Culture, Economic Development, Government, Health and Human Services, and Environment. These discussions are open to Leadership Seacoast Students and Alumni, along with Chamber Collaborative members.

#10 to Watch Speaks

Hear from the recipients of Catapult Seacoast's #10 to Watch award recipients in this speaker series at this casual bi-monthly networking session held at Profile Coffee Bar on Portwalk Place. The #10 to Watch Speaks is a joint venture between Catapult Seacoast and The Chamber Collaborative.

Pathways for Portsmouth Future

The Chamber Collaborative will be partnering with the Portsmouth school system to introduce middle school through high school age students to business and career pathways through immersion opportunities for internships and mentoring. These Experiential Learning Opportunities (ELO) will allow the students to gain credit for school competencies through hands on application of theories and subject matter. The goal for our businesses is to engage students early, increasing the chances that they will ultimately become employees.

Opportunities for Businesses to Connect

Eighty percent of the Greater Portsmouth Chamber of Commerce membership is comprised of small businesses with less than twenty people. It is the Chamber's goal to contribute to the success of all member businesses, particularly the small business community that is the foundation of our local economy.

Breakfast Forum Series - 40 – 60 attendees each session

- 3/29/17 State of the State with Governor Sununu
- 4/18/17 University System of New Hampshire Workforce Development
- 5/3/17 State of the City with Mayor Jack Blalock and City Manager John Bokenko
- 10/12/17 The Arts Make Money?!
- 11/8/17 Partnerships for Community Impact



Business Development Series - 25 – 35 attendees per session

- 2/14/17 Motivating Your Team in 2017
- 4/4/17 Boosting Your Brand and Advertising on Social Media
- 9/26/17 Best Employment Practices for Millennials
- 10/25/17 Cool Corporate Cultures for Retaining Employees
- 11/15/17 Power of the Intern
- 12/5/17 Instagram for Your Business?

Power Biz Hour - 20 - 25 attendees per session

- 2/8/17 Building YOUR Brand on Social Media
- 3/8/17 Marketing Professional Help on a DIY Budget
- 5/11/17 The Power of You in Your Brand
- 9/6/18 Hot Trends in Marketing
- 10/4/17 Video Content For Your Brand
- 11/2/17 Digital Reputation Management

Business After Hours – Networking Event - 150 – 250 attendees per session

- 1/26/17 Holiday Inn
- 2/23/17 ConvenientMD
- 3/23/17 Global Technical Talent
- 4/27/17 3S Artspace & Block Six
- 5/25/17 Bank of New Hampshire at Hampton Inn and Suites Downtown
- 6/22/17 Portsmouth Gas Light Co.
- 7/27/17 Tuscan Kitchen & Market
- 8/24/17 The Garrison Hotel with Dover Chamber of Commerce
- 10/5/17 Grill 28 with Tenants Association at Pease
- 10/26/17 Bangor Savings Bank & Cooperative Venture Workspace



Morning Mixer Networking Event - 20 – 25 attendees per session

- First Friday of the month



SUMMARY

In closing, we would like to express our appreciation for the support and partnering opportunities available to us through the City of Portsmouth, without which our tourism marketing efforts would be severely limited. Thank you!

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

DATE: November 15, 2017

TO: Honorable Mayor Jack Blalock and City Council Members

FROM: Everett Eaton, EDC Chair

RE: **Business Retention and Expansion Project Report**

In 2016 the City of Portsmouth Economic Development Commission (EDC) entered into a partnership with the University of New Hampshire's Cooperative Extension to undertake a Business Retention and Expansion (BR&E) Visitation Project. This data-driven economic development program was developed and designed to engage randomly selected local for-profit and non-profit businesses for an in-depth inventory of the current economic climate through face to face visits with business owners/executives. The main objectives of the BR&E Program were:

1. Demonstrate community appreciation & gain better understanding of local business
2. Address short and long-term business needs to grow & compete globally
3. Build strategies and capacity to sustain growth and development

During the first eighteen months of the project, 85 Portsmouth-based business volunteers were recruited and trained to interview 71 businesses and identify their needs and concerns about the City's current economic climate. The survey data was analyzed by officials working alongside the EDC's Leadership Team. Primary findings from the survey include:

1. Companies value Portsmouth as a place to conduct business
2. Local quality of life (education, arts, culture, recreation, historic character) rank as highest retention factors

3. Majority of businesses surveyed have undergone growth in past 3 years and anticipate expansion in the near term.
4. Primary challenges include:
 - a. Attracting workforce with appropriate skillsets
 - b. Housing costs
 - c. Land/rent costs, taxes, utilities
 - d. Parking availability in downtown

Unexpected survey findings include:

- a. 71% surveyed started in City, 81% are locally owned
- b. Almost 50% of respondents have expansion plans and most anticipate expanding operations in Portsmouth.
- c. Roughly half have a business plan & a succession plan & some would seek assistance in developing these
- d. Around half of all businesses surveyed could focus on exporting, but don't
- e. Availability and speed of broadband is not issue, but cost of high –speed is for some
- f. There is lack of awareness and use of available resources to assist businesses

The EDC is currently in the process of rolling out the report to the businesses surveyed, project volunteers, stakeholders and resource organizations. It is also working on developing economic strategies in relative to the survey responses. There is much more information in the final report, which includes an Executive Summary which is attached and will be posted on the City's website early next week.

CC: Acting City Manager Nancy Colbert Puff



Extension
Community & Economic
Development

Portsmouth, NH

Business Retention and Expansion Program

University of New Hampshire
Cooperative Extension

Final Report
October 2017

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About the Business Retention & Expansion Program

A healthy local economy and an improved business climate are the goals of the Business Retention and Expansion (BR&E) Visitation program. The program promotes job growth by helping communities identify the concerns and barriers to survival and growth facing local businesses. This approach focuses on existing businesses. Studies show that 40% to 80% of all new jobs are created by existing firms rather than by new business attraction. Furthermore, business attraction efforts are less likely to be successful if existing businesses are unhappy with the local business climate. This report includes an overall summary, notes from the UNH faculty review, and survey results.

Leadership Team

Overall Coordinator

Nancy Carmer, Economic Development Manager

Business Resource Coordinator

Bob Marchewka, Josh Cyr and Phil Cohen

Media Coordinator

Brenna Woodman, Public Outreach Coordinator

Milestone Coordinator

Ron Zolla

Visitation Coordinator

Jennifer Zorn

Taskforce Member, Business

Elizabeth Callahan, Long Term Care Partners

Karen Marzloff, Seacoast Local

Marion Cheney, Realtor

Valerie Rochon, GPCC

Andy Ward, Colliers International

Maxine Kenny, Colliers International

Will Arvelo, Pres. GBCC

Michael Fischer, Associate VP of Student Affairs, GBCC

Alan Gold, PACA, Art-Speak

Larry Yerdon, Strawberry Banke

Lin Tamulonis, REDC

Warren Daniel, SBDC

Russ Grazier, PMAC

Monte Bohanan, Music Hall

Robin Comstock, Workforce Housing

Catalina Celentano, Eversource

Grant Sanborn, Marketing Prof

Jen Wheeler, Leadership Seacoast

George Venci, George Venci, Esq

Tony Delyani, McLane Law

Charlotte Hubbard, SIS Bank

Carla Goodknight, CJ Architects

Dan Harris, Market St. Talent

Josh Cyr, AlphaLoft

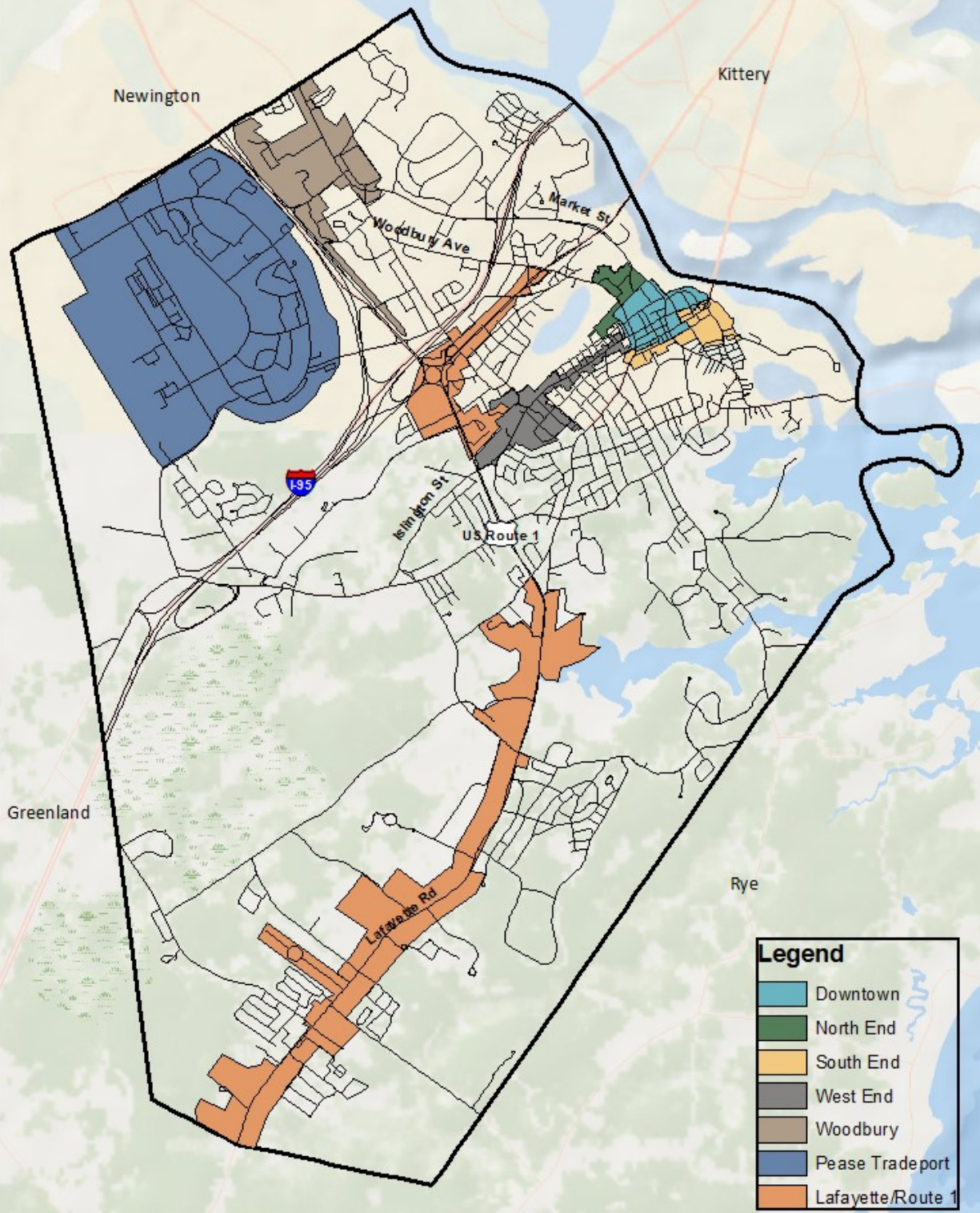
Gregg Mikolaites, Tighe and Bond

Tom Holbrook, Riverrun Books

Phil Cohen, Catapult

City of Portsmouth Business Areas

(as defined by Portsmouth Business Retention and Expansion Leadership Team)



Map prepared by UNH Cooperative Extension for the Business Retention and Expansion program.

Date: 8/8/2017

Esri, DeLorme, GEBCO, NOAA NGDC, and other contributors

Summary

UNH Cooperative Extension has seen the Business Retention and Expansion Program have different outcomes in different communities. This is largely based on the type of community and the level at which they are carrying out economic development activities. In many smaller communities, the outcome is learning about the needs of local businesses, which is often new information to community leaders. Portsmouth has many components to its economic development program and has a relationship with its business base. Therefore, the survey did not yield dramatically new information but serves to document some of the business retention and expansion issues in the community. The survey has served to make a formal contact with businesses and can be seen as a start in relationship building with individual business owners. Portsmouth successfully implemented a model for managing the “red flag” issues of the businesses. The Economic Development manager reviewed each survey and if there was an immediate concern or need stated from a business, the staff worked to address the issue and contact the business. This is a best practice for business retention, as businesses desire a municipal contact when needed.

In general, the businesses surveyed tend to be locally owned and operating in Portsmouth for some time. They are happy with their location and place a high value on the arts and culture; historical assets; K-12 education and the city as a place to live. There is concern about parking and the high cost of housing. Challenges include recruiting and training employees.

To Consider

Housing Affordability: Housing is a critical component to economic development. Housing is a factor in employee recruitment and has implications on the transportation system. Younger employees entering the job market are looking for transportation options such as biking to work and short commute times.

Planning, Zoning, Regulations: There is support for planning efforts in the city. At the same time, there is a perception that there is a lack of flexibility of zoning and regulations. Identify some simple ways to make zoning and permitting regulations more flexible or streamlined. Just one or two minor changes can signal to the business community that the city really wants to accommodate and support local businesses and see them thrive.

Quality of Life: The businesses surveyed appreciate the high quality of life – arts, culture, education, history, recreation etc. It is important to consider how to maintain or strengthen the quality of life. The committee could consider how the quality of life can be used for employee recruitment. Also important is the link between the business community and the arts, culture, education and recreation communities – can new partnerships be forged for the benefit of all?

Community Vibrancy: Community vibrancy is valued. Areas of Portsmouth are interesting and alive with people and activities. This is strong in the downtown district but less so in other areas—especially Pease. The committee could consider how to enhance other areas by expanding arts, culture, history and recreation to other areas – not just how to bring people into downtown but how to bring some of downtown to the other areas. Consider expanding these efforts with food, music, entertainment in the public – or even private – spaces in the other commercial areas.

Recreation: Recreation is an important component to quality of life. The recreation opportunities in the different commercial districts could be considered and possibly expanded and connected. Trails, bike and walking paths should be considered assets for employee recruitment and retention in addition to creating vibrancy in a community. Imagine all districts have recreational opportunities and even options to walk and bike between.

Higher Education: Employee recruitment can be a challenge. The committee could consider how the city is linked with the university system and consider new partnerships with University of New Hampshire and/or other colleges to recruit employees and interns. This can also be considered for employee training. Identifying and understanding training resources at existing educational institutions could lead to more formal training programs or options. This should be explored.

Exporting: The committee could explore further the exporting opportunities for businesses and establish a connection with the International Trade Resource Center.

Succession Planning: Succession planning is important to retaining businesses over time. 34% of survey respondents indicate they do not have a succession plan. The committee could identify sources for succession planning to ensure Portsmouth businesses remain in operation.

What's Next

More Information: It is important to consider what other information may be needed. The survey gives an overview of the businesses surveyed but more in depth information may be beneficial. The committee should consider if more data or study is needed.

Additional Businesses: The committee should consider what effort, if any, it should take to reach more businesses and how to manage the information when gathered.

Continue relationship with those surveyed: Relationship building is key to business retention and expansion. The survey is a step in building a relationship with Portsmouth businesses and the committee should consider how to build on this. Continued communication is important. With such a large number of businesses in distinct areas, the committee might consider annual visits to districts or by type of business. This can be done with staff and volunteers. Also, consider that businesses value connection with one another and could play a part in an on-going visitation program.

Businesses who may expand: The businesses who are considering expanding have been contacted by city staff to ensure that their needs are met so the expansion is successful for the business and the city. Continued contact is encouraged.

Engaging with the larger community: The committee should consider how to share these survey results and its business retention and expansion efforts with the larger community. This can be done through presentations, communications and community discussions.

Link between Recreation Opportunities and Employee/Owner Quality of Life: Quality of life, recreation and community vibrancy are important to business owners and employees. Portsmouth has much to offer. Continue to work to support and enhance efforts in these areas. Consider the importance of recreation to employees — for pre/post work and lunch hour activities — and investigate making these connections more available. This may mean actual physical connections such as a direct route to walk, run or bike to natural areas or may mean promoting the areas to employees so they are aware.

Faculty Review: Highlights and Recommendations

A component of the Business Retention and Expansion Program is the Faculty Review meeting. The meeting was held on April 6, 2017 with representatives from the Portsmouth Business Retention and Expansion Task Force located in Portsmouth City Hall and connected with the UNH faculty through Zoom Video Conferencing. The faculty shared their thoughts on the survey data and the implications for business retention and expansion. The Portsmouth Business Retention and Expansion Task Force had an opportunity to share their responses and questions.

The faculty included John Halstead, Professor of Community and Environmental Economics: Department of Natural Resources and the Environment, Nate Trauntvein, Professor of Recreation, Parks and Tourism Management: Department of Recreation Management and Policy, Shannon Rogers, Professor of Environmental Economics: Plymouth State University (via Zoom).

Portsmouth as a Business Location

- There are a large number of employers that have been around for a long time (even more reason to focus on business retention and expansion).
- 81% of businesses are locally owned, which suggests that there is more opportunity for recirculation of local dollars. Businesses are expanding to other locations due to space/building space limitations. Can available space in Pease be leveraged, or perhaps better use of existing space (or shared space?). Portsmouth could consider strategies for addressing building/space constraints (e.g. co-space, dynamic space, targeting areas for expansion, system for matching businesses with lands/buildings, etc.)
- The quality of life in Portsmouth – education, arts, culture, and historic character – is highly valued by the businesses. The challenge is to keep them in Portsmouth. Parking and the high cost of housing are often cited as challenges.
- Businesses clearly want to stay and grow in Portsmouth. As such, building a pipeline between civic and municipal leaders and area businesses is critical. Sometimes businesses just need to know that someone cares and is paying attention. It is the small things that often influence a business to stay, even if they have opportunities to move to a location with cheaper rent, available land, building, etc.
- On one hand, there is support for planning efforts in the city. At the same time, there is a perception that there is a lack of flexibility of zoning and regulations. Identify some simple ways to make zoning and permitting regulations more flexible or streamlined. Just one or two minor changes can signal to the business community that the city really wants to accommodate and support local businesses and see them thrive.
- High commercial rent and land availability are big challenges for business expansion in the downtown core, less so in the Pease district.
- Young adults entering the workforce are looking for a high quality of life and they value recreation, biking, walking, arts, culture and community vibrancy. All business districts in the city should consider these factors. Renewed emphasis on enhancing quality of life, which includes things such as access to amenities, social places, pedestrian-friendly infrastructure, etc., should be considered. The Pease business area could particularly benefit from this emphasis. Expanded recreation at Pease could be beneficial. It is what makes Portsmouth attractive to businesses (in spite of high rents and lack of space).

- Portsmouth has a great atmosphere for shopping across many districts/neighborhoods and a positive view by the community. Capitalize on this perception.

Employees

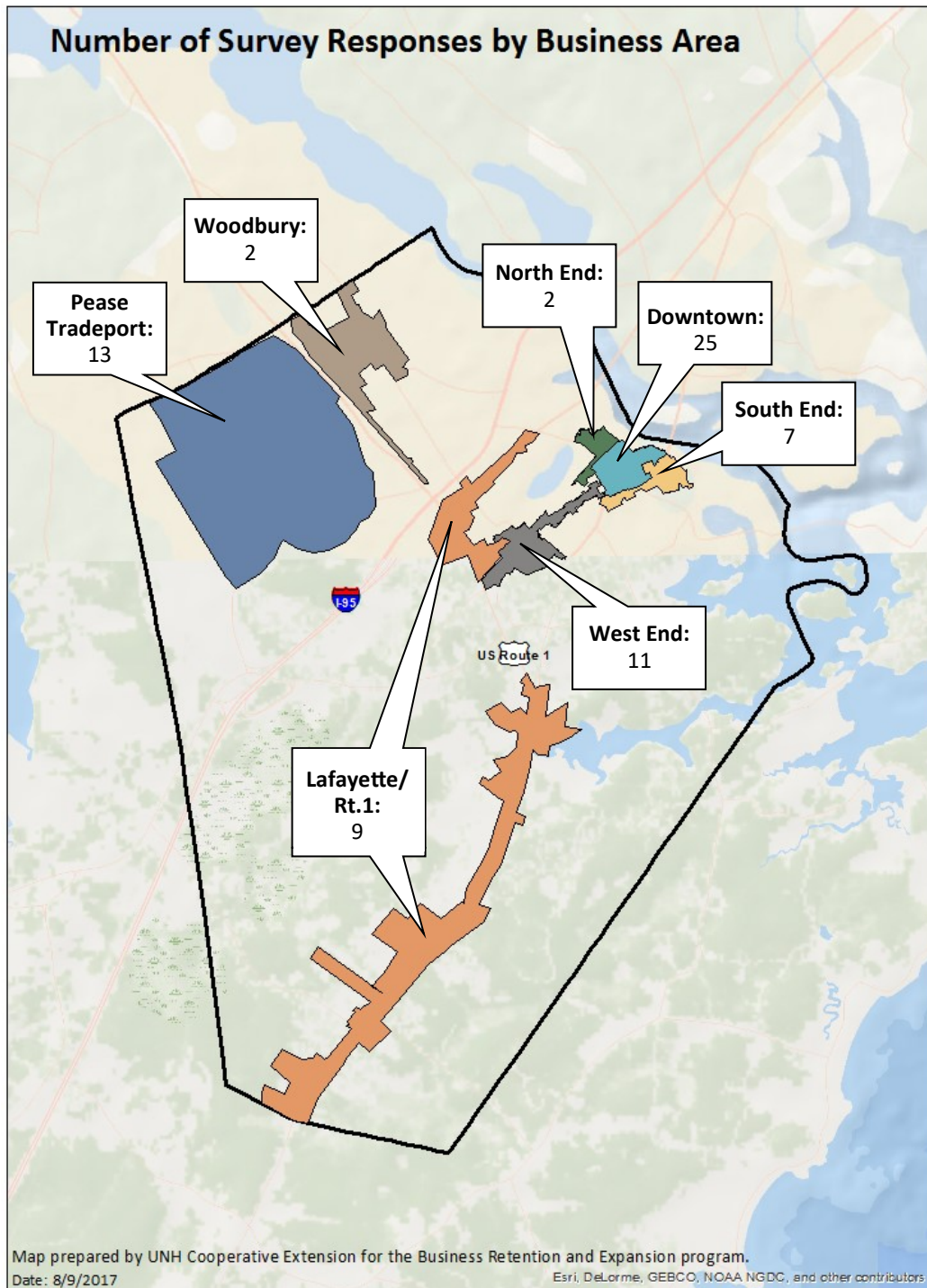
- Recruitment of unskilled service workers, skilled manufacturing, unskilled manufacturing, and scientific/technical workers can be a challenge. The latter is a more prominent problem in Pease, while the first is more of an issue in the retail districts.
- Lack of workforce housing is a challenge for recruitment and retention.
- There is a perceived need/demand for future training, particularly around technology. Many businesses provide a lot of in-house training, but this is not necessarily the most efficient approach. In addition, it might not be the businesses' preferred option if they had other options.
- 60% of businesses surveyed require a college degree for the majority of entry-level employees. This demonstrates a highly educated workforce. This workforce may be also looking for recreation options and transportation options. Walkability and bike-ability are important. Due to high housing costs, employees will look to other communities for housing choices so that transportation becomes something to consider.
- There are more options for online recruitment of employees. In addition, there is an opportunity to recruit directly at the University of New Hampshire and develop internships in Portsmouth for UNH undergraduate and graduate students.

Factors and Resources for Businesses

- Services/sales are expected to sustain and grow for most businesses, which is a very positive sign.
- Lack of awareness of key resources—and utilization of state programs—seems to be high (International Trade Resource Center, Office of Workforce Opportunity, etc.)
- Broadband access is critical and there is generally good access, except for one district of the city. The bigger issue is the cost of high-speed internet, which varies.
- Parking is a challenge in the downtown district and a concern to businesses.
- Around half of all businesses could focus on exporting, though the majority appear not to. This is a great opportunity to leverage existing programs and encourage other businesses who could export to do so.
- Of the businesses without a business plan, a quarter said they would like help. While percentage wise this may not be high, it could represent a large number of businesses that could be supported with business planning.
- Market and communicate resources and amenities to both businesses and employees. Utilize everything from flyers promoting available resources to leveraging a peer network of businesses.

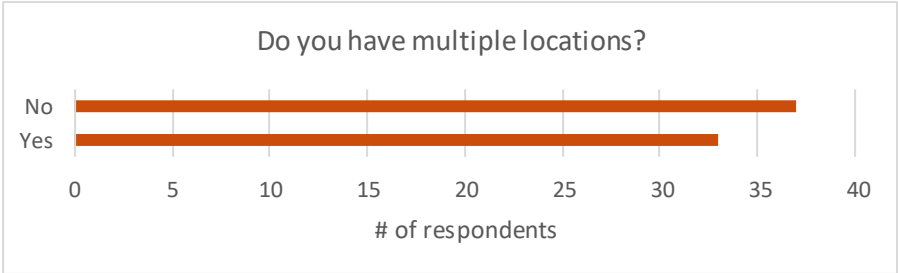
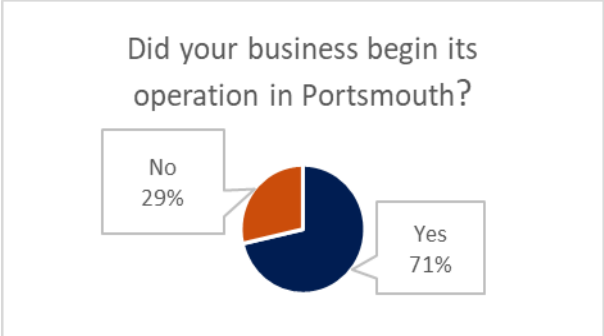
Survey Data

71 businesses and nonprofits responded to the survey which was administered by trained community volunteers in late 2016 and early 2017. All questions were not answered by all respondents. For the purposes of the business survey, Portsmouth was broken down into the following areas:



Note: One respondent selected "other" and another respondent did not answer the question.

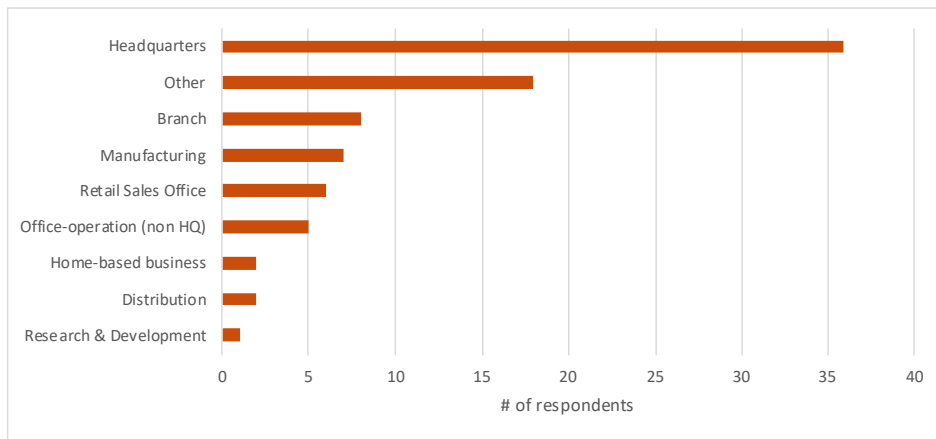
The majority of businesses who responded to the survey began their business in Portsmouth, are locally owned with many having multiple locations. 71% indicated that their business began in Portsmouth. Those who began their business elsewhere had primarily been located somewhere in NH, followed by Massachusetts and Maine.



Which of the following North American Industry Classification System (NAICS) categories best describes your business? (Check one answer)

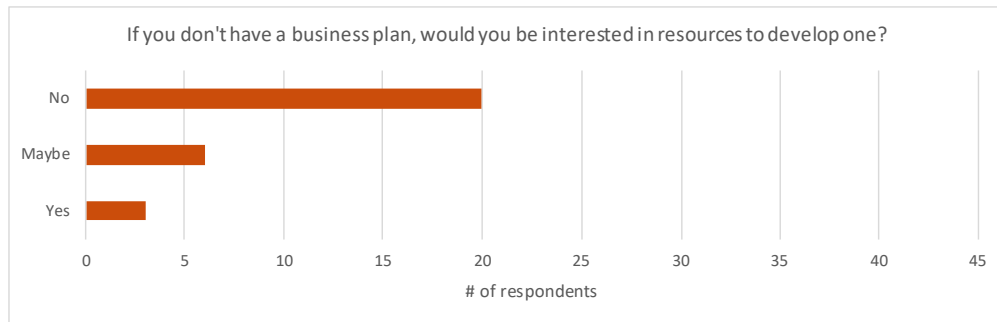
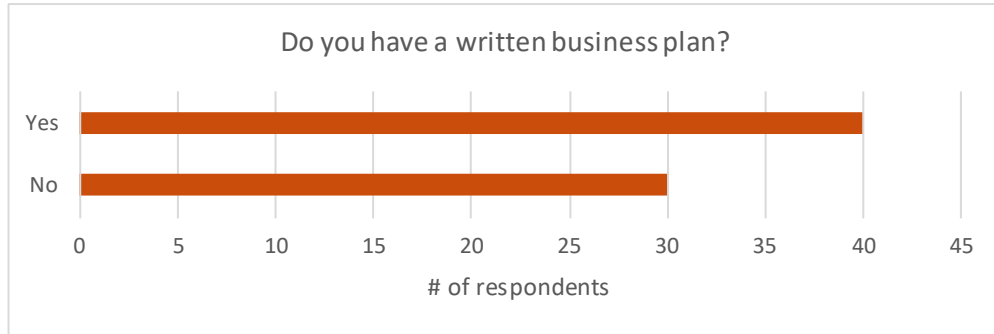
Answer	%	Count
Professional/Scientific/Technical Services	23.53%	16
Retail Trade	13.24%	9
Accommodation/Food Services	7.35%	5
Arts/Entertainment/Recreation	7.35%	5
Health Care Services/Social Assistance	7.35%	5
Manufacturing	7.35%	5
Other Services	7.35%	5
Construction	5.88%	4
Finance/Insurance	5.88%	4
Real Estate/Rental and Leasing	4.41%	3
Educational Services	2.94%	2
Transportation and Warehousing	2.94%	2
Information	1.47%	1
Management of Companies & Enterprises	1.47%	1
Public Administration	1.47%	1
Administration/Support/Waste Management/Remediation Services	0.00%	0
Agriculture/Forestry/Fishing/Hunting	0.00%	0
Mining, Quarrying, and Oil and Gas Extraction	0.00%	0
Utilities	0.00%	0
Wholesale Trade	0.00%	0
Total	100%	68

What type of facility is this? (Check all that apply)

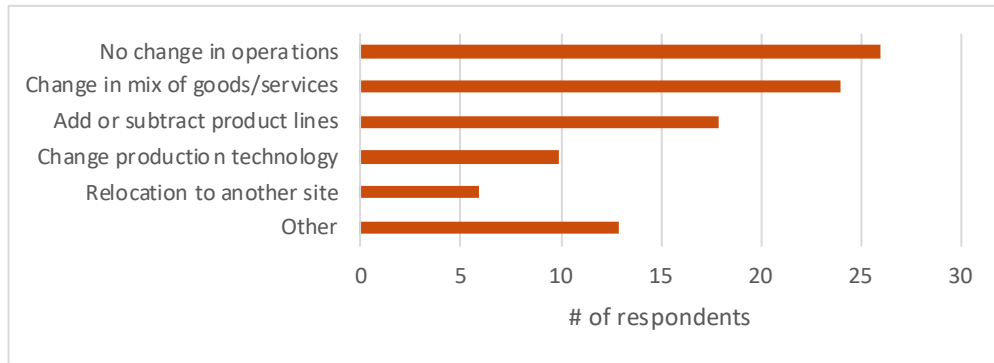


- Other:**
- Creative studio
 - Healthcare, medical office
 - Hotel
 - Industrial
 - Law office
 - Museum, Non-profit arts museum/organization
 - Nonprofit agency/ shelter
 - Production based facility - non-manufacturing
 - Restaurant, retail food, retail space
 - Yacht club

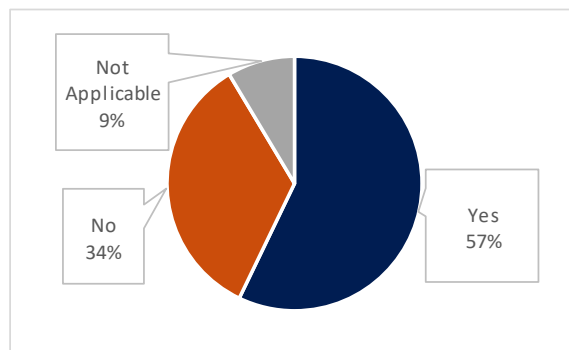
There are a number of businesses without a business plan but also a high number of respondents who do not want information on a business plan. 34% of businesses do not have a succession plan.



Are there changes in your business plan for the next three years? (Check all that apply)



Does your company have a succession plan (ownership/management)?



Employees

There has been an increase in employment – full time, part time and seasonal which is attributed to growth in demand, expansion and new products and services.

Total number of workers represented in the survey

	Full Time	Part Time	Seasonal	Total
Currently (n=67)	3055	360	174	3589
3 years Ago (n=61)	1676	241	164	2081

If the number of employees changed from three years ago, please identify up to 3 reasons for the employment change.

Answer	%	Count
Growth in demand	44.44%	20
Expansion	28.89%	13
New products/services	20.00%	9
Corporate decisions/policies	15.56%	7
Change in profits	13.33%	6
Changes in worker efficiency	13.33%	6
Entered new markets	13.33%	6
Change in management	11.11%	5
Increased competition	6.67%	3
Technological changes	4.44%	2
Business did not exist 3 years ago	2.22%	1
Change in subcontracting	2.22%	1
Government regulation	2.22%	1
Lack of demand	2.22%	1
Renovation	0.00%	0
Other (see below)	24.44%	11
Total		45

Other reasons for number of employees changed:

- Company went public 2013. Acquired new companies.
- Family child
- General organic growth
- I had over-hired when I opened
- Increased efficiency
- Like company acquisition
- Shift in lending regulations that prohibited competitors from providing services due to cost to comply

Proportion of Employees by Commute Time (one-way)



Hourly starting wage paid to employees

- Below, the average entry level hourly wage by industry is compared to the statewide entry level wage reported by NH Employment Security.
- For each industry, Portsmouth’s entry level hourly wage is higher than the statewide average, and in the case of Arts, Design and Creative Operations, the starting wage in Portsmouth is more than double than the statewide average.

	Average Portsmouth Entry Level Wage	Statewide Entry Level Wage (NH Employment Security)
Professional/Managerial (n=44)	\$37.43	\$28.46 (Management Operations)
Engineers, Scientists and Technicians (n=8)	\$33.37	\$22.87 (Architecture and Engineering)
Information Technology (n=17)	\$30.77	\$ 25.98 (Computer and Mathematical Operations)
Healthcare Related (n=4)	\$22.25	\$20.28 (Healthcare Practitioners and Technical Operations)
Repair and Skilled Maintenance (n=13)	\$21.13	\$14.87 (Installation, Maintenance and Repair Occupations)
Arts, Design and Creative Operations (n=15)	\$20.83	\$10.97 (Arts, Design, Entertainment, Sports and Media Occupations)
Transportation (n=4)	\$20.25	\$9.88 (Transportation and Material Moving Occupations)
Office and Administrative (n=33)	\$18.12	\$11.34 (Office and Administrative Support Occupations)
Construction (n=4)	\$17.67	\$14.84 (Construction and Extraction Occupations)
Skilled Manufacturing (n=7)	\$16.97	
Unskilled Manufacturing (n=8)	\$13.36	
Unskilled Service Workers (n=15)	\$13.14	
Agricultural (n=1)	\$11.00	\$10.96 (Farming, Fishing and Forestry Occupations)

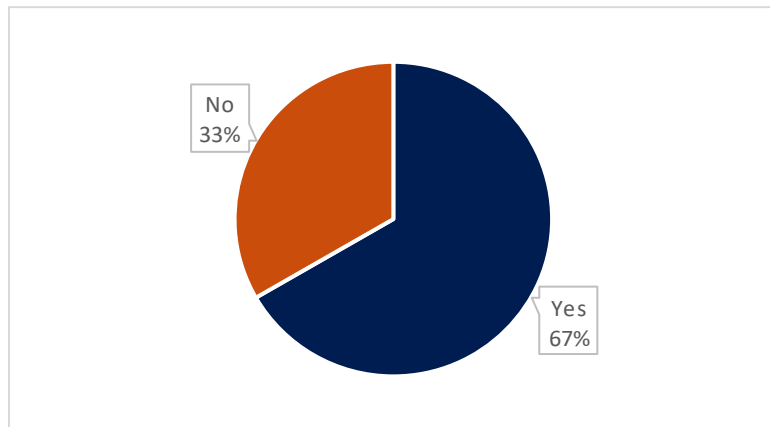
Do you expect the number of employees you have in each of the following categories to increase, decrease or stay the same over the next three years?

- The categories that expect to see the greatest increase are Arts, Design and other creative occupations; Professional/Managerial, Information Technology and Engineers, Scientists and Technicians

Category	Increase	Stay Same	Decrease	Total
Arts, Design and other Creative Occupations	41.03%	58.97%	0.00%	39
Professional/Managerial (managers, accountants, HR professionals etc.)	31.67%	68.33%	0.00%	60
Information Technology	25.00%	75.00%	0.00%	40
Engineers, Scientists and Technicians	24.32%	75.68%	0.00%	37
Unskilled Service Workers (food prep., retail sales, housekeeping, etc.)	21.21%	78.79%	0.00%	33
Office and Administrative (secretaries, office clerks, receptionists, etc.)	20.83%	77.08%	2.08%	48
Repair and Skilled Maintenance (not janitorial)	17.24%	82.76%	0.00%	29
Unskilled Manufacturing (assembly, production helpers, etc.)	15.38%	84.62%	0.00%	26
Healthcare Related	8.00%	92.00%	0.00%	25
Skilled Manufacturing (welders, machinists, etc.)	7.14%	92.86%	0.00%	28
Construction	4.35%	95.65%	0.00%	23
Agricultural	0.00%	100.00%	0.00%	21
Transportation	0.00%	100.00%	0.00%	23

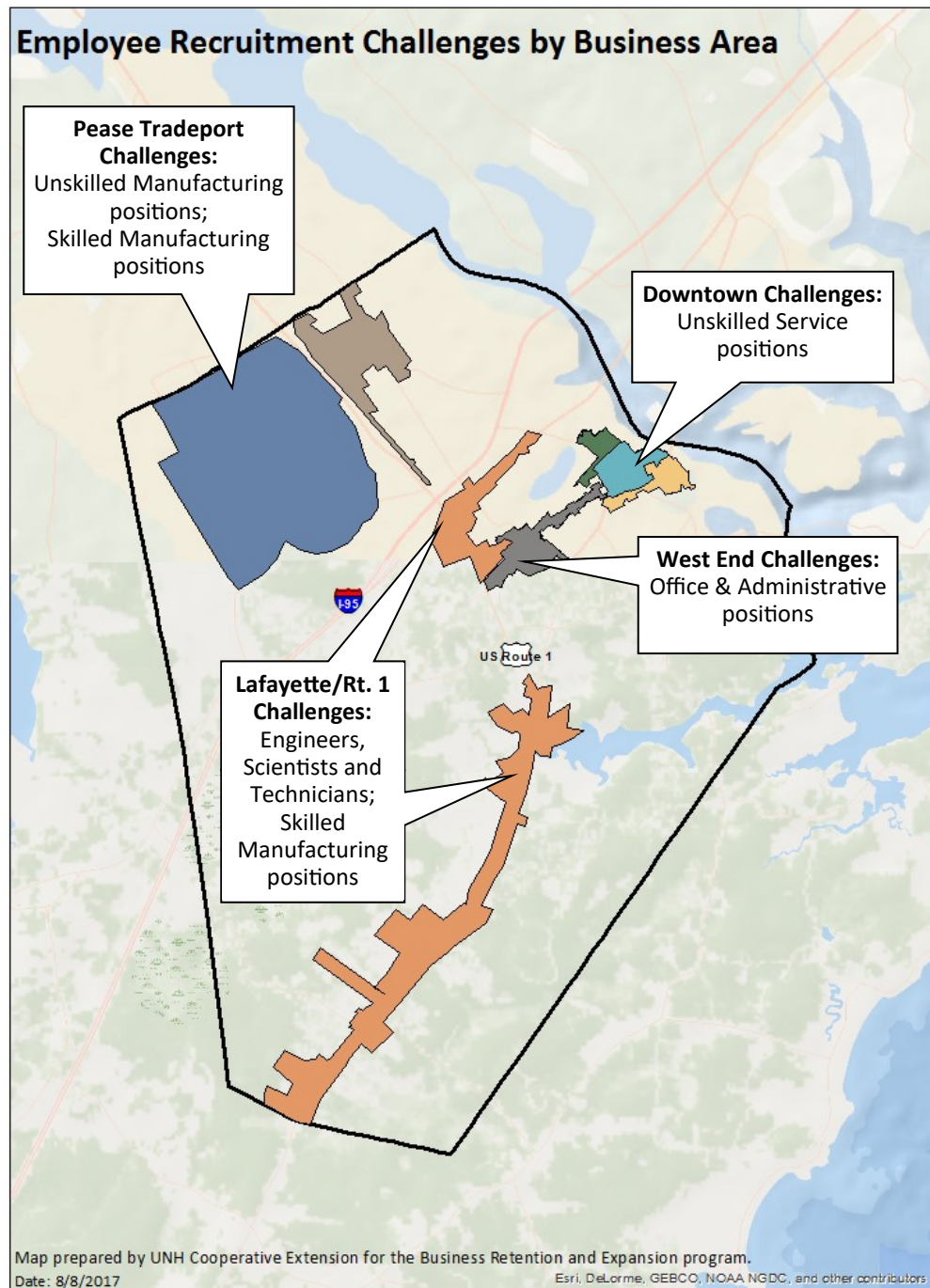
Employee Training

Do you need training for either workers or managers?



Employee Recruitment

- In general, employee recruitment is not a challenge but can be for unskilled service workers, skilled manufacturing and unskilled. Only about a quarter of respondents report recruitment as a challenge.
- Due to the small number of respondents in some of the business areas, it is difficult to differentiate challenges by area. The following are the top challenges in each area:



Note: No pronounced recruitment challenges were reported in the North End, South End, and Woodbury area.

Identify up to 3 of the most important reasons for your recruiting problem.

Answer	%	Count
Competition for employees	24.70%	21
Inadequate labor skills	20.00%	17
High cost of housing	12.90%	11
High wage rates for labor	8.98%	8
Workers will not commute into the area	8.23%	7
Workers will not relocate into the area	8.23%	7
Poor work attitudes	7.05%	6
Lack of child care	2.35%	2
Workers cannot pass screening (drug, criminal record check, etc.) please specify	2.35%	2
High cost of training employees	1.17%	1
Workers lack documentation of legal work status	1.17%	1
Positions are not appealing	1.17%	1
Town/Region not attractive or appealing for relocation	1.17%	1
Total		85

What resources are you currently using to locate new employees? (multiple answers selected).

- Businesses use a variety of methods to locate new employees. Many businesses are using internet advertising through job boards, social media, and on their own website. A great number of businesses are also advertising through word of mouth and referrals from existing employees.

Answer	%	Count
Internet advertising on job boards (e.g. Monster, Craig's List, etc.)	57.35%	39
Word of mouth	50.00%	34
Internet advertising through social media (e.g. Facebook, LinkedIn, etc.)	48.53%	33
Referrals from existing employees	48.53%	33
Internet advertising on our own website	39.71%	27
Promote from within	36.76%	25
Professional associations	26.47%	18
Hire our own apprentices	23.53%	16
Ad in local community papers	20.59%	14
Placement office of four-year, community and / or technical colleges	19.12%	13
Private search firm	19.12%	13
Hire people who were initially temporary employees	16.18%	11
Temporary agency / staffing service business	16.18%	11
Walk-in	13.24%	9
Ad in metro / state-wide papers	11.76%	8
Sign in the window	8.82%	6
Job Fair	7.35%	5
New Hampshire Office of Workforce Opportunity	1.47%	1
Union	0.00%	0
Other – interns, usajobs.gov, paid online, fliers, craigslist, vocational schools	26.47%	18
Total		68

How do you currently train your employees? (Check all that apply)

Answer	%	Count
In-house training (one-on-one by supervisor or co-worker, training department classes, etc.)	82.61%	57
Send employees to training offsite	52.17%	36
Self-taught (manuals, videos, training materials)	50.72%	35
Contract with private vendors for on-site training	39.13%	27
Contract with private vendors for online training	33.33%	23
Other (see below)	11.59%	8
Apprenticeships	10.14%	7
Do not provide any employee training	8.70%	6
A government supported program (e.g. NHWorks or similar program)	4.35%	3
Contract with public vendors (technical colleges, etc.) for online training	4.35%	3
Contract with public vendors (technical colleges, etc.) for on-site training	4.35%	3
Secondary/High School training	1.45%	1
Total		69

Other:

- Corporate training resources & trade association resources
- Lynda.com
- Trade shows (often cited)
- Vendor of software and equipment provide training at no cost.
- Webinars
- Workshops

What level of training is needed for the majority of entry level employees?

Answer	%	Count
4-Years College Degree	40.63%	26
High School/GED	37.50%	24
Professional Degree	12.50%	8
Technical/Community College	9.38%	6
Total	100%	64

What level of training is needed for the majority of entry level employees by industry?

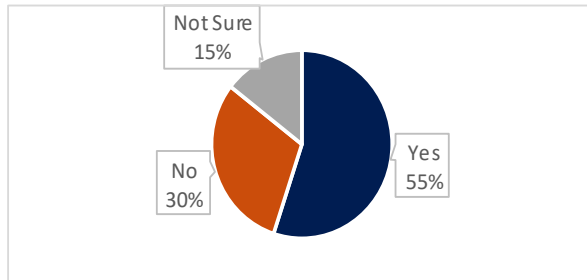
- Industries requiring the majority of their employees to have a high school diploma or GED include accommodation/food services, health care services/social assistance, manufacturing, retail trade, and transportation and warehousing.
- Industries requiring most of their employees to have a 4-year college degree or professional degree include: arts/entertainment/recreation, educational services, finance/insurance, information, professional/scientific/technical, public administration, and real estate/rental and leasing

	High School/GED	Technical/Community College	4-Year College Degree	Professional Degree	Total
Accommodation/Food Services (n=3)	100%				
Arts/Entertainment/Recreation (n=5)		20%	80%		
Construction (n=4)	25%	25%	50%		
Educational Services (n=2)			50%	50%	
Finance/Insurance (n=4)	25%		50%	25%	
Health Care Services/ Social Assistance (n=5)	80%	20%			
Information (n=1)			100%		
Manufacturing (n=4)	75%	25%			
Professional/Scientific/ Technical Services (n=16)	6.25%	6.25%	56.25%	31.25%	
Public Administration (n=1)			100%		
Real Estate/Rental and Leasing (n=3)			66.6%	33.3%	
Retail Trade (n=8)	87.5%		12.5%		
Transportation and Warehousing (n=2)	100%				

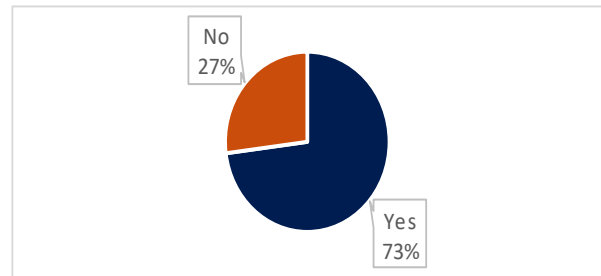
Training in Technology

It is important in business retention and expansion to be aware of business changes as they may impact expansion, location decisions, staffing etc. Portsmouth survey respondents expect technological innovations which will require training.

Are there any major technological innovations on the horizon in your industry that might affect your company? (Check one answer)



If yes, will these new technologies require retraining of your labor force?



If yes, what are these?

- 3-D printing
- Any data driven technical innovation affects them
- Artificial intelligence
- Building information modeling (BIM)
- Bringing passport renewal application process online by 2018 (estimated)
- Change to led lighting, scenic projections
- Changes in materials being used
- Changing healthcare reimbursement and regulation
- Credit Cards - Chip Cards
- Design related interactive and electronic technologies
- Digital technology advances
- Electronic Health Records
- Equipment software and hardware continually change with technology
- Financial technology
- Immunotherapy, new drugs, drug development w/ fewer side effects
- Information technology constantly changing
- Innovation in education and exhibition
- Internet based software
- Internet travel sites Orbitz, Travelocity, ExpediaKey less access
- Online media and advertising channels
- Online sales
- Pool accessories
- Robo advisors: automated computer software advising on investments
- Software
- Technology used for education & tourism
- Telemedicine
- Virtual reality technology

Exporting

The majority of businesses surveyed are not exporting. This is largely due to the nature of the business and the area they serve (i.e. restaurants). Some respondents who are not exporting now might benefit from learning more about it. The International Trade Resource Center (ITRC) is not known or used by those surveyed and might be a resource to consider.

Is your business currently exporting internationally? (Check one answer)

Answer	%	Count
No	85.51%	59
Yes, we export directly from our business	13.04%	9
Yes, but we sell our product internationally through another company that exports it (ex: US parent company, etc.)	1.45%	1
Total	100%	69

If no, what prevents you from exporting your product? (Check all that apply)

Answer	%	Count
Business designed to serve specific area	48.94%	23
Business is too small	21.28%	10
Concerns about receiving payment	2.13%	1
Costs risks are too high	6.38%	3
Lack of knowledge of foreign countries/markets	6.38%	3
Lack of specific export knowledge	4.26%	2
Language barrier	4.26%	2
Never fully considered it before- but I would like to consider it	4.26%	2
Restrictive state and or federal regulations	10.64%	5
Starting plans to export	0.00%	0
Tough competition	4.26%	2
Other	34.04%	16
Total		47

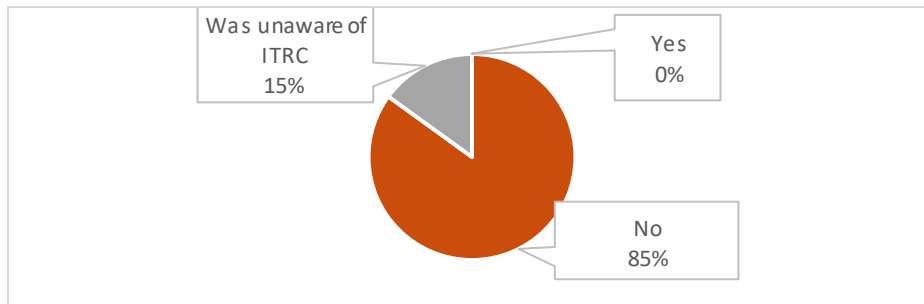
Other:

- Costs are too high to ship
- Distance/logistics
- Don't make a product
- Locally serviced product
- More than enough work locally
- Nature of business- need for personal meetings
- Never considered it and business is too small
- No demand
- No interest/desire
- Not profitable to do business
- Past experience in China and Middle East
- Pool company, it wouldn't make sense

If you export now, or previously exported, please identify problems. (Check all that apply)

Answer	%	Count
I do not have problems exporting my product(s)	52.94%	9
Inadequate knowledge of foreign countries/markets	23.53%	4
Lack of export financing	5.88%	1
Transportation of product	0.00%	0
Restrictive state and/or federal regulations	0.00%	0
Other includes customs, resources, travel, marketing	29.41%	5
Total		17

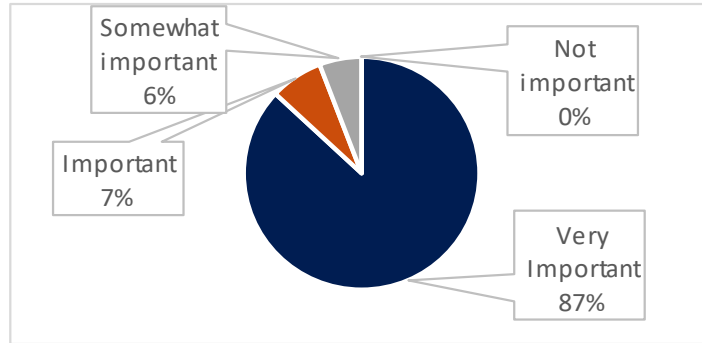
If you export now, or previously exported, have you used the services of the International Trade Resource Center (ITRC)?



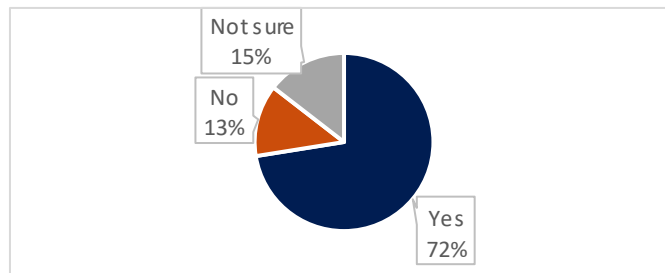
Broadband

Broadband is an important factor to businesses and in economic development. Businesses in Portsmouth indicate it is very important and use it for a wide variety of business tasks.

How important is broadband (high speed internet) to your business?



Is your internet upload and download speed connectivity sufficient for your business needs?

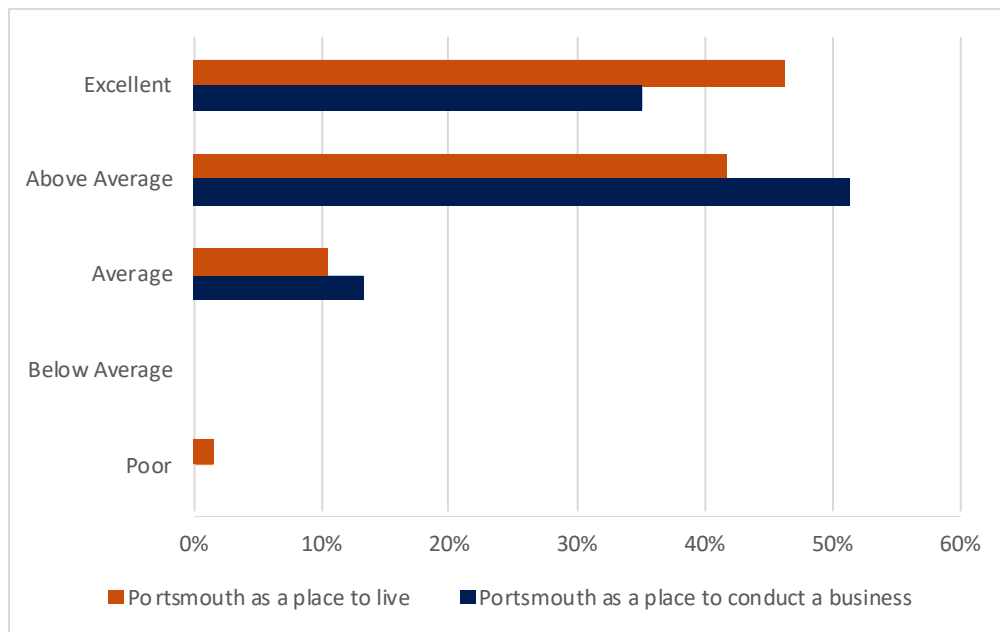


What does your business currently use the internet for (check all that apply).



Portsmouth

What is your overall opinion of Portsmouth (i.e. where your business is) as a place to conduct business and as a place to live?



- 88% of respondents rated Portsmouth as above average or excellent as a place to live
- 87% of respondents rated Portsmouth as above average or excellent as a place to conduct business

Respondents were asked to rate factors based on their current satisfaction with Portsmouth as their business location.

Education and Training:

- K-12 is seen as very important and ranked higher than higher education and technical training programs.
- Respondents were very satisfied with K-12 education.

Healthcare:

- Healthcare costs are very important to the majority of locations. Employee healthcare costs are rated as less important by businesses in the downtown. In comparison to other areas, businesses in the downtown rated employee health care costs as not very important.

Land, Building and Credit:

- More than half of the respondents were not satisfied with the cost of land.
- The availability of buildings was seen as very important. Half were not satisfied with the availability and cost of buildings.
- 90% were satisfied with the availability of loans.

Local Business Support:

- Respondents rated community attitude toward the business community as the most important factor and 95% said they were very satisfied with this. This was more important than community promotion, economic development organization, incentives and the Chamber of Commerce. While the Chamber ranked last in this list, 80% were satisfied with the Chamber.

Quality of Life:

- The features in quality of life which were most important were cultural opportunities (98% were satisfied with this) and housing cost and supply. 74% are not satisfied with housing cost and 60% are not satisfied with housing options.
- Respondents are satisfied with police, fire, planning & zoning, and master plan. They were split on their satisfaction with property taxes.

Transportation:

- Highway accessibility ranks higher than proximity to major markets service suppliers or public transportation. Respondents were satisfied with highway access.

Utilities:

- Telecommunications and broadband reliability were seen as more important than speed and cost.
- More than half – 65% were satisfied with energy costs.

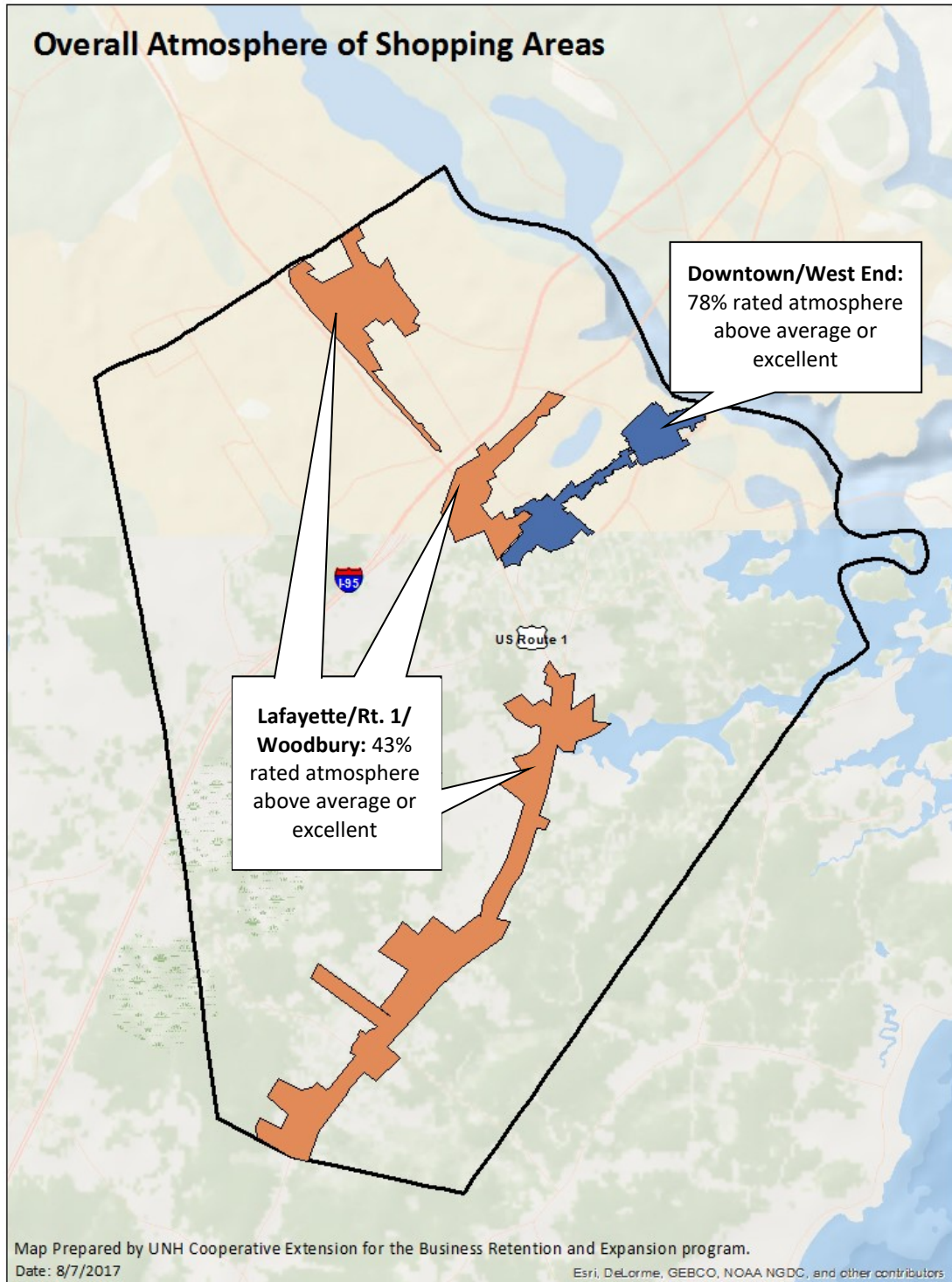
Workforce:

- While the availability of skilled and unskilled workforce is very important, skilled workforce ranked higher.

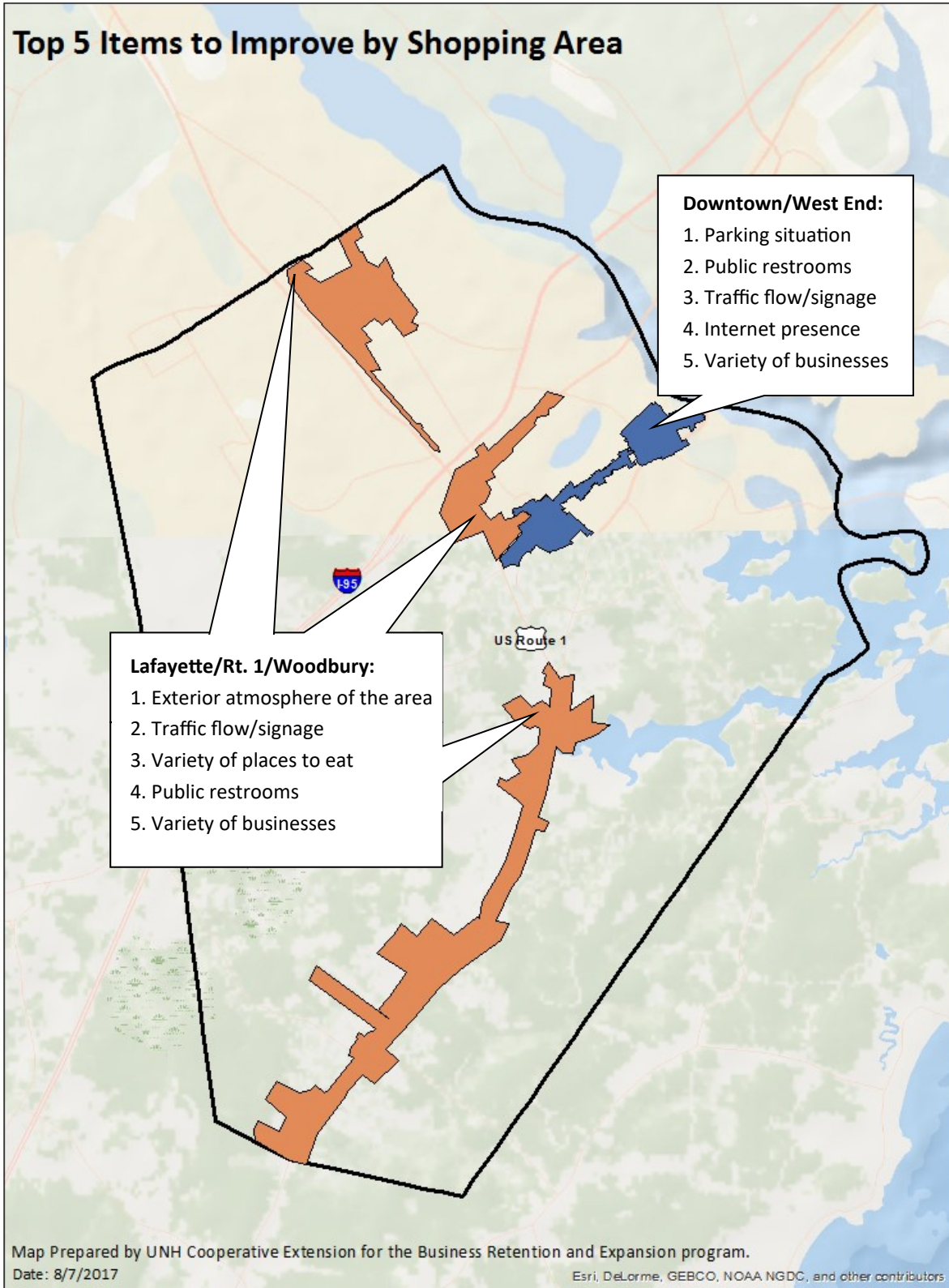
Portsmouth By Shopping Area

The following questions in the survey asked respondents to consider two different shopping areas in Portsmouth:

- Downtown and West End
- Lafayette/Route 1 and Woodbury



Top 5 Items to Improve by Shopping Area



What state and local policies are of greatest significance to your company?

Education & Training

Education & Training was also mentioned as an important policy topic by survey respondents. Comments included workforce education and the need to connect higher education to local community programs.

Energy & Utilities

Survey respondents commented on affordable utilities, the availability of utilities, the need to increase energy supplies and reduce cost.

Environment

Respondents also commented about environmental policies, including water quality, wastewater and drinking water, environmental regulations and policies, and access to natural amenities.

Healthcare

Healthcare was another topic commented on frequently by survey respondents. Comments included health insurance, cost of healthcare, affordable healthcare, Medicaid and Medicare, lack of competition in insurance, and limited healthcare providers.

Housing

Another frequently mentioned topic was housing. Survey respondents discussed affordable housing, workforce housing, and the need for more affordable housing policies to retain young people and grow the workforce.

Infrastructure

Survey respondents commented on infrastructure. Specifically, infrastructure costs, the need to ensure roads and sidewalks are maintained, local construction affecting utilities, signage, street improvements, parking and traffic.

Municipal

Municipal policies were also highlighted as being significant to respondents. Comments were specifically about the Master Plan, zoning, code enforcement, municipal approval and permitting process, economic development, and public services, including police and fire. Respondents also commented on the need to support historic preservation and local businesses.

Taxes

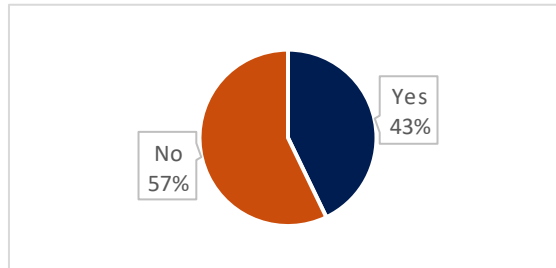
Tax policy was mentioned by respondents the most frequently, and included comments about property tax, business taxes, non-profit exemption taxes, and no sales tax and income tax.

Other Topics

Other policy topics that survey respondents commented on include tourism (state and local), art, land use, workforce, insurance, immigration, real estate, social services and equality.

Potential Expansion

Do you have any plans to modernize or expand your present building(s) or equipment?



If yes, what is planned?

These comments are for expanding at current building and/or modernizing equipment.

Expanding

- Buildout additional 20% in Portsmouth.
- Buying new building, upgrading.
- Expand physical space.
- Expanded warehouse and service center. Added office space and dining.
- Expansion- find appropriate space to house learning center site to complement boat experience.

Modernizing Equipment

- Always upgrading production facility equipment.
- Delivery trucks; woodshed equipment; sales trucks; new IT system.
- Digital Equipment.
- Improved space, better equipment and more furnishings.
- New manufacturing equipment.
- Ongoing systems upgrades.
- Renovating current building.
- Restoration and renovation of historic buildings for residential and commercial use.
- Setting up current building to better utilize space.
- Technology and equipment is always evolving.
- Upgrading feeders and stack (mainly equipment) going wireless, bar code scanning.
- Upgrading office.

Are you currently considering? (Check all that apply)

- 50% are not planning any expansion.
- 18 businesses are considering expanding at their current location.
- 12 businesses are considering expanding at another location.
- 8 businesses are considering merging with or acquiring another business.
- 3 businesses are considering downsizing.
- 2 businesses are considering moving and 2 are considering selling and one is considering closing.
- Availability of Buildings and Cost of Buildings are rated as important or very important for the majority of businesses regardless of location.
- Most businesses, regardless of location currently own or rent/lease sufficient property to allow for expansion.
- The majority of businesses in Downtown do not have plans to modernize or expand buildings and equipment. More businesses in the Downtown area are considering expanding and adding another location.
- The majority of businesses in the West End, South End, Lafayette/Rt. 1 area, Woodbury area and Pease Tradeport have plans to modernize or expand buildings or equipment.
- More businesses in Pease Tradeport are considering expanding at their current location.
- The West End and South End had the largest proportion of businesses that do not have sufficient property to expand.

If you said that you are considering downsizing, selling, moving or closing, what are the reasons? (Check all that apply)

Answer	%	Count
Other – more skilled workforce, increase in sales	50.00%	4
Changing market conditions	37.50%	3
Overcrowded building	12.50%	1
Rigid code enforcement (including ordinances and building codes)	12.50%	1
Lease expiration	12.50%	1
Retiring	12.50%	1
Another business opportunity	12.50%	1

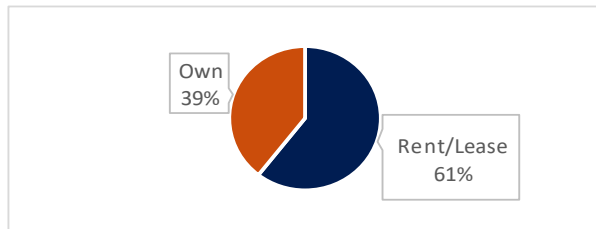
If moving or expanding at another location, where are you considering? (Check all that apply)

Answer	%	Count
Portsmouth	60.00%	12
Another state (specify city/town and state)	40.00%	8
Another city/town in this county (specify city/town)	15.00%	3
Another county in the state (specify county and city/town)	15.00%	3
Outside of the United States (specify city/town and country)	5.00%	1
Undecided	5.00%	1
Total	100%	20

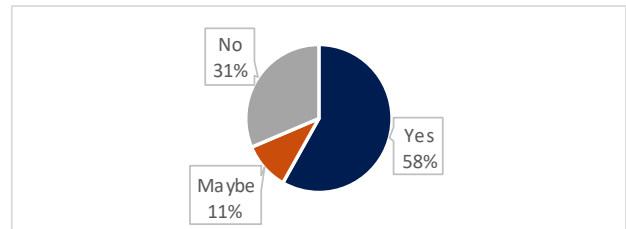
Another state (specify city/town and state) :

- Boston, MA
- Greater Boston Area, Portland Area
- Jacksonville, FL
- Portland, ME
- Sag Harbor, NY
- San Francisco, CA

Do you rent / lease or does this business own this facility? (Check one answer)



Does your company currently own or rent / lease sufficient property in Portsmouth to allow for expansion if necessary? (Check one answer)



If you do not currently own or rent/lease sufficient property, what type of land, buildings, and space needs do you foresee?

Larger Space

- Leasing larger existing office space within Portsmouth
- Need a bigger location
- Potentially larger space
- 5-10,000 square feet of new space in 5-10 years

Manufacturing Space

- 50,000 sq ft manufacturing space

Office Space

- Cool open concept office
- Might be constrained for office space depending on future acquisition
- Need for an office plan; big open space for the culture and collaboration training.
- Zoning within Portsmouth does not allow for additional or reaction of a lumberyard

Final comments from businesses:

Business survey respondents were asked to set some priorities on how the BR&E Task Force can help all existing businesses grow and expand. (Comments are organized alphabetically and not by priority.)

Amenities

- Public gathering space.
- Access to pharmacy, grocery, hardware store.
- Greater variety on restaurants and businesses in the area. Downtown Portsmouth has variety but it is hard to park. At least more healthy lunch options.
- More hotel, lodging, conference space.
- Maintaining waterfront.

Arts, Culture and Historic

- Investment in arts & culture has direct and indirect economic impact.
- Be groundbreakers, especially with regard to arts and culture.
- Support cultural/arts events to attract employees.
- Maintain cultural vitality and attractiveness of our community.
- As downtown gets pricier with tourism how do you maintain art/culture base?
- Importance of vibrant cultural downtown Portsmouth.
- Go beyond recognizing that arts/culture are an economic driver - take real actions like invest and creating conditions to ensure sustainability of arts and culture.
- Continued historic development.

Business Costs

- Availability and affordability of work spaces.
- Lowering of energy costs.
- Water and sewer Costs are going up.
- Health Insurance cost increases - burden on employer.
- Lower taxes.

City Government

- Stronger support from Pease Development Authority and City of Portsmouth regarding maintenance and repair of roads and sidewalks.
- City government is not business friendly.
- Lower city overhead.
- Be more business friendly in land use department.
- City website- periodically send out updates on important changes to businesses.
- Stay actively engaged with businesses- BRE is a good idea.
- City should have focused efforts to inform families of charitable services.
- Never heard from anyone in Portsmouth, including Chamber of Commerce. The focus of these organizations is on retail, not manufacturing.
- Focus more on attracting business and moving them to area.
- Chamber is good.
- Encourage involvement in community (i.e. Chamber of Commerce).

Employee Recruitment and Training

- Link skilled worker needs with employer needs increase access to government contracts.
- Employers need assistance in being able to attract and retain staff.
- Workforce availability.
- Connecting employers with training opportunities (increase options at Great Bay).
- Connect employers with skilled programs at community colleges.

Housing Affordability

- Need affordable housing.
- Other communities are having an easier time staffing and they believe it is a direct link to affordable housing.
- People cannot afford to live in Portsmouth, thus it reduces the available labor force.

Infrastructure

- Better infrastructure- roads, parking, sidewalks.
- Road facility in Corporate Dr. and Pease is very poor.
- Emergency evacuation is lacking need for our continuity plan.
- Need better signage in West End.
- Consistent street and snow maintenance.
- Inconsistency with broadband availability.

Parking Availability

- The availability of parking is a concern for clients and staff.
- Improve parking; more parking options = more customers.
- During tourist season clients have hard time parking; parking is a huge issue; hard to park.
- Suggested McIntyre building for new parking garage.

Parking Cost

- Parking - downtown business district expand.
- Parking meters - concerns about inconsistencies in pricing and time and concerned about going to all cards - not everyone carries cards.
- Focus on affordable parking.

Pedestrian Safety

- Pedestrian safety needs improvement.
- Each transportation corridor could have more independent business to attract more customers walking outside downtown more pedestrian accommodation.
- Lighted crosswalk (similar to what UNH has) on State Rt 4.

Positivity about Portsmouth

- I like the community here.
- Portsmouth is great.

Promotion and Recruitment

- Provide live/work quality of life - more of live/work downtown model desired by millennials.
- Promoting state and region for quality of life and business, have more to sell.
- Advertising Portsmouth's downtown community.
- Exploration of making Portsmouth a destination as a cruise ship port.
- Maintain Portsmouth as a nice place to live to help draw employees and keep employees.
- Position the city to attract young people (affordable housing, transportation and branding).
- Cost of living comparable to Boston but not the salaries; high cost of living in the city.

Traffic

- Traffic coordination during events.
- Traffic and circulation is very difficult.
- Access and egress is difficult.
- Spaulding Turnpike is a nightmare.
- Traffic congestion - for employees commutes are longer (Rochester/Somersworth), losing productive hours, I-95 congested/parking lot.

Transportation

- Public transportation.
- Bike lanes.
- No rental car service from C&J.
- Focus on virtual economy- people can work for a company but live far away- telecommuting.
- Industrial businesses rely on road transportation. River is primary mode of transportation - no other place to duplicate this.

Workforce Housing

- City needs to be a lot more up front about workforce housing.
- Workforce housing is lacking - difficult to attract staff; internship workers are difficult to house therefore reaching out to other communities.

Zoning and Regulations

- Relaxed zoning, less regulations, easier building processes.
- Flexibility in zoning to allow growth while keeping unique nature of city.
- Land use regulating scheme needs to be improved.
- Hard to make capital improvements due to cost (zoning etc.).
- Zoning changes to promote taller and larger buildings.
- Change land use restrictions at Pease to include ability to create open space, recreational venues, and or musical/arts venues. Possibly change charter with Pease to address use for non-buildable land.
- Need to put brakes on regulation. Affecting contractors. Commissions holding up projects, code enforcement is not common sense.

Appendix

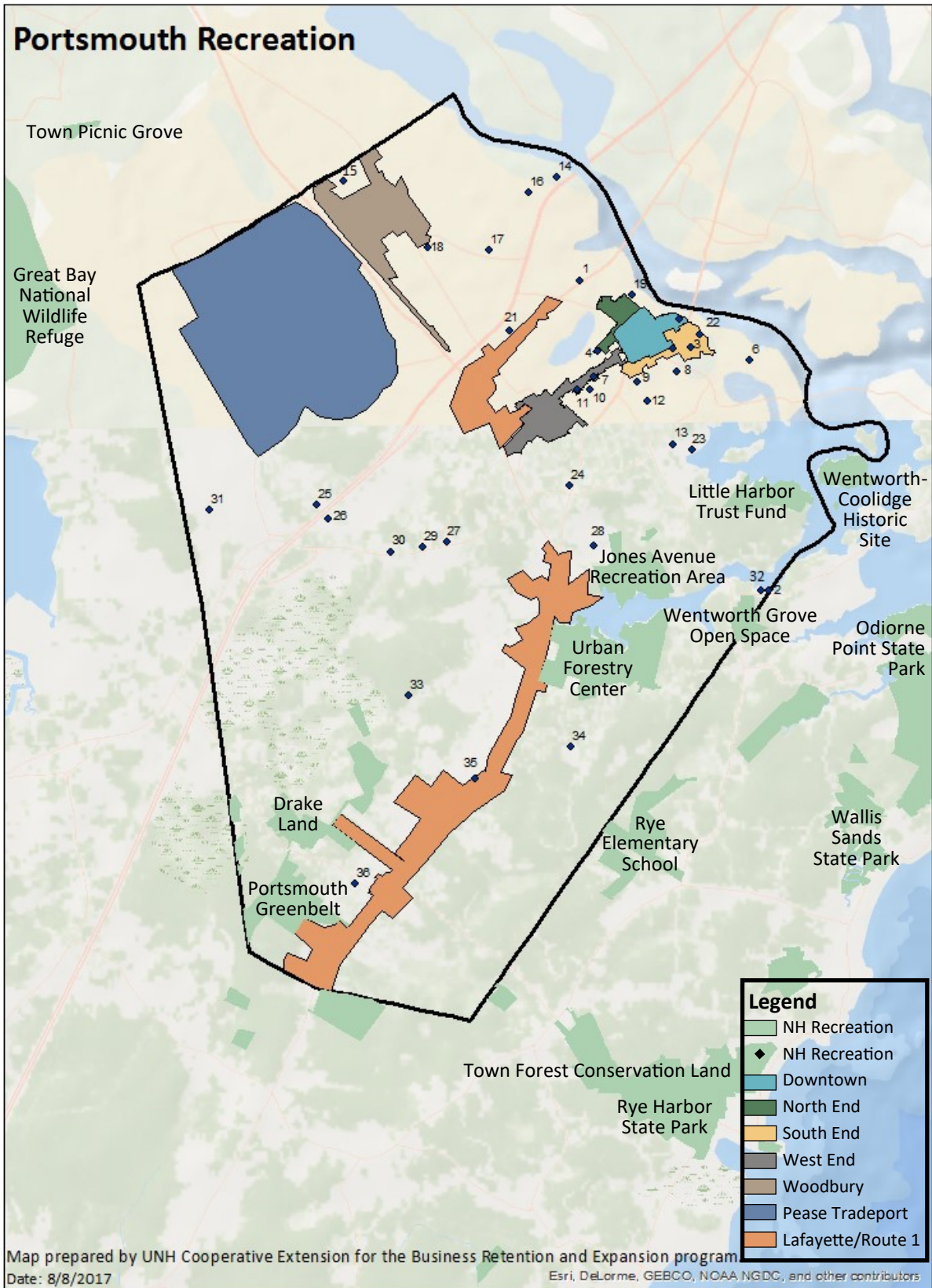
- List of businesses who participated in survey
- Recreation information is provided as part of the Faculty Review discussion on the importance of recreation to quality of life
- Basic demographics data for reference

Portsmouth Business List

The following businesses participated in the business survey as part of the Business Retention and Expansion program.

3S Artspace, Inc.	Market Street Talent
Allegra	McLane Graf Raulerson
Alpha Loft	The Music Hall
Ancient Traditions Natural Medicine	Nahcotta
Bavarian Autosport	National Gypsum Company
Bosen and Associates	New England Printing
Breaking New Grounds	New Museum of Portsmouth
Brown & Company Design	NH Theatre Project
Bull Moose Music	Northeast Rehab Hospital
Calypso Communications	Novocure
Cambridge Trust Company	The Old Ferry Landing
Ceres Bakery	One Commercial Real Estate
CJ Architects	Pax World Management
Clear Advantage Windows & Doors	Portsmouth Music and Arts Center
Cohen & Gear Associates	Prime Buchholz & Associates
Colliers International	Ricci Lumber
Cross Current Communications	RiverRun Bookstore
Cross Roads House	Robert A. Lenahan Architect
Custom Pools	Seacoast Asset Management
Darci Creative	Seacoast Media Group
Donahue, Tucker & Ciandella	Seaport Travel
Edgewood Centre	Selectwood
FlexEnergy	Shaines & McEachorn, PA
Gold & Partners	Sheraton Harborside Hotel
Granite State Minerals	Signature Escrow & Title Services
Gundalow Company	Singularity Electronic Systems
High Liner Foods	SIS Bank
International Association of Privacy Professionals	Southend Yacht Club
Isles of Shoals Steamship Company	Sprague Resources, LP
JSA, Inc	Strawberry Banke Museum
Kilwins	Thiel & Associates
Lighthouse Manufacturing	TMS Architects
Lighthouse Physical Therapy	United Automation
Loftware	US Department of State National Passport Center
Maher Mediation	Vital Design

Thank you to the businesses for the time and sharing information.
Note: The data is presented in the aggregate in this report.



The Recreation data set was compiled in 2009 by the NH Office of Energy and Planning, and contains points and polygons representing recreation sites (parks, playing fields, water recreation, etc.).

Key to Portsmouth Recreation Points

1	Albacore Park	19	New Hampshire Cruise Center
2	BG's Boat House	20	Harbourplace
3	Strawberry Banke	21	New Franklin School
4	McDonough Street Neighborhood Park	22	Prescott Park
5	Court Street Park	23	Little Harbour School
6	Peirce Island	24	Lafayette School
7	Goodwin Park	25	Pannaway Playground
8	Haven Park	26	Sherburne School
9	Junior High	27	The Plains
10	Langdon Park	28	Portsmouth Senior High School
11	Cater Park	29	Piscataqua Rifle Revolver Club
12	Leary Park	30	Greenland Road Skating Rink
13	Clough Park	31	Pease Golf Course
14	Hislop Park	32	Witch Cove Marina
15	Gossling Meadows	33	Camp Seawood
16	Atlantic Heights Park	34	Dondero School
17	Mariners Village Playground	35	Water Country
18	Wentworth School	36	Maple Haven

In addition to recreation, Portsmouth also has a variety of arts, cultural, and historical amenities that contribute to the high quality of life.

- 3S Artspace
- Act One
- Celtic Crossing
- Ceres Gallery
- Coombs Art Gallery
- Discover Portsmouth
- Governor John Langdon House/
Historic New England
- Gundalow Company
- Jay Schadler Studio
- John Paul Jones House
- Kennedy Gallery and Custom Framing
- Moffatt-Ladd House and Garden
- The Music Hall
- Nahcotta
- Pinwick's Ghost & Trolley Tours
- Piscataqua Fine Arts Studio & Gallery
- Pontine Theatre
- Portsmouth Athenaeum
- Portsmouth Black Heritage Trails
- Portsmouth Historic House Association
- Portsmouth Music and Arts Center
- Portsmouth Symphony Orchestra
- Prescott Park Arts Festival
- Robert Lincoln Levy Gallery
- Rundlet-May House
- Seacoast African American Cultural Center
- Seacoast Repertory Theatre
- Strawberry Banke
- Studio 51 Ceres
- Todd Bonita Gallery
- Valerie's Gallery
- Warner House
- USS Albacore Museum

Current Efforts to Consider:

Bike/Pedestrian Plan

<https://www.cityofportsmouth.com/planportsmouth/bike-pedestrian>

Bike/Walk Policies

http://www.planportsmouth.com/bfc_policy.pdf

http://www.planportsmouth.com/wfc_policy.pdf

Comprehensive Recreation Plan

<http://files.cityofportsmouth.com/recreation/FinalRecNeedsStudyReportMay2010.pdf>

Master Plan (with transportation and recreation chapters/goals)

<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

Demographics

Location

The City of Portsmouth is located in Rockingham County and is in the Portsmouth, NH-ME Metropolitan NECTA Division Labor Market. Portsmouth is located about **46** miles from New Hampshire's largest city, Manchester. In addition, Portsmouth is close to several cities in the region: **57** miles to Boston, Massachusetts; **52** miles to Portland, Maine; **268** miles to New York, New York; and **302** miles to Montreal, Quebec.

Portsmouth has a City Manager and City Council. The city contains 15.7 square miles of land area and 1.1 square miles of inland water area. Population density is about 1,363 persons per square miles of land area, the third highest among New Hampshire cities and towns. Adjacent communities include Newington, New Castle, Greenland, Rye and Kittery, Maine.

Largest Businesses in Portsmouth (NH Employment Security)

Largest Businesses	Product/Service	Employees
Portsmouth Consular Center, US Department of State	Passport, visa services	1,459
Liberty Mutual Insurance	Insurance services	1,013
HCA Portsmouth Regional Hospital	Health care services	980
City of Portsmouth	Municipal services	975
Lonza Biologies	Contract pharmaceuticals	792
John Hancock	Financial services	400
Bottomline Technologies	Finance software	365
Newmarket International	Event software	305
Thermo Fisher	Analytical instruments & laboratory equipment	274
Teledyne D.G. O'Brien	High Pressure connector/transmitted systems	260

Employer Information Supplied by Municipality

Transportation (ACS 2010-2014)

About half (50.4%) of Portsmouth residents work in Portsmouth. A third (34.6%) commute to another NH community, while the remainder (15%) commute to work out-of-state. The City of Portsmouth is served by the COAST bus service, UNH Wildcat Transit, C&J Transportation and Vermont Trail Ways.

Population Trends (US Census Bureau & ACS 2010-2014)

According to the American Community Survey, there are approximately **21,266** people residing in Portsmouth (2014). The overall population trend for Portsmouth's population from 2000 to 2014 is positive. Population growth is increasing more quickly in Rockingham County, while population growth is slower in the state of New Hampshire.

Area	Population (2000)	Population (2010)	Population (2014)	Percent Change
Portsmouth	20,822	20,779	21,266	2.13%
Rockingham County	278,748	295,223	297,702	6.8%
New Hampshire	1,316,470	1,316,470	1,321,069	.35%

Population by Age (ACS 2010-2014)

According to the American Community Survey, Portsmouth’s median age is **41.5**; this is slightly lower than Rockingham County (**43.5**) and the state of New Hampshire (**42.2**). Generally, Portsmouth’s age distribution is similar to that of Rockingham County and the state, with the exception of the greater percentage of people aged 20-34. The population is 89.2% white in Portsmouth.

Area	Total	Under 5 years	5-19	20-34	35-54	55-64	65+
Portsmouth	21,266	4.9%	12.7%	23.8%	28.9%	13.3%	16.7%
Rockingham County	297,702	4.7%	18.8%	16.2%	30.7%	15.2%	14.6%
New Hampshire	1,321,069	5.0%	18.8%	17.8%	29.3%	14.4%	14.6%

Projected Population Growth (OEP 2016)

The population of Portsmouth is expected to grow from 2015-2040. By the year 2040, Portsmouth is expected to grow by 5.64%. Rockingham County and the state of New Hampshire are also predicted to continue to increase their population at a faster rate in comparison to Portsmouth.

Area	Population (2015)	Population (2030)	Population (2040)	Percent Change
Portsmouth	21,496	22,374	22,708	5.64%
Rockingham County	300,575	321,441	326,238	8.54%
New Hampshire	1,330,501	1,402,878	1,432,730	7.68%

Unemployment (NH Employment Security) Portsmouth’s unemployment rate has held mostly steady from January 2017 to August 2017. On average, during this time, the unemployment rate was **2.2%**. Compared to the state of New Hampshire, where the average unemployment rate during this time period was **2.89%**, Portsmouth’s rate of employment is significantly lower.

Median Family Income (ACS 2011-2015) Based on American Community Survey 5-Year Estimates (2011-2015), Portsmouth’s median family income is **\$96,858**. This is much greater than the state of New Hampshire’s median family income, **\$66,779**, and comparable to Rockingham County’s median family income of **\$96,200**.

Poverty Rate (ACS 2011-2015) Based on American Community Survey 5-Year Estimates (2011-2015), **6.6** percent of individuals are living below the poverty level in Portsmouth. This percentage is comparable to that of Rockingham County (**5.5%**) and lower than the state of New Hampshire (**8.9%**).

Education Levels (ACS 2011-2015; ACS 2016) Based on American Community Survey 5-Year Estimates (2011-2015), **95.8** percent of Portsmouth’s population aged 25 years or older is a high school graduate or higher. This rate is similar to Rockingham County (**94.7%**) and greater than the state of New Hampshire (**92.3%**). Per the 2016 American Community Survey, 56% of Portsmouth have a bachelor’s degree and 24% have a master’s degree.

For more information, contact:

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2017 HERBICIDE PILOT TEST REPORT

Prepared By:

Corin Hallowell, City Arborist

The Department of Public Works

City of Portsmouth, New Hampshire, and

Swamp Inc., Newington, New Hampshire

November 2017

Introduction

The use of synthetic pesticides, primarily the chemical Glyphosate, has become an increasing concern due to it being identified as a potential carcinogen. The City is aware of the concerns related to the use of synthetic compounds and has been working to minimize their use in our weed control program. In 2015, the Department of Public Works directed its weed control contractor, Swamp Inc., to investigate alternative products for weed control. This effort led to a limited pilot study in 2016 and a more comprehensive study in 2017. This report is a summary of the 2017 pilot effort.

The City's weed control program is performed by our mosquito control contractor, Swamp Inc. Swamp Inc. is licensed to apply herbicide by the State of New Hampshire's Division of Pesticide Control. Swamp Inc. follows an Integrated Vegetation Management (IVM) program that uses an array of strategies to minimize pesticide use including hand pulling weeds in the downtown area.

The goal of this pilot was to evaluate the effectiveness of organic alternatives to synthetic pesticides. Synthetic pesticides have historically been used for weed control in many communities including the City of Portsmouth. The evaluation determined the frequency of application, dilution rates and a budget cost to provide weed control using the selected product.

Prior to completion of the 2017 pilot effort, the results were used to adjust the City's weed control program. The City's contractor was able to incorporate the successful organic products into their State of New Hampshire's Division of Pesticide Control license for use during the second half of the 2017 weed control season. The products selected were *Finalsan* and *Axxe* Herbicides.

During a public meeting in September of 2017, statements were made as to the chronology of chemical use by the City's weed control contractor that were incorrect. It was stated the City's weed control contractor stopped using Glyphosate based products in 2015 when in fact it was 2016. Attached is a chronology provided by Swamp, Inc. with the correct timeline of products used.

I. Purpose and Background:

In an effort to eliminate the use of Glyphosate based herbicides in the City of Portsmouth for curbside weed control, a simple field study was created to contrast and compare alternate organic non-glyphosate based herbicides. The City in conjunction with our weed control contractor, Swamp Inc., pilot tested eight non-glyphosate herbicides, seven of which were organic products.

The pilot test location was on Rochester Avenue between Lee Street and Somersworth Street at the Pease International Trade Port. This site was chosen because the granite curbing and weed density was consistent along all curbing, and that the area is within the treatment contract for

Swamp Inc. In addition, the roadway has relatively light traffic volumes which created a safe space to work in. All trial herbicides were applied on July 17, 2017, from 9:30 am to 11:30 am.

It is important to note that all of the herbicides chosen for the field test are “Burn Down” herbicides, which means that only the foliage of the plant is affected and in most cases not the root system. In contrast, Glyphosate based products are “systemic” herbicides, which means they enter the vascular system of the plant via the leaves and tissue and travel throughout the plant to the root system. The reason that “burn down” herbicides were chosen is that there are no known effective organic “systemic” alternatives available.

II. Methods:

Eight trial herbicides and application rates were chosen by Swamp, Inc., based upon their expertise and upon the manufacturers recommended dosage. Each herbicide was applied to the curb/road interface, where the granite curb meets the pavement. In order to delineate each test area, telephone pole spans were used to determine a starting point and finishing point for each herbicide chosen. For example, the herbicide *Spectracide* was applied between poles 436/9 to 436/10. A control area was established between poles 436/12 to 436/13 in order to contrast and compare between results.

All herbicides were applied on the same day (within 2 hours), during the same weather conditions in order to create consistency within the test group. All herbicides were mixed independently and put into separate spray bottles. The herbicides were mixed on-site just prior to application.

All herbicides used along with location and mixing rates can be found in the Appendix under *Field results/notes*. All testing sites were visited at 24 hour, 48 hour and 72 hour intervals. Site visits occurred again at 2 weeks, 4 weeks, and 6 weeks.

III. Results:

All results can be found in the Appendix under field notes. It is clear from the field tests that certain herbicides performed far better than others. The herbicides *Finalsan* (applied at both rates), *Reward*, and *Avenger* were clearly superior to the other herbicides tested showing severe dieback within 72 hours of application and in the case of *Finalsan* within 24 hours.

However, the long-term results showed new weed growth within one month of application and by 6 weeks all of the test sites were back to pre-spray conditions.

IV. Conclusion:

Performing a basic field trial was valuable to compare the effectiveness of the organic pesticide products. These results were used to adjust the 2017 weed control program and to develop budget costs for the Fiscal Year 2019 budget. The test results showed that using “burn down” herbicides will result in the need for more frequent applications as they are only effective for approximately 4 weeks as opposed to traditionally used herbicides which are often only applied once during the growing season.

The City relies on the judgement of their licensed contractors to choose and apply herbicides. The City is committed to providing weed control in a safe and sustainable manner. The results of this pilot effort will be included in the bid for Fiscal Year 2019 weed control services. Staff will continue pilot efforts into the future to optimize the City’s weed control program. By field testing new products with the City’s weed control contractor, the City can confirm the effectiveness of products being used and work toward the most sustainable program for long-term operations.

APPENDIX

I. Field Notes/Results

II. Material Safety Data Sheets (MSDS) - available upon request (~50 pages)

III. Chronology of Weed Control

Field Notes/Results

Herbicide Field Tests with Swamp Inc.

Location: Rochester Avenue between Lee Street and Somersworth Street.

Start Date: July 17, 2017

Start Time: 9:30 am

Finish Time: 11:30 am

Weather: 74 degrees Fahrenheit; calm and partly cloudy

Products and Test Locations

1. **Dr. Earth Final Stop weed and grass herbicide**: Applied straight from pre-mixed store bought container. **Start Pole: 436/8 Finish Pole: 436/9**
2. **Spectracide weed and grass killer**: Applied straight from pre-mixed store bought container. **Start Pole: 436/9 Finish Pole: 436/10**
3. **Finalsan**: Mixed at a 6.5 ounce herbicide to half gallon water. **Start pole: 436/10 to edge of driveway.**
4. **Reward (Diquat)**: Mixed at .375 ounce herbicide to half gallon water. **Start Pole: 436/11 Finish Pole: 436/12**
5. **Finalsan**: Mixed at 10.5 ounces herbicide to half gallon of water. **Start Pole: 436/13 Finish Pole: 436/1**
6. **Scythe**: Mixed at 6.5 ounces herbicide to half gallon of water. **Start Pole: 436/1 Finish Pole: 436/15**
7. **Avenger**: Mixed at 1:3 ratio= 20 ounces herbicide to half gallon of water. **Start: Opposite side of road to Pole 436/12 at edge of building parking lot. Finish: Newfield street (around corner 5-6').**
8. **Fiesta**: Mixed at 1:24 ratio= 2.5 ounces herbicide to half gallon of water. **Start: From parking lot entrance across from pole 436/8. Finish: Granit post numbered 36.**

9. **Cidekick**: Mixed 1:3 ratio= 20 ounces herbicide to half gallon of water. **Start: From parking lot entrance across from pole 436/7. Finish: Granit post numbered 80.**

10. **Control Area**: **Start: Pole 436/12 Finish: 436/13**

Field Notes

When mixing water was filled half way in container, followed by herbicide, followed by water again from triple rinsing herbicide measuring container.

Finalsan: noticed a strong ammonium odor upon application. Foams when applied mostly when nearing the end of sprayer running empty.

Avenger: cloudy when applied with a strong citrus odor. Oily/slippery texture on road when applied

Cidekick: very oily with strong odor

07/17 at 3pm:

Noticed a strong Cidekick smell when I exited vehicle in parking lot.

Dr. Earth-no effect

Spectracide- little dieback with chlorosis 5%

Finalsan 6.5- no odor, heavy dieback 90%

Reward- no signs

Finalsan 10.5- mild odor, heavy dieback 90%+

Scythe- 70% dieback 30% Chlorosis

Avenger-patch browning and chlorosis- 5-10%

Fiesta- mild browning in spots and chlorosis 5%+/_

Cidekick- strong odor, some browning and chlorosis 5%- no longer slippery on pavement.

07/18: 8am-72 degrees- calm- overcast

Dr. Earth: no effect

Spectracide: 5-10% browning/chlorosis

Finalsan 6.5: 95%+ dieback, odor

Reward: Little to no results/ -5% leaf curl

Finalsan 10.5: total dieback 95%+/-, odor

Scythe: 85%+/- dieback, leaf curl, browning/chlorosis

Avenger: 60% browning/chlorosis

Fiesta: 5%+/- mottling/browning

Cidekick: 50% browning/chlorosis- no odor

7/19: 2pm 85 degrees-clear-calm

Dr.Earth: no effect

Spectracide: 70% dieback and browning

Finalsan 6.5: 98% effective, no odor

Reward: 85% dieback and browning

Finalsan 10.5: 98%+ effective, no odor

Scythe: 95% effective

Avenger: 60% dieback and browning

Fiesta: 5%+/- mottling/browning

Cidekick: 50% browning

7/20: 2:30 pm 92 degrees-calm-cloudy

Dr. Earth: no effect

Spectracide: 90% effective

Finalsan 6.5: 98% effective

Reward: 95%+/- effective

Fianlsan 10.5: 98% effective

Scythe: 95%+/- effective

Avenger: 60% effective

Fiesta: 5% effective

Cidekick: 75% effective

8/3: 12:00 pm 89 degrees-calm-sunny

Dr. Earth: no effect

Spectracide: some weeds growing back 10%

Finalsan 6.5: some weeds growing back 5%

Reward: some weeds growing back 5%

Finalsan 10.5: some weeds growing back 5%

Scythe: some weeds growing back 5%

Avenger: weeds growing back 30%

Fiesta: no change

Cidekick: weeds growing back 30%

8/22: 3:00 pm 90 degrees- calm-cloudy

Dr. Earth: same

Spectracide: weed growth 50%

Finalsan 6.5: weed growth 50%

Reward: weed growth 50%

Finalsan 10.5: weed growth 50%

Scythe: weed growth 50%+

Avenger: weed growth 50%+

Fiesta: 100% weed growth

Cidekick: 100% weed growth

09/07: 75 degrees- light wind-cloudy

Dr. Earth: no change

Spectracide: 100% weed growth

Finalsan 6.5: 100% weed growth

Reward: 100% weed growth

Finalsan 10.5: 100% weed growth

Scythe: 100% weed growth

Avenger: 100% weed growth

Fiesta: 100% weed growth

Cidekick: 100% weed growth

Material Safety Data Sheets (MSDS)

available upon request

Chronology of Weed Control

Municipal Pest Management Services, Inc.

21 River Road
Newington, NH 03801
swampfixer@swamp-inc.com
Telephone 603-431-0008

Portsmouth Weed Control Herbicide Chronology

Season 2015 (June through September)

- Final year of Roundup Pro Herbicide (glyphosate based) usage

Season 2016 (June through September)

- Rodeo Herbicide (glyphosate based) replaced Roundup Pro Herbicide
- Initial pilot effort with organic based product Avenger was conducted

Season 2017 (May through September)

- Reward Herbicide (Diquat dibromide) replaced Rodeo Herbicide
- Field trials of organic herbicides July 17 with Corin Hallowell
- Post surveys determined Finalsan Herbicide and Axxe Herbicides best alternatives
- Obtained permission from NH Pesticide Control to use Finalsan and Axxe Herbicides on August 4
- Finalsan Herbicide replaced Reward Herbicide on August 5 and has been exclusively used since.

Michael Morrison, BS Entomology
Municipal Pest Management Services, Inc.



MEMORANDUM

TO: ACTING CITY MANAGER NANCY COLBERT PUFF
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR JTW
SUBJECT: COUNCILOR SPLAINE REQUEST FOR REPORT BACK ON
LIVE/WORK SPACES FOR ARTISTS AND OTHERS
DATE: 11/13/2017

At the October 16, 2017 City Council meeting, Councilor Splaine requested a report back from City staff regarding the practicality of allowing artists and others who have studio, gallery, workplace, or storefront in Portsmouth to be able to use their space as a residence and any limitations or other restrictions that may be required.

In the City's Zoning Ordinance live/work units are consider land use types and are currently allowed in the MRO, CD4-L1, CD4-L2, and MRB Zoning Districts. The Zoning Ordinance defines a live/work unit as follows.

Live/work unit (as defined in Article 15 of the Zoning Ordinance)

A dwelling unit which includes a nonresidential use that is otherwise allowed in the zoning district in which the unit is located and that is operated by the resident of the dwelling unit, and which complies with the following standards:

- (a) The live/work unit shall not exceed 3,000 sq. ft. gross floor area.*
- (b) The nonresidential area shall be between 25 percent and 50 percent of the gross floor area of the unit.*
- (c) The nonresidential area shall be limited to the first or main floor only of the live/work unit.*
- (d) No workers shall be employed or occupied in the nonresidential use other than residents of the live/work unit.*
- (e) The live/work unit shall not include any high hazard use, and shall not include any storage use exceeding.*

Items a) through e) listed above are also consistent with the International Building Code (IBC) requirements (Section 419 Live/Work Units). Any live/work units which include food businesses would be subject to health code restrictions or regulations that are applicable to the food business, but there are no additional restrictions or regulations for the live/work component.

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Commission

Name: Adrienne Harrison Telephone: 207 409 2834

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

Street address: 238 Highland St. Portsmouth NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 10 years

Occupational background:

Contractor for NOAA office for coastal management. Specialize in coastal community resilience and adaptation in New England.

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

Current member of Conservation Commission for 2.5 years.



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: Enhance wetland buffer
coordination in city, bring knowledge of
sea level rise impacts to shoreland
zone

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

Historic Properties Risk Project (SLR)

~~SES~~ Portsmouth Listens

Little Harbour PTA

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

1) Meg Bohne, Wentworth St, 516 528 9293
Name, address, telephone number

2) Reagan Kuedig, Highland St, 646 342 9275
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: 11/8/17

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Commission

Name: Nathalie Morison Telephone: 603-854-0800

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

Street address: 270 Richards Ave, Apt #1, Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? Since December 2015

Occupational background:

Coastal Resilience Specialist for the NH Department of Environmental Services Coastal Program
responsible for providing technical assistance to state, regional, municipal, and local organizations
implementing coastal resilience measures; gathering and interpreting environmental data related to
coastal flood risks; and developing recommendations for enhancing coastal resilience in NH.

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

Understanding of physical and biological coastal environments and processes (e.g., inland and
tidal wetlands) and the human behaviors and policies that affect, and are affected by, these natural
resources. Knowledge of quantitative and analytical methods for resource analysis. Familiarity
with state and local environmental protection standards (e.g., RSA 482-A; Article 10 Portsmouth
Zoning Ordinance). Skilled in project/grant management, environmental education and outreach,
stakeholder engagement, meeting facilitation and record keeping.



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: Aside from my demonstrated interest in conservation, I am
eager to get involved in local government to help fill the looming generational void in leadership as today's
leaders plan for retirement. Millennials are often rightly accused of being politically dispassionate, quick to
criticize government for becoming dysfunctional and polarized. Rather than complain, it's time for my
generation to take more interest and action in local affairs, so that we can learn from the thorough working
knowledge of those currently serving and take greater responsibility for the community in which we live.
Please list any organizations, groups, or other committees you are involved in:

NH Coastal Adaptation Workgroup (<http://www.nhcaw.org/>)

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

1) Steve J. Miller, 38 Thornton Street, Portsmouth, NH 03801, 603-433-1160
Name, address, telephone number

2) Kirsten Howard, 142 Cabot Street, Unit 4, Portsmouth, NH 03801, 401-575-8265
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: *Abthalia Howard* Date: 10/10/2017

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

NATHALIE M. MORISON

Phone: (603) 854-0800 | E-mail: nathaliemorison@gmail.com
Address: 270 Richards Ave., Apt. #1, Portsmouth, NH 03801

SUMMARY PROFILE

Coastal resilience specialist and effective project manager with experience leading multi-stakeholder initiatives to address coastal hazards and climate change impacts to coastal communities.

PROFESSIONAL EXPERIENCE

FT COASTAL RESILIENCE SPECIALIST

Oct 2016 – Present

PT COASTAL RESILIENCE SPECIALIST

Nov 2015 – Oct 2016

New Hampshire Department of Environmental Services Coastal Program

- **Coastal Resilience Technical Assistance and Outreach**
 - Represent the NH Coastal Program at monthly meetings of the NH Coastal Adaptation Workgroup (CAW), as well as the Outreach and Connecting Researchers and Decision-Makers (RAD) subcommittees
 - Co-administer CAW website and social media accounts
 - Participate on planning team for annual CAW King Tide Photo Contests
 - Participate on planning team for annual CAW Coastal Climate Summits
 - Presented at 2017 National Adaptation Forum
 - Staffed New Hampshire Coastal Risk and Hazards Commission (CRHC)
- **Develop Grant Proposals and Administer Financial Assistance Agreements**
 - Serve as primary project manager for *NH Setting SAIL* Project of Special Merit to support state and municipal implementation of CRHC report through outreach and technical assistance
 - Serve as primary project manager for *Exeter Stormwater Resilience – Lincoln Street Phase II* Project of Special Merit to assess watershed and drainage infrastructure vulnerability assessment and develop conceptual stormwater Best Management Practice designs for the Town of Exeter, NH
 - Served as assistant project manager for *Climate Risk in the Seacoast (C-RiSe)* project to assess vulnerability of municipal assets and natural resources for Great Bay municipalities

FT PLANNING & POLICY ANALYST

Jul 2013 – Aug 2015

State of Hawaii Coastal Zone Management Program

- Chaired multi-stakeholder development of implementation plan to achieve Hawaii's coastal resilience goals
- Served as co-chair designee to Hawaii Interagency Climate Adaptation Committee
- Convened stakeholder workshops to advise President's Task Force on Climate Preparedness and Resilience
- Secured \$100,000 grant and executed contract to develop climate resilient building code amendments
- Administered \$125,000 contract to develop alternative funding mechanisms for shoreline public access
- Programmed and executed five-year Section 309 Coastal Zone Enhancement Grant strategies
- Communicated program priorities and initiatives at the national, regional, state, and local level

PT ENVIRONMENTAL SPECIALIST

Feb 2013 – Jun 2013

North Carolina Division of Coastal Management

- Explored methods for assessing the economic and environmental cost-benefits of sea level rise regulations and policies in response to NC Session Law 2012-202 and synthesized findings into comprehensive report

FT COASTAL ADVOCACY FELLOW

May 2012 – Aug 2012

North Carolina Coastal Federation

- Co-authored white paper promoting coastal habitat restoration efforts as nature-based adaptation
- Investigated potential discrepancies in state permitting process for bulkheads vs. living shorelines
- Co-developed grant proposal to help create, restore, and enhance coastal and aquatic habitats
- Composed brief on NC participation in National Flood Insurance Program Community Rating System
- Prepared comments on DEIS for proposed terminal groin project and mercury TMDL
- Performed wetland and oyster habitat restoration.

NATHALIE M. MORISON

Phone: (603) 854-0800 | E-mail: nathaliemorison@gmail.com
Address: 270 Richards Ave., Apt. #1, Portsmouth, NH 03801

PROFESSIONAL EXPERIENCE (CONT'D)

PT COMMUNITY OUTREACH ASSISTANT

Sep 2011 – May 2012

Duke Environmental Leadership Program

- Coordinated student volunteers for K-12 Environmental Education Service Learning Program
- Documented outreach activities for program website and newsletter
- Planned and executed annual Coca-Cola Seminar Series

FT ASSISTANT UNDERWATER SURVEYOR

Mar 2011 – May 2011

Simon Fraser University

- Conducted underwater surveys and semi-structured interviews with local fisherman to quantify the ecological and economic effects of invasive lionfish on the Bahamian lobster trap fishery

FT ASSISTANT PROGRAM DIRECTOR / DIVEMASTER / INTERN (SEASONAL)

Jun 2005 – Aug 2010

SeaTrek BVI

- Devised course curriculum and itinerary for summer camp in the British Virgin Islands
- Instructed scuba diving, sailing, and marine science to classes of 30+ students
- Coordinated, trained, and evaluated student interns and scuba instructor candidates
- Captained a 47' live-aboard sailing catamaran
- Recruited students at national camp fairs

PT RESEARCH TECHNICIAN

Aug 2007 – May 2008

Vantuna Research Group

- Collected plankton and fish samples using plankton trawls and beach seines
- Processed larval and adult fish otoliths and sediment core samples for infauna analysis
- Performed data entry and quality control
- Restored museum fish collection

EDUCATION

MASTER OF ENVIRONMENTAL MANAGEMENT

Sep 2011 – May 2013

Duke University, Nicholas School of the Environment

- *Concentration:* Coastal Environmental Management
- *Honors:* Nicholas School of the Environment Merit-Based Scholarship and Research Assistantship
- *Leadership:* President, The Coastal Society – Duke Student Chapter; Communications Committee Chair, Environmental Internship Fund

BACHELOR OF ARTS IN BIOLOGY

Sep 2006 – May 2010

Occidental College

- *Concentration:* Marine Biology
- *Honors:* Magna Cum Laude with Distinction in Biology; Phi Beta Kappa; Athletic-Achievement Award
- *Leadership:* Orientation Team Leader; Residence Hall Representative; Co-Captain, Women's Lacrosse



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Board of Adjustment

OCT 17 2017
Renewing applicant

Name: Tim Lee Telephone: 603-436-1221

Could you be contacted at work? YES NO - If so, telephone # 603-436-1221

Street address: 520 Sagamore Avenue

Mailing address (if different): Same

Email address (for clerk's office communication): Tim@TimLee.com

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

Occupational background:

Real estate broker since 1980
Operated two independent restaurants
Served in the United States Air Force
Past President. Seacoast Board of Realtors (2013)

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

Reasons for wishing to continue serving: I have enjoyed my
time on the board of adjust and wish
to continue. I believe it is important to
give back to the city I have made
my home.

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

Seacoast Board of Realtors
St Andrews Masonic Lodge #66
Portsmouth Elks Club
Recently named 2017 New Hampshire
Realtor of the year.

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

- 1) Jane Sawyer, 266 McKimley Rd Portsmouth
Name, address, telephone number 603-436-9478
- 2) Lee Gove, 51 Morning St. Portsmouth, NH
Name, address, telephone number 603-475-0914

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: 10/17/2017

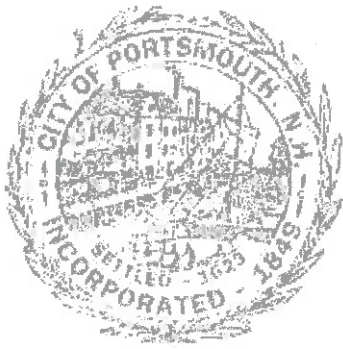
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/1/2022

Annual Number of Meetings: 21 (2016) Number of Meetings Absent: 3

Date of Original Appointment: 12/21/2015

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

RECEIVED
OCT 26 2017
Renewing applicant
By _____

Committee: Zoning Board of Adjustment

Name: Peter McDonell Telephone: (207) 776-5643

Could you be contacted at work? YES/NO - If so, telephone# (207) 400-8123

Street address: 54 Mason Avenue

Mailing address (if different): -

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

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

Occupational background:

Real estate attorney - see attached resume

Would you be able to commit to attending all meetings? YES/NO (with very occasional absences)

Reasons for wishing to continue serving: I think I'm making a valuable contribution to the Board and to the City in general, and am able to bring my knowledge and expertise as a real estate attorney, and put it to good use.

OVER
➔

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

N.H. Bar Association, Me. Bar Association, Maine Real Estate
and Development Association

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

1) Mark Bingham, 279 Richards Ave, Apt B (617) 504-9212
Name, address, telephone number

2) Craig Laskoski, 90 Burkitt St (207) 752-2975
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: 10-23-17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/1/2022

Annual Number of Meetings: 21 (2016) Number of Meetings Absent: 1

Date of Original Appointment: 2/1/16

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

Peter J. McDonell

54 Mason Avenue
Portsmouth, NH 03801
pjmcdonell@gmail.com / (207) 776-5643

EXPERIENCE

- PERKINS THOMPSON, P.A., Portland, ME
Real Estate Attorney; April 2007 – present (Summer Associate; May 2006 – July 2006)
Dynamic practice representing businesses and individuals in a broad range of real estate transactions, including the acquisition, financing, development, operation, leasing, and sale of commercial, industrial, and residential real estate in northern New England
- UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, Detroit, MI
Intern for Magistrate Judge Paul J. Komives; May 2005 - August 2005
Researched and drafted judge's reports and recommendations

EDUCATION

- THE UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI
J.D., December 2006
- ADRIAN COLLEGE, Adrian, MI
B.A., Biology, December 2003

AFFILIATIONS

- Admitted to Maine (2007) and New Hampshire (2013) state bar; American Bar Association; New Hampshire Bar Association; Maine State Bar Association; Maine Real Estate and Development Association

RECENT COMMUNITY/PUBLIC SERVICE

- Portsmouth Zoning Board of Adjustment (member since 2016); Maine Volunteer Lawyers Project; Portland Trails; Maine Audio Information and Reading Service

Resignation

September 11, 2017

Mayor Jack Blalock
1 Jenkins Ave
Portsmouth, NH 03801

RE: Letter of Resignation - City of Portsmouth Conservation Commission

Dear Mayor,

Please accept this letter as my letter of resignation for serving the City's Conservation Commission. Before I was able to complete my latest term scheduled to expire April 1, 2020, my family and I moved from the City to your neighboring town of Newington.

It has been a great pleasure serving the City and being amongst a very talented, knowledgeable and caring group of individuals on the Commission and in the Planning Department.

Best regards,

Matthew Cardin

Cc: Steve Miller, Chairman
Peter Britz, Environmental Planner
Liz Good, Planning Department

Resignation

Fred "Ted" Gray Jr.
808 Sagamore Ave.
Portsmouth, NH 03801

11/1/17

Brad Hoyt, Chairman
Portsmouth Parking & Traffic Safety Committee

Dear Brad:

after 25+ - years on the Traffic & Safety Committee & several as vice Chairman, it seems time to retire/resign & give someone else a seat.

It has been an interesting ride made possible by the terrific people with whom I've met & served. Now, however, some health issues have arisen, so it's probably time to say adieu.

I will resign/retire as of 12/31/17, but will have a continuing interest in the Committee. Best of luck to you as you leave the Council.

for safety in traffic.

Ted Gray

Wednesday, November 15, 2017

To: Portsmouth City Councilors
From: Jim Splaine, Citizen Activist
Re: McIntyre Redevelopment Project

I have an item on the Agenda for the City Council meeting of this coming Monday, November 20th:

**RE-THINKING THE McINTYRE DEVELOPMENT PROCESS --
CREATING A VISION BEFORE CHOOSING A DEVELOPER.**

I think we need to significantly slow down and rethink the McIntyre Project. Something's not right. Not only will megabucks be made by developers on this project, but Portsmouth's Downtown and the lives of many of our residents will be affected for decades by what is built there, or not built.

It's not just a matter of how much, how tall, and how wide. It's a question of by whom, for what, and why.

There are many possibilities for this important part of Downtown. This past Monday, when the City Council met to discuss where we are and the direction in which we are headed, the room was filled with developers and planners and city staff. I asked a simple question: "WHERE IS THE VISION?" I received no answer. Public input has been very limited to this point.

Yet, within two weeks "the plan" is to choose a developer and a concept. We're not ready.

Below is Portsmouth historian J. Dennis Robinson's comment about the process, which appears in a post on Facebook.

"JUST SAYIN: You have to wonder whether a strong, cordial, united front of influential locals, organizations, and companies rallying under one banner might slow the McIntyre process down for a rethink. I know there was public input, but those things usually happen way before anyone feels the urgency to pay much attention. Seems an ideal time for citizens to say--hold on--Portsmouth is filled with a lot of really smart people and we can certainly come up with a better plan for a unique spot in the heart of town. Angry cranky NIMBY protests have not been successful lately, nor should they be. And I've personally did not have big problems with the evolution of "New Portsmouth." But more hotels and luxury condos are unneeded now. Been there, done that. The city that developed Prescott Park, Discover Portsmouth, and the African Burying Ground, saved the North Church steeple, created Market Square Day, 3S, and Strawberry Banke, dragged a

submarine onto dry land, planted trees, opened galleries, saved historic sites, replaced two historic bridges, resurrected the Music Hall, and pulled so many other miracles out of a hat can certainly do better. This might be a good time to put the brakes on the formerly needed development era and celebrate our renewed economy and international prestige by thankfully using this space for something we really need at heart, rather than something we already have in abundance. Less, this time, may be more."

J. Dennis Robinson's comments are reminiscent of and in the same tradition as those offered by the late Portsmouth Librarian Dorothy Vaughan's call for action against destruction of our old homes and history. Her vision, while not able to stop the demolition of some 300 homes in the North End, resulted in saving much of our South End.

Ms. Vaughan wanted to keep Portsmouth from being destroyed, piece-by-piece.

Mr. Robinson wants to be sure that as we build, we do it right, brick-by-brick.

There has to be room in our wonderful historic city to achieve both goals. We owe that to those who are not yet here, but will someday call Portsmouth "home."

Let's take the time to do it right.

Thank You,

Jim Splaine

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – October 5, 2017
City Hall – Eileen Dondero Foley Council Chambers

MEMBERS PRESENT: Brad Lown, Chairman
Nancy Colbert Puff, Acting City Manager
Peter Rice, Director of Public Works
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Members: Ted Gray, Harold Whitehouse, Ronald Cypher,
Shari Donnermeyer and Mary Lou McElwain

CITY STAFF PRESENT: Eric Eby, Parking and Transportation Engineer
Juliet Walker, Planning Director
Benjamin Fletcher, Parking Director

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

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

1. Accepted and placed on file meeting minutes from September 7, 2017.
2. Accepted and placed on file financial report (totals through August 31, 2017).
3. Public Comment. Seven Speakers: Charles McMahon, Dave Cosgrove, David Palumbo, David Calkins, Pam Mower, Jane Begala and Cindy Fessenden.
4. Presentation: Complete Streets Guidelines, by Juliet Walker, Planning Director.
5. (VII.A.) **Action Item:** Request to eliminate access to Echo Avenue from Spaulding Turnpike – **VOTED to have staff work with neighborhood, to determine desirability and report back with next steps in process.**
6. (VII.B.) **Action Item:** Request to allow parking at end of Dearborn Street – **On a roll call 5-3, motion failed to allow parking on west side of Dearborn Street south of Dearborn Lane.** Public Comment. Three Speakers: Michael Stasiuk, Susan Regan and Michael Brandzel.

7. (VII.C.) **Action Item:** Request to renew Portwalk Place valet licenses – **VOTED to renew valet licenses for Marriott Residence Inn and Hampton Inn.**
8. (VIII.A.) **Action Item:** Request for crosswalk on Grafton Drive at Sherburne Road – **VOTED to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road.**
9. (VIII.B.) **Action Item:** Request for crosswalk on Woodbury Ave at Edmond Ave – **VOTED to deny the request for a crosswalk on Woodbury Avenue at Edmond Avenue due to the lack of pedestrians.**
10. (VIII.C.) **Action Item:** Request to move Zagster bike share station to on-street space near 77 State Street – **VOTED to deny the request to move Zagster bike share station to on-street parking space near 77 State Street.**
11. Public Comment. Six Speakers: Ron Cypher, Michael Stasiuk, Michael Brandzel, Susan Regan, Jane Begala and Cindy Fessenden.
12. (X.A.) Crosswalk requests on state roads, Lafayette Road at Robert Avenue, and Ocean Road at Suzanne Drive – No action required by the Committee.
13. (X.B.) Quarterly bicycle and pedestrian accident report – No action required by the Committee.
14. Adjournment – At 9:41 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – October 5, 2017
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

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

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker
Parking Director, Benjamin Fletcher

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to accept the meeting minutes of September 7, 2017.
Seconded by Ron Cypher. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Shari Donnermeyer moved to accept the financial report dated August 31, 2017. Seconded by Ron Cypher. **Motion passed 9-0.**

Committee members thanked City staff for including the category definitions listed on the financial report. Mary Lou McElwain stated she would email Parking Director Fletcher with questions and discuss any issues with the Committee at the November 2nd meeting.

Harold Whitehouse asked about informational items including: jurisdiction and annual reports for private parking lots and veterans with approved license plates parking for free in private parking lots.

V. PUBLIC COMMENT:

Charles McMahon spoke to action item VII.A. [Request to eliminate access to Echo Avenue from Spaulding Turnpike]. He spoke to safety concerns due to the narrow roadway, no sidewalks, excessive vehicle speeds and drivers using Echo Avenue as a cut through to Woodbury Avenue. He proposed implementing a pilot program that would eliminate access to Echo Avenue from the Spaulding Turnpike.

Dave Cosgrove agreed with Mr. McMahon's safety concerns and supported the pilot program proposal. He spoke to safety concerns for the residents at Betty's Dream.

David Palumbo also agreed with Mr. McMahon's concerns. He previously requested the Echo Avenue sign be removed from the Spaulding Turnpike. The New Hampshire Department of Transportation (NHDOT) denied the request. He supported changing Echo Avenue to a dead-end street.

David Calkins spoke to action item VII.A. [Request to eliminate access to Echo Avenue from Spaulding Turnpike]. He stated traffic volumes are not excessive. The excessive speeding is problematic. He recommended speed bumps to calm traffic and make the roadway safer for the residents.

Pam Mower spoke to action item VII.A. [Request to eliminate access to Echo Avenue from Spaulding Turnpike]. She also spoke to safety concerns for residents of Betty's Dream and the neighborhood.

Jane Begala spoke in support of action item VIII.A. [Request for crosswalk on Grafton Drive at Sherburne Road]. She collected signatures from neighbors in support of the crosswalk. She requested a pedestrian activated crosswalk with flashing lights similar to the one on Sagamore Avenue. She spoke at length about sections in the Bicycle and Pedestrian Plan 2014 regarding implementation, walkability and connectivity. She also addressed the Capital Improvement Plan and allocating funds for improvements.

Cindy Fessenden spoke in support of action item VIII.A. [Request for crosswalk on Grafton Drive at Sherburne Road]. She supported the statements made by Ms. Begala. She requested a crosswalk at the intersection of Grafton Drive and the C&J Bus driveway, and improvements to the crosswalk at Borthwick Avenue and Greenland Road.

VI. PRESENTATION:

A. Complete Streets Guidelines. Juliet Walker, Planning Director, presented the Complete Streets Design Guidelines to the Committee. "Complete Streets" means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street. Juliet Walker stated the guidelines were developed in collaboration between the Planning Department, Department of Public Works and the Fire Department. The report is available on the City's Transportation webpage. <https://www.cityofportsmouth.com/publicworks/transportation/complete-streets-program>

VII. NEW BUSINESS:

A. Request to eliminate access to Echo Avenue from Spaulding Turnpike, by Charles McMahan. Eric Eby stated that residents had voiced their concerns about pedestrian safety and traffic. He stated he would be working with other City Departments, the neighborhood and NHDOT to determine what could be done. He will report back to the Committee regarding a final recommendation at a future date.

Harold Whitehouse moved to have staff work with neighborhood, to determine desirability and report back with next steps in process. Seconded by Shari Donnermeyer.

Eric Eby clarified the city right-of-way begins at the roundabout on Echo Avenue. He stated NHDOT was agreeable to eliminating the exit from Spaulding Turnpike to Echo Avenue.

Vote 9-0, to have staff work with neighborhood, to determine desirability and report back with next steps in process.

B. Request to allow parking at end of Dearborn Street, by Michael Stasiuk.

Public Works Director Rice moved to suspend the rules to allow for public comment. **Vote 9-0, to suspend rules to allow for public comment.**

Michael Stasiuk stated the space is at 41 Dearborn Street. It is located between a telephone pole and a flushing hydrant. He resides at 31 Dearborn Street and is the landlord of 41 Dearborn Street. He provided background on the parking issue and stated the City designated the space as handicapped parking for the former owner. A handicap parking sign was located on the telephone pole. He spoke about the parking challenges due to neighbor disputes. He requested the Committee move to allow parking in the space in front of 41 Dearborn Street.

Public Works Director Rice stated the issue was technical. The focus of the discussion should center on the feasibility of the parking space configuration.

The Committee conducted an on-site visit on Tuesday, October 3, 2017. Eric Eby stated the space had been measured and he would recommend creating a parking space in front of 41 Dearborn Street. He stated a vehicle exited the neighbor's driveway from across the street while some of the Committee members were at the site. There were no issues.

There was brief discussion among the Committee members about adding an additional parking space, but it would involve moving the utility pole, fence and flushing hydrant, which would require funding that is not available at this time. Environmental regulations could also be a concern.

Shari Donnermeyer moved to allow parking on west side of Dearborn Street south of Dearborn Lane. Seconded by Acting City Manager, Nancy Colbert Puff.

Harold Whitehouse asked Deputy Fire Chief Heinz for his opinion regarding safety. Deputy Fire Chief Heinz stated he would vote against the motion because the Fire Department favors wider streets and space to maneuver equipment.

Harold Whitehouse moved to suspend the rules to allow for public comment. **Vote 8-0, to suspend rules to allow for public comment.** Chairman Lown left the meeting prior to vote.

Susan Regan spoke about exiting her driveway onto Dearborn Street and the hardship a parking space in front of 41 Dearborn Street would cause her and her tenants. She expressed concern about the narrow roadway, the existing problematic parking issues and snow plowing. She asked the Committee to review photographs she had taken, which illustrated her concerns.

Acting City Manager, Nancy Colbert Puff, reminded the Committee that the issue was to determine the feasibility of approving one parking space at the designated location. She asked Eric Eby to comment on snow plowing. Mr. Eby stated snow is removed by a front-end loader because of the width of the right-of-way. Snow plows are not used on Dearborn Street or Dearborn Lane.

Michael Brandzel spoke against the proposed parking space because it would narrow the roadway and cause a hardship for Ms. Regan. He proposed two scenarios as a compromise in the interim. He stated any temporary agreement should be approved by Ms. Regan and Mr. Stasiuk until a permanent resolution is made.

Public Works Director Rice thanked Mr. Brandzel for his suggestions. He stated staff reviewed the available space. It met the criteria needed to create a parking space. He stated there are many areas in the City where space is limited. Dearborn Street is not an exception.

Harold Whitehouse stated he would vote against the motion due to safety issues. Mr. Whitehouse called for a roll call vote.

On a roll call 5-3, motion failed to allow parking on west side of Dearborn Street south of Dearborn Lane. Ted Gray, Harold Whitehouse, Ronald Cypher, Deputy Fire Chief Heinz and Police Captain Warchol voted opposed. Shari Donnermeyer, Acting City Manager, Nancy Colbert Puff and Public Works Director Rice voted to approve.

C. Request to renew Portwalk Place valet licenses. Eric Eby stated there were three designated spaces to be used for valet services for the Marriott Residence Inn and three spaces for the Hampton Inn. Staff recommended renewing the valet license agreements for another year.

Public Works Director Rice moved to renew the valet licenses for Marriott Residence Inn and Hampton Inn. Seconded by Acting City Manager Colbert Puff.

Harold Whitehouse discussed valet operations being offered from 11:30 a.m. to 2:00 p.m. Eric Eby stated the licenses allow for valet services at designated parking spaces. Public Works Director Rice stated staff would investigate concerns regarding unlicensed valet operations.

Mary Lou McElwain referenced Section 2, Use, on page 1 of the License Agreement attached in the packet. She asked for clarification on storing parked vehicles in designated municipal spaces. Public Works Director Rice stated a Joint Municipal Agreement was made with the developer of Portwalk Place who worked with the City to create a public parking lot on Vaughan Street. The Vaughan Street Lot is what is being referred to as the designated area for storing parked vehicles.

Vote 8-0, to renew valet licenses for Marriott Residence Inn and Hampton Inn.

VIII. OLD BUSINESS:

A. Request for crosswalk on Grafton Drive at Sherburne Road. Eric Eby stated he had collected data on vehicle speed, sight lines and volumes. He recommended a High Intensity Activated Crosswalk (HAWK) signal in order to make the crosswalk safe. A picture of the HAWK signal is shown on page 29 of the packet. The signal is dark until activated by pedestrians. Eric Eby stated the City would need to work with Pease Development Authority (PDA). The city is responsible for maintaining the roadways, including pavement, pavement markings and signs. The PDA is responsible for infrastructure costs, including traffic signals.

Shari Donnermeyer moved to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road. Seconded by Harold Whitehouse.

Mr. Whitehouse asked if staff would be attending the next PDA meeting. Public Works Director Rice stated City staff would be working with the PDA. He stated the crosswalk would be presented to the PDA technical staff as the first step in the process. Acting City Manager, Nancy Colbert Puff, assured the Committee this matter would be addressed with the PDA in a timely manner.

Vote 8-0, to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road.

B. Request for crosswalk on Woodbury Ave at Edmond Ave. Eric Eby stated he collected traffic data on both school days and non-school days. The video data showed that pedestrians were primarily crossing only when a school bus was present. The school bus stopped traffic in both directions to allow students to cross on Woodbury Avenue safely. Based on the data collected, staff does not recommend the installation of a crosswalk at this location.

Ron Cypher moved to deny the request for a crosswalk on Woodbury Avenue at Edmond Avenue due to the lack of pedestrians. Seconded by Harold Whitehouse.

Vote 8-0, to deny the request for a crosswalk on Woodbury Avenue at Edmond Avenue due to the lack of pedestrians.

C. Request to move Zagster bike share station to on-street space near 77 State Street. Eric Eby stated this location is the most highly used station in the City. It is located in the Memorial Bridge Parking Lot. City staff carefully selected bike share station locations that would not impact on-street parking. He stated the limited sight lines for vehicles exiting the garage at 77 State Street were similar at many driveways and side streets that have adjacent on-street parking spaces. He stated the situation was not unique. It does not present any greater safety concerns than other locations in the downtown. City staff recommended that the Zagster bike station remain in its current location.

Shari Donnermeyer moved to deny the request to move Zagster bike share station to on-street parking space near 77 State Street. Seconded by Harold Whitehouse. Mr. Whitehouse stated he viewed the area and did not observe any issues.

Vote 8-0, to deny the request to move Zagster bike share station to on-street parking space near 77 State Street.

IX. PUBLIC COMMENT:

Ron Cypher asked the Committee if there was anything they could do to assist a resident of Spinnaker Point Condominiums who is a Vietnam Veteran, and denied a handicap parking space two times on the property. Public Works Director stated the issue is a private property matter and not in the purview of the Committee.

Michael Stasiuk spoke to the failed motion under action item VII.A. [Request to allow parking at end of Dearborn Street]. He requested the ordinance be amended that prohibits parking on the right side of Dearborn Street and the No Parking sign located on the telephone pole be removed. He spoke to safety issues with the current parking configuration.

Michael Brandzel asked for guidance regarding who he could meet with to discuss alternatives regarding parking on Dearborn Street. He discussed several scenarios presently occurring. Public Works Director Rice stated the appropriate use of the roadway would be investigated since it had been presented to the Committee and City staff. Mr. Brandzel stated he would request a meeting with City staff to follow-up on proposed alternatives.

Susan Regan spoke against a parking space at 41 Dearborn Street and the one in front of her residence. She stated the roadway is too narrow.

Jane Begala thanked the Committee for voting in favor of the crosswalk at Grafton Drive and Sherburne Road. She asked that consideration be made for a similar crosswalk at Borthwick Avenue. She spoke to the concept of neighborhood and how it relates to her area.

Cindy Fessenden asked if she needed to make a formal request for the additional crosswalks. Public Works Director Rice stated she could make a formal request, but also encouraged her to participate in the City's Capital Improvement Plan (CIP) process to secure funding.

Harold Whitehouse requested speakers with topics outside the purview of the PTS Committee be directed to the appropriate City department or committee.

X. INFORMATIONAL:

A. Crosswalk requests on state roads, Lafayette Road at Robert Avenue, and Ocean Road at Suzanne Drive. – Eric Eby stated the City does not have jurisdiction and cannot approve or deny the requests because they fall under the jurisdiction of NHDOT. City staff received information on the proper process to follow when requesting a crosswalk across a state roadway. Mr. Eby stated he is working with the NHDOT and would report back at a future date on the progress of these requests. No action is required by the Committee.

B. Quarterly bicycle and pedestrian accident report. – Police Captain Warchol spoke to the two bicycle and three pedestrian accidents that occurred during the quarter (06/21/17 to 09/20/17).

XI. MISCELLANEOUS:

Public Works Director Rice proposed the PTS monthly meetings be moved to Conference Room A. The Committee concurred. Meetings will continue to be televised and available on the City's website.

Mary Lou McElwain requested a report back at the November meeting on Zagster bike use and satellite parking use.

Harold Whitehouse asked Police Captain Warchol about the excessive noise of motorcycles. Police Captain Warchol stated an operational plan to address the issue is under review.

XII. ADJOURNMENT – at 9:41 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee