

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 18, 2018 TIME: 6:30PM

AGENDA

- 6:30PM – WORK SESSION REGARDING 2018 PARTIAL UPDATE OF PROPERTY VALUES

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

RECOGNITION OF STATE CHAMPIONS FOR PORTSMOUTH HIGH SCHOOL

1. Girls Lacrosse Team
2. Boys Baseball Team

- V. ACCEPTANCE OF MINUTES – JUNE 4, 2018

- VI. PUBLIC COMMENT SESSION

- VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
 - Amendments to Article 4, Section 10.440 Table of Uses;
 - Amendment to the Character-Based Zoning Building Placement Section 10.5A42;
 - Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;
 - Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);
 - Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
 - Amendment to Article 15 Definitions Section 10.1530

(Sample motion – move to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to the request of Clipper Traders, LLC for property located at 105 Bartlett Street)

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
- Amendments to Character-Based Zoning Development Standards Section 10.5A41;
 - Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
 - Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
 - Amendment to Character-Based Zoning Incentive Overlay Districts Section 10.5A46
(Sample motion – moved to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to incorporating building, façade, and community space types allowed in the Gateway Neighborhood Mixed Use Districts into the Character-Based Zoning Districts and to clarify application of said types)

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign from Joe Kelley, owner of Cup of Joes Coffee Bar for property located at 31 Market Street **(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)**

Planning Director's Stipulations:

- **The license shall be approved by the Legal Department as to content and form;**
 - **Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and**
 - **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**
- B. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the 2018 Jingle Bell Run/Walk for Arthritis **(Anticipated action – move to refer to the City Manager with power)**

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence **(Sample motion – move to accept and place on file)**
- B. Letter from James Beal regarding Clipper Trader proposal of rezoning of 105 Bartlett Street

- C. Letter from Elizabeth Bratter regarding Request for a sound level impact simulation of homes affected by the proposed rezoning of 105 Bartlett Street
- D. Letter from Suzanne and Robert Ford regarding Request by New England Marine & Industrial (NEMI) to extend Gateway Zoning District

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. 299 Vaughan Street Temporary Construction License
- 2. Letter from Pease Development Authority Re: Request for Approval and Acceptance of Maintenance of North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement
- 3. Water Line Easement Re: 1850 Woodbury Avenue
- 4. Request for First Reading Re: Parking Omnibus

City Manager's Informational Items:

- 1. Events Listing
- 2. Report Back Re: Bicycle Friendly and Walkable Community Designations
- 3. Dondero School Nature Playground
- 4. News Release Re: National Homeownership Month
- 5. Report Back Re: Recovery of Costs of Public Records

B. MAYOR BLALOCK

- 1. Appointment to be Considered:
 - John Formella as a Regular Member to the Zoning Board of Adjustment
 - Chase Hagaman as an Alternate Member to the Zoning Board of Adjustment
- 2. Appointment to be Voted:
 - Michael Griffin to the Trees & Greenery Committee

C. COUNCILOR ROBERTS

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 7, 2018 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the June 7, 2018 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR DWYER

- 1. *McIntyre Project Update

E. COUNCILOR DENTON

1. *Renewable Energy Credits (*Motion for a FY20 budget document presented to the City Council to contain cost estimates to purchase Renewable Energy Credits (RECs) under the upcoming electricity contract*)

F. COUNCILOR PERKINS

1. *Legislative Committee – Housing Policy referral

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*

PUBLIC DIALOGUE

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 4, 2018

PORTSMOUTH, NH
TIME: 6:15PM

Public Dialogue Session – Table A

PRESENT: Assistant Mayor Lazenby, Councilors Pearson, Reynolds and Denton

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Erik Anderson – said the Council needs to consider residents' concerns with the budget. He requested that further reductions be made to the budget that have a meaningful result. He said there needs to be more attention spent on the budget to allow more discussion for residents.

City Manager Bohenko said that the reductions effect the timing of when bonding would take place. He addressed the Shiller Station and said next year we will have a better idea as to the value of the facility and the revenues.

Mark Brighton said that the reductions are coming out of non-revenues in the budget.

City Manager said that Eversource is responsible to pay the hold harmless with the values staying where they are.

Erik Anderson said that there is a spending and revenue problem in the City.

City Manager Bohenko announced that Standard and Poor's reaffirmed the City's triple A bond rating. He said we are using funding from the debt service reserve to help with the increase to the budget.

Erik Anderson said that City Council needs to come up with a year-long budget planning process.

Councilor Pearson said we have more people requesting additional spending and asking for an increase in services and the Council needs to consider those requests.

Zelita Morgan said that the Council needs to look at operations and make changes. She said people have come forward with some changes we need to look at what we are spending and the amount of spending. She spoke opposed to the number of consultants working for the City and feels the Council needs to look through all operations. She suggested having high school students take care of the fields.

Brett Fletcher said he teaches at the Robert J. Lister Academy which has been greatly impacted by the Farm to School Program. He spoke in support of the program and the position. He spoke to the many benefits from the program that the students receive.

Councilor Reynolds said that the Farm to School Program is throughout all the schools.

Kate Mitchell, Coordinator for Farm to School Program said she is available this evening to answer any questions that may arise.

Mike Toner said he works at Gather and the Farm to School Program is important. He said with a little financial support the program can go a long way. He said the program makes a difference in people's lives.

Paul Mannle said the City Council can't analyze the budget in a month. He said you need to start the budget process earlier. He said revenues need to increase in the City because if we keep going with a 3% increase it will not allow for affordable housing. Mr. Mannle also addressed High Hanover Parking Garage leases and he would like to cut 350 leases and move 400 to the Foundry Garage.

City Manager Bohenko explained how the leases worked and the revenues that are collected. He said we would lose revenues by removing 350 from the High Hanover Parking Garage.

Councilor Reynolds said the parking fees and revenues are a very carefully balance.

Paul Mannle said he does not feel there should be parking leases at the garage any longer.

Mark Brighton asked if money has been set aside for the Jim Boyle case.

City Manager Bohenko said we have reserved the funds we would have to reimburse for legal fees.

Zelita Morgan asked if the Post Office is closing its downtown location.

Councilor Pearson said that is a rumor and the Post Office will be making the decision as to stay or leave, but in no way are they obligated to stay.

City Manager Bohenko said we left them the option to stay at the location.

Zelita Morgan asked about the presence of individuals from the Assessor's office in certain neighborhoods and if we were doing another revaluation.

Assessor Lentz said based on last year's revaluation she approached the City Council in February that updates will be made yearly based on assessments as of April 1st. She said this just equalizes everyone by reviewing the sales.

City Manager Bohenko said there would be a City Council Work Session prior to the Council meeting on June 18, 2018 regarding Assessments.

Erik Anderson asked if the Farm to School is a critical program.

Brett Fletcher said the Farm to School Program will affect capital expenses.

Public Dialogue Session – Table B

Councilors Roberts, Dwyer, Perkins and Becksted were seated at the table.

Councilor Roberts opened the floor for discussion:

Roy Helse – stated he has used vinegar for weed control for years with great success. He referred to an article by Ted Jankowski on the issue of pesticides and stated we should take advantage of his willingness to volunteer regarding this issue.

Councilor Roberts clarified that we are not, not doing it, but Department of Public Works is investigating the labor costs involved. He clarified that Mr. Jankowski is volunteering consulting on the issue but not the labor. He stated this will be a phased project.

Mr. Helse stated the areas near the sidewalks that they spray are near drains and the chemicals wash into the drains.

Councilor Dwyer stated that many people use the vinegar in their own yards, but this is an issue about scale and what is appropriate for the larger scale.

Councilor Becksted stated that Public Works Director Rice mentioned steam systems as well.

Paige Trace – stated she has several issues. She began by discussing the Farm to School program stating that she understands the director of the program is a good person, but feels that this is something that can be done at home without spending \$50,000.00 a year. She continued that this money could be used to install filtered water systems for the school children who are ill and cannot ingest PFAS at any level and feels that if city hall can have these filtered water systems, then so should the schools. She stated this is the health of our children.

Next, Ms. Trace stated she doesn't feel that personnel that receive training and education through the city should be let go and has heard that this may happen in the Police Department.

Councilor Dwyer stated that the Council is not proposing cuts to the Police Department and that the comments made regarding not getting everything they want was in regards to the supplemental proposals.

Next, Ms. Trace discussed the proposal to add 9 metered parking spaces in front of the Langdon House and feels that this is “whoring our history”.

Councilor Dwyer stated this was proposed in order to narrow the road but there are other ways to do it. She stated this is in regards to traffic calming, but there are other ways to achieve it.

Councilor Roberts stated this is not on the next Parking and Traffic Safety Committee agenda and there is no meeting in July, so this is still awhile away. He stated this is a safety issue as the roadway is wide and people drive very fast and it is actually 3 feet wider than I-95.

Councilor Dwyer agrees that there should not be any parking.

Finally, Ms. Trace stated that as a south end resident and with all due respect to Councilor Dwyer and the architect for the McIntyre project, she is dismayed that the Post Office is being removed and being relocated to Heritage Avenue. She knows there is supposed to be a kiosk of some sort, but will there still be post office boxes. She stated that people need to be able to go to the downtown location.

Councilor Dwyer explained that it is the post offices’ decision where to relocate. She stated that the loading docks at the McIntyre site are not used any longer and that function moved to Heritage Avenue 10 years ago. She stated regarding the retail function, it is up to the Post Office how they want to use the space.

Karen Bouffard also discussed the relocation of the post office and feels that if they relocate even temporarily and come back, it will not be the same.

Councilor Dwyer stated we have been waiting for the input from the post office. Ms. Bouffard asked how residents can encourage that this not be relocated as it is important to businesses as well as residents.

Councilor Dwyer and Councilor Roberts suggested contacting the Post Master General as well as writing a letter and petitions.

Ms. Bouffard stated it is important for the developers to set the terms and incumbent upon the city to state the importance of keeping it downtown.

Councilor Dwyer clarified that it is listed as one of the requirements to keep the retail portion.

Ms. Bouffard stated she feels that the plan does not include keeping the post office boxes. She continued that parking is also being lost and what is there is 15 minute or loading zone. She is also concerned with large trucks having to back out onto Daniel Street.

Councilor Roberts stated there is a trade-off of parking or losing other things.

Councilor Dwyer explained that there will be a loading zone access on Lyndon Street.

Danielle Miles, teacher and mother of children in Portsmouth School system, discussed the Farm to School program stating that it is more than being about tasting vegetables. She further explained that the director of the program is funded through grants which she secured herself and feels that this item is miniscule comparatively. She stated that the children are excited with this curriculum and is because of this persons' effectiveness.

Councilor Dwyer stated she doesn't understand why the School Department didn't include it themselves. She stated that the Council doesn't have line item authority and would like to see the School Board integrate it.

Ms. Miles stated that if the School Board decides to include it, then fine, but she feels this has become a bigger thing than just the schools with endless possibilities and the city needs to see the value of the program.

Ms. Trace stated that this wasn't presented in this way during the budget work session and feels the program should have more publicity. She continued that the issue is really about the PFAS water filtration systems not being done and also not losing police officers that the city trains.

Eric Wold, curator at Strawberry Banke stated they have been coordinating with the schools with this program and feels that children are finding a passion with connecting to the landscape and learning about their diets, etc.

Councilor Dwyer reiterated that this should be included in the School budget.

Ms. Miles stated she sat in a cold school all winter because they need a new heating system and again stated that this should be a part of a larger conversation.

Heidi Bostic stated her concern for losing the post office downtown as it is a community hub and feels the Council should speak to the post master.

Councilor Dwyer reiterated her suggestion that residents should contact the post master.

Jeffrey Cooper stated he would like to see the City have a Phase IV Public Input Session to see if the public likes the new proposal and have it presented with the 3-D display. He stated he has also heard that the post office has been reduced to a kiosk. He stated that with the Prescott Park Master Plan Process there were at least 2 presentations with the full plan.

Councilor Dwyer stated there is still a lot of the process ahead.

Mr. Cooper stated that the Council is about to vote on the application so what will be left after that.

Councilor Roberts explained the 3 things that the Parks Services need including details of the renovation to the McIntyre building, general mass and scale of the building and financial arrangements. He stated that the Historic District Commission and other committees will be reviewing it and will include public sessions as well.

Mr. Cooper stated that he would still like another public input session as he feels people will object to the mass and scale.

Councilor Becksted invited everyone to attend the Historic District Commission meeting on June 13th and feels they should have a 3-D model.

Councilor Dwyer stated the press releases are no longer printed in the Portsmouth Herald so people should spread the word via social media.

Mr. Cooper asked if the application will lock us in to what has been presented now.

Councilor Perkins stated decisions needed to be made in order to get the application in.

Dave Hudlin stated that the budget process needs to go beyond the current budget year because the taxpayers need relief. He stated we need to make it affordable for people to live here and it requires a culture change. He stated there should not be a target set of 3.5% but we need to maximize resources. He concluded that there needs to be a different approach to make it affordable for the future and not just this year.

Pat Bagley asked when the parking issue in front of the Langdon House will come before the Parking and Traffic Safety committee.

Councilor Roberts stated possibly August, or July if they have a July meeting.

Councilor Dwyer stated the work won't be done for a long time.

At 7:00 p.m., Mayor Blalock closed the Public Dialogue Session.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 4, 2018

PORTSMOUTH, NH
TIME: 6:15 PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:05 p.m.

II. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

RECOGNITION OF STATE CHAMPIONS FOR PORTSMOUTH HIGH SCHOOL

1. Boys Basketball

Mayor Blalock honored the players, manager and coaches with a plaque for winning the State Championship for the third year in a row.

2. Boys Track Team

Mayor Blalock honored the players and coaches with a plaque for winning the Boys State Track Championship.

3. Girls Track Team

Mayor Blalock honored the players and coaches with a plaque for winning the Division II State Championship.

4. Girls Tennis Team

Mayor Blalock honored the players and coaches with a plaque for winning the Girls Division II State Championship.

PROCLAMATION

1. Men's Health Month

Mayor Blalock read the Proclamation declaring June as Men's Health Month.

PRESENTATION

1. Art-Speak Annual State of the Art Presentation and Request to Extend the Agreement Between the City and Art-Speak

Art-Speak Director Robin Lurie-Meyerkopf introduced Miles Burns, Liam Ellis and Sam Rogers of Portsmouth Academy of Performing Arts from Seacoast Repertory who performed a piece from Hunchback. Mike Teixeira provided the Art-Speak Annual State of the Art Presentation. He spoke about the community collaboration on working together. He reported in 2017 there were 882 events and they expect 978 this year.

Councilor Perkins moved to authorize the City Manager to extend the agreement from July 1, 2018 through June 30, 2019. Seconded by Councilor Pearson.

Councilor Becksted asked about Art-Speak request for an additional \$15,000.00. Mayor Blalock said those funds come from UDAG and are not taxpayer's money.

Motion passed.

V. ACCEPTANCE OF MINUTES – MAY 2, 2018 AND MAY 21, 2018

Councilor Dwyer moved to accept and approve the minutes of the May 2, 2018 and May 21, 2018 City Council meetings. Seconded by Councilor Denton. Assistant Mayor Lazenby said the May 21, 2018 minutes need to have him as calling the meeting to order. Main motion passed as amended.

VI. PUBLIC DIALOGUE SUMMARY

Assistant Mayor Lazenby reported at Table A that Erik Anderson spoke on the budget; Zelita Morgan spoke regarding the possible relocation of the post office; Brett Fletcher spoke in favor of the Farm to School Program; Mike Toner spoke in support of the Farm to School Program; Paul Mannle spoke regarding the budget; Mark Brighton spoke of the Boyle cases and revaluation process.

Councilor Becksted reported on Table B that Roy Helsel spoke on weed control; Paige Trace spoke on Farm to School Program and Police Department budget; Karen Bouffard spoke on the post office possible relocation; Eric Wold and Danielle Miles spoke on Farm to School Program; Heidi Bostic spoke in support of the post office remaining downtown; Jeffrey Cooper spoke on the need for more dialogue sessions to discuss the 3-D renderings of the McIntyre; Dave Hudlin spoke on the budget and Pat Bagley spoke on losing views on Pleasant Street.

City Manager Bohenko said we have not heard that the post office is moving but we will try to speak to them about keeping it downtown and advise the public of any changes we are made aware of.

Councilor Becksted moved to suspend the rules in order to allow for Public Comment on the budget. Seconded by Councilor Denton.

Councilor Becksted said that the City Council promised to allow for the public to speak on the budget and would like the residents to be able to speak and weigh in on the budget.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he would not support the motion as it was not advertised to be a Public Comment Session.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby said the Council had an opportunity for people to speak on the budget at the Public Dialogue Session. He said he would have supported the motion if we advertised that there would be a Public Comment Session.

Councilor Reynolds said he would not support the motion as he agrees with Mayor Blalock and Assistant Mayor Lazenby. He also spoke to the many opportunities residents had to speak during the work sessions.

Councilor Roberts said he would support the Public Comment Session because we talked about having the session.

Councilor Becksted said it would only take a little more time and we should let the public weigh in.

Councilor Dwyer said the effective comments come in dialogue and work sessions and they don't come from standing up this evening to cut the budget.

On a roll call vote 6-3, motion passed. Councilors Roberts, Pearson, Dwyer, Denton, Perkins and Becksted voted in favor. Assistant Mayor Lazenby, Councilor Reynolds and Mayor Blalock voted opposed.

Brett Fletcher spoke in support of the Farm to School Program and explained the success the program has had with his students at the Robert J. Lister Academy.

Mark Brighton said the School Department could be cut as well as the Municipal Budget. He said it is not the job of residents and City Council to tell where reductions should be made in the budget, it is the City Manager.

Paul Mannle said you don't have the time to take apart a budget document in six weeks. If you are going to have a 3% increase each year you will lose affordable housing.

VII. ADOPTION OF PROPOSED BUDGET RESOLUTIONS

Adoption of Budget Resolutions for Fiscal Year July 1, 2018 through June 30, 2019 (FY2019)

City Manager Bohenko said that there are six Resolutions that are required to adopt the budget. He said the Municipal Fees make up 1% of the General Fund revenues.

- Resolution No. 8-2018 – Municipal Fees

Councilor Pearson moved to adopt Resolution #8-2018 – Municipal Fees. Seconded by Councilor Dwyer.

Councilor Dwyer said we try over a cycle to raise fees and we make a distinction and give residents a break over non-residents.

Councilor Becksted said he is not sure why we have not tapped into more revenue sources. He said we should have impact fees like the City of Dover.

Motion passed.

- Resolution No. 9-2018 – General Fund Expenditures

City Manager Bohenko said that the City Council has before it a resolution with changes that were made at the May 23rd Work Session which will increase taxes by \$.51.

Councilor Denton moved to adopt Resolution #9-2018 – General Fund Expenditures. Seconded by Councilor Pearson.

Councilor Denton moved to amend Resolution #9 and add \$58,750.00 to the School Department budget to keep the Farm to School Program. Seconded by Councilor Perkins.

Councilor Denton said we received over a dozen e-mails on the Farm to School Program and some were from students.

Councilor Dwyer said she does not understand why the Farm to School Program was not part of the original School Department budget. She said the School Board should have found a way to put the funds into the School Department budget.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he believes in the program and we could vote to authorize the School Department and School Board to give them more funds. He said the School Department can find the money in their budget and if in the fourth quarter there is a budget shortfall the Council would fund it.

City Manager Bohenko said the School Department put forward their budget and he spoke with Superintendent Zadavec regarding moving forward with the position in the fourth quarter and if there is a short fall we work together to find the funding for the program.

Mayor Blalock said we have heard from our taxpayers to give them a break. He said we don't want to lose services right now. City Manager Bohenko said the Finance Director and City staff has worked hard to get the budget where it is currently.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Superintendent Zadavec thanked the City Council for the support for the program. He said we are looking at the energy line item to repurpose those funds for the Farm to School Program.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said that we have assurances from the Superintendent for the program.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby said he does not want to increase any of the funds beyond what the City Manager proposed.

Councilor Raynolds said having heard comments from Mayor Blalock and Superintendent Zadavec he is comfortable that the School Department will retain the program as the budget is.

Councilor Pearson said that she supports the program and is glad to hear that the School Department will support the program.

Councilor Denton withdrew his motion and Councilor Perkins the second to the motion.

**Councilor Becksted moved to remove \$175,296.00 from the General Fund.
Seconded by Councilor Perkins.**

Councilor Becksted said he is looking at the professional services and unanticipated expenses.

Councilor Perkins said she is inclined to support a reduction of the operating budget.

City Manager Bohenko said general government is being hit hard with the proposed reduction.

Councilor Reynolds asked for an explanation regarding unanticipated expenses.

Finance Director Belanger said that this is budgeted every year between \$75,000.00 and \$100,000.00. She said it is similar to a contingency fund and once the funds are allocated they go away.

Councilor Pearson said she doesn't feel it is realistic to spring these kinds of reductions this year because there needs to be more time for the staff to plan for these reductions.

Assistant Mayor Lazenby asked about the line item for professional services engineering.

Finance Director Belanger said it is increased due to the number of projects we have going on in the City.

City Manager Bohenko said the Public Works Department assists other departments such as Police and Fire Departments with professional services for engineering.

Councilor Becksted said he understand that this is last minute. He said the taxpayers didn't expect another 3% increase and a revaluation, this will save the taxpayers \$.3 on the tax rate.

On a roll call vote 1-8, motion to reduce the General Government Budget by \$175,296.00 failed to pass. Councilor Becksted voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Mayor Blalock voted opposed.

Councilor Denton moved to amend Resolution #9-2018 by adding \$48,956.00 to the Police Department budget. Seconded Councilor Perkins.

Mayor Blalock said he hopes that the Police Department finds these funds in the fourth quarter as the School Department will.

Police Chief Merner said this would cut the operating budget significantly. He spoke to various increases to cost in the department.

Councilor Dwyer said the Police Department could look to work this into the existing budget.

Police Chief Merner said the department is looking at expenditures beyond the \$48,956.00.

City Manager Bohenko said he would work with the Police Department and keep the officers in place and work in the fourth quarter for the funding for officers.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he feels strongly not to lay off any officers but we need to balance and keep the budget under control. He said he would vote in favor of an increase if the money is not there to fund it in the fourth quarter.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Perkins said it does not make sense to hire an officer, train them and then let them go.

Councilor Denton asked if Chief Merner is comfortable with the approach. Chief Merner said he was.

Councilor Denton withdrew his motion and Councilor Perkins withdrew her second to the motion.

Councilor Becksted asked about making an amendment to parking. City Manager Bohenko said that would be for Resolution #10.

Councilor Perkins moved to amend Resolution #9-2018 by cutting \$100,000.00 from the General Fund budget and \$40,000.00 from the Fire Department budget. Seconded by Assistant Mayor Lazenby.

Councilor Becksted said it is a slippery slope to cut \$40,000.00 from the Fire Department. He said we rely on the Fire Department for public safety and they have not increased staffing in the last 20 years.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would not support cutting the Fire Department Budget or the General Government and 90% of people are happy with the way the City is running.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Roberts asked if we could add Parking and Transportation funds for the Fire Department.

City Manager said you would need to find a way to link the Fire Department to the Parking & Transportation budget.

Councilor Roberts said the Way Finding Program is a good program but he would like to see those funds reduced and moved to other line items.

City Manager Bohenko said we don't want to create the Parking & Transportation fund as a second revenue fund. He said we need to make sure there are enough funds in the Parking & Transportation to pay down the Foundry Garage bond. He said he would sit on expending Way Finding funds until the fourth quarter.

Assistant Mayor Lazenby said he is interested in the idea of reducing the operating budget, understanding the line items and where the items come from. He said he would not support the reductions to the Fire Department budget.

Councilor Becksted said as a friendly amendment he would support the \$100,000.00 from the General Government budget.

Councilor Perkins said she is open to the friendly amendment from Councilor Becksted.

Councilor Pearson said she supports the spirit but for next year, as she does not feel the Council should make drastic reductions this year.

Councilor Dwyer said the Council spoke on the line items during all our work sessions in May and we need to work through and look at alternative ways to do things in the future.

Councilor Perkins said that she will amend her motion to reduce General Government by \$100,000.00. Assistant Mayor Lazenby agreed as the second to the motion.

Councilor Becksted said he feels that the City Manager could find the funds to make up the \$100,000.00.

On a roll call vote 3-6, motion failed. Councilors Roberts, Perkins and Becksted voted in favor. Assistant Mayor Lazenby, Councilors Pearson, Dwyer, Denton, Reynolds and Mayor Blalock voted opposed.

Councilor Denton moved to add \$30,000.00 to the composting budget. Seconded by Assistant Mayor Lazenby.

Councilor Denton reported that Mr. Fox has seen an increase of 56% with the pilot program.

Councilor Dwyer said this is not something that the City needs to support.

Public Works Director Rice said we have 24 additional participants in Mr. Fox.

Councilor Dwyer said we should promote the program but we don't need to subsidize the program.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he would vote against the amendment because we have worked hard to get to a small increase in the budget.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby said we should support the composting but not with a budget increase.

Councilor Denton said according to Mr. Fox 87 people were added to the program.

On a roll call vote 1-8, motion failed to pass. Councilor Denton voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Perkins, Raynolds, Becksted and Mayor Blalock voted opposed.

Councilor Becksted said he would not support the General Fund Resolution.

On a roll call 8-1, voted to adopt Resolution #9-2018. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

Department	Appropriation
General Government	\$19,445,179.00
Police	\$11,280,229.00
Fire	\$8,966,305.00
School	\$48,086,136.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$60,000.00
Non-Operating	\$25,021,244.00
Total	\$113,009,093.00

At 9:30 p.m., Mayor Blalock called a brief recess. At 9:45 p.m., Mayor Blalock called the meeting back to order.

- Resolution No. 10-2018 – Sewer Fund Expenditures

Assistant Mayor Lazenby moved to adopt Resolution #10-2018 – Sewer Fund Expenditures. Seconded by Councilor Perkins.

Councilor Becksted moved to reduce \$865,122.00 from the sewer fund. Seconded by Councilor Perkins.

Councilor Becksted said there was no funding for FY17 and FY16 for Professional/Services-Lab Tests and FY18 there was \$10,000.00 and he wants to bring it back to \$10,000.00.

City Manager Bohenko said that particular line item is under the water fund not the sewer fund.

Councilor Becksted withdrew his motion and Councilor Perkins the second to the motion.

Councilor Becksted said he would like to abstain from this vote as his home has a septic system.

Main motion passed with Councilor Becksted abstaining from the vote.

- ✓ ***Appropriated sum of \$12,406,664.00 to defray expenses for the operation of the sewer system.***
 - ✓ ***Cash requirements of \$18,340,484.00 to defray expenses for the operations of the sewer system.***
 - ✓ ***Sewer user rate effective July 1, 2018 is \$13.24 per unit for the first 10 units of consumption per month, and \$14.56 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's sewer system.***
- Resolution No. 11-2018 – Water Fund Expenditures

Councilor Reynolds moved to adopt Resolution #11-2018 – Water Fund Expenditures. Seconded by Councilor Pearson.

Councilor Becksted moved to remove \$262,000.00 from the Water Fund Expenditures. No second received.

Main motion passed with Councilor Becksted voting opposed.

- ✓ ***Appropriated the sum of \$8,425,724.00 to defray expenses for the operations of the water system.***
- ✓ ***Cash requirements of \$10,175,232.00 to defray expenses for the operations of the water system.***
- ✓ ***Water user rate effective July 1, 2018, is \$4.23 per unit for the first 10 units of water consumed per month, and \$5.10 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.***
- ✓ ***Water irrigation user rate effective July 1, 2018, is \$5.10 per unit for the first 10 units of water consumed per month, \$9.61 for consumption over 10 and up to 20 units consumed, and \$11.86 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.***

- Resolution No. 12-2018 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures

City Manager Bohenko advised the Council that they could now speak on the parking revenue and storm water.

Assistant Mayor Lazenby moved to adopt Resolution #12-2018 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures. Seconded by Councilor Pearson.

City Manager Bohenko recommended adoption of the Parking budget as presented but he would put on hold the Way Finding program until the fourth quarter.

Councilor Becksted moved to reduce \$68,000.00 from the Zagster Program. Seconded by Councilor Denton.

Councilor Becksted asked when would the City see the revenue return on the program.

Planning Director Walker said last year there was \$7,800.00 in revenue received. She said we are paying for the program out of Parking and Transportation and we never expected to have this be a self-sustaining program. She said we have a tentative three year program with Zagster and it returns in May.

Councilor Becksted asked what the liability to the City is if someone is injured by not wearing a helmet while operating a Zagster bicycle.

Planning Director Walker said that this is a lease program and the liability is with Zagster.

Councilor Reynolds said he is opposed to the amendment because Zagster is an important phase of our Transportation Program.

On a roll call vote 1-8, motion to amend failed to pass. Councilor Becksted voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Mayor Blalock voted opposed.

City Manager Bohenko spoke to the Storm Water budget and said most cities and towns are dealing with storm water issues.

Public Works Director Rice said there is now a Storm Water budget and costs have gone up significantly. He said they're documenting and tracking costs.

Main motion passed with Councilor Becksted voting opposed.

- Resolution #13-2018 – Investment Policy

City Manager Bohenko said that this is required by statute.

Councilor Dwyer moved to adopt Resolution #13-2018 – Investment Policy. Seconded by Councilor Pearson and voted.

IX. CONSENT AGENDA

Assistant Mayor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Perkins and voted.

- A. Letter from Floyd Caron, St. John's Lodge requesting permission to hold the St. John's Church March on Sunday, June 24, 2018 (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License to Install Projecting Sign from James & Kate Horne, owner of birch for property located at 73 State Street, Unit 1 (***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***
- C. Request for License to Install Projecting Sign from Jay McSharry, owner of The Nice for property located at 107 State Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

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

- ***Any removal or relocation of projecting sign, for any reason, shall be 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. Letter from Abigail Wiggin, Portsmouth Halloween Parade Committee requesting permission to hold the 24th annual parade on Wednesday, October 31, 2018 (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Nick Diana requesting permission to host a running road race on Saturday, April 13, 2019 at 9:30 a.m. with donations going to the Cocheco Valley Humane Society (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Perkins moved to accept and place on file. Seconded by Assistant Mayor Lazenby and voted.

- B. Letter from State Representative Pamela Gordon resigning as the Ward 5 State Representative

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Perkins and voted.

- C. Letter from Jennifer Leyden, South Church requesting permission to use City property for the placement of a toilet trailer on June 16, June 22, June 23, July 7, July 28, August 11 and August 25, 2018 due to construction

Councilor Dwyer moved to refer to the City Manager with power. Seconded by Councilor Perkins and voted.

- D. Letter from Alena Shellenbean, Strawberry Banke, requesting permission for the firing of muskets and a small cannon during specific timed demonstrations during the Independent Day celebrations on Sunday, July 1st

Councilor Reynolds moved to refer to the City Manager with power. Seconded by Councilor Perkins and voted.

- E. Letter from Patrick Healey requesting the City bestow an official name to what is presently referred to as the Marcy Street Bridge and culvert

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to name the bridge and install a plaque honoring Harold Whitehouse. Seconded by Councilor Pearson.

Councilor Dwyer said it is a wonderful present and requested that Harold work with the City on the plaque.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Portsmouth Historical Society – Proposed Extension of Lease for Discover Portsmouth Center (10-30 Middle Street)

Councilor Dwyer moved to refer to the Planning Board for report back with action on this matter at the July 9th City Council meeting. Seconded by Councilor Pearson and voted.

2. Request for First Reading Re: Clipper Traders, LLC Petition for Re-Zoning of 105 Bartlett Street

Councilor Dwyer said she would like the City Council to think about this before acting on the matter. She asked if there was a way to break this down and take it up in smaller segments. She said first reading on this entire package might be too much at once.

Councilor Becksted said he will recuse from voting on this matter.

Planning Director Walker said we could look at the housekeeping items and move them and simplify the process. She advised the City Council that this would be a lengthy process.

Councilor Dwyer said that this is much more complicated.

Councilor Perkins said she would support the motion recommended to bring it to first reading.

Councilor Dwyer moved to schedule a first reading for the June 18, 2018 City Council meeting on the following zoning amendments related to the request of Clipper Traders, LLC for rezoning of property located at 105 Bartlett Street with an adjusted format:

- **Amendments to Articles 4, 5A, and 15;**
- **Amendment to the Zoning Map to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD\$-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD\$-L2);**
- **Amendment to the Zoning Map to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4**

Seconded by Councilor Pearson and voted. Councilor Becksted recused himself from the vote.

City Manager Informational Items

3. Presentation Finance Department Internal Review Re: Coakley Landfill Expenditures

City Manager Bohenko said a financial review of the Coakley Landfill was done by the Finance Department.

Finance Director Belanger provided a brief presentation regarding the Internal Review regarding Coakley Landfill Expenditures and reported that the Coakley remediation to the Coakley Landfill group to date is determine to be \$16,898,985.44.

Assistant Mayor Lazenby announced that there will be a Community Meeting regarding the Coakley Landfill on Thursday, June 7, 2018 at Community Campus beginning at 7:00 p.m.

Councilor Becksted asked if we would recoup our costs for the 630 hours spent on this project. City Manager Bohenko said we will be going to the Coakley Landfill Group to recover our costs.

Assistant Mayor Lazenby asked about financial reports going forward. City Manager Bohenko said the Coakley Landfill Group will provide semi-annual reporting.

Assistant Mayor Lazenby asked if you still expect to expend the \$27 million up to the end of the project.

Environmental Planner Britz said it is difficult to come up with a figure.

Councilor Roberts asked if another audit is anticipated. City Manager Bohenko said all the work has been done but it is a decision of the Coakley Landfill Group.

City Attorney Sullivan said they will pick up where the City's Finance Department left off and produce a similar report. He said the audit is a good idea.

Councilor Dwyer said DES has done a charge back. Environmental Planner Britz said recently the DES has done some charge backs.

Councilor Becksted asked where the financial information will be. City Manager Bohenko said it would be placed on the Coakley Landfill Group web page.

Councilor Becksted moved to suspend the rules in order to take up Item XI. C.1. – Coakley Community Meeting – June 7, 2018. Seconded by Councilor Denton and voted.

Assistant Mayor Lazenby said the agenda will be available on the night of the meeting. He reported that there will be two moderators, John Gilbert and John Mayer.

Councilor Becksted moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Perkins and voted.

B. MAYOR BLALOCK

1. Resignation – Leslie Stevens from the Trees and Greenery Committee

Councilor Dwyer moved to accept with regret the resignation of Leslie Stevens from the Trees and Greenery Committee effective June 14th. Seconded by Assistant Mayor Lazenby and voted.

2. Appointment to be Considered:
 - Michael Griffin to the Trees & Greenery Committee

The City Council considered the appointment of Michael Griffin to the Trees & Greenery Committee to be voted on at the next City Council meeting.

3. Continuation of Council Sub-Committee on McIntyre Project

Mayor Blalock announced that the Council Sub-Committee on McIntyre Project will continue and Councilors Roberts, Dwyer and Perkins will remain serving.

4. Recognition of Service Ceremony

Mayor Blalock announced that there will be a Recognition for Boards/Commissions and other volunteers on June 11th at 6:30 p.m. in the Eileen Dondero Foley Council Chambers at City Hall.

D. COUNCILOR DWYER

1. Proposed Parking in front of Langdon House refer to Parking Traffic & Safety Committee for report back

Councilor Dwyer spoke to petitions received on parking spaces in front of the Langdon House. She said we were trying to narrow the street in a way to slow traffic. She said we would have this referred to Parking Traffic & Safety Committee to be looked at again and not block the Langdon House with cars.

Councilor Roberts said that Public Works Director Rice said the process has been started and right now there is no meeting in July of the Committee but they will be meeting in August.

City Manager Bohenko reported that nothing will be done to allow parking in front of the Langdon House by Parking Traffic & Safety Committee.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Becksted said he had asked for measurements on the State Street bump out prior to its installation but he noticed the other day that the bump out had already been installed.

Councilor Becksted suggested that David Mullen of the PDA make a presentation to the City Council on what is and is not the Airport District at the Pease Tradeport.

Councilor Becksted asked if there is a revaluation taking place. City Manager Bohenko said we will have a Work Session before the next City Council meeting on June 18th on the revaluation matter.

XIII. ADJOURNMENT

At 11:05 p.m., Councilor Becksted moved to adjourn. Seconded by Councilor Perkins and voted.

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

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



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: CLIPPER TRADERS, LLC PETITION FOR RE-ZONING OF 105
BARTLETT ST
DATE: 06/12/2018

At the June 4, 2018 meeting, City Council voted to schedule first reading of these zoning amendments. The Council also requested that the presentation of the proposed amendments be simplified as much as possible. As a result of that input, the Planning Department has separated the amendments into two ordinances. The first includes the amendments most applicable to the 105 Bartlett Street property and the second includes proposed "housekeeping" amendments.

Proposed Zoning Ordinance Amendment Part 1

Amendments to Table of Uses (Section 10.440)

- 1) Change Indoor Performance Facility with occupancy of less than 500 to be allowed by Special Exception in the CD4-W District. A Special Exception is granted by the Zoning Board of Adjustment. This use is currently permitted by right (no additional land use board approvals required).
- 2) Add a new use category for an outdoor café to be allowed as an accessory to an existing eating or drinking establishment in certain districts. This use is currently not listed separately on the table of uses and therefore is allowed wherever a restaurant type use is allowed. The outdoor café accessory use would now be permitted in the CD4, CD5, GB, G1 and G2 Districts but would be allowed only after receiving a conditional use permit from the Planning Board in the CD4-L2, B, and CD4-W Districts.

Amendments to the Character Districts Regulation Plan maps (Maps 10.5A21A & B)

- 1) Amend the zoning map to re-zone a portion of the 105 Bartlett St property to CD-4W extending from the existing CD-4W boundary to approximately Cabot Street and the portion between Cabot Street and Langdon Street to CD-4L2. All of this area would also be included in the West End Overlay District as originally proposed by the petitioner.
- 2) Amend the height requirement areas to provide a transition in height that is more appropriate for the abutting residential neighborhoods. As revised, the portion of the property in the existing CD-4W district would be in the 2-3 Stories (45') height requirement area, the portion extending between the existing CD-4W boundary to a line approximately parallel with Salem St would be in the 2-3 Stories (40') height area, the portion between Salem St and Cabot St would be in the 2 Stories (35')

height area, and the remaining portion to Langdon St would be in the 1-Story (20') height area.

Amendments to Development Standards for Character Districts

- 1) Add a requirement to preserve public view corridors along the North Mill Pond at the intersecting streets of Dover, Cabot, and Langdon.

Amendments to Incentive Overlay District Standards

- 1) Amend the incentive standards in the North End and West End Incentive Overlay Districts to allow a maximum building footprint of 3,500 in the CD4-L2 (increased from 2,500), allow a maximum building block length of 100 ft in the CD4-L2.
- 2) Amend the minimum off-street parking standards to be consistent with the city-wide off-street parking standards adopted at the end of 2017.
- 3) Amend the requirements for community space in the Incentive Overlay District for lots adjacent to the North Mill Pond by clarifying that a minimum of 20% of land area is required to be community space and to specify the location of the required multi-use path.

The standards above would only apply in the West End Overlay District and only if the development is eligible to receive these incentives by providing community space or workforce housing. The effect of the West End Incentive Overlay District standards on the underlying zoning requirements for height and building footprint is illustrated on the map attachment. See documents labeled "Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street" (Sheets 1 and 2 revised 05-29-18). The increased height, footprint, and building block length allowed with the Incentives are labeled "density bonus height", "density bonus footprint", and "density bonus block length".

Amendment to Article 15 Definitions

- 1) Amend the definition of building block length to also be applicable when the building fronts on a public greenway.

Proposed Zoning Ordinance Amendment Part 2

Amendments to Development Standards for Character Districts

- 1) Add additional permitted building, façade, and community space types to the Character Districts and refine definitions. These are primarily housekeeping revisions to allow some of the new building and façade types added to the zoning for the Gateway Neighborhood Mixed Use amendments at the end of 2017 in the Character Districts.

Background

On February 13, 2018, Attorney Phoenix submitted a letter to the City Council on behalf of his clients, Clipper Traders, LLC requesting lots at 105 Bartlett St be re-zoned to Character District 4 West End (CD4-W), included in the West End Overlay District, and added to the Height Requirement Area which allows up to 2-3 stories (with a short 4th) or 45'.

City Council Referral

At the February 20, 2018 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation. One of the principle legislative functions of

the Planning Board is to make recommendations related to amendments of the zoning ordinance. Whether the zoning amendment is generated by a citizen petition or a referral by the City Council, the Board has the responsibility to review and make a recommendation and to take the proposal through a public hearing process. All zoning amendments also require three readings in front of City Council including a public hearing. These occur after the Planning Board has completed its process and made a recommendation to the City Council.

Planning Board Review

The Planning Board initially considered this zoning amendment petition at its March 15th meeting at which time a public hearing was conducted. At that time, the Planning Board voted to postpone a recommendation and continue the public hearing until April pending a report back from Planning Department staff.

The Board continued the public hearing at the April 26th meeting and reviewed proposed revisions presented by Planning Department staff with the support of the petitioner. The Planning Department's revisions included changing a portion of the property from Office Research (OR) to Character District-4 Limited (CD4-L2) as opposed to Character District-4 West End (CD-4W) as originally proposed by the petitioner and reducing the proposed height area requirements. In addition, staff recommended some revisions to the Incentive Overlay District Standards and other housekeeping amendments to the building, façade and community space types.

The Planning Board voted to postpone a recommendation and continue the public hearing to May to allow Planning staff to make additional revisions based on public and Board member input received at the April meeting.

The Board continued the public hearing at the May 17th meeting and reviewed additional revisions presented by Planning Department staff with the support of the petitioner. The additional revisions included limiting outdoor and non-residential uses, reducing height and mass of buildings that abut the residential neighborhood, and preserving views of the waterfront.

Reference Documents

Five documents are attached to this memo that illustrate the proposed zoning amendments in more detail.

- 1) Draft dated June 18, 2018 listing the Proposed Ordinance #1 in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.
- 2) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapters 4, 5A, and 15 for amendments proposed in Ordinance #1.
- 3) Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street and the North Mill Pond revised 5-29-18, sheets 1 and 2.
- 4) Draft dated June 18, 2018 listing the Proposed Ordinance #2 in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.
- 5) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapters 5A for amendments proposed in Ordinance #2.

Proposed 105 Bartlett St Zoning Amendments Part 1

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 4 Zoning Districts and Use Regulations – Section 10.440 Table of Uses – Residential, Mixed Residential, Business, and Industrial Districts, as follows:

(1) Change Use #3.512 Indoor performance facility with occupancy more than 500 to be allowed by Special Exception (S) in the Business (B) and Character 4W (CD4-W) Districts.

(2) Under use category 19 (Accessory Uses) Insert new use #19.50 as follows:

“19.50 Outdoor dining or drinking area, as accessory to a permitted principal use” as permitted (P) in CD5, CD4, GB, G1, and G2 and allowed by conditional use permit (CUP) in CD4-L2, B, and CD4-W. In all other districts this use would be prohibited.

B. Amend Article 5A Character Based Zoning – Section 10.5A42 Building Placement by inserting a new section as follows:

10.5A42.40 North Mill Pond Public View Corridors

All new buildings or structures located within 400’ of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street, Cabot Street, and Langdon Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.

C. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf ¹
Maximum building block length	No Change	No Change²

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ^{3,+}	Plus 1 story up to 10 ft ^{3,4,+2}
Minimum ground story height	No Change	9 feet
Minimum off-street parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

¹ Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

² Except for CD4-L2 where the maximum building block length shall be 100 feet.

³ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as ~~listed~~**required** in Figures 10.5A41.10A-D (Development Standards) **and** as community space; even if less than 15 feet in width.

⁴ For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

- D. Amend Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall ~~include~~ **provide** community space ~~consisting of~~ **equal to 20% of the lot area that includes** a continuous public greenway at least 20 feet in width **with a multi-use path and** that is parallel to **and located within 50 feet of** the waterfront ~~for the entire length of the rear or side lot line~~. **Trail connections to abutting streets and sidewalks shall be provided and**

there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board. The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

E. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows:

(1) In the definition of building block length revised as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Measured along a street-~~or~~, public way, **or public greenway**, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

F. Amend Map 105A21B Building Height Standards as set forth in document titled “Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street and the North Mill Pond” revised 5-29-18.

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

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
3. Educational, Religious, Charitable, Cultural and Public Uses																		
3.10 Place of assembly																		
3.11 Religious	S	S	S	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.12 Other nonprofit	N	N	N	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.20 School																		
3.21 Primary or secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	P	N	N	N	
3.30 Post-secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	N	P	P	N	
3.30 Historic preservation building	S	S	S	S	S	P	P	P	P	P	P	P	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.40 Museum	N	N	N	N	N	P	P	N	P	P	S	S	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.50 Performance facility																		
3.51 Indoor performance facility																		10.592 (location)
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	P	P	S	S	PS	N	N	N	N	10.860 (hours of operation)
3.512 Occupancy more than 500	N	N	N	N	N	N	N	N	S	P	N	N	N	N	N	N	N	
3.52 Outdoor performance facility																		10.592 (location)
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	10.822 (yards)
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	10.860 (hours of operation)

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
19.40 Drive-through facility, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	N	CU	N	N	10.835 (accessory drive-through uses)
<u>19.50 Outdoor dining or drinking area, as accessory to a permitted principal use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
20. Accessory Storage																		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

10.5A42 Building Placement

10.5A42.10 Yards

10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).

10.5A42.12 Yards may be increased above the maximum permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.

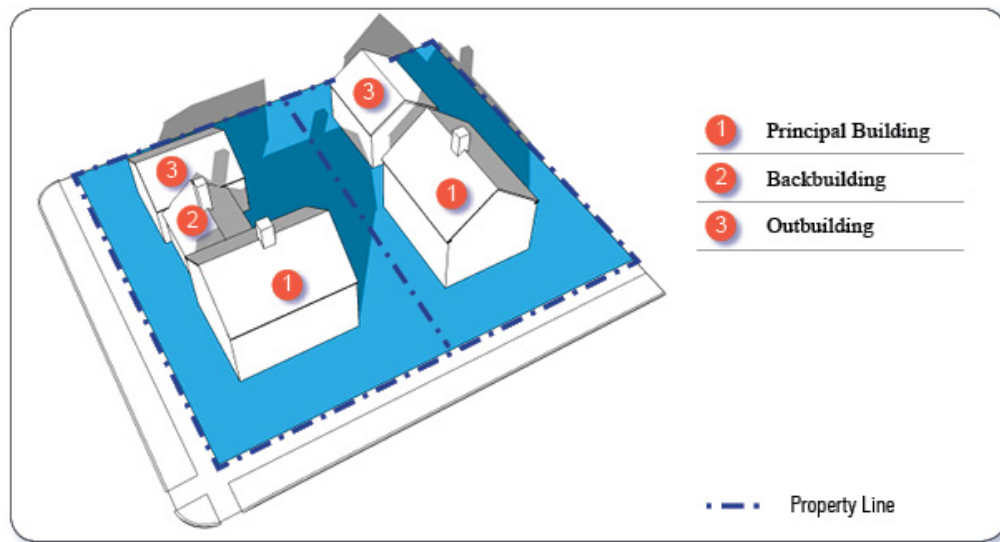
10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING



10.5A42.40 North Mill Pond Public View Corridors

All new buildings or structures located within 400' of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street, Cabot Street, and Langdon Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.

10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf ¹
<u>Maximum building block length</u>	<u>No Change</u>	<u>No Change</u> ²
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ¹³	Plus 1 story up to 10 ft ^{3,41,2}
<u>Minimum ground story height</u>	<u>No Change</u>	<u>9 feet</u>
Minimum off-street parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

¹ Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

² Except for CD4-L2 where the maximum building block length shall be 100 feet.

¹³ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as ~~listed-required~~ in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

⁴² For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall ~~include~~

~~provide~~ community space ~~consisting of equal to 20% of the lot area that~~ includes a continuous public greenway at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront ~~for the entire length of the rear or side lot line.~~ Trail connections to abutting street(s) and sidewalks shall be provided and ~~There shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board.~~ The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

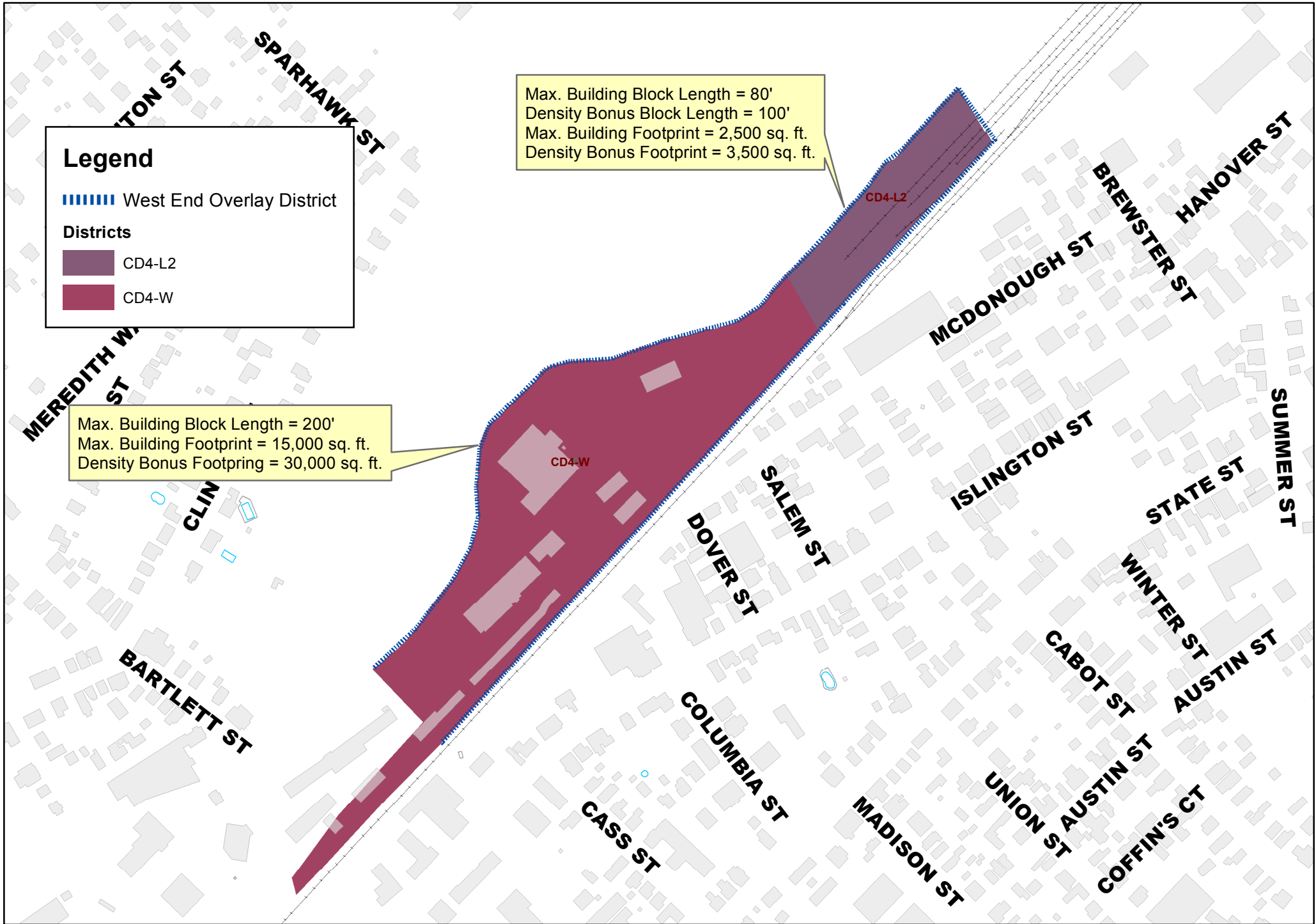
10.5A46.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

(1) Community space option – All of the following criteria shall be met:

- (a) The community space shall be a community space type that is permitted within the applicable Character district.
- (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 15 feet.
- (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
- (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
- (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
- (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
 - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
 - (ii) The proposed community space is within the same Incentive Overlay District as the development.
 - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.

(2) Workforce housing option – One or more of the following criteria shall be met:

- (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). Such units shall be at least the average gross floor area of the



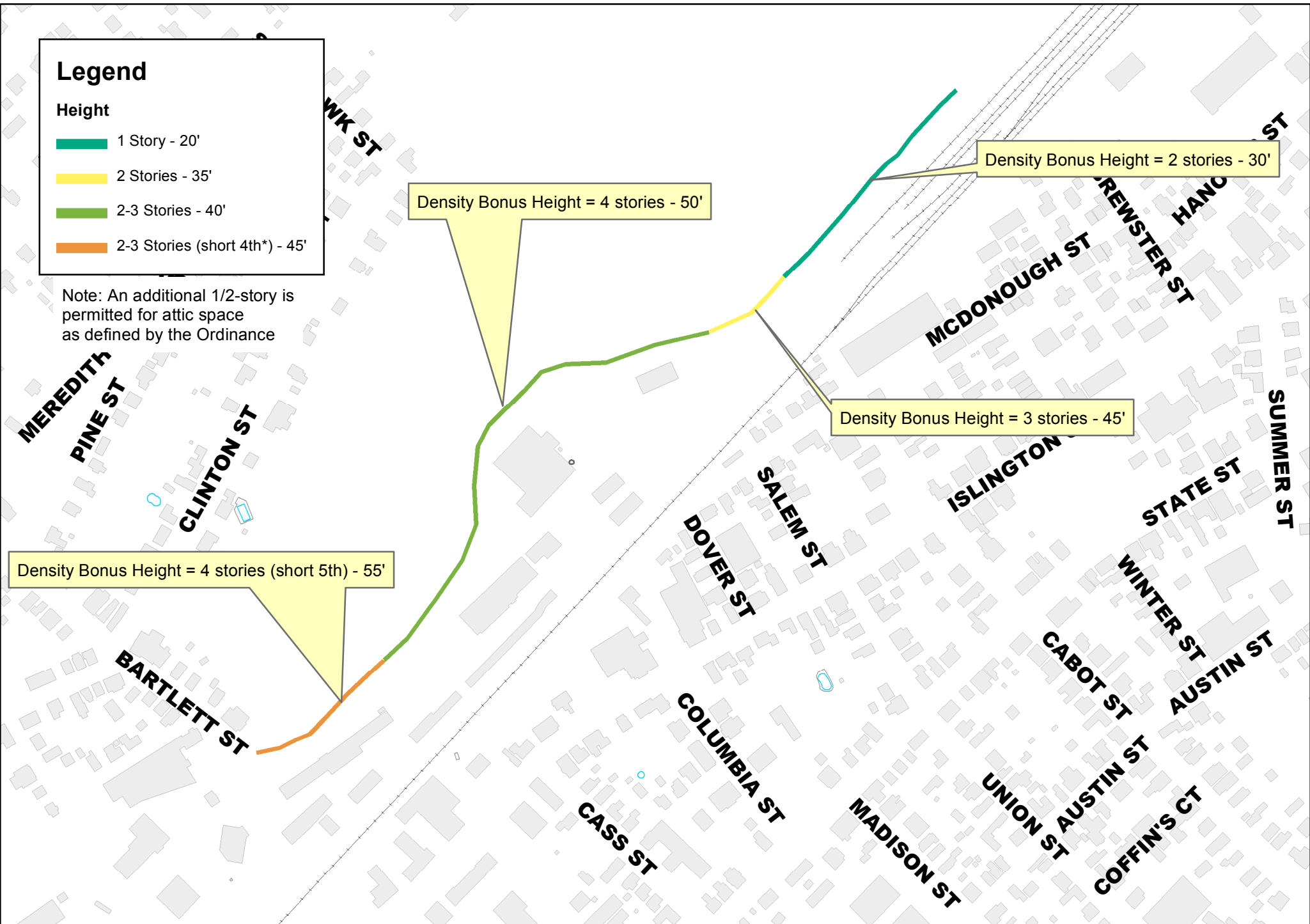
**Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street
 (Sheet 1)**

Legend

Height

- 1 Story - 20'
- 2 Stories - 35'
- 2-3 Stories - 40'
- 2-3 Stories (short 4th*) - 45'

Note: An additional 1/2-story is permitted for attic space as defined by the Ordinance



Density Bonus Height = 4 stories (short 5th) - 55'

Density Bonus Height = 4 stories - 50'

Density Bonus Height = 3 stories - 45'

Density Bonus Height = 2 stories - 30'

Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street (Sheet 2)

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel. Each portion of a building separated either horizontally or vertically from other portions by a fire wall shall be considered as a separate structure. (See also: structure.)

Building block length

Measured along a street ~~or~~, public way, or public greenway, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

Building Code

The International Building Code and/or the International Residential Code, as applicable to the particular structure type.

International Building Code (IBC)

The International Building Code, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part I, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

International Residential Code (IRC)

The International Residential Code, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part II, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

Building coverage

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

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

Building footprint

The total area at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.

Proposed Zoning Amendments Part 2

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 5A Character-Based Zoning – Figure 10.5A41.10A Development Standards, as follows:

(1) Amend the table of building and facade types for Character District 4 – Limited (CD4-L1/CD4-L2) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted
Cottage	not permitted
Paired House	permitted*
Gateway Townhouse	not permitted
Mixed-Use Building	permitted**
Flex Space Building	permitted
Community Building	permitted

*Not permitted in the Downtown Overlay District

**Residential uses are not permitted on the ground floor in the Downtown Overlay District

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted

Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	not permitted
Arcade	not permitted

*Not permitted in the Downtown Overlay District

- (3) Amend the table of building and facade types for Character District 4 – West End (CD4-W) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouse	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted

*Residential uses are not permitted on the ground floor

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	permitted

Arcade	permitted
---------------	------------------

- (4) Amend the table of building and facade types for Character District 4 (CD4) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouses	not permitted
Mixed-Use Building	permitted**
Flex Space Building	permitted
Community Building	permitted

*Not permitted in the Downtown Overlay District

**Residential uses are not permitted on the ground floor in the Downtown Overlay District

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

- (5) Amend the table of building and facade types for Character District 5 (CD5) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouse	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted

*Residential uses are not permitted on the ground floor in the Downtown Overlay District

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	not permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

B. Amend Article 5A Character-Based Zoning – Figure 10.5A43.10 Façade Types, as follows:

(1) In the definition of Dooryard, add the following under permitted districts:

CD4-L1, CD4-L2, CD4-W, CD4. This façade type is not permitted in the Downtown Overlay District.

(2) In the definition of Terrace, add CD4-W to permitted districts.

(3) In the definition of Gallery, add CD4-W to permitted districts.

(4) In the definition of Arcade, add CD4-W, CD4, and CD5 to permitted districts.

C. Amend Article 5A Character-Based Zoning – Figure 10.5A43.60 Building Types, as follows:

(1) Amend the definition of Duplex as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A residential building with two vertically-separated units with separate entrances. The building may have yards/**setbacks** on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

(2) Amend the definition of Rowhouse as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal ~~front yard~~ **yard/setback along the front of the lot or development site.**

(3) Amend the definition of Apartment Building as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for residential use** that has the appearance of a multifamily dwelling, with yards/**setbacks** on all sides.

(4) Amend the definition of Small Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for non-residential use** with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site ~~front yard~~, and that is no more than 3 stories in height.

(5) Amend the definition of Large Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building with a shopfront or officefront façade type and minimal or no **yard/setback along the front of the lot or development site** ~~front yard~~, and that is 4 or more stories in height.

(6) Amend the definition of Paired House as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A ~~residential~~ building **designed for residential use** type with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the **front of the lot or development site** ~~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, **CD4-L1, CD4-L2**

This building type is not permitted in the Downtown Overlay District.

(7) In the definition of Mixed Use Building, add CD4, CD4-W, and CD5.

(8) In the definition of Flex Space / Fabrication Building, add CD4-W.

(9) In the definition of Community Building, delete G1, G2 under permitted districts and add All Districts.

D. Amend Article 5A Character-Based Zoning – Figure 10.5A45.10 Community Spaces, as follows:

(1) Add Permitted Districts: All Districts to the definitions of all community space types except Outdoor Dining Café.

(2) Amend the definition of Wide Pedestrian Sidewalk by inserting “a minimum of 10’ in width unless otherwise defined by the Ordinance” after sidewalk in the first sentence.

(3) Amend the definition of Outdoor Dining Café as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

An ~~Outdoor dining cafes~~ community space ~~are~~ is permitted as an ancillary activity of a ~~any restaurant, pub, or other~~ food and drink establishment **where the principal use is otherwise allowed in the district**. ~~The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk.~~ **The area must provide deeded public access to qualify as Community Space in the Character Districts.**

(4) Amend Permitted Districts for Outdoor Dining Café to include CD4-L2, CD4, CD4-W, CD-5.

(5) Amend the definition of Courtyard by inserting “a landscaped park” after “enclosed”.

E. Amend the Table in Section 10.5A46.10 Incentives to Development Standards by inserting the following

Ground story parking	Permitted with a liner building ⁵	Permitted with a liner building ⁵
----------------------	--	--

⁵ If ground floor parking is proposed, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront for commercial space.

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.

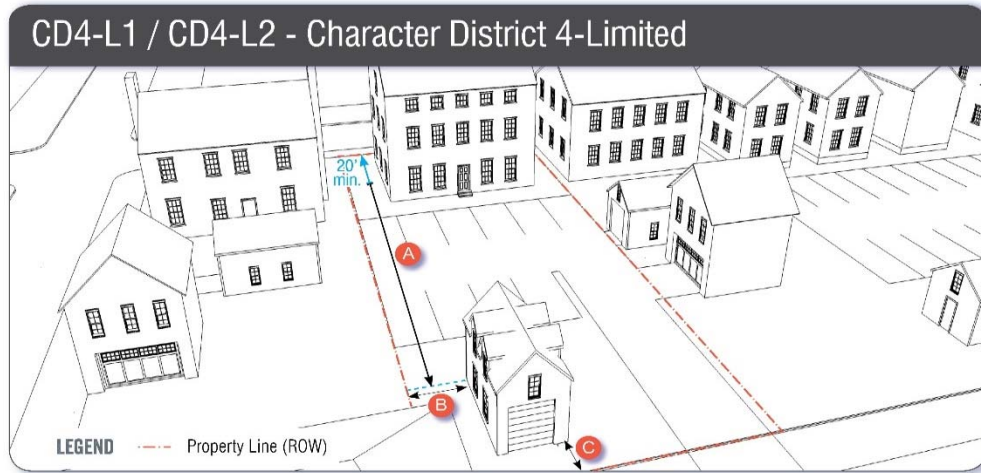
APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	3 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>permitted*</u>
<u>Gateway Townhouse</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted**</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

*Not permitted in the Downtown Overlay District
**Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted
Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>not permitted</u>
<u>Arcade</u>	<u>not permitted</u>

*Not permitted in the Downtown Overlay District

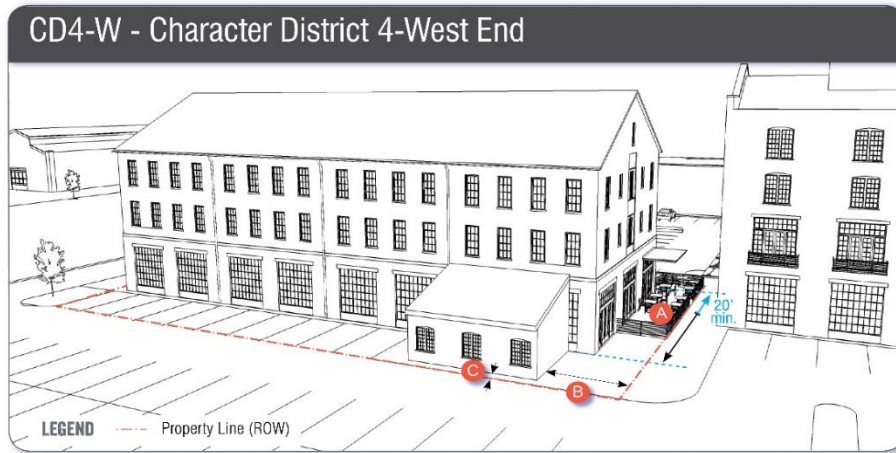
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

*Residential uses are not permitted on the ground floor

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

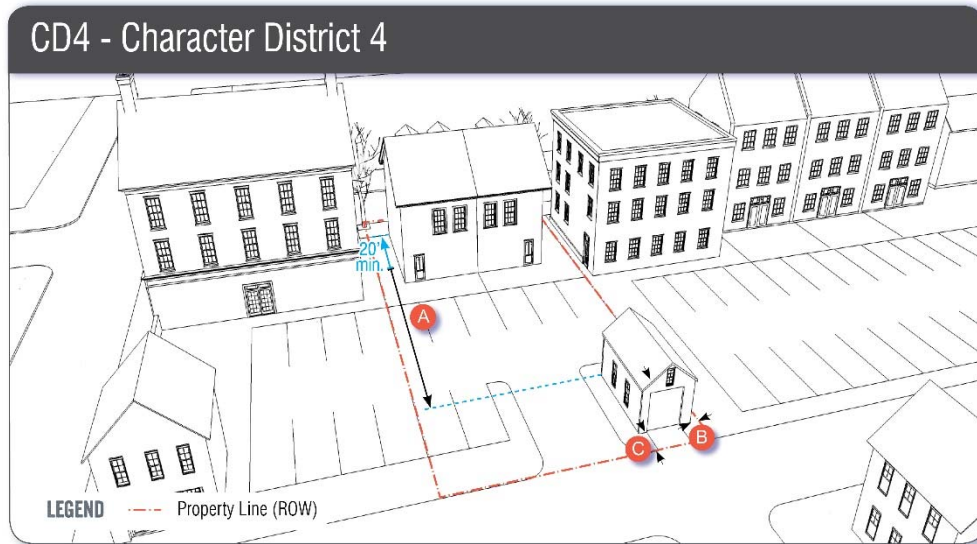
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions		
House	not permitted	
Duplex	not permitted	
Rowhouse	permitted*	
Apartment building	permitted*	
Live/work building	permitted**	
Small commercial building	permitted	
Large commercial building	permitted	
<u>Cottage</u>	<u>not permitted</u>	
<u>Paired House</u>	<u>not permitted</u>	
<u>Gateway Townhouses</u>	<u>not permitted</u>	
<u>Mixed-Use Building</u>	<u>permitted**</u>	
<u>Flex Space Building</u>	<u>permitted</u>	
<u>Community Building</u>	<u>permitted</u>	

*Not permitted in the Downtown Overlay District
 **Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

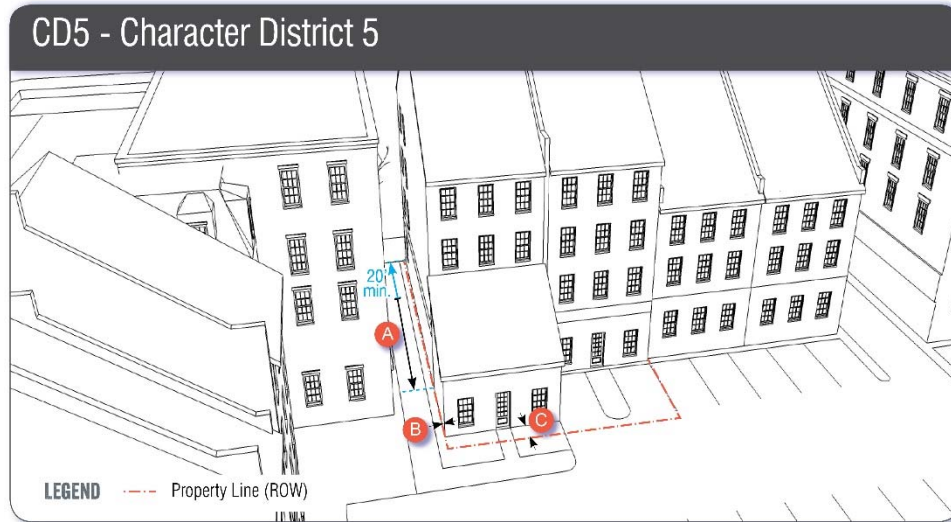
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>permitted</u>

*Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>not permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

PARKING

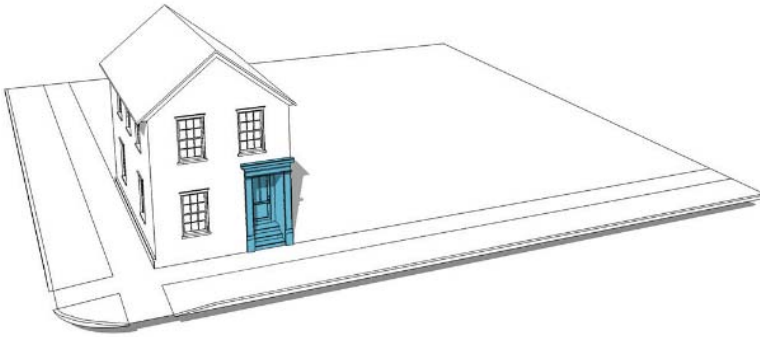
See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

Recessed-Entry



The façade is aligned close to the front lot line and the primary building entrance is recessed within the façade.

This type is conventional for residential use.

Permitted districts:

CD4-L1, CD4-L2, CD4, CD4-W, CD5, G1, G2

Dooryard



The building facade is aligned close to the street line, and the frontage 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 yard containing the principal entrance. The yard 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, CD4-L1, CD4-L2, CD4-W, CD4.

This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

Terrace



Building facade is at or near the street line with an elevated terrace that may encroach into the front yard or 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 facade types to define individual or shared entries facing the street.

Permitted districts: G1, G2, CD4-W

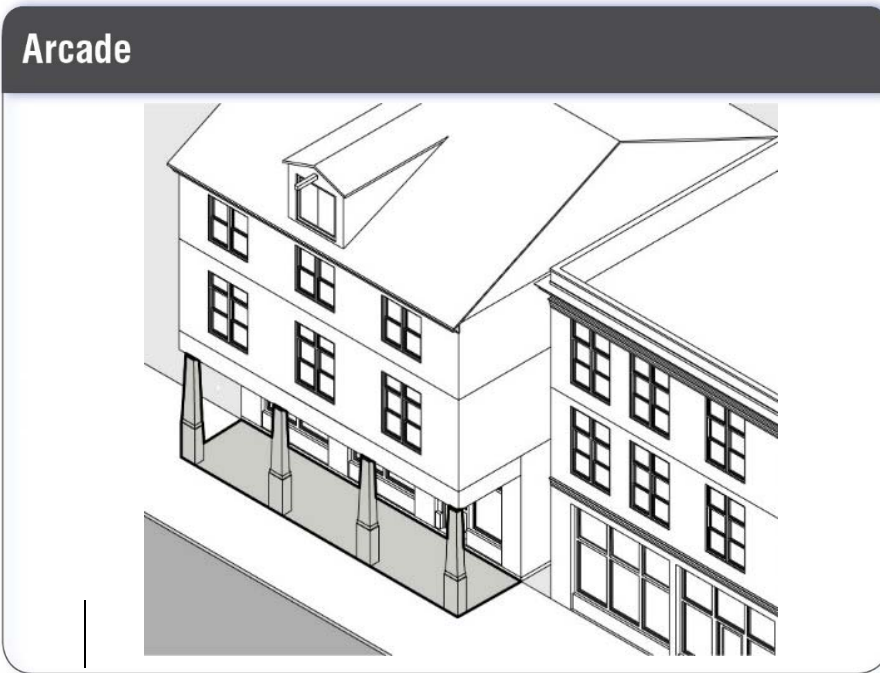
Gallery



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 facade 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, CD4-W

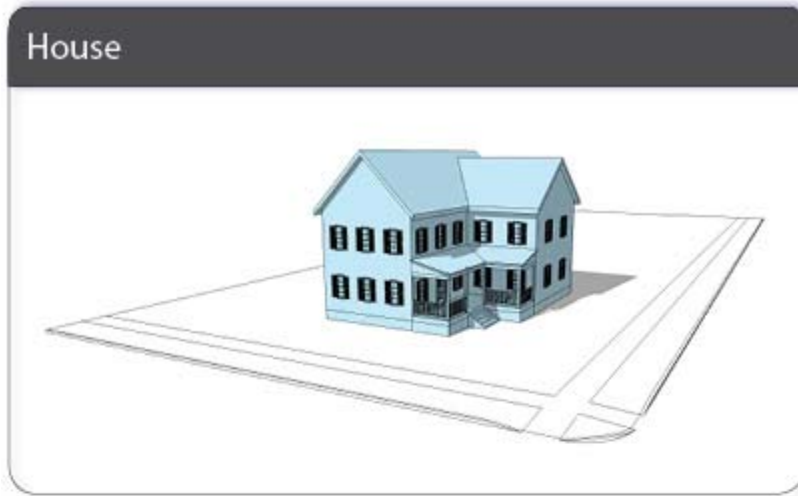
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



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 façade type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other facade types to define individual or shared first floor entries facing the street.

Permitted districts: G1, G2, CD4-W, CD4, CD5

FIGURE 10.5A43.60 BUILDING TYPES

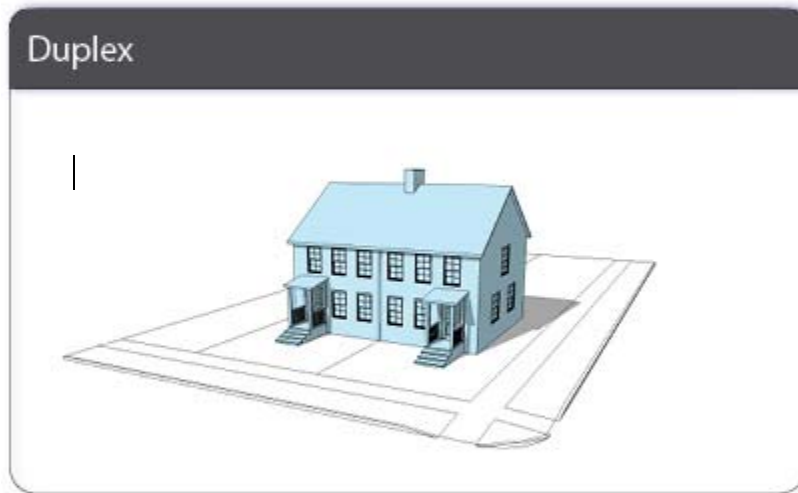


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A residential building with two vertically-separated units with separate entrances. The building may have yards/setbacks on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard yard/setback along the front of the lot or development site.

Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Apartment Building



A building designed for residential use that has the appearance of a multifamily dwelling, with yards/setbacks on all sides.

Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

This building type is not permitted in the Downtown Overlay District.

Live / Work Building



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

Permitted districts:

CD5, CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

Residential uses are not permitted on the ground floor in the Downtown Overlay District.

Small Commercial Building



A building designed for non-residential use with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is no more than 3 stories in height.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Large Commercial Building



A building with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is 4 or more stories in height.

Permitted districts:
CD5, CD4, CD4-W, G1, G2

Cottage



A small detached single family dwelling with narrow massing.

Permitted districts: G1, G2

Paired House



A ~~residential~~ building designed for residential use with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front of the lot or development site~~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, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

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

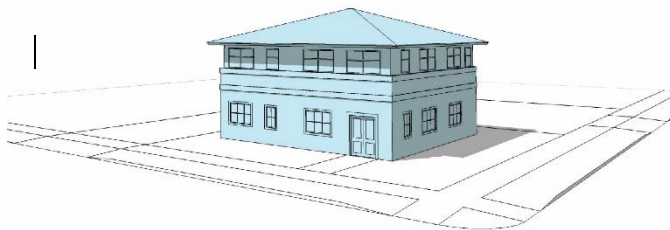
Mixed Use Building



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, CD4, CD4-W, CD5

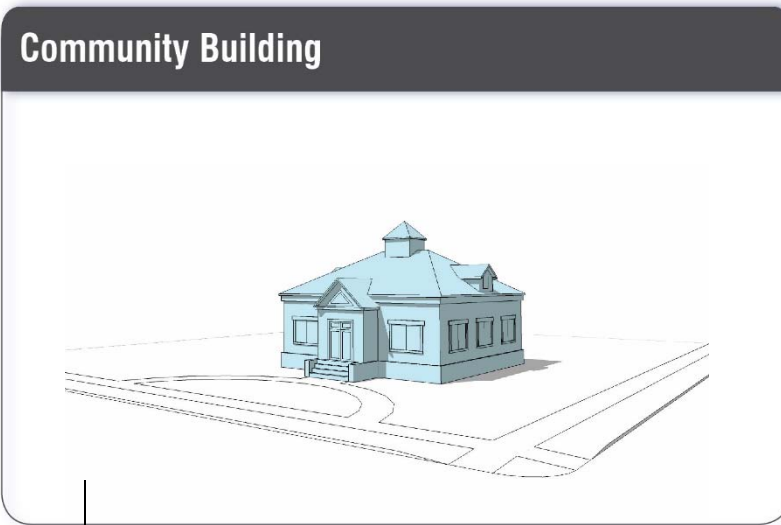
Flex Space / Fabrication Building



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, CD-4W

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



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.

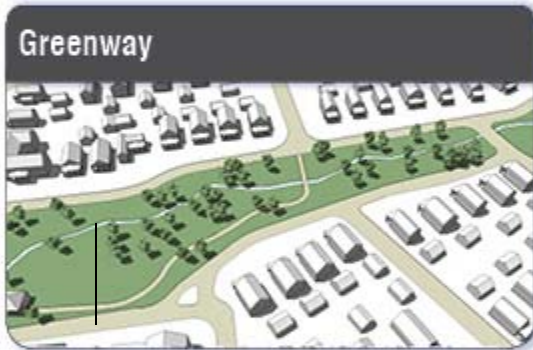
Permitted districts: ~~G1~~,
~~G2~~ All Districts

FIGURE 10.5A45.10 COMMUNITY SPACES



An area of natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. A park may consist of grassy areas, trees and other natural or planted landscape features, and may also contain walking paths and trails, monuments, fountains, playground equipment, benches, picnic tables and similar amenities.

Permitted Districts: All Districts



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

Permitted Districts: All Districts



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts. The minimum width shall be 15 feet.

Permitted Districts: All Districts



A wide pedestrian sidewalk (a minimum of 10' in width unless otherwise defined by the Ordinance) located between the building façade and the public right of way. Wide pedestrian sidewalks provide space between the façade and the curblines for comfortable pedestrian movement, street trees and street furniture.

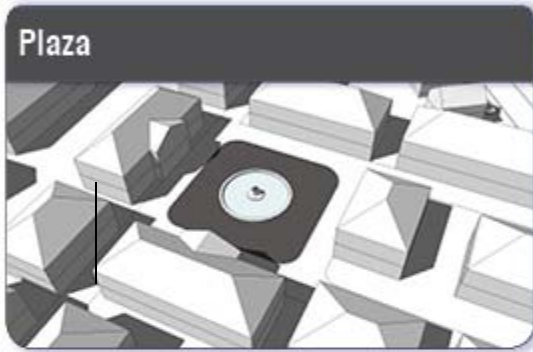
Permitted Districts: All Districts

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, ground cover and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted Districts: All Districts



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted Districts: All Districts



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. The minimum size shall be 500 sq. ft.

Permitted Districts: All Districts



A community space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. The minimum size shall be 500 sq. ft.

Permitted Districts: All Districts

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)

Recreation Field or Court



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~~ All Districts

Common or Green



A space 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~~ All Districts

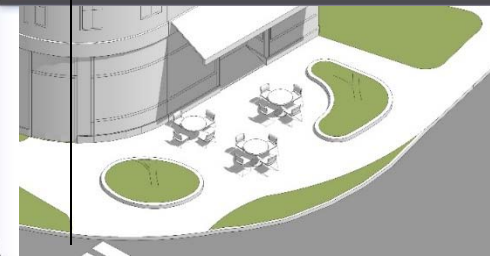
Community Garden or Farm



A space 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~~ All Districts

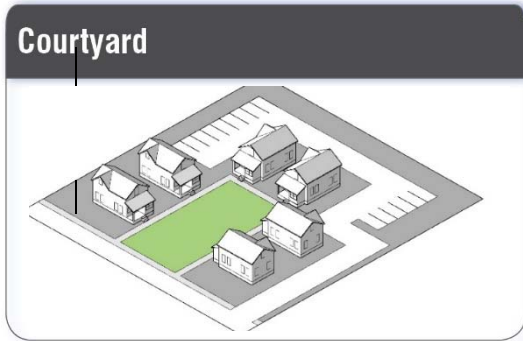
Outdoor Dining Cafe



~~An Outdoor dining cafes community space are-is~~ permitted as an ancillary activity of ~~any restaurant, pub, or other~~ food and drink establishment where the principal use is otherwise allowed in the district. The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk. The area must provide deeded public access to qualify as Community Space in the Character Districts.

Permitted districts: G1, G2, CD4-L2, CD4, CD4-W, CD-5.

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)



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

Permitted districts: ~~G1, G2~~ All Districts

10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf ¹
Maximum building block length	No Change	No Change ²
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ³	Plus 1 story up to 10 ft ^{3,4}
Minimum ground story height	No Change	9 feet
<u>Ground story parking</u>	<u>Permitted with a liner building⁵</u>	<u>Permitted with a liner building⁵</u>
Minimum off-street parking		Non-residential: 25% reduction from underlying standard

¹ Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

² Except for CD4-L2 where the maximum building block length shall be 100 feet.

³ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

⁴ For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

⁵ If ground floor parking is proposed in the CD4-W, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront ~~shopfront~~ for commercial space.

M E M O R A N D U M

TO: John Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: June 6, 2018

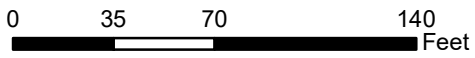
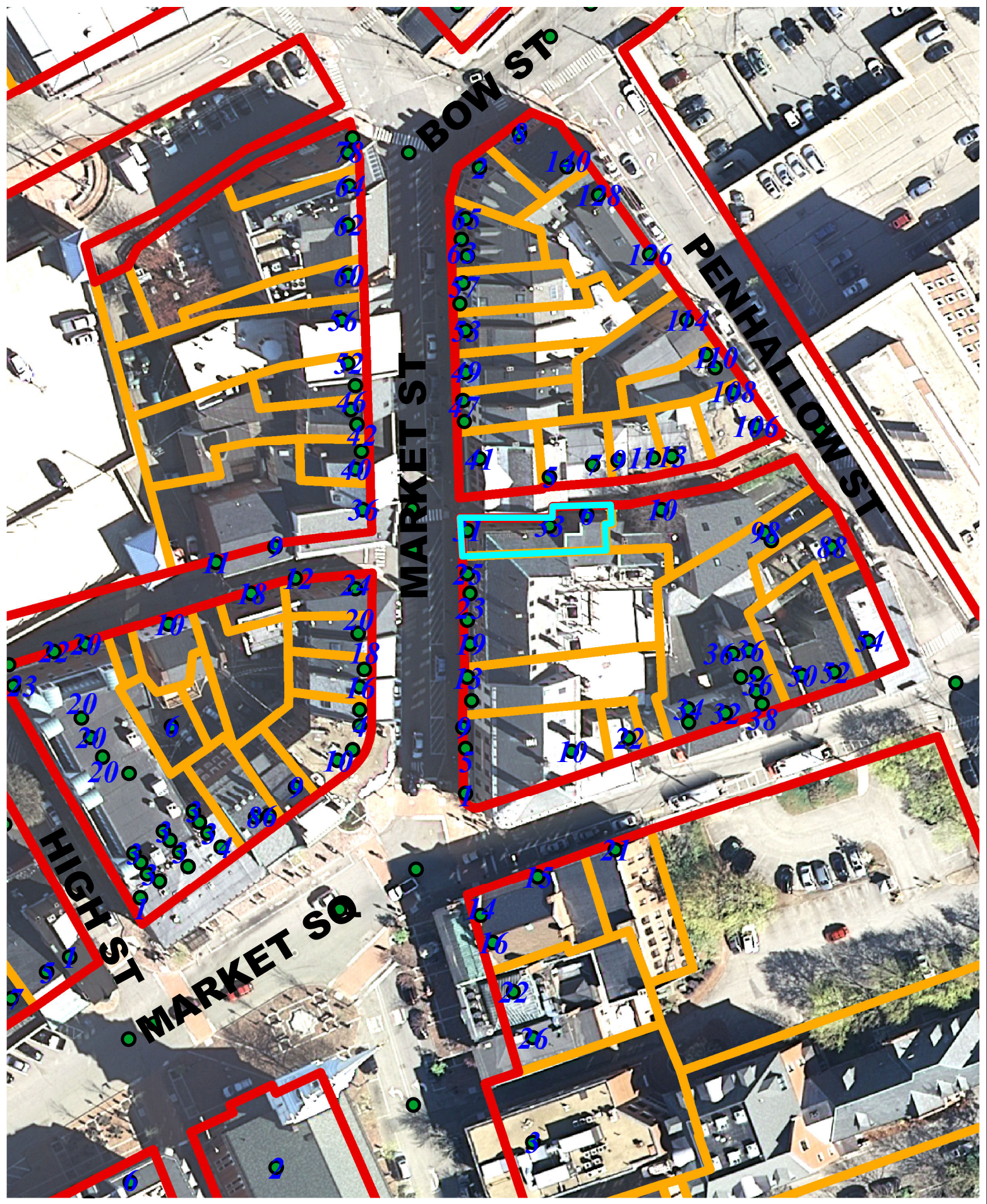
RE: City Council Referral – Projecting Sign
Address: 31 Market Street
Business Name: Cup of Joes Coffee Bar
Business Owner: Joe Kelley

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 36" x 44"
Sign area: sq. ft. 11

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 license
31 Market Street**

Proof #3A: 05/31/18
Customer: Cup Of Joe
Job: Projecting Sign
Order #: 0000

Type: Projecting

Quantity: 1

Size: 36" w X 44" h

Sides: 2

Style: Copper w/ Wood Frame
1/4" - 3/8" Thick Acrylic Text

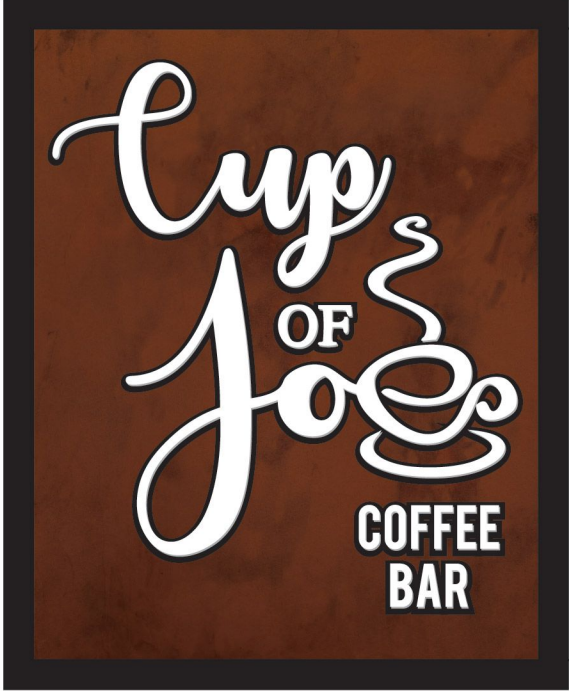
Substrate: Wood & Copper & PVC

Posts & Brackets: Yes - Attached to
Commercial Alley side of building going
through sign, projecting over Market St

Colors: Copper - May Vary from
Proof - Gets Darker Petina w/ Age
see Thirsty Moose Dover.



3A: Same Layout as PROOF 2A
changed to black frame



Dimensions TBD: Shown at 36" w x 44" h



89 Oak Street Dover, NH 03820 • 603-742-1517

This is an original, unpublished drawing owned by Sundance Sign Company. This drawing is projected under the U.S. Copyright laws. It is being submitted for your viewing only, and is not to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required.

I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

Customer Approval _____ Date: _____



Arthritis Foundation, New England Region
P.O. Box 3254
Manchester, NH 03105

received
6/1/18
May 29, 2018

Mayor Jack Blalock

1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Mayor Blalock,

I am writing to you to ask for your support of the Arthritis Foundation New England Region 2018 Jingle Bell Run/Walk for Arthritis by granting the requisite event permits and street closure to host a road race in the city of Portsmouth.

The Arthritis Foundation's long-running Jingle Bell Run is a festive race that helps champion arthritis research and brings people from all walks of life together, to say Yes to furthering a great cause. Taking place in cities across the country during the end-of-year holiday season, this annual event is a fun way to get out, get moving and raise funds and awareness. This 5K is sure to spread smiles, holiday cheer and a winning spirit.

The Portsmouth Jingle Bell Run/Walk for Arthritis is to be taking place on Sunday, December 9, 2018 at the Little Harbour School, 50 Clough Drive, Portsmouth, NH. Registration opens at 9:00AM with Race start time at 10:00AM. This race road race is expected to attract 400 runners, an estimation consistent with growth rate as compared to 2017 results.

Enclosed is a map of the certified course containing a depiction of the 5K route and corresponding streets we intend use. Please note this is the same course we have used for past several years.

Thank You for your careful consideration and actions. If further information is needed or required, please do not hesitate to contact me at any of the contact information in the signature line.

Sincerely,

Thomas M. Bringle
Director of Development
Arthritis Foundation, New England Region
603.460.4213 | tbringle@arthritis.org

CC: City Council, City Council Chambers

Attachment Course Map

Harbor Trail 5K

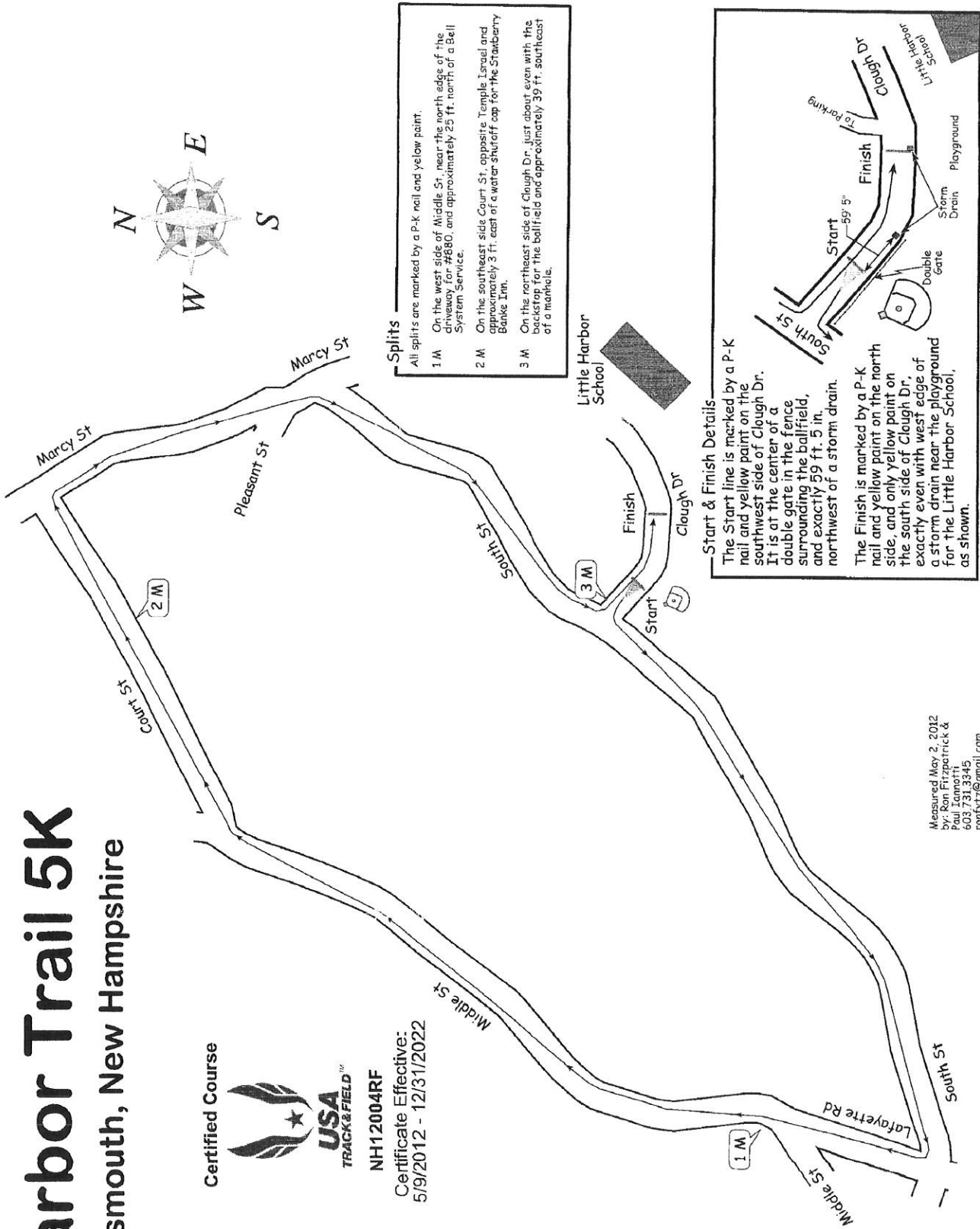
Portsmouth, New Hampshire

Certified Course



NH12004RF

Certificate Effective:
5/9/2012 - 12/31/2022



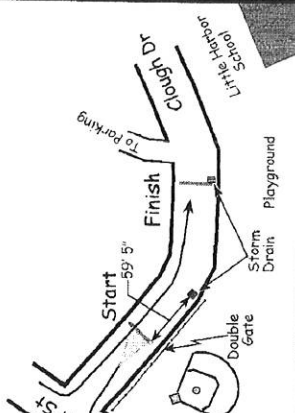
Splits

- All splits are marked by a P-K nail and yellow paint.
- 1 M On the west side of Middle St, near the north edge of the driveway for #880, and approximately 25 ft. north of a Bell System Service.
 - 2 M On the southeast side Court St, opposite Temple Israel and approximately 3 ft. east of a water shutoff cap for the Strawberry Bank Inn.
 - 3 M On the northeast side of Clough Dr., just about even with the backstop for the ballfield and approximately 39 ft. southeast of a manhole.

Start & Finish Details

The Start line is marked by a P-K nail and yellow paint on the southwest side of Clough Dr. It is at the center of a double gate in the fence surrounding the ballfield, and exactly 59 ft. 5 in. northwest of a storm drain.

The Finish is marked by a P-K nail and yellow paint on the north side, and only yellow paint on the south side of Clough Dr., exactly even with west edge of a storm drain near the playground for The Little Harbor School, as shown.



Measured May 2, 2012
by: Bob Fitzpatrick &
Paul Tomasi
603.731.3345
nonifytz@gmail.com

CITY COUNCIL E-MAILS

June 5 – June 14, 2018 (9:00 a.m.)

JUNE 18, 2018 CITY COUNCIL MEETING

Updated 06/18/2018 (3:00 p.m.)

New Content begins on Page 3

Below is the result of your feedback form. It was submitted by Elizabeth Bratter (qatoday@yahoo.com) on Tuesday, June 5, 2018 at 10:27:04

address: 159 McDonough St

comments: Dear Mayor and City Councilors,

I sent this letter to the Planning Department on May 30th and asked it be forwarded as necessary. It was shared with me it was forwarded to the City Manager's office and would be forwarded to the City Council. It is my understanding per the City Manager's office this letter did NOT get forwarded to anyone. I had hoped it to be available prior to the June 4th meeting. I don't believe I can attach the letter. I apologize for any format issues as I copy and paste it into this message board. Respectfully, Elizabeth Bratter

Dear Planning Department, City Council and Traffic and Safety Department,

May 26, 2018

RE: Request for a sound level impact simulation of homes affected by the presence of Building 83 & 84

What have not been discussed as of now are the affects the 35-45' high, 200' long buildings will have not only to the homes on both sides of McDonough but also to the residents of proposed buildings. I've lived next to the RR Tracks for over 35 years. Unlike the Ricci property which sits much lower than the track, the properties along McDonough are parallel to the track. The train is loud but most conversations can continue. It does vibrate the whole house but has not knocked anything off our shelves or walls. We are next to the switch (Cabot St); the trains move slowly approaching and leaving the switch area and often stop and sit there if the switch has to be changed. This makes this area very unique in how the noise from the train affects abutting homes. Other homes and buildings along McDonough may be impacted as well and should be studied as well.

It is important to remember that train noise readings are taken at a distance of 100' away. The closer you get the louder it is! Think about the homes from Liar's Bench to Cabot most are 10 to 30' from the active track, the other side of McDonough are probably about 100' away. There is presently no reflective noise affect because one side of the track is undeveloped. The proposed buildings within 25' of the active track, ranging from 35 to 45' tall, 200' long, little to no side yards and 15,000 to 30,000 s.f. will definitely have a negative impact for residents of both the existing homes as well as the proposed condos.

The general rule of thumb is that if the opposing barrier (the new building/s) is closer to the receptor (the existing home/s) than 10 times the height of the structure then reflective noise could result in a noticeable increase (greater than about 2-3 dB(A) Leq(h)) in noise. In this example, if the vertical surface of the new building is 35' tall, if the opposing home were within 350' of that surface, it's possible that it could result in a noticeable increase in noise. Although this new noise level would only be while the train is there, it most likely will make it impossible to carry on a conversation while the train is going by and the increased reverberations could greatly affect residents' standard of living on both sides of the RR Tracks. Sound barriers would be ineffective because everything higher than the sound wall would still be impacted. For any reasonable noise abatement to take place distance from the tracks of the new buildings would need to be increased and/ or the heights and the mass of buildings #83 and # 84 would need to be lowered to diminish said impact and be able to maintain the present quality of life for existing residents and not negatively impact potential new residents in buildings #83 and #84 to whom this information would need to be disclosed.

Why a 3dB increase is so important:

<https://pulsarinstruments.com/blog/how-to-understand-the-3db-rule/>

I would appreciate it if no zoning change be considered or approved by the City Council until the City of Portsmouth is able to hire an outside company to conduct a sound level survey and simulation of all the impacted homes. I look forward to hearing from you in regards to this issue.

Sincerely,
Elizabeth Bratter,
159 McDonough St.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Friday, June 8, 2018 at 05:50:12

address: 39 Richards Avenue

comments: Good morning, Councilors,

As I read this article, I can't stop wondering whose vision and agenda you are upholding. I don't recall our community ever wanting Portsmouth to become "anywhere USA". How sustainable is this, what are we gaining, who is gaining, who is loosing?

<http://www.nhbr.com/June-8-2018/Make-way-for-hotels/>

Sincerely,
Zelita Morgan

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Judy Nerbonne (judy@gatesstreet.com) on Monday, June 11, 2018 at 05:10:34

address: 189 Gates Street

comments: We strongly oppose moving the Daniel Street Post Office .
We believe it should stay in the middle of town, right where it is.
We also believe there should be more parking in that area.
Pat and Judy Nerbonne

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Peter Harris (peterbharris@gmail.com) on Wednesday, June 13, 2018 at 08:41:52

address: 46 Manning St

comments: City councilors, need your help. Projects running concurrently taking up neighborhood parking shouldn't happen that two run at the same time.

Id like to complain about the planning to coordinate projects in the same area and takeover all or most of the available parking at once.

These two projects are concurrently taking the back of the south meeting house, pleasant at the end of howard and Livermore

That's 15 parking spots in an area with none to spare

I think both projects are great ideas but they shouldn't be happening together at the same time. I am in the middle of both. And many neighbors are not able To find parking. It's bad enough.

includeInRecords: on

Engage: Submit

New Content begins:

Below is the result of your feedback form. It was submitted by John & Nancy Howard (JEHOWARD7@comcast.net) on Sunday, June 17, 2018 at 17:13:45

address: 179 Burkitt Street

comments: We would like to join the growing group of citizens against the rezoning request to allow the intense development of railroad land in what amounts to a cul-de-sac development sandwiched into a strip of land between a very sensitive environmental area (the North Mill Pond) and a rail line carrying hazardous material (propane). There are myriad other problems which should prevent a zoning change to allow this project from moving forward.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Allen Schmid (allen@schmid-insurance.com) on Monday, June 18, 2018 at 10:25:48

address: 179 MCDONOUGH ST

comments: Seacoast Online June 18, 2018:

Study: Floods threaten 2,000 NH homes by 2045

<http://www.seacoastonline.com/news/20180618/study-floods-threaten-2000-nh-homes-by-2045>

There are currently many federal, state and local policies that, while originally well-intentioned, the report states, mask risk and create incentives that reinforce the status quo or even expose more people and property to risk. The report cites the "market's bias toward short-term decision-making and profits can also perpetuate risky development and investment choices." The report calls out "flawed policies and incentives," stating they include incomplete or outdated flood risk information, subsidized insurance, lax zoning and building codes, incentives for business-as-usual building and re-building and incomplete credit ratings. The report urges "identifying and improving upon the most important policies and market drivers of risky coastal development is a necessary, powerful way to better protect communities and move New Hampshire and the nation toward greater resilience."

The UCS report, "Underwater: Rising Seas, Chronic Floods and the Implications for U.S. Coastal Real Estate," includes an interactive mapping tool at <https://arcg.is/1aXHrb0>.

You already have the right recommendation from the Portsmouth 2025 Master Plan – City of Portsmouth:

"The area surrounding North Mill Pond could serve as floodplain storage while ensuring public access to the waterfront under normal conditions."

"North Mill Pond would benefit from increased public access to the waterfront and resources such as special ecological areas or boat launches."

The proposed development is potentially at risk from chronic flooding in 2045, a time frame that falls within the lifetime of a 30-year mortgage issued today.

I trust this important updated information will be taken into consideration at tonight's meeting and included in the minutes.

includeInRecords: on

Engage: Submit

May 14th, 2018

Dear Chairman of the Board and members of the planning board.
Ref: Clipper Trader proposal of rezoning of 105 Bartlett St.

I am writing in regard to the proposed rezoning of the the property located at 105 Bartlett st. Currently, I am still concerned with much of the developers plans in regard to this project. I speak for many of my neighbors on Cabot St, who do not have the time to spend hours investigating the obscure details of this project, that is being pushed through the planning board.

- The current request of rezoning for this land if voted for approval will be legally bound by the city, but not by the developer, or any future developer.
- The large density of building footprints, and heights in the CD4-W , or CDW-L2 with incentives will allow for the buildings between Dover St and Langdon. to be 35-45'. These building will tower over all existing structures, especially since the height is measured to the mid part of the roof line. That would mean roofs in a CDW zoning change could surpass 42' for a "35' " roof height, and "52' " for a 45' building height. For a comparison, that would make building heights 10' to 20' taller then the highest existing roofline, 33' for 135 McDonough St known as the old shoe factory.
- Highest density in Lot 5, in order to make the project economically feasible. However, little is being mentioned about the 6 acres of Ricci lumber yard (as stated in the history section of the Ricci Lumberyard website), which the developers will be able to develop to full lot coverage with a change of zoning of Lots 1,2,3,4 to CD4-W, with the West End overlay incentives.
- The incentives that allow an extra height of roofline, allowing for even a "short 4th" would block many water views & open space views from houses that have existed for more then 150 years. Many of these direct abutting houses have a peak height of 25'.
- The building height of the MRB zone, 135 McDonough st. and Cabot St. (known as the old shoe factory) has a roof height of mere 33.5 feet measured to the peak of the roof line.
- The view corridors of all streets in the McDonough neighborhood; Dover St, Salem St, Cabot St, Cornwall St will be directly effected and views of the water will be blocked.
- According to the NH costal resilience studies by UNH and maps, indicate that the rail yard is threaten by a 50 year flood events and flood waters will reach to McDonough St. in a 100 year flood event. This area was wetlands, and then filled to provide space for the rail yard, enhancing the possibility of climate event flooding, as we advance through this century.
- Noise pollution, light pollution and physical non organic pollution will threaten the sensitive shorelines and resident animal species of the wetlands of North Mill Pond. Not to mention the human residents on both sides of this project. Due to Lighting requirements in new construction, and pedestrian access points, dark skies will be lost, as light pollution fills the roadways, sidewalks, greenway(?) and numerous balconies from the 3-4 story 100-200' long block of buildings.

- Rezoning does not provide a 100% guarantee that the city can build a greenway.
 - A question in regard to this, if developer gives an easement to the city, but DES does not allow a greenway due to costal flooding or other complications of costal impact, does the developer lose incentive rights to full lot coverage and extra 10 ' height building rights.?
- 20% of the full lot coverage includes more then 2.5-3% of land unusable as the surveying measurements are done from the waters edge. Due to heavy erosion, many of the building envelopes are set back not 50' from hard ground, but in the range of 43-46', as the surveying has used the water line of the HOTL.
- (distance to collapsed bank from markers as follows;
- Bldg env marker # 5120 unable to find
- Bldg env marker #5121 43',
- Bldg env marker # 5122 45'
- Bldg env marker # 5123 45'
- Bldg env marker # 5124 45'
- Bldg env marker # 5125 unable to find
- Bldg env marker # 5126 43'
- Bldg env marker # 5127 46'
- This will reduce the usable land for the community, yet allow the developer to gain his "incentive and develop to the maximum allowed under the new rezoning.
- NOTE * Included in the "community space" calculations, a 10' wide sidewalk along a building is calculated in the incentive package. (Does that mean as a resident I will be able to lay a blanket on the sidewalk and have a picnic with my family?)
- Rezoning of Lot 5 into CD4-W, or CDW-L2, is inconsistent of the zoning of adjoining neighborhoods, which consist of GRA, & GRC. and though it may not be legally spot zoning, it is definitely in the gray area as it pertains to a single purchase and developer.
- We have been told by the developer that many of the abutting neighbors concerns are not part of rezoning, but site plans, etc. I again remain the members, that Legally, developers whether it be Clipper Trader or future developers, only need to conform to zoning requirements that are presented. For the above reasons, I ask that the board not rush this process.

In light of these many complexities of Legal, environmental issues for the last remaining large open space of the ever expanding urban area of Portsmouth, a massive 10 + acre parcel, I ask that the members of the planning board allow more in depth studies with comprehensive 3 D plans, future costal erosion plans, and loss of habitat before voting on this complex and forever changing decision.

Once this change has occurred, the city and residents will be bound to it. This neighborhood is not within the historical district and therefore as long as the buildings designed fall within standard codes, there will be no measures that will allow us as residents to block a modern glass structure or modern block of towering walls with balconies to be placed on the parcels.

Please consider the water views of the adjoining embedded neighborhoods, the current view corridors and effects that such a large project will have on the general public before voting on this rezoning.

I ask that if, each of you, as members of the planning board choose to vote on this during this meeting, that Lot 5 be rezoned only into a GRC classification with no exceptions, in order to be consistent with the master plan of Portsmouth. This will create a neighborhood constant with the two adjoining neighborhoods of McDonough St corridor and the Clinton st. corridor which share architectural heritage, open backyards, and small footprints. Lots 1,2,3 & 4 (6 + acres) being rezoned into CD4-W would potentially allow the developers recoup their expenses for the entire project in the future.

Sincerely

James Beal

286 Cabot St

Resident of Cabot St. for 19 years.

Dear Planning Department, City Council and Traffic and Safety Department,

May 26, 2018

RE: Request for a sound level impact simulation of homes affected by the presence of Building 83 & 84

*What have not been discussed as of now are the affects the 35-45' high, 200' long buildings will have not only to the homes on both sides of McDonough but also to the residents of proposed buildings. I've lived next to the RR Tracks for over 35 years. Unlike the Ricci property which sits much lower than the track, the properties along McDonough are parallel to the track. The train is loud but *most conversations can continue.* It does vibrate the whole house but has not knocked anything off our shelves or walls. We are next to the switch (Cabot St); the trains move slowly approaching and leaving the switch area and often stop and sit there if the switch has to be changed. *This makes this area very unique in how the noise from the train affects abutting homes.* Other homes and buildings along McDonough may be impacted as well and should be studied as well.*

It is important to remember that train noise readings are taken at a distance of 100' away. The closer you get the louder it is! Think about the homes from Liar's Bench to Cabot most are 10 to 30' from the active track, the other side of McDonough are probably about 100' away. There is presently **no reflective noise** affect because one side of the track is undeveloped. *The proposed buildings within 25' of the active track, ranging from 35 to 45' tall, 200' long, little to no side yards and 15,000 to 30,000 s.f. will definitely have a negative impact for residents of both the existing homes as well as the proposed condos.*

The general rule of thumb is that if the opposing barrier (the new building/s) is closer to the receptor (the existing home/s) than 10 times the height of the structure then reflective noise could result in a noticeable increase (greater than about 2-3 dB(A) Leq(h)) in noise. **In this example, if the vertical surface of the new building is 35' tall, if the opposing home were within 350' of that surface, it's possible that it could result in a noticeable increase in noise.** Although this new noise level would only be while the train is there, it most likely will make it *impossible to carry on a conversation* while the train is going by and the *increased reverberations could greatly affect residents' standard of living* on both sides of the RR Tracks. Sound barriers would be ineffective because everything higher than the sound wall would still be impacted. For *any reasonable noise abatement* to take place distance from the tracks of the new buildings would need to be increased and/ or the heights and the mass of buildings #83 and # 84 would need to be lowered to diminish said impact and be able to maintain the present quality of life for existing residents and *not negatively impact potential new residents in buildings #83 and #84 to whom this information would need to be disclosed.*

Why a 3dB increase is so important:

<https://pulsarinstruments.com/blog/how-to-understand-the-3db-rule/>

I would appreciate it if no zoning change be considered or approved by the City Council until the City of Portsmouth is able to hire an outside company to conduct a sound level survey and simulation of all the impacted homes. I look forward to hearing from you in regards to this issue.

Sincerely,

Elizabeth Bratter,
159 McDonough St.

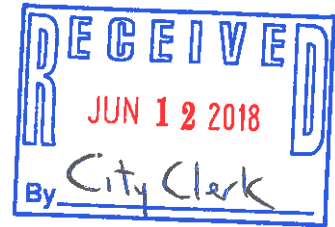
RECEIVED

JUN 5 - 2018

CITY MANAGER
PORTSMOUTH, NH



Frank Jones Farm Neighborhood Group
Portsmouth, New Hampshire 03801



June 11, 2018

The Portsmouth City Council
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

RE: Request by New England Marine & Industrial (NEMI) to extend Gateway Zoning district

Honorable Mayor and City Council:

We members of the Frank Jones Farm Neighborhood and other Portsmouth neighborhoods, write in response to a request by NEMI and the firm's attorney Kevin Baum to extend the proposed Gateway Zoning district southerly along the Spaulding Turnpike between Echo Avenue and Farm Lane. We oppose NEMI's proposal for the following reasons:

- By Attorney Baum's own estimate, the strip of land in question is only 150 feet wide. This narrow strip's proximity to a heavily traveled highway where vehicles typically move at 50+ MPH is not a desirable, attractive, suitable, or appropriate site for the housing development that is the primary purpose of a gateway zoning district.
- The strip of land is presently zoned General Business (GB), and has been for many years. Attorney Baum's correspondence of October 11, 2017 (included in your agenda packet) mistakenly asserts that the strip is zoned Central

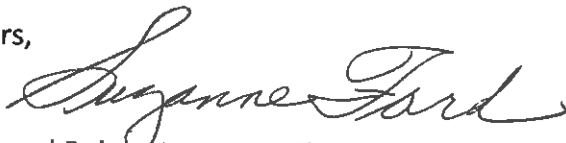
Business B (CBB), a zone that is situated in the North End and along part of Islington Street. We view this error as an indicator that the zoning analysis that supports NEMI's request is flawed, and thus, NEMI's request is premature at best.

- Every zoning ordinance and every zoning district in New Hampshire requires supporting policies in the municipal master plan. As you know, Portsmouth adopted a new master plan in February 2017. We believe the reason NEMI's request makes no reference to the city's new master plan is because the plan does not support NEMI's proposal. The burden of demonstrating such support lies with the petitioner. NEMI failed this test.

In summary, we urge you to preserve the present zoning between Echo Avenue and Farm Lane.

Thank you for your consideration.

Sincerely yours,



Suzanne Ford and Robert D. Ford
88 Farm Lane
Portsmouth, New Hampshire 03801



Attached: List of abutters and other Portsmouth residents

List of Portsmouth Residents to accompany letter to Mayor and City Council regarding their opposition to commercial rezoning of property from Echo Avenue to Farm Lane:

Suzanne Ford
88 Farm Lane

Robert Ford
88 Farm Lane

Catherine Gray
34 Farm lane

Thomas Gray
34 Farm Lane

Thomas Gray, Jr.
34 Farm Lane

Michael MacDonald
86 Farm Lane

Jeanette MacDonald
86 Farm Lane

Dennis Hoskin
50 Clover Lane

Lenore Weiss Bronson
828 Woodbury Avenue

Monique Turner
1020 Woodbury Avenue

H. Dixon Turner
1020 Woodbury Avenue

Sherry Hogan
865 Woodbury Avenue

Thomas Sweeney
1176 Woodbury Avenue

Charles "Chuck" Cogswell
370 Meadow Road

Zoe Stewart
8 Fairview Drive

Francesca Fernald
1000 Maplewood Avenue

Kevin Drohan
1240 Maplewood Avenue

Heather Mangold
1240 Maplewood Avenue

Howard Mangold
1275 # 35 Maplewood Avenue

Marie Lyford
5 Opal Avenue

Robert Lister
69 Diamond Drive

Cynthia Lister
69 Diamond Drive

Barbara Bowlus
170 Dennett Street # 2

Diana Frye
217 Myrtle Avenue

Sam Jones
217 Myrtle Avenue

William St. Laurent
253 Colonial Drive


Frances Elsemore
28 Beechstone # 2

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 14, 2018

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on June 18, 2018 City Council Agenda

Work Session:

6:30 p.m.

1. **2018 Partial Update of Property Values.** On Monday evening, City Assessor Rosann Maurice-Lentz, will give an update to the City Council concerning the 2018 Partial Update of property values throughout the City. The City Assessor will explain the differences between a partial update vs. a statistical revaluation, benefits to updating property values on an annual basis, services to be performed by the City and the City Contractor and a timeline.

Votes on Ordinances and/or Resolutions:

1. **First Reading of Proposed Ordinances Amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street.** As a result of the June 4, 2018 City Council meeting, I am bringing back for first reading the [attached two proposed zoning amendments](#) related to the request of Clipper Traders, LLC for the rezoning of property located at 105 Bartlett Street. As you will recall, the City Council also requested that the presentation of the proposed amendments be simplified as much as possible. As a result of that input, the Planning Department has separated the amendments into two ordinances. The first includes the amendments most applicable to the 105 Bartlett Street property and the second includes proposed “housekeeping” amendments. [Attached is a memorandum from Planning Director Juliet Walker](#) explaining these proposed amendments and the Planning Board review of this matter.

As you are aware, at the February 20, 2018 City Council meeting, the Council voted to refer a request from Attorney R. Timothy Phoenix, on behalf of Clipper Traders, regarding a petition for re-zoning of 105 Bartlett Street, to the Planning Board for a recommendation.

If the City Council is in agreement with the recommendations, an appropriate separate motion for each Ordinance amendment would be as follows:

A. Proposed Zoning Ordinance Amendment Part 1.

Move to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to the request of Clipper Traders, LLC for property located at 105 Bartlett Street:

- *Amendments to Article 4 Section 10.440 Table of Uses;*
- *Amendment to the Character-Based Zoning Building Placement Section 10.5A42;*
- *Amendments to Character-Based Zoning Incentive Overlay Districts Section 10.5A46;*
- *Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);*
- *Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;*
- *Amendment to Article 15 Definitions Section 10.1530.*

B. Proposed Zoning Ordinance Amendment Part 2.

Move to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to incorporating building, façade, and community space types allowed in the Gateway Neighborhood Mixed Use Districts into the Character-Based Zoning Districts and to clarify application of said types:

- *Amendments to Character-Based Zoning Development Standards Section 10.5A41;*
- *Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;*
- *Amendments to Character-Based Zoning Community Spaces Section 10.5A45;*
- *Amendment to Character-Based Zoning Incentive Overlay Districts Section 10.5A46.*

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is a request for a projecting sign license (see attached memorandum from Juliet Walker, Planning Director):

➤ Joe Kelley, owner of Cup of Joes Coffee Bar for property located at 31 Market Street

I recommend the City Council 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. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **299 Vaughan Street Temporary Construction License.** On June 15, 2017, the Planning Board granted site plan review, wetlands conditional use, and subdivision approvals for Vaughan Street Hotel LLC (formerly 299 Vaughan Street LLC) to construct a five-story, 143-room hotel with additional ground-floor retail uses on properties currently occupied by a municipal parking lot and an auto parts business.

The Construction Mitigation and Management Plan (CMMP), signed in April 2018, identified a number of temporary construction licenses for project-related work that will require the encumbrance of the City property along Green Street and Vaughan Street for different periods of time during of the project's construction. These licenses require approval by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy, which was adopted by the City Council on April 16, 2018.

Although the CMMP identifies multiple licenses required for this project, the license request in front of the City Council for this meeting is only for Phase 1 of the construction project.

The License Areas are show on the plan labeled "License Exhibit" and dated June 4, 2018. License Area 1 is shown with green hatch markings and is located behind the development site on the land deeded to the City for the construction of the Community Park along the North Mill Pond. This area will be used for construction staging and laydown of construction materials. The duration of the license for Area 1 is July 1, 2018 to July 1, 2019.

License Area 2 is shown with blue hatch markings and includes the sidewalk and parking area immediately in front of the development site on Vaughan Street as well as two existing parking spaces on the bend in the road on Vaughan Street (labeled 6 and 7 on the plan). This area will be used for construction of site drainage, hotel water connections, and gas

service connection. The duration of the license for Area 2 is August 2, 2018 to September 6, 2018 (37 days).

The total fee for the temporary license was calculated based on the \$0.15 per square foot per day as defined in the City Council policy. The policy also allows the City Manager to waive the license fees for parking in unmetered spaces if the applicant can provide equivalent public parking in the immediate vicinity of the licensed area. The developer is proposing to provide four (4) temporary parking spaces at the 111 Maplewood Ave property, labeled as T6 to T9 on the license plan provided.

Each space is 160 square feet, which calculates to \$24 per space per day. For 4 spaces, 37 days, the total credit is \$3,552. As a result, the license fee has been reduced from \$17,871 to \$14,319.

All of the foregoing has been reviewed by the Planning and Legal Departments and is recommended for approval.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept the temporary construction license regarding 299 Vaughan Street as submitted.

2. **Letter from Pease Development Authority Re: Request for Approval and Acceptance of Maintenance for North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement.** Attached is a letter from the Pease Development Authority regarding a request to the City Council for approval and acceptance in accordance with Section 5.3 of the Municipal Services Agreement (MSA) by adding North Apron Road located off Arboretum Drive. Also, as mentioned in the letter, PDA has provided Public Works Director Peter Rice with a set of North Apron Road as-built drawings to aid in his assessment of the road conditions. Further, I have attached a copy of **MSA Section 5.3 – Public Ways** for your information.

I recommend the City Council move to approve and accept North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement.

3. **Water Line Easement Re: 1850 Woodbury Avenue.** On April 19, 2018, the Planning Board approved an application from Goodman Family Real Estate Trust, requesting Site Plan Approval for the property located at 1850 Woodbury Avenue to add an Aroma Joe's take-out restaurant with drive-thru service and a walk-up window.

As approved, the Site Plan includes a water line easement to be granted to the City for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a City water main line and its associated infrastructure. Attached are the **Easement Plan and Waterline Easement Deed.**

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move that the City Manager be authorized to negotiate, execute, deliver and record the easement deed regarding 1850 Woodbury Avenue, as presented.

4. **Request for First Reading Re: Parking Omnibus.** Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council at its meeting of June 18, 2018. This year's omnibus changes are detailed on the attached sheets, and address changes to parking meters, on-street parking spaces, and updates to reflect current conditions.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to schedule first reading of the proposed Parking Omnibus Ordinance for the July 7, 2018 City Council meeting, as presented.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the updated Events Listing showing events from this date forward through 2018. In addition, this can be found on the City's website.
2. **Report Back Re: Bicycle Friendly and Walkable Community Designations.** As requested by City Council, attached is a memorandum from Planning Director Juliet Walker regarding bicycle friendly and walkable community designations.

3. **Dondero School Nature Playground.** For over a year, the Dondero School Parent Teacher Association has sponsored a school yard and playground renovation planning effort and implementation of an initial phase is set to begin this summer. The work to date on the Dondero School Nature Playground Master Plan has been the result of close collaboration with the school community (parents, students, teachers and staff), school administration, engineering and design professionals as well as city staff. The Nature Playground Master Plan responds to a national trend in the creation of natural play spaces, along with a commitment to nature-based education and nature play at Dondero. [The Plan is attached](#) and the elements are described below.

To date, the PTA group has secured two-thirds of the estimated \$67,000 needed for the first phase describe above. This includes \$20,000 from the School Department as well as \$24,000 from the PTA's own fundraising. In recognition of the schoolyard's dual role as both a schoolyard and neighborhood playground, I have authorized up to \$25,000 from the City's Capital Improvement Plan for Playgrounds be utilized for as a match for the funds raised by the PTA.

The PTA is preparing to construct a first-phase of the improvements this summer. This work will include demolition of the current play structure and replacement with a multi-functional rope play structure, relocation of existing swings, and installation of earth climbing mounds. To date, the PTA has secured substantial in-kind services and funded engineering and design services for the Master Plan. Other nature play elements in the Plan (for later phases) include climbing logs, planted areas for wildlife habitats and passive exploration, musical play area and stage, additional forest trails and neighborhood linkages, and improvements to the school garden as additional fundraising, volunteers and in-kind donations permit.

4. **News Release Re: National Homeownership Month.** For your information, [attached is a news release](#) announcing that the U.S. Housing and Urban Development (HUD) and the City of Portsmouth recognize June as National Homeownership Month.
5. **Report Back Re: Recovery of Costs of Public Records.** As requested by Councilor Perkins, [attached is a memorandum](#) from Deputy City Attorney Suzanne Woodland regarding recovery of costs of public records.

LICENSE AGREEMENT

This LICENSE AGREEMENT (this “License”) dated June ___, 2018 is by and between the City of Portsmouth, New Hampshire, a municipal corporation duly existing under the laws of the State of New Hampshire with offices located at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire 03801 (the “City”) and Vaughan Street Hotel LLC, a New Hampshire limited liability company, having an address of 1359 Hooksett Road, Hooksett, NH 03106 (for itself and its successors and assigns, the “Owner”). The City and the Owner may sometimes be collectively referred to herein as the “Parties” and sometimes each be individually referred to as a “Party.”

RECITALS

A. **WHEREAS**, the Owner owns the land, with the buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 225 and 299 Vaughan Street in Portsmouth, County of Rockingham and State of New Hampshire, being shown on the City of Portsmouth’s Assessor’s Map as Tax Map 124, Lot 10 (the “Premises”). For the Owner’s title to the Premises, see two (2) deeds recorded in the Rockingham County Registry of Deeds (the “Registry”) at Book 5848, Page 0129, and Book 5848, Page 1508.

B. **WHEREAS**, the Owner is developing the Premises for use as a 154-room AC Hotels by Marriott hotel (the “Project”).

C. **WHEREAS**, the Premises abuts Vaughan Street, a public right-of-way, Green Street, a public right-of-way, and a parcel of land owned by the City and commonly known as Tax Map 123, Lot 15.

D. **WHEREAS**, the Owner has requested a construction license from the City in connection with construction of the Project as described in that certain Construction Management and Mitigation Plan (CMMP) by and among the City and the Owner dated April 13, 2018 attached hereto as Exhibit A (the “CMMP”).

E. **WHEREAS**, the City acknowledges that it will benefit from the development of the Project and hereby desires to grant this License to the Owner.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, and in consideration of the mutual promises contained herein, the Parties covenant and agree as follows:

1. Grant of License. The City hereby grants to the Owner as appurtenant to the Premises, the right and license to enter upon and use the areas depicted as (i) Proposed License Area #1 (“License Area #1”), and (ii) Proposed License Area #2 (“License Area #2” and, collectively, with License Area #1, the “Licensed Areas”) on the License Exhibit attached hereto as Exhibit B (the “Plan”).

2. Term of License. The License Areas shall have the following terms (collectively, the “Term”):

- a. License Area #1: July 1, 2018 to July 1, 2019; and
- b. License Area #2: August 2, 2018 to September 6, 2018.

Upon expiration of the Term applicable to each License Area, the License shall automatically terminate with regard to the applicable License Area without necessity of execution of any additional document or instrument, and the Parties shall no longer have any rights or obligations under this License, except such rights and obligations as expressly survive termination of this License, including as set forth in Sections 7 and 8 below.

3. Access and Use of Licensed Area. The Owner shall have access to the Licensed Areas and the ability to exercise the rights under the License twenty-four (24) hours a day during the Term in accordance with applicable City ordinances and regulations. The License shall be irrevocable during the Term, except that the City may temporarily suspend the License in cases of (i) emergency, (ii) paramount municipal need, or (iii) for the City’s access to its underground utilities and pipes. The City will provide the Owner with reasonable notice of the suspension of the License to access its underground utilities and pipes or in the event of a paramount municipal need.

4. Use of Easements by Those Claiming By, Through, or Under Parties. The License shall include use of the License by those claiming by, through or under the Owner, including, but not limited to, any agents, representatives, guests, licensees and invitees of the Owner.

5. Signage. The Owner will post appropriate detour signage for the benefit of the public in accordance with the Plan and the CMMP.

6. Public Safety. The Owner shall exercise the License in a safe and sound fashion at all times and shall take such actions as are necessary to protect the public safety in accordance with the CMMP.

7. Damage. The Owner shall repair any damage to the Licensed Areas caused by the Owner’s exercise of the License as reasonably specified by the City and to the extent not already required by the approved site plan. This Section 7 shall survive termination or revocation of the License.

8. Indemnity. The Owner agrees to indemnify, defend and hold harmless the City and its officials, agents and employees from any and all claims arising from Owner’s use of the Licensed Areas. This Section 8 shall survive termination or revocation of the License.

9. Insurance. Licensee shall at all times maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee shall maintain a certificate of insurance on file with the City’s Legal Department during the Term.

10. Notices. Any notice or other like communication given pursuant to this License shall be in writing and shall be delivered by hand, by certified mail, or by FedEx or other overnight delivery service, at the address listed in the initial paragraph of this License. Any Party shall have the right to designate a different notice address by notice similarly given. Any notices or other communications given under this License shall be deemed to have been given on the date the same was delivered, if delivered in hand, deposited in the United States mails as certified mail, or deposited with Federal Express or other overnight delivery service.

11. Force Majeure. If the Project shall be delayed or the Owner is hindered in or prevented from the performance of any act required under this License by reason of acts of God, strikes, lockouts, labor troubles, riots, insurrection, or war, then the Term of the License shall be extended on a day-for-day basis corresponding to the length of the delay.

12. License Fee. Owner shall pay to the City a fee of \$14,319 (the “License Fee”) for License Area #2 in accordance with City Council Policy No. 2018-02 entitled “License Fee for Encumbrance of City Property” (the “License Fee Policy”). The License Fee shall be paid to the City on or prior to August 2, 2018. No fee shall be payable to the City for License Area #1.

13. Amendments and Termination. This License may be modified, amended, or cancelled only by a written instrument executed by all parties in interest at the time of such modification, amendment, or cancellation; provided, however, that Owner may terminate this License at any time by giving notice to the City.

14. Waivers. Failure on the part of any Party hereto to complain of any action or non-action on the part of any other Party, no matter how long the same may continue, shall never be a waiver by such Party of any of the rights hereunder. Further, no waiver at any time of any of the provisions hereof by a Party shall be construed as a waiver of any of the other provisions hereof, and a waiver at any time of any of the provisions hereof shall not be construed as a waiver at any subsequent time of the same provisions.

15. Exhibits; Captions; Recitals. Exhibits A and B is hereby incorporated herein by reference and made a part hereof, as fully as if set forth in full herein. The captions of the articles and sections of this License are for convenience only and shall not be considered or referenced in resolving questions of interpretation and construction. The Recitals are incorporated herein by reference.

16. Construction of License. This License, which may be executed in multiple copies, is to take effect as a sealed instrument; shall be construed under New Hampshire law (without regard for conflicts of laws principles); sets forth the entire agreement between the Parties; and supersedes all prior agreements and memoranda with respect to the subject matter hereof, except for the approved site plan and the CMMP.

[Signatures Page Follows]

VAUGHAN STREET HOTEL LLC

By: _____
Name:
Its: Manager
Duly Authorized

CITY OF PORTSMOUTH

By: _____
Name:
Its:
Duly Authorized

**THE STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**

This License Agreement was acknowledged before me on this ____ day of _____, 2018 by _____ the Manager of Vaughan Street Hotel LLC, a New Hampshire limited liability company, on behalf of the limited liability company.

Before me,

Justice of the Peace/Notary Public
My commission expires:
Name: _____
[print]

**THE STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**

This License Agreement was acknowledged before me on this ____ day of _____, 2018 by _____ the _____ of the City of Portsmouth, New Hampshire, on behalf of the City of Portsmouth.

Before me,

Justice of the Peace/Notary Public
My commission expires:
Name: _____
[print]

My Commission Expires:

EXHIBIT A

CMMP

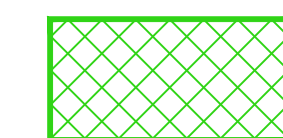
[To Be Attached Hereto]

EXHIBIT B

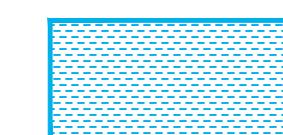
License Exhibit

[Attached Hereto]

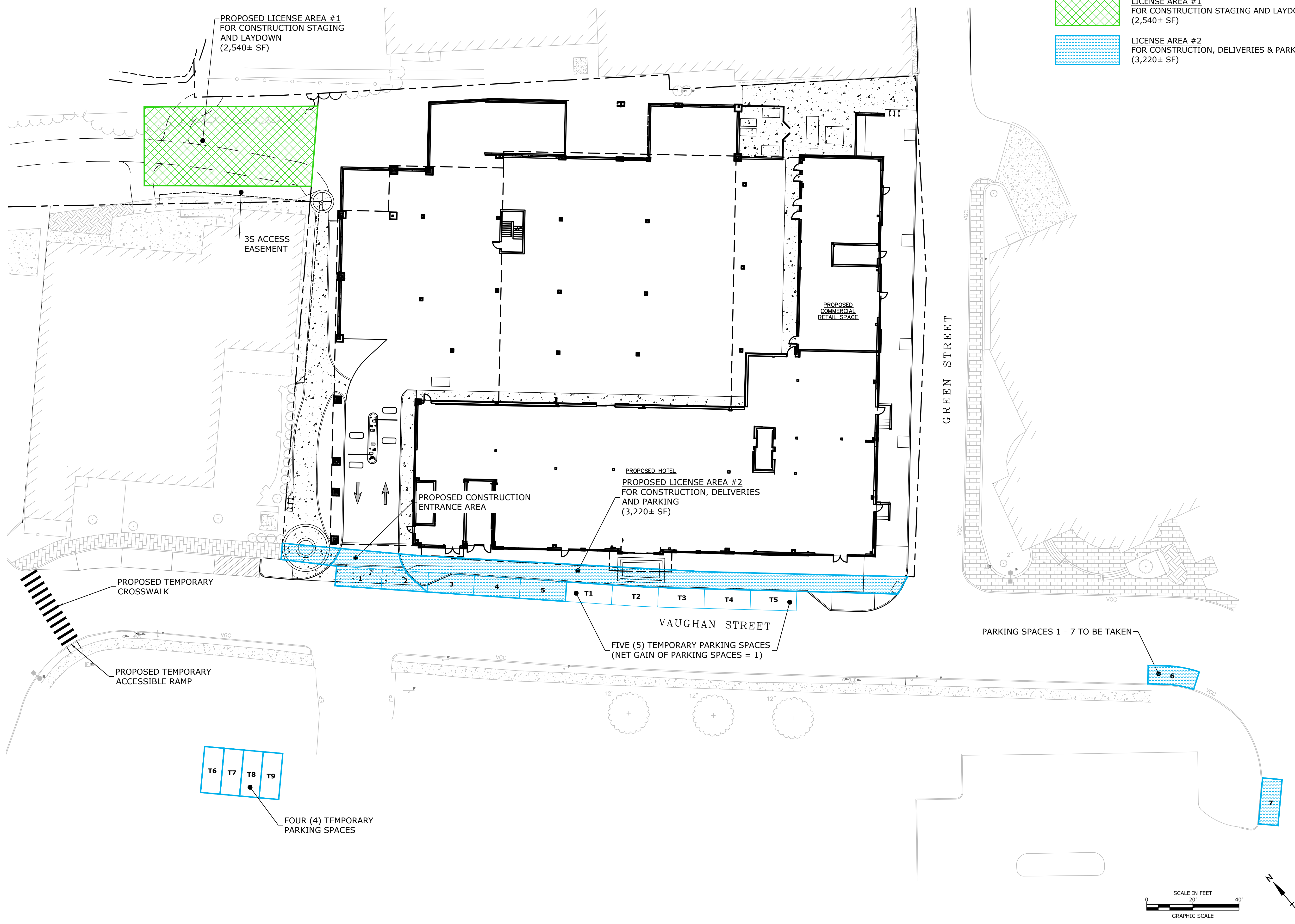
LEGEND



LICENSE AREA #1
FOR CONSTRUCTION STAGING AND LAYDOWN
(2,540± SF)



LICENSE AREA #2
FOR CONSTRUCTION, DELIVERIES & PARKING
(3,220± SF)



AC Hotel and Community Space

299 Vaughan Street, LLC

Portsmouth, New Hampshire

MARK	DATE	DESCRIPTION

PROJECT NO:	C-0960-2
DATE:	JUNE 4, 2018
FILE:	C-0960-2_C-DSGN.dwg
DRAWN BY:	NAH/CML
CHECKED:	PMC
APPROVED:	BLM

LICENSE EXHIBIT

SCALE: AS SHOWN

Last Saved: 6/4/2018 11:19am By: CML
 Plotted On: Jun 04, 2018 11:19am
 Tighe & Bond 299 Vaughan Street, Portsmouth, NH 03801
 File: C:\Users\CML\OneDrive\Documents\CAD\Drawings - Figures\AutoCAD\Drawings\C-0960-2_C-DSGN.dwg

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

June 1, 2018

Subject: City of Portsmouth Approval and Acceptance of North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement

Dear John:

I am writing to seek your help in bringing a request to the Portsmouth City Council regarding its approval in amending Appendix VI of the Municipal Services Agreement ("MSA") by adding North Apron Road, located off Arboretum Drive. North Apron Road, was constructed in 2003 and is not included in the 1998 MSA. The road was designed and constructed to conform to the City's standards for an industrial street with the intent that it would, at some future date, become part of the roadway system maintained by the City per the MSA.

MSA Section 5.3 contemplated amendments to Appendix VI, the map depicting Tradeport roadways receiving City-provided public works services. To date, the only amendment has been the removal of former Pinecrest Terrace from the service area, although this amendment was never memorialized through a revision to the Appendix.

Although we may have brought this request to the Portsmouth City Council sooner, it is now a critical part of our current marketing plan for the North Apron that PDA be able to identify public access to this site. As we are negotiating with multiple parties for aeronautical development, we do anticipate that successful development is imminent and wish to be able to accurately represent the status of access to the property. As you aware, all development of this parcel, located in the Town of Newington, will pay to the City a municipal services fee covering in full the municipal and county portion of the City of Portsmouth's tax obligations.

Attached you will find a copy of Appendix VI and a map showing the location of North Apron Road. We have also furnished a set of the North Apron Road as-built drawings to the Public Works Director to aid in his assessment of the road conditions.

Please let me know what other information you will need to evaluate PDA's request.

Thank you for your consideration of this matter.

Sincerely,



David R. Mullen
Executive Director

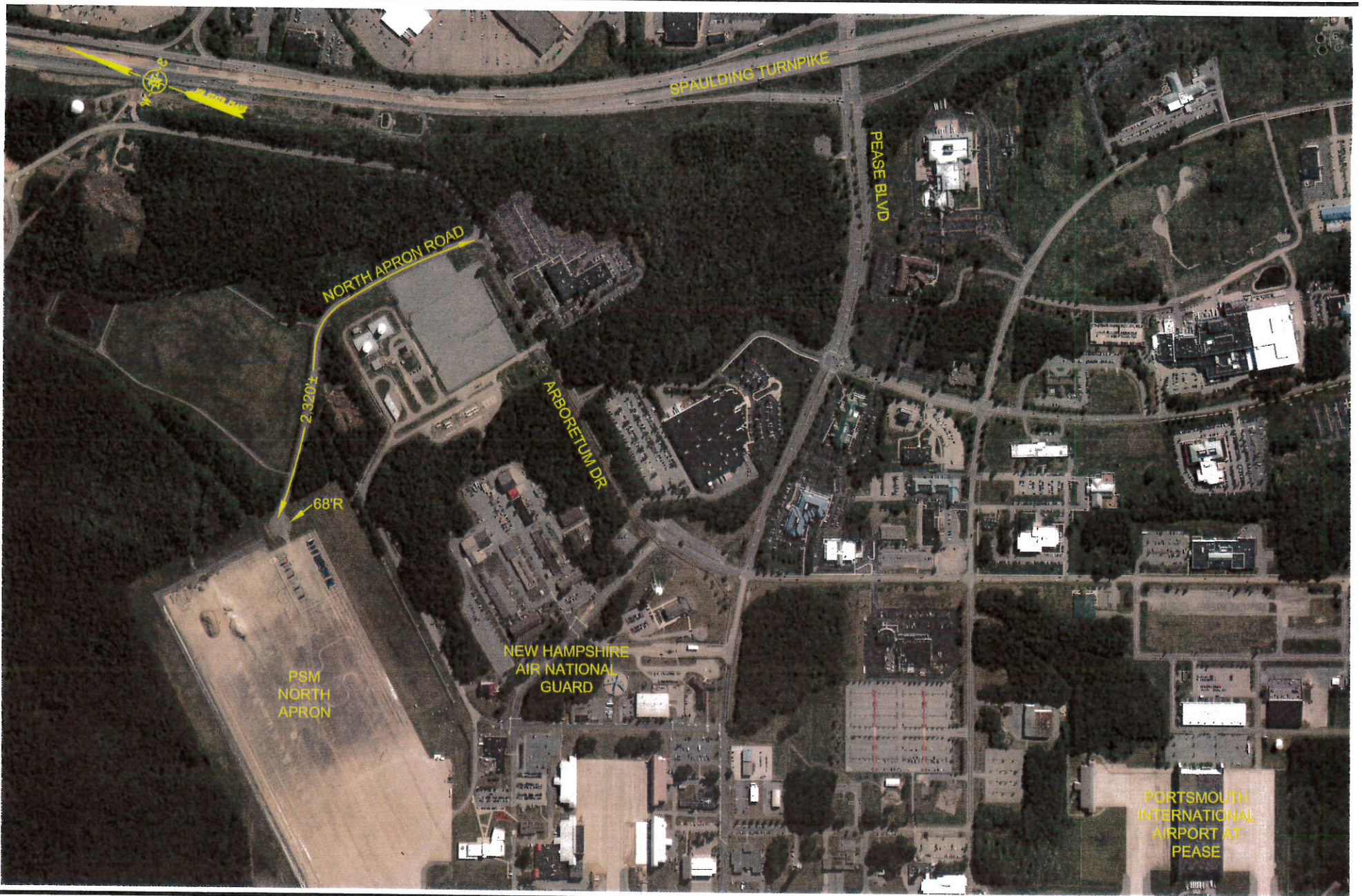


Exhibit Depicting North Apron Road

DESIGNED BY: MRM DATE: 5/31/18 SCALE: 1"=800'

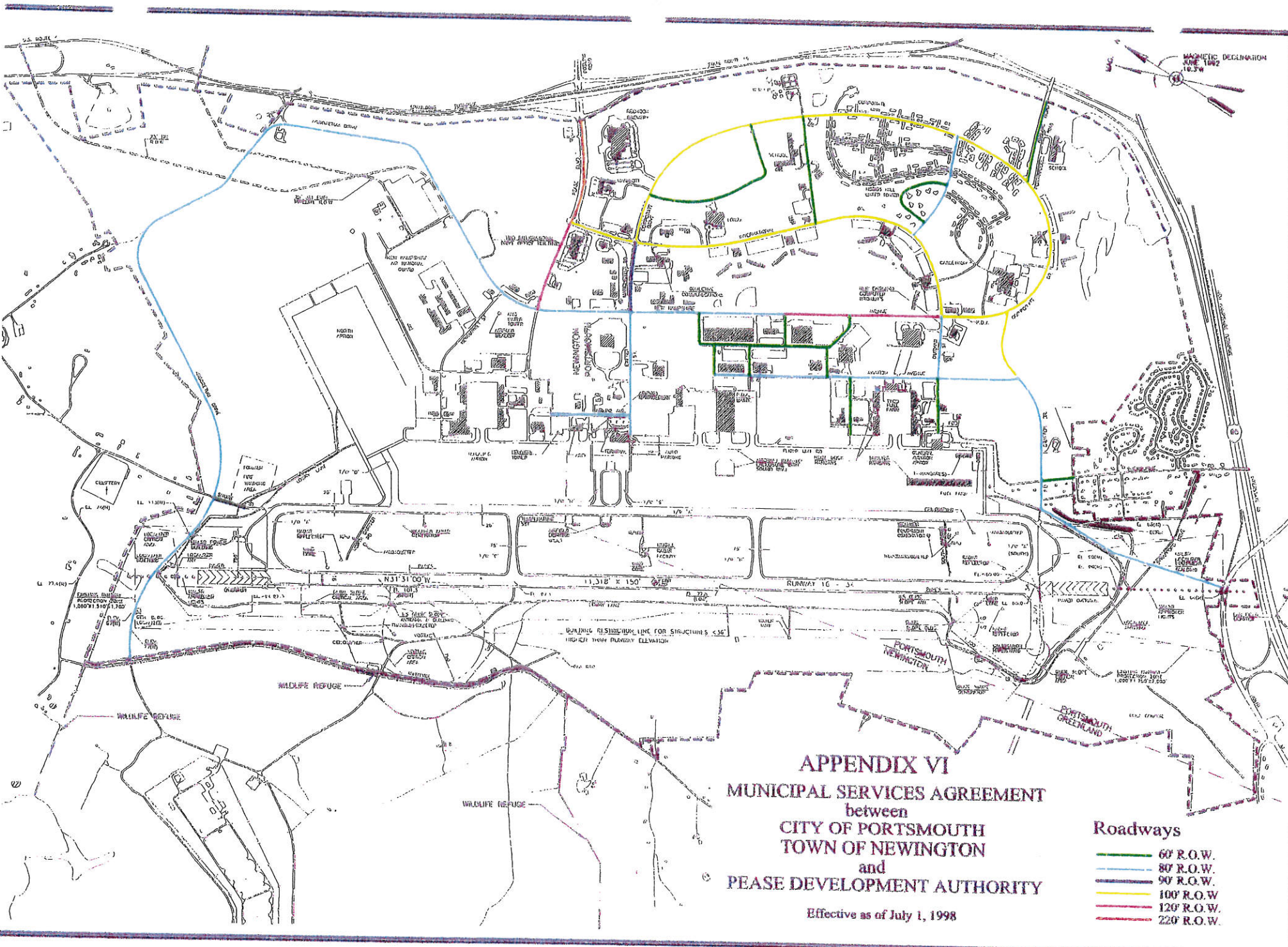
MAGNETIC DECLINATION
JUNE 1992
10.5°W

APPENDIX VI
MUNICIPAL SERVICES AGREEMENT
between
CITY OF PORTSMOUTH
TOWN OF NEWINGTON
and
PEASE DEVELOPMENT AUTHORITY

Effective as of July 1, 1998

Roadways

- 60' R.O.W.
- 80' R.O.W.
- 90' R.O.W.
- 100' R.O.W.
- 120' R.O.W.
- 220' R.O.W.



SECTION 5

PUBLIC WORKS SERVICES

5.1 Provision of Public Works Services. COP shall, from and after the date hereof, provide Public Works Services in the Non-Airfield Area of the Airport District at a level equal to the ALS for Public Works Services, except as expressly provided in this Section 5.

5.2 Definition of Public Works Services. Public Works Services shall be all those services provided, from time to time, by the City of Portsmouth Department of Public Works, Division of Streets, or its successor, to the residents of the COP, including without limitation, the following component services:

- (i) Maintaining and repairing roads, streets, bridges and sidewalks;
- (ii) Removing snow and ice from, and distributing sand and salt on, roads, streets, bridges and sidewalks; and
- (iii) Planting, maintaining, removing and trimming trees, brush and grass on Rights-of-Way.
- (iv) providing electrical service and maintenance to the 95 existing street lights at Pease as of July 1, 1998, street lights to be installed on the south entrance road to be constructed by the New Hampshire Department of Transportation, and such other street lights, as shall be approved by the City following application to the Department of Public Works.

5.3 Publicways. COP shall provide Public Works Services on the roadways shown on Appendix VI, attached hereto and incorporated herein, including the southern entrance road, as the same may be from time to time amended at the request of the PDA and as approved by COP.

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

WATER LINE EASEMENT DEED

MARTIN L. GOODMAN and **NANCY L. GOODMAN**, Co-Trustees of the **GOODMAN FAMILY REAL ESTATE TRUST**, with a mailing address of 31 Shelton Road, Swampscott, Massachusetts 01907, hereinafter, collectively "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easement with respect to Grantor's real property located at 1850 Woodbury Avenue in the City of Portsmouth, State of New Hampshire:

1. **Permanent Easement Area:** A permanent easement for the purpose of a water main over the land of Grantor twenty (20) feet wide and centered over the line shown as "Approx. Location of Existing City Water Main" on a plan entitled, "Site Plan, Commercial Development, 1850 Woodbury Avenue, Portsmouth, NH, Tax Map 239, Lot 9" by Altus Engineering, Inc. dated April 20, 2018 (hereinafter the "Plan"). Said Plan recorded as Plan _____ in the Rockingham County Registry of Deeds.
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a water line with its associated pipes, manholes, and appurtenances. The Grantee shall have the right to remove obstructions including pavement, curbing, trees, bushes, undergrowth, structures and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted provided that Grantee shall provide at least forty-eight (48) hours advanced notice to Grantor prior to completing such work, except in the event of an emergency. Grantee agrees to preserve access to any driveways and parking areas to the extent reasonably practicable.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Easement Area shall be back-filled and restored at the Grantee's expense; provided, however, that the Grantee shall have no obligation to replace any structures removed pursuant to paragraph 2 hereof. Grantee shall make all reasonably practical efforts to restore such areas and materials to the substantially same condition as immediately prior to the disturbance.

4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Easement Area and insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other permanent structure within the Easement Area, substantially change the grade or slope, or install any pipes in the Easement Area without prior written consent of the Grantee.

5. **Grantee Property:** It is agreed that the pipes and appurtenances related to the public water main installed within the easement area, whether fixed to the realty or not, shall be and remain the property of the Grantee.

6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

7. **Agreement to Amend:** Grantor and Grantee agree to amend this Water Line Easement Deed if necessary to reflect any changes to the location of the City Water Main identified during construction activities contemplated under the Plan.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the Grantor by deed of _____ dated _____ and recorded in the Rockingham County Registry of Deeds at Book _____, Page _____.

The undersigned **Martin L. Goodman and Nancy L. Goodman, Co-Trustees of the Goodman Family Real Estate Trust u/d/t dated _____**, hereby state pursuant to RSA 564-A:7, that said Co-Trustees have full and absolute power in said Trust Agreement to execute, sign and deliver a deed for any real estate or other property held in said Trust, and no purchaser or third party shall be bound to inquire whether the Co-Trustees have said power or are properly exercising said power or to see to the proceeds paid for any conveyance.

Martin L. Goodman and Nancy L. Goodman, Co-Trustees of the Goodman Family Real Estate Trust u/d/t dated _____, hereby certify that the Trust is in full force and effect, that they are empowered to act as Co-Trustees on the date of this certificate, and that the Trust has not been revoked or amended.

The Co-Trustees further certify that the undersigned are the sole Co-Trustees of said Trust, that no successor Trustee has been appointed and that the undersigned have received all written authorizations from beneficiaries, if any, required by the terms of said Trust.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2018.

Goodman Family Real Estate Trust

By: _____
Martin L. Goodman, Co-Trustee

By: _____
Nancy L. Goodman, Co-Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this, the _____ day of _____, 2018, before me, the undersigned Officer, personally appeared Martin L. Goodman and Nancy L. Goodman, Co-Trustees of the Goodman Family Real Estate Trust, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes set forth therein.

Justice of the Peace/Notary Public
My commission expires: _____

REFERENCE PLAN:
 "EXISTING CONDITIONS CONTOUR PLAN", BY
 KNIGHT HILL LAND SURVEYING SERVICES,
 INC., APRIL 19, 2017.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN DATE

NOTES:

1. THIS PARCEL IS LOCATED WITHIN THE G1(GATEWAY NEIGHBORHOOD MIXED USE DISTRICT) ZONE.

2. LOT SUMMARY: TAX MAP 239, LOT 9

LOT AREA: 57,724 SF± (1.325 ACRES±)
 CONTINUOUS FRONTAGE: 273±
 LOT DEPTH: 200±

REQUIREMENT	EXISTING	PROVIDED
BUILDING COVERAGE (70% MAX):	23.2%	24.6%
BUILDING FOOTPRINT (20,000 SF MAX):	13,390 SF	14,175 SF
OPEN SPACE (10% MIN):	44%	40%
LOT COVERAGE (TOTAL IMPERVIOUS):	56%	60%
FRONT SETBACK (BUILDING):	32'±	77'± (TO NEW BLDG)
SIDE SETBACK (BUILDING):	3.6'±	46'± (TO NEW BLDG)

PARKING REQUIREMENTS:

A VARIANCE WAS APPROVED ON MARCH 21, 2107 TO ALLOW 21 OFF-STREET PARKING SPACES.

VARIANCES GRANTED JANUARY 17, 2018:

PER SECTION 10.5B5.3, THE PROPOSED BUILDING IS TO BE CONSTRUCTED ON A LOT (DEVELOPMENT SITE) THAT INCLUDES AN EXISTING NON-CONFORMING BUILDING, THEREFORE SHALL COMPLY WITH THE DEVELOPMENT SITE REQUIREMENTS OF SECTION 10.5B4.0.

THE FOLLOWING VARIANCES WERE GRANTED FROM ARTICLE 5B GATEWAY NEIGHBORHOOD MIXED USE DISTRICT.

- 1) 10.5B3.0 - BUILDING TYPES AND STANDARDS - THE DESIGN STANDARDS REQUIREMENT OF SECTION 10.5B3.4.90 - FLEX SPACE / FABRICATION BUILDING FOR A STREET FACING ENTRANCE (H).
- 2) 10.5B4.0 - DEVELOPMENT SITE STANDARDS - THE COMMUNITY SPACE COVERAGE REQUIREMENT OF 10% OF THE DEVELOPMENT SITE, PER SECTION 10.5B41.80.

VARIANCES GRANTED MARCH 21, 2017:

- 1) 10.440 #19.40 TO ALLOW A DRIVE-THROUGH AS A PRINCIPAL USE WHERE THE USE IS ONLY ALLOWED AS AN ACCESSORY USE;
- 2) 10.1112.30 TO ALLOW 21 OFF-STREET PARKING SPACES TO BE PROVIDED WHERE 30 SPACES ARE REQUIRED;
- 3) 10.1113.31 AND 10.835.32 TO ALLOW ACCESSWAYS, TRAFFIC AISLES, AND DRIVE THROUGH BYPASS LANES TO BE SET BACK 30'± FROM A RESIDENTIAL DISTRICT WHERE 50' TO 100' ARE THE MINIMUMS REQUIRED;
- 4) 10.1113.41 TO ALLOW OFF-STREET PARKING AREAS, ACCESSWAYS & TRAFFIC AISLES TO BE SET BACK 30'± FROM THE FRONT LOT LINE WHERE 40' IS THE MINIMUM REQUIRED;
- 5) 10.591 AND 10.835.31 FOR AN OUTDOOR SERVICE FACILITY TO BE LOCATED 75'± FROM A RESIDENTIAL DISTRICT WHERE 100' IS THE MINIMUM REQUIRED;
- 6) 10.1243 TO ALLOW THREE FREE-STANDING SIGNS ON A LOT WHERE ONLY ONE FREE-STANDING SIGN PER LOT IS PERMITTED;
- 7) 10.1271.70 TO ALLOW SIGNAGE TO BE LOCATED ON A WALL THAT DOES NOT FACE THE STREET OR INCLUDE A PUBLIC ENTRANCE;
- 8) 10.1251.10 TO ALLOW 61± S.F. NON-FREESTANDING SIGNS WHERE 30 S.F. IS THE MAXIMUM ALLOWED.

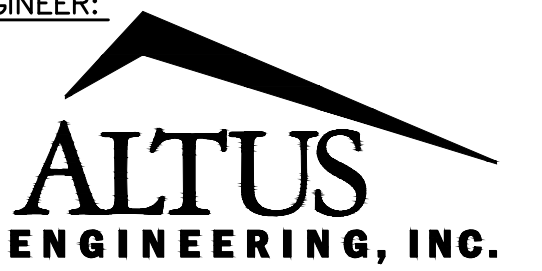
VARIANCE STIPULATION:

A FENCE OR OTHER BARRIER, APPROVED BY THE PLANNING DEPARTMENT, WILL BE ERRECTED TO PREVENT LIGHT POLLUTION FROM VEHICLES ENTERING OR LEAVING THE PROPERTY FROM SPILLING OVER ONTO THE NEIGHBORING RESIDENTIAL PROPERTY.

WAIVERS:

- 1) SECTION 3.3.2 - FOR TWO DRIVEWAYS ON LOT.
- 2) SECTION 9.3 - FOR DUMPSTER PAD LOCATED 10 FEET FROM PROPERTY LINE.

ENGINEER:



133 COURT STREET PORTSMOUTH, NH 03801
 (603) 433-2335 www.ALTUS-ENG.com

ISSUED FOR:

REVIEW

ISSUE DATE:

JUNE 11, 2018

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	CDB	06/11/18

DRAWN BY:

CDB

APPROVED BY:

EDW

DRAWING FILE:

4831.DWG

SCALE:

22" x 34" - 1" = 20'
 11" x 17" - 1" = 40'

OWNER:

GOODMAN FAMILY REAL ESTATE TRUST
 NANCY L. GOODMAN, TRUSTEE
 31 SHELTON ROAD
 SWAMPSCOTT, MA 01907
 APPLICANT:
 AROMA JOE'S COFFEE
 c/o MARTY MCKENNA
 63 BROADWAY
 DOVER, NH 03820

PROJECT:

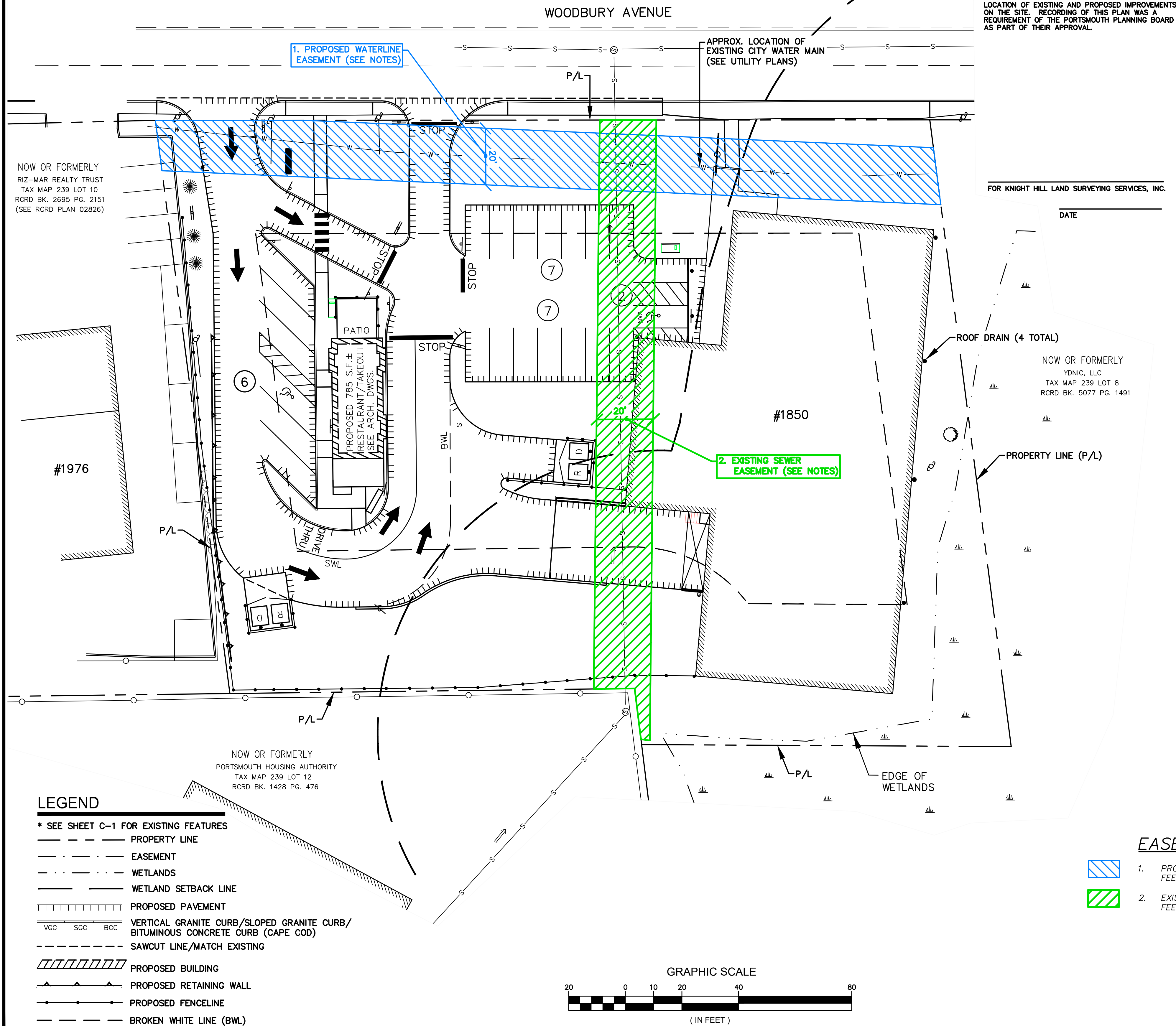
COMMERCIAL DEVELOPMENT
 1850 WOODBURY AVENUE
 PORTSMOUTH, NH
 TAX MAP 239
 LOT 9

TITLE:

EASEMENT PLAN

SHEET NUMBER:

E-1



EASEMENT NOTES AND LEGEND

1. PROPOSED WATERLINE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH, TWENTY (20) FEET WIDE AND CENTERED OVER THE EXISTING WATER MAIN LOCATED ON PROPERTY.
2. EXISTING SEWER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH, TWENTY (20) FEET WIDE, PER RCRD BK 1490, PAGE 335.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

A. Amend: Chapter 7, Article I – PARKING METERS, Section 7.105: Parking

Section 7.105: PARKING:

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device including mobile phone applications, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, including meter devices defined in Section 7.101. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or when said parking meter displays a signal showing such illegal parking. **A vehicle shall also be considered as unlawfully parking if said vehicle fails to move at least 500 feet from the original parking space after the legal parking limit has expired.** It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.
-

B. Amend: Chapter 7, Article I – PARKING METERS, Section 7.106: Unlawful Extension

Section 7.106: UNLAWFUL EXTENSION

It shall be unlawful for any person to deposit or cause to be deposited in a parking

meter ~~one or more twenty five (\$.25) cent coins and/or~~ **any additional combination payment** for the purpose of extending the parking time beyond the maximum time fixed by the Ordinances of the City of Portsmouth

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking – Fifteen Minutes

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:

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

- 5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblineline of High Street, and running 20 feet in an easterly direction.**

D. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330: No Parking

Section 7.330: NO PARKING:

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

- ~~3. Alumni Drive~~ **Andrew Jarvis Drive:** southerly side.

35. Dennett Street:

- a. northerly side, ~~from Maplewood Avenue to Myrtle Avenue beginning at the westerly pavement edge of Hunters Hill Avenue and running 60 feet in a westerly direction.~~
- b. both sides from Myrtle to Maplewood Avenue.

67. Langdon Street:

- a. easterly side from McDonough Street to Islington Street.
- b. entire westerly side, north of McDonough Street.**

77. Mechanic Street:

- a. southerly side, from Marcy Street to the Peirce Island Bridge
- b. northerly side of Marcy Street to the Peirce Island bridge between the hours of 11 P.M. to 6 A.M.
- c. westerly side, from Peirce Island Road to ~~a point 86 feet north of~~ Gates Street.

- d. easterly side, beginning at the extension of the northerly curbline of Gates Street and running a distance of 27 feet in a northerly direction.
- e. westerly side, between Gardner Street and Hunking Street.

104. Raynes Avenue, southerly side, beginning at a point 192 feet east of the easterly curbline of Maplewood Avenue and running easterly to the end of Raynes Avenue.

126. Thaxter Road, both northerly and southerly sides, beginning at the easterly curbline of Islington Street and running easterly for a distance of 60 feet.

127. Vaughan Street:

- a. northerly side of Vaughan Street, beginning 303 feet west of the easterly curbline of Green Street, running 20 feet in a westerly direction. ~~from the northwest corner of the building at 299 Vaughan Street easterly 20 feet.~~
- b. southerly side of Vaughan Street, beginning 345 feet west of the extension of the easterly curbline of Green Street, running westerly to the end of Vaughn Street.
- c. northerly side of Vaughan Street, beginning 150 feet east of the easterly curbline of Maplewood Avenue, running 44 feet in an easterly direction along the curve of Vaughan Street.

129. Washington Street:

- a. westerly side, from State Street to a point ~~300~~ 340 feet south of the intersection of Court Street.

B. No Parking - School Zones

Parking shall be prohibited within the following areas:

- ~~1. Austin Street: both northerly and southerly sides beginning at the intersection of Winter Street and proceeding in a general easterly direction a distance of approximately 176 feet, between the hours of 7:00 a.m. — 4:00 p.m. on days when school is in session.~~

E. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.346: No Through Traffic

Section 7.346: NO THROUGH TRAFFIC:

No person shall operate any vehicle on the following streets or ways unless that vehicle has a point of origin or a point of destination on that street or way, except that emergency vehicles may operate in emergency situations during the necessary performance of public duties:

- ~~1. Austin Street, between Winter Street and Summer Street, during the hours of 7:30 a.m. to 3:30 p.m. when school is in session;~~

F. Amend: Chapter 7, Article IV – OFF STREET PARKING AREAS, Section 7.402: Areas Established, Designated, and Described

Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED:

A. Bridge Street Off-Street Parking Area

The following area, to be known as the Bridge Street Off-Street Parking Area, is hereby established for the off-street parking of motor vehicles. Said area is more particularly bounded and described as follows:

Beginning at a point at the intersection of ~~the new~~ Maplewood Avenue, ~~so-called,~~ and Islington Street, thence running in a generally northerly direction along said Maplewood Avenue to the intersection of Hanover Street; thence turning at a right angle and running in a westerly direction along said Hanover Street to Bridge Street; thence turning at a right angle and running in a generally southerly direction along said Bridge Street to the intersection of Islington Street; thence turning at a right angle and running in a generally easterly direction along said Islington Street to point of beginning.

All of said area in the Bridge Street Off-Street Parking Lot is designated as a parking meter zone. All off-street area within the Bridge Street Off-Street Parking Lot is hereby designated as a ~~two~~**four**-hour parking zone ~~except as follows:~~

- ~~1. All spaces located anywhere in the lot westerly of the 15th space on the Bridge Street side of the lot, counted from Islington Street which shall be designated and marked "four hour maximum parking limit."~~

G. Amend: Chapter 7, Article IVA – BUS STOPS; **AND TAXICAB STANDS & HORSE DRAWN CARRIAGES**, Section 7A.405: School Bus Loading/Unloading Zone

~~Section 7A.405: SCHOOL BUS LOADING/UNLOADING ZONE:~~

- ~~A. Marey Street: In front of Children's Museum from 9:30 a.m. to 1:00 p.m. Monday through Friday only.~~

H. Amend: Chapter 7, Article IVA – BUS STOPS; **AND TAXICAB STANDS & HORSE DRAWN CARRIAGES**, Section 7A.406: Horse Drawn Carriages

~~Section 7A.406: HORSE DRAWN CARRIAGES~~

~~There is hereby established an area comprised of two parking spaces on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked "Reserved for Horse and Carriage", Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other penalty provided by law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.~~

I. Amend: Chapter 7, Article X – TOWING, Section 7.1001: Tow Zones

Section 7.1001: TOW ZONES

- A. The following areas are designated as tow zones:
 - 1. ~~Alumni~~ **Andrew Jarvis** Drive (southerly side)
-

J. Amend: Chapter 7, Article X – TOWING, Section 7.1004: Towing Or Immobilization Of Motor Vehicles For Non-Payment Of Parking Fines

Section 7.1004: TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES

- 3. ILLEGALLY PARKED: The term "illegally parked" as used in this particular section and all other sections concerning PARKING in the Ordinances of the City of Portsmouth shall mean:

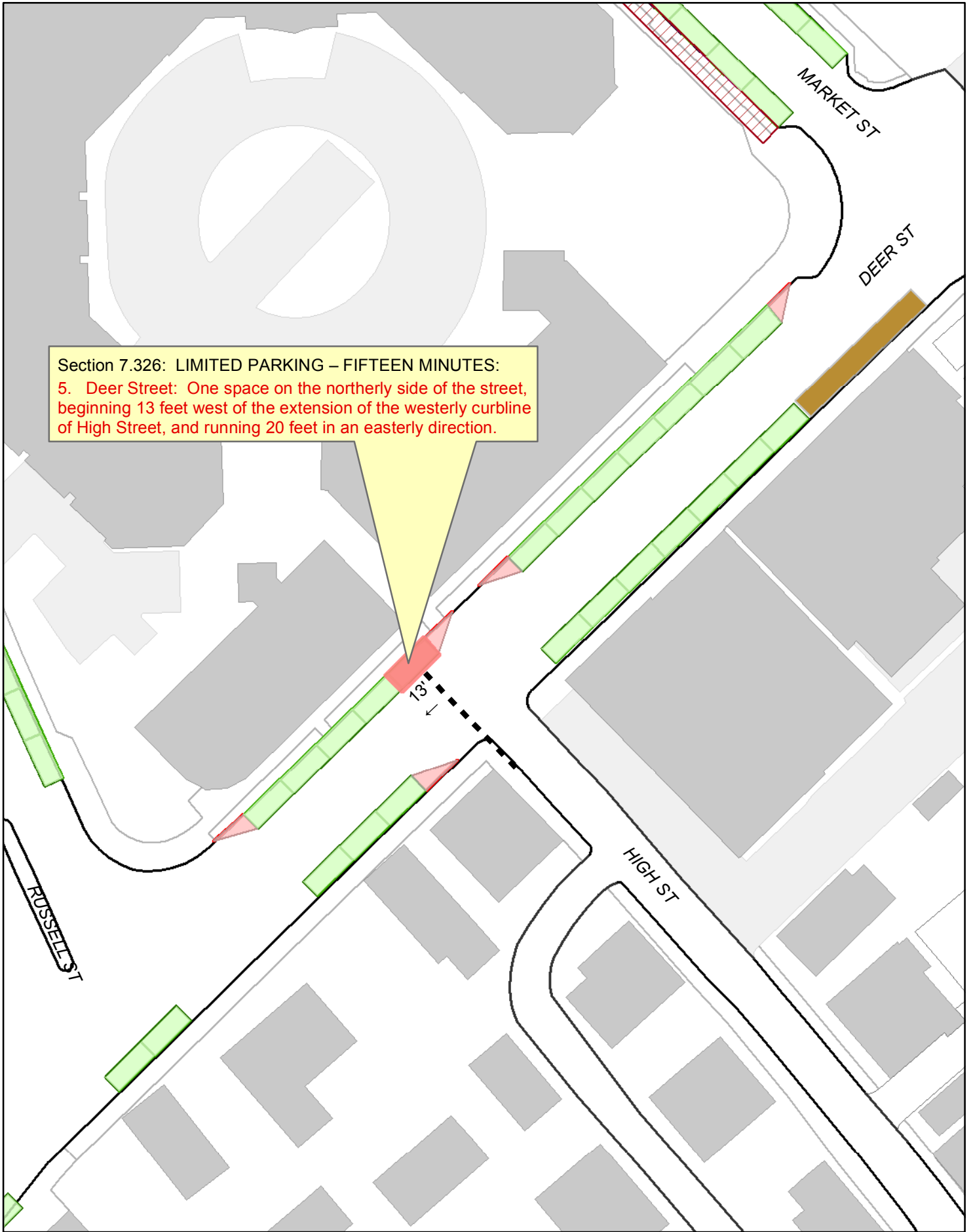
Any motor vehicle which is parked beyond the time limit for which money has been deposited in the metered space occupied by that particular motor vehicle, any vehicle parked beyond the time limit permitted in a restricted time free parking area, any vehicle parked beyond the time permitted at a restricted time-metered parking space, any vehicle parked in a designated no-parking zone, and any vehicle although legally parked, which on that particular date and time, has accumulated five or more unpaid parking violations or which has accumulated unpaid parking violations in an amount in excess of ~~\$75~~ **one hundred twenty-five dollars (\$125.00)** on any or all vehicles at any time registered to the owner of said vehicle as shown on the records maintained by the Parking Clerk.
- 4. NOTICE: At any time subsequent to the accumulation of unpaid parking fines in excess of one hundred twenty-five dollars (\$125.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.

6. TOW OR IMMOBILIZATION LIST: The Parking Clerk shall maintain a list of vehicles which are subject to being towed and held in storage or immobilized by a mechanical device pending final resolution of unpaid parking violations. Contained on this list shall be all motor vehicles for which the notice specified in Article **D 4** above was provided. Motor Vehicles shall not be placed on the said list in the event that the Parking Clerk, after hearing, orders otherwise, or in the event that the fine is paid in full for all of the violations contained in the notice mailed.
7. TOWING/STORAGE OR IMMOBILIZATION: Upon the determination that any vehicle which is listed on the Tow or Immobilization List pursuant to Article **F 6** above is parked on any public way or in any municipal parking lot, the car may be immobilized or may be towed and stored.
8. RELEASE OF TOWED OR IMMOBILIZED VEHICLES; REMOVAL FROM LIST: Motor Vehicles may be removed from the Tow or Immobilization List, released from storage after towing or may have immobilization devices removed in the following manner:
 - (1) By order of the Parking Clerk after hearing;
 - (2) By payment in full of all parking fines attributable, arising out of the violations contained in the notice issued pursuant to Article **D 4** above;
 - (3) By posting a cash bond with the Parking Clerk in any amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice issued pursuant to Article **D 4** above to allow a judicial determination of the violations pursuant to State law;

K. Amend: Chapter 7, Article XVIII – ELECTRIC VEHICLES, Section 7.1801: Use of Electric Vehicle Charging Station Parking Spaces

Section 7.1801: USE OF ELECTRIC VEHICLE CHARGING STATION PARKING SPACES

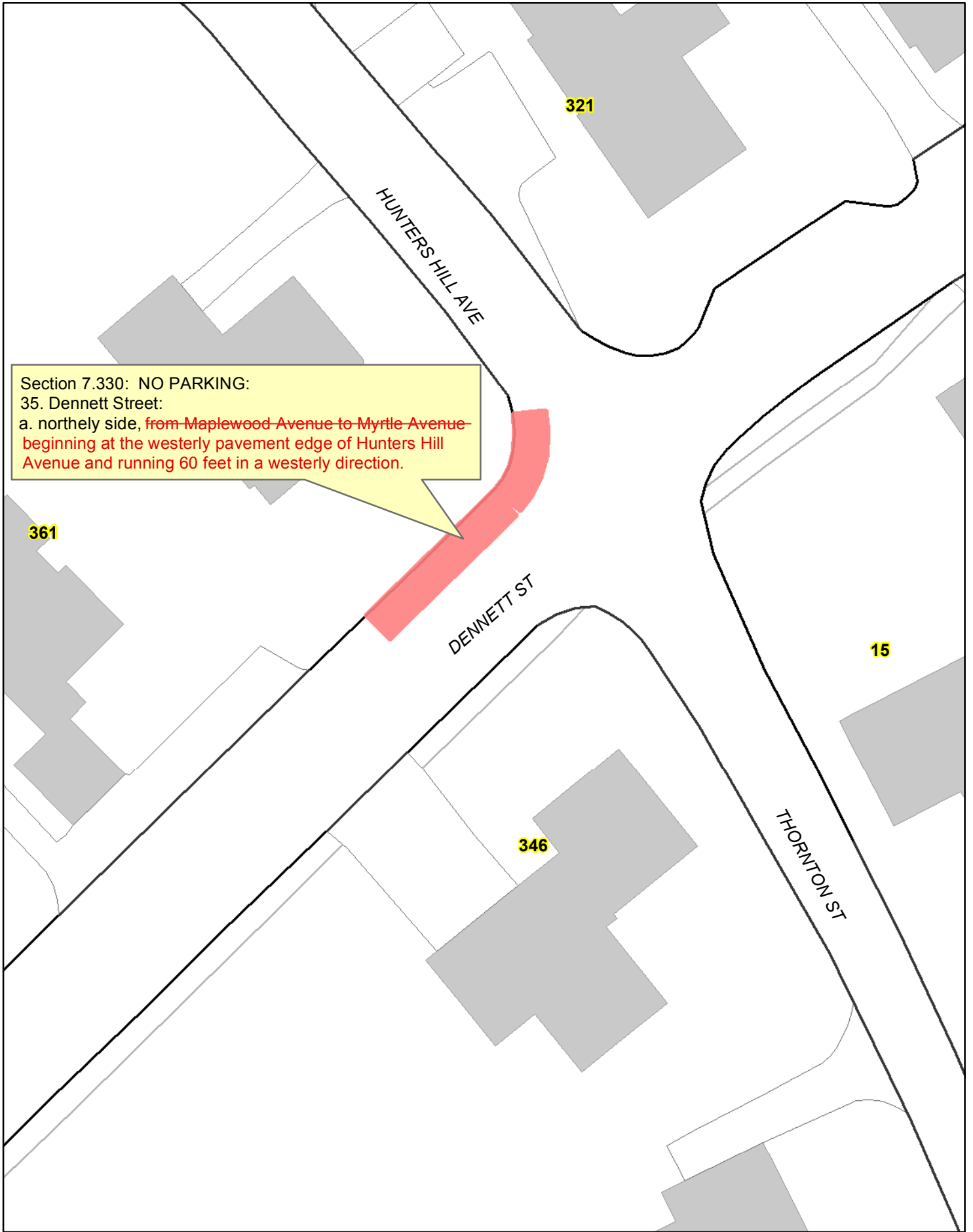
Electric Vehicle (EV) Charging Stations are located in the High Hanover Parking Garage and the City Hall Lower Lot. There are two parking spaces adjacent to each EV Charging Station that are reserved for the exclusive use of Electric Vehicles. Electric Vehicles shall be actively charging while occupying these EV Charging Station Parking Spaces. Any Electric Vehicle occupying an EV Charging Station Parking Space that is not actively charging, or charging for more than 4 hours, shall be considered as illegally parking. Any vehicle other than an Electric Vehicle parking in these EV Charging Station Parking Spaces shall be considered as illegally parking. Electric Vehicles are subject to all rules, regulations and fees of the associated parking area in which the EV Charging Stations and Parking Spaces are located.



Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curbline of High Street, and running 20 feet in an easterly direction.

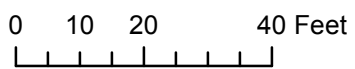
**Limited Parking 15 minutes
Portsmouth, New Hampshire**

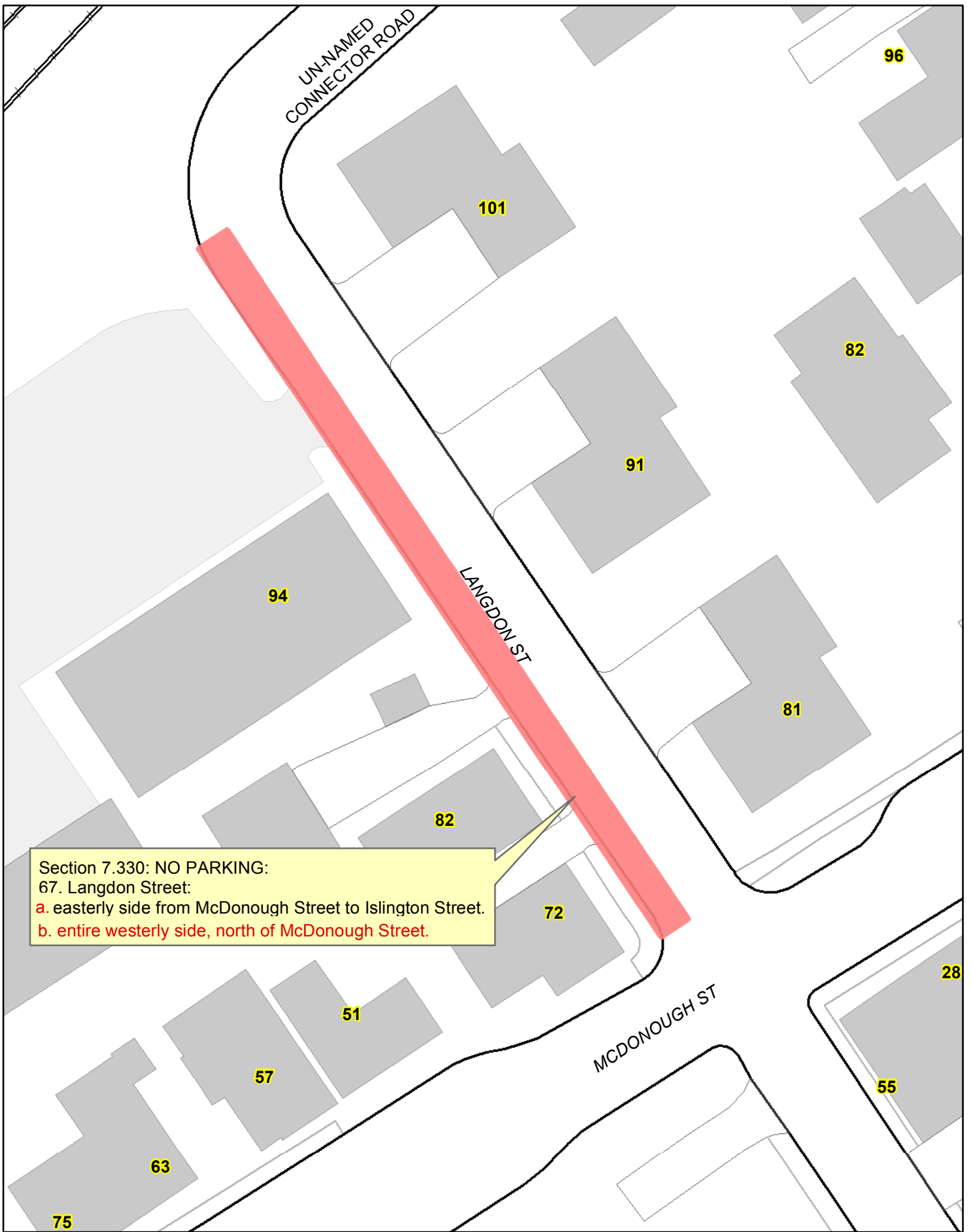




**Dennett Street No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_14

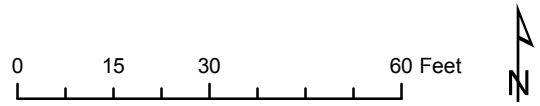


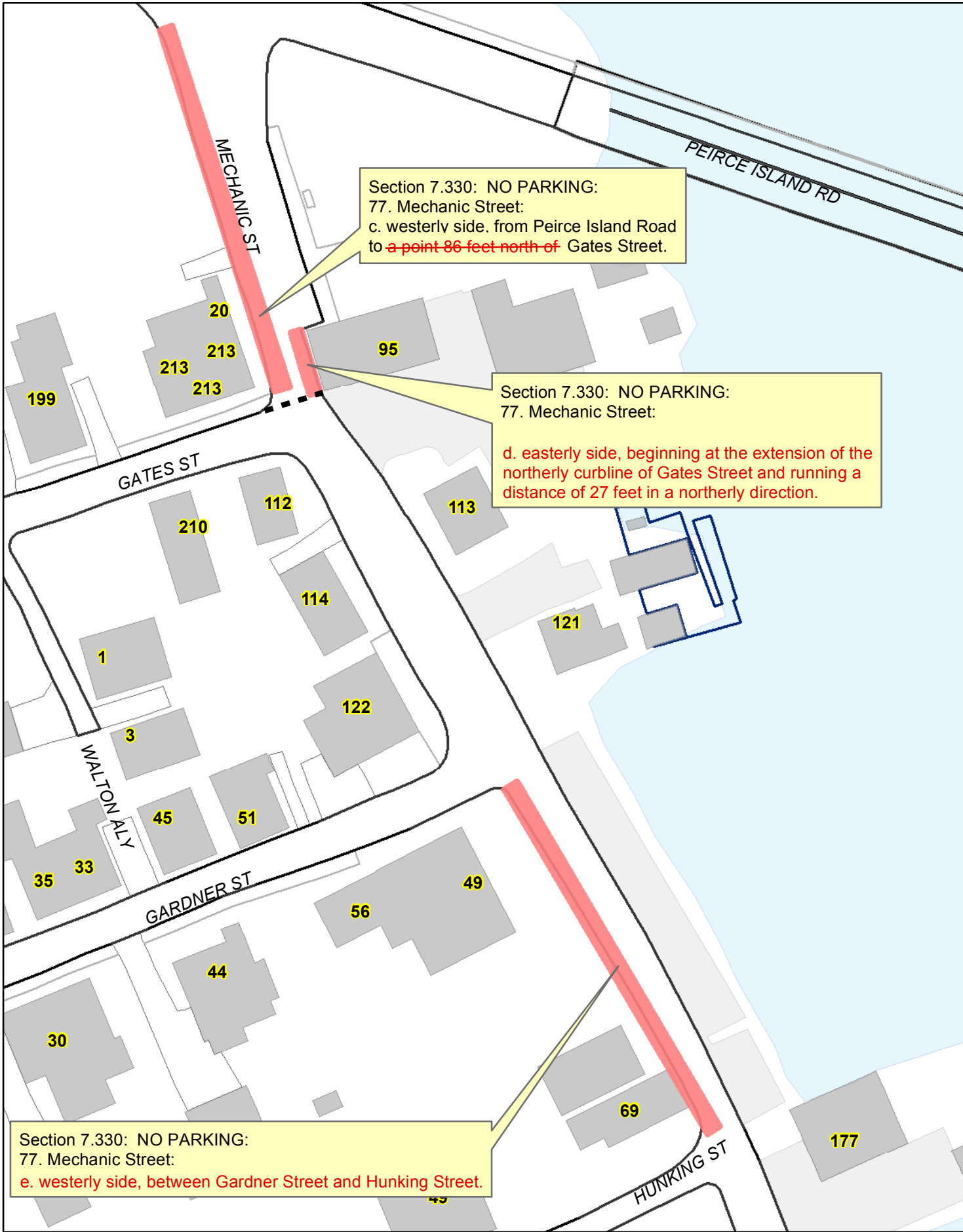


Section 7.330: NO PARKING:
67. Langdon Street:
a. easterly side from McDonough Street to Islington Street.
b. entire westerly side, north of McDonough Street.

**Langdon Street No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_14





Section 7.330: NO PARKING:
 77. Mechanic Street:
 c. westerly side, from Peirce Island Road
 to a point 86 feet north of Gates Street.

Section 7.330: NO PARKING:
 77. Mechanic Street:
 d. easterly side, beginning at the extension of the
 northerly curbline of Gates Street and running a
 distance of 27 feet in a northerly direction.

Section 7.330: NO PARKING:
 77. Mechanic Street:
 e. westerly side, between Gardner Street and Hunking Street.

**Mechanic Street No Parking
 Portsmouth, New Hampshire**



Section 7.330: NO PARKING:

104. Raynes Avenue, southerly side, beginning at a point 192 feet east of the easterly curbline of Maplewood Avenue and running easterly to the end of Raynes Avenue.

Section 7.330: NO PARKING:

127. Vaughan Street:

b. southerly side of Vaughan Street, beginning 345 feet west of the extension of the easterly curbline of Green Street, running westerly to the end of Vaughan Street.

Section 7.330: NO PARKING:

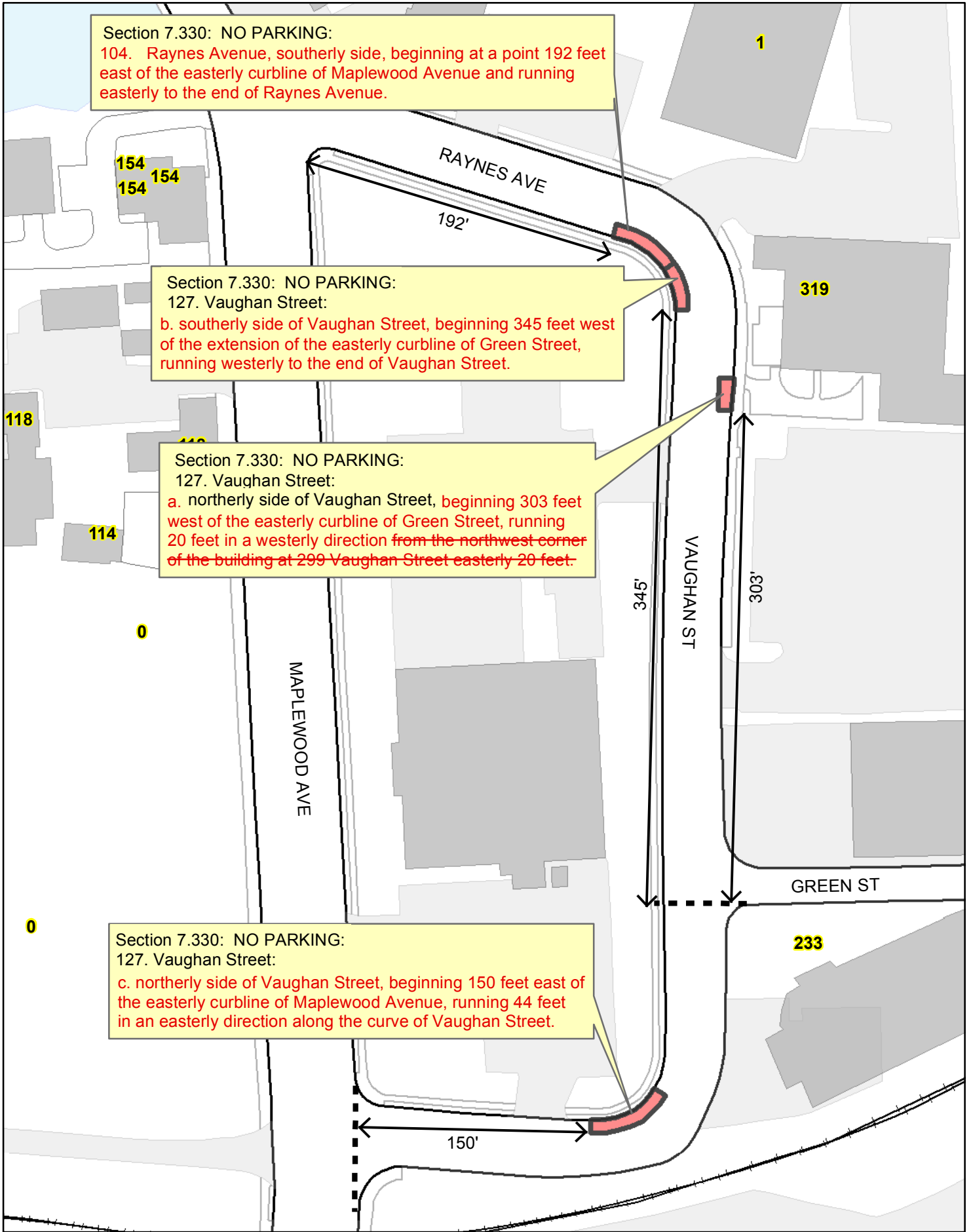
127. Vaughan Street:

a. northerly side of Vaughan Street, beginning 303 feet west of the easterly curbline of Green Street, running 20 feet in a westerly direction from the northwest corner of the building at 299 Vaughan Street easterly 20 feet.

Section 7.330: NO PARKING:

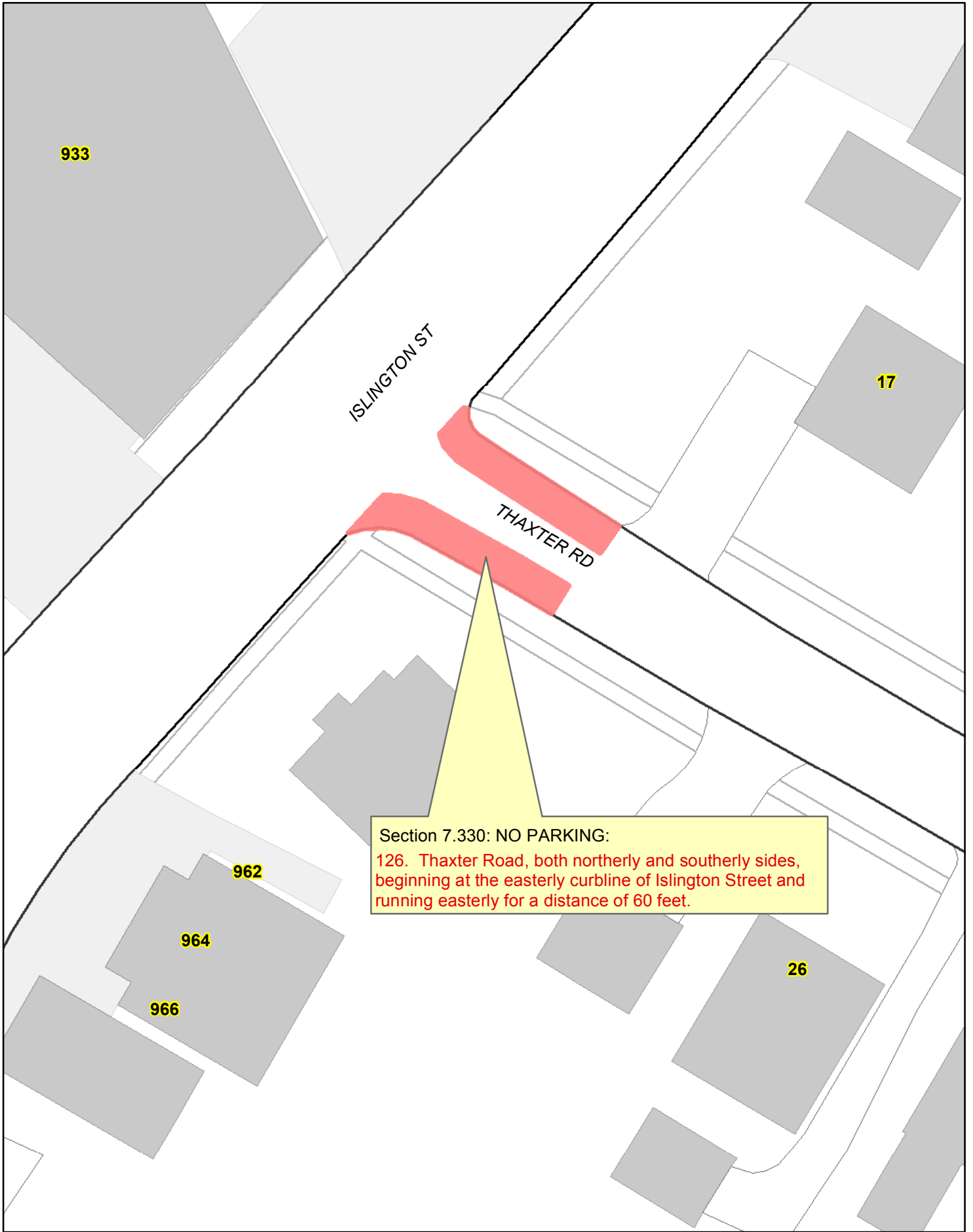
127. Vaughan Street:

c. northerly side of Vaughan Street, beginning 150 feet east of the easterly curbline of Maplewood Avenue, running 44 feet in an easterly direction along the curve of Vaughan Street.



Raynes Avenue & Vaughan Street No Parking Portsmouth, New Hampshire

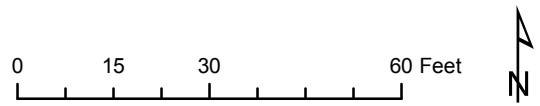


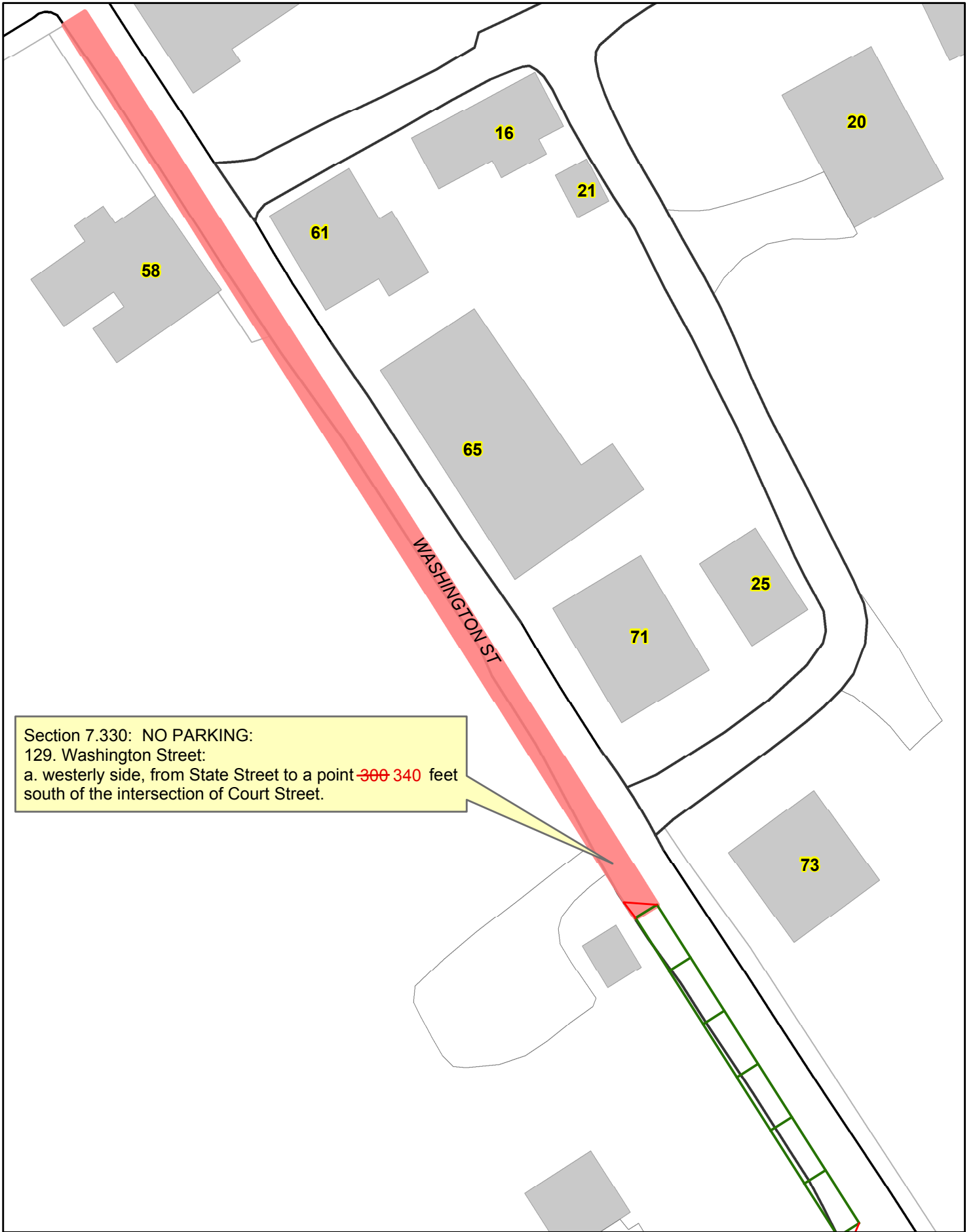


Section 7.330: NO PARKING:
126. Thaxter Road, both northerly and southerly sides, beginning at the easterly curbline of Islington Street and running easterly for a distance of 60 feet.

**Thaxter Road No Parking
Portsmouth, New Hampshire**

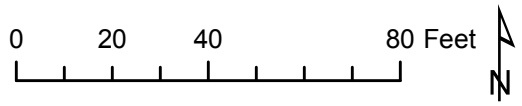
Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_31





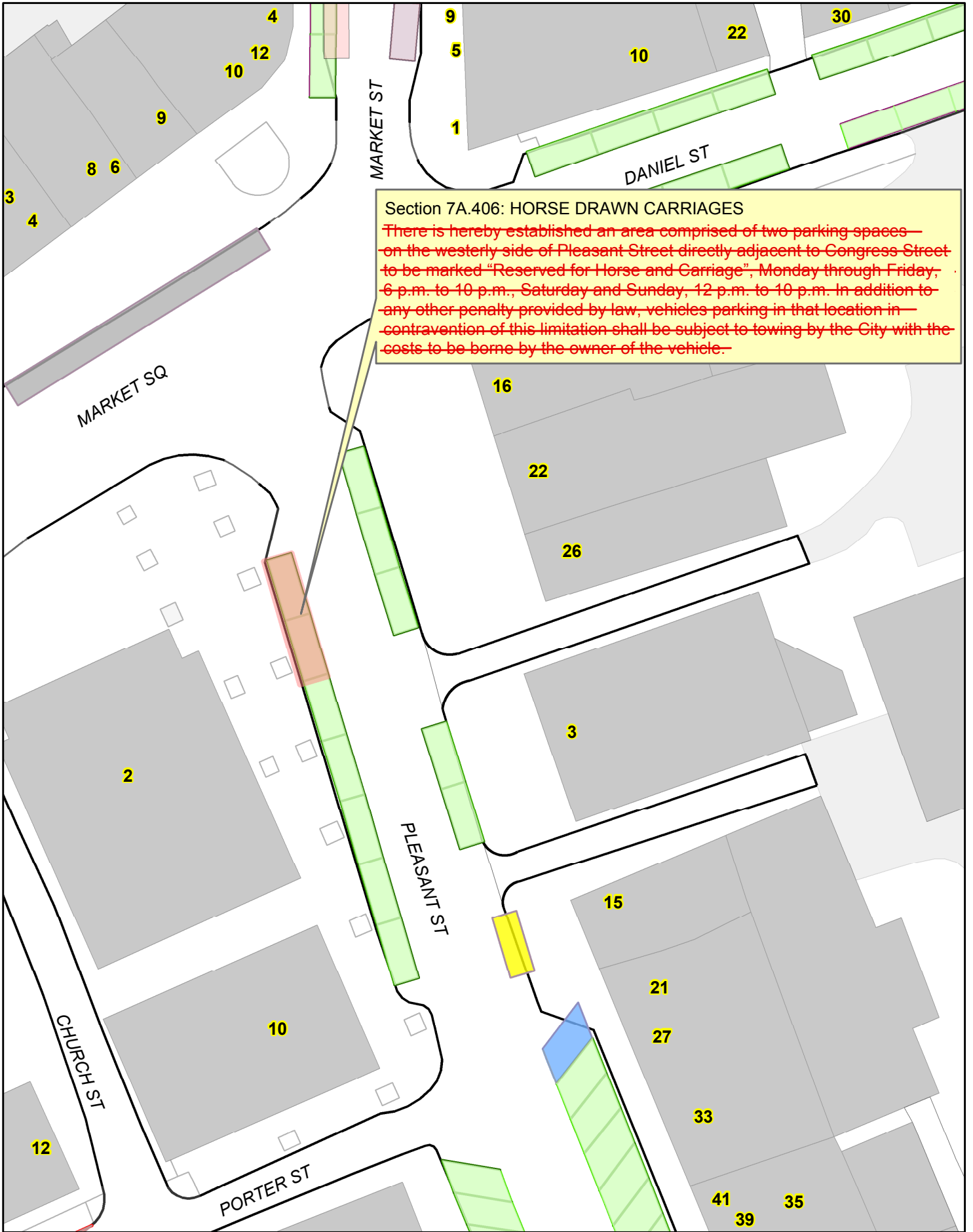
Section 7.330: NO PARKING:
129. Washington Street:
a. westerly side, from State Street to a point ~~300~~ 340 feet south of the intersection of Court Street.

**Washington Street No Parking
Portsmouth, New Hampshire**



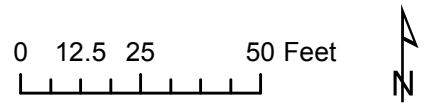
Section 7A.406: HORSE DRAWN CARRIAGES

~~There is hereby established an area comprised of two parking spaces—on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked “Reserved for Horse and Carriage”, Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other penalty provided by law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.~~



**Horse Drawn Carriages
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_08



Event Listing by Date

Starting Date: 6/18/2018

Ending Date: 4/30/2019

Start End	Type Description	Location	Requestor	Vote Date
6/23/2018 6/23/2018	PRIDE This event begins at the Portsmouth Public Library and continues as one rainbow down the streets leading to Strawberry Banke.	Library to Strawberry Banke	Seacoast Outright	12/18/2017
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
6/24/2018 6/24/2018	MARCH Contact: Floyd Caron Route from Masonic the William Pitt Tavern on Court Street then to State Street then to Chapel Street to the Church	Chapel Street	St. John's Lodge No 1	6/ 4/2018
6/30/2018 6/30/2018	FUND Ezekiel Tappin is the contact for this event. Tel. (603) 315-9187	Market Square	Portsmouth Professional Fire F	4/16/2018
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/ 1/2018 7/ 1/2018	MUSKET Independence Day Event during museum regular hours 10:00 a.m. to 5:00 p.m. This will be the firing of muskets and a small cannon during specified hours. Contact is Alena Shellenbean, Manager, Special Events	Strawbery Banke	Strawbery Banke	6/ 4/2018
7/ 4/2018 7/ 4/2018	FUND Rick Mason is the contact for this event. Tel. (603)396-8604	Peirce Island	Veteran's Count - Pack & Boots	3/19/2018
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 p.m. to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	8/21/2017
7/14/2018 7/14/2018	BIKE TOUR Chris Vlangas, Development Director is the contact. This event begins in Kittery, Maine and travels thru Portsmouth Event begins at 7:30 a.m. Contact Info: 800-757-0203	Shapleigh Middle School in Kittery, Maine	Cystic Fibrosis Foundation	2/ 5/2018
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

Run: 6/14/18
8:47AM

Event Listing by Date

Page: 2

Starting Date: 6/18/2018

Ending Date: 4/30/2019

Start End	Type Description	Location	Requestor	Vote Date
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
8/11/2018 8/11/2018	BOAT Molly Bolster of the Gundalow is the contact for this event. director@gundalow.org	Peirce Island Boat Launch	Round Island Regatta	2/ 5/2018
8/11/2018 8/11/2018	FUND Ezekiel Tappin is the contact for this event. tel. (603) 315-9187	Market Square	Portsmouth Professional Fire F	4/16/2018
8/25/2018 8/25/2018	BIKE TOUR Emily Christian, Logistics Manager is the contact for this event.	Route 1A South	National Multiple Sclerosis So	11/20/2017
9/ 3/2018 9/ 3/2018	RACE Contact: Jennifer Gilbert, Office Manager/Race Coordinator	Pease	St. Charles Children's Home	5/21/2018
9/14/2018 9/16/2018	FILM EXPO Contact: Chris Curtis Congress to Porter Streeets will be closed.	Music Hall	Telluride By The Sea Film Fest	5/ 7/2018
9/15/2018 9/15/2018	WALK Ken La Valley, Chair Registration begins at 8:30 a.m.	Little Harbour School - Begin and End	American Foundation for Suicid	2/ 5/2018
9/16/2018 9/16/2018	FILM EXPO This is the Telluride by the Sea Film Festival. Chris Curtis is the contact.	Chestnut Street from Congress to Porter	The Music Hall	5/ 7/2018
9/16/2018 9/16/2018	RACE Jennie Halstead, Executive Director is the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Breast Cancer Support	12/18/2017
9/22/2018 9/23/2018	BIKE TOUR Donna Hepp is the contact for this event. This event travels through Portsmouth over a 2-day period.	Travelling thru Portsmouth	Granite State Wheelman Bicycle	4/ 2/2018
9/22/2018 9/23/2018	TOUR Caroline Piper is the contact for this event. Tel. (603) 686-4338 This is a two day event.	South End Neighborhood	Friends of the South End	2/ 5/2018
9/23/2018 9/23/2018	WALK Kate Corriveau is the contact for this event. Registration begins at 8:30 a.m. Walk Kicks Off at 10:00 a.m.	Little Harbour School - begin and end	Alzheimer's Association	2/ 5/2018

Run: 6/14/18
8:47AM

Event Listing by Date

Page: 3

Starting Date: 6/18/2018

Ending Date: 4/30/2019

Start End	Type Description	Location	Requestor	Vote Date
9/29/2018 9/30/2018	FESTIVAL Bruce MacIntyre is the contact for this event.	Market Square	Portsmouth Maritime Folk Festi	3/ 5/2018
10/ 7/2018 10/ 7/2018	RACE 6th Annual Memorial Bridge 5 K - Prescott Park Arts Festival and Seacoast Community School 10:00 a.m. to 11:30 a.m.	Memorial Bridge	Prescott Park Arts Festival	2/20/2018
10/31/2018 10/31/2018	PARADE Contact: Abigail Wiggin	Halloween Parade	Portsmouth Halloween Parade Co	6/ 4/2018
11/11/2018 11/11/2018	RACE Jay Diener, Co-Race Director Tel. (603) 758-1177 This race will start at 8:00 a.m. with walkers Runners will start at 8:30 a.m.	Begins and Ends at Portsmouth High School	Seacoast Half Marathon	4/ 2/2018
4/13/2019 4/13/2019	10K Contact: Nick Diana	Starts and ends at Great Island Common in New Cast	Nick Diana	6/ 4/2018



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: BICYCLE FRIENDLY AND WALKABLE COMMUNITY DESIGNATIONS
DATE: 6/12/2018

In response to recent inquiries from City Council members, I am providing the following information regarding the City's Bicycle Friendly Community designation status and the process for receiving Walkable Community designation.

Bicycle Friendly Community

The City was designated a Bicycle Friendly Community – Bronze Level in 2015. This designation is good until 2019. We will be required to re-apply in 2019 in order to keep our BFC designation or to move up to the next ranking level. There are two application cycles each year, one in the spring and one in the fall. We will plan to submit our renewal application in the spring of 2019. There are 5 ranks – Honorable Mention, Bronze, Silver, Gold, and Platinum. When we received our Bronze Level designation, we received a “report card” that outlined what we would need to achieve if we wanted to receive Silver Level designation. This report card is attached for your reference.

Walkable Community Designation

Walk Friendly Communities is a national program that began in 2011 and it recognizes cities and towns that are working to improve walking conditions in their communities (safety, mobility, access and comfort). There are two submission deadlines for applications, June 15 and December 15 each year. As with the Bicycle Friendly Community designation, there are five tiers for recognition, ranging from Honorable Mention to Platinum.

The program has a self-assessment tool to help collect all of the data from the different departments. Completing the self-assessment alone is a good exercise to evaluate the City's existing programs and determine where improvement is needed. Once an application is submitted, communities receive feedback on how well they are addressing walkability and suggestions for improvement. In order to complete the application, staff would need to compile data from several departments, but many of the City's existing plans and policies can be used or referenced for the application.

We are planning to submit a Walkable Communities application for the December 15th deadline.



PORTSMOUTH, NH

TOTAL POPULATION

21,233

POPULATION DENSITY

1,300

TOTAL AREA (sq. miles)

15.6

OF LOCAL BICYCLE FRIENDLY BUSINESSES

0

OF LOCAL BICYCLE FRIENDLY UNIVERSITIES

0

10 BUILDING BLOCKS OF A BICYCLE FRIENDLY COMMUNITY

	Average Silver	Portsmouth
Arterial Streets with Bike Lanes	45%	5
Total Bicycle Network Mileage to Total Road Network Mileage	30%	11
Public Education Outreach	GOOD	SOME
% of Schools Offering Bicycling Education	43%	60
Bike Month and Bike to Work Events	GOOD	GOOD
Active Bicycle Advocacy Group	YES	YES
Active Bicycle Advisory Committee	YES	NO
Bicycle-Friendly Laws & Ordinances	SOME	GOOD
Bike Plan is Current and is Being Implemented	YES	YES
Bike Program Staff to Population	PER 70K	10,616

CATEGORY SCORES

ENGINEERING <i>Bicycle network and connectivity</i>	3/10
EDUCATION <i>Motorist awareness and bicycling skills</i>	3/10
ENCOURAGEMENT <i>Mainstreaming bicycling culture</i>	3/10
ENFORCEMENT <i>Promoting safety and protecting bicyclists' rights</i>	2/10
EVALUATION & PLANNING <i>Setting targets and having a plan</i>	3/10

KEY OUTCOMES

	Average Silver	Portsmouth
RIDERSHIP <i>Percentage of daily bicyclists</i>	3.5%	2.10
SAFETY MEASURES CRASHES <i>Crashes per 10k daily bicyclists</i>	180	121
SAFETY MEASURES FATALITIES <i>Fatalities per 10k daily bicyclists</i>	1.4	0



KEY STEPS TO SILVER



- » Appoint an official Bicycle Advisory Committee (BAC) to create a systematic method for ongoing citizen input into the development of important policies, plans, and projects.
- » Implement the new bike plan.
- » Continue to expand the on and off street bike network, especially along arterials, through the use of different types of bicycle facilities. On roads where automobile speeds exceed 35 mph, it is recommended to provide protected bicycle infrastructure.
- » It is essential to make both motorists and cyclists aware of their rights and responsibilities on the road. Continue to expand your public education campaign promoting the share the road message.

- » Encourage local businesses to provide discounts for customers arriving by bicycle or promote existing bicycle discount programs.
- » Ensure that police officers are initially and repeatedly educated on traffic law as it applies to bicyclists and motorists. Ask police officers to target both motorist and cyclist infractions to ensure that laws are being followed by all road users. Ensure that bicycle/motor vehicle crashes are investigated thoroughly and that citations are given fairly.

DONDERO ELEMENTARY SCHOOL

Nature Playground Master Plan

1. Play Equipment

- a. Climbing Ropes
- b. Rotational Swings
- c. Climbing Logs



2. Climbing Mounds

- a. Climbing Mounds
- b. Slide & Climbing Hill



3. Playing Fields

- a. Soccer/Lacrosse Field
- b. Softball/Kickball Field



4. Amphitheater & Stage

- a. Amphitheater and Stage
- b. Music and Sound Play



5. Garden & Hardscape

- a. Sand & Water Play
- b. School Garden Improvements
- c. Basketball & Pavement Games



7. Trails & Connections



6. Trees & Plantings



THE NATURE PLAYGROUND AT THE
DONDERO ELEMENTARY SCHOOL

3.2018 • CONCEPTUAL MASTER PLAN • PORTSMOUTH



terra firma
landscape architecture

Let's Play!
DONDERO
Nature Playground Fund

TO MAKE A DONATION VISIT: www.dondero.org/playground.html
OR: <https://www.gofundme.com/dondero-playground-fund-campaign>

CITY OF PORTSMOUTH



Portsmouth Recognizes June as National Homeownership Month

June 11, 2018

FOR MORE INFORMATION:
Elise Annunziata at 610-7281

PORTSMOUTH – U.S. Housing and Urban Development (HUD) and the City of Portsmouth recognize June as National Homeownership Month. In order to help first-time homebuyers overcome financial barriers to homeownership in the City, the Portsmouth HomeTown Program provides financial assistance to qualified households who, without this support, could not purchase a home. The program is administered by the Portsmouth Community Development Department and provides up to \$65,000 in down payment and closing cost assistance to first-time homebuyers earning up to 120% of median family income as determined by HUD. The City works closely in partnership with the local Citizens Bank branch, which underwrites mortgages for qualified HomeTown-eligible borrowers.

This program has been very successful with over \$2.1 million provided in assistance since the program's inception in 1989. In the last 18 months, the program has made eight loans totaling \$420,000 to first time homebuyers purchasing single-family homes in Portsmouth.

“This program is extremely effective in finding housing solutions for families earning middle incomes,” said John Bohenko, City Manager. “Low or no interest loans fill the gap between what families can afford and current home sale prices. The City is fortunate to have this resource through the Portsmouth Housing Endowment Fund.”

“Down payments continue to be a barrier to homeownership for many, so programs that assist income-eligible borrowers are critical in an increasingly high cost housing market,” stated

Mary Carlson the Citizens Bank Senior Loan Officer who works with HomeTown participants. “Portsmouth’s program allows people who would not otherwise be able to achieve homeownership to purchase homes in the city, and we’re proud to partner with the HomeTown Program to help residents reach their potential and purchase a home where they can build their lives as part of this vibrant community.”

The HomeTown program is funded through the Portsmouth Housing Endowment Fund, which was initially capitalized through a private endowment. Since its inception in 1989, the interest earned through the endowment fund’s investments has been used to finance down payment and closing costs for first-time homebuyers. Assistance through the HomeTown program is in the form of loans, which are repaid by borrowers through installment payments as well as lump sum payments at the time families sell their homes. This revolving loan fund approach ensures that funds repaid by borrowers can then be loaned again to new first-time homebuyers.

In order to be eligible for assistance through the HomeTown Program, an individual or family must have lived in Portsmouth for at least two years or have previously resided in Portsmouth for ten years and currently live within a thirty mile radius of the City; earn up to 120% of median family income (for example, up to \$95,232 for a two-person household, or \$107,136 for a three-person household); and be a first-time homebuyer. Full-time City of Portsmouth employees who meet income requirements are also eligible to apply. All successful applicants must attend a homebuyer education course.

Anyone who would like more information about the HomeTown program may visit the City’s website, cityofportsmouth.com/community or contact Elise Annunziata, Community Development Coordinator, at (603) 610-7281.

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**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: June 7, 2018
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY
RE: RECOVERY OF COSTS OF PUBLIC RECORDS

This memorandum responds to Councilor Perkins' inquiry with regard to the recovery of costs for public record requests under RSA 91-A. In short, the City may charge only for the cost of "copying" records. The City may not charge for searching, retrieving or producing records for inspection.

Under the current fee schedule, the City charges \$2.00 for the first page and \$.50 thereafter for print copies. The City also makes available electronic records on flash drives if the records are already in electronic form. Requesting parties can bring in their own flash drive for loading or the City can supply one at a cost of \$8.00. Some departments also handle specialized, recurring requests with fixed fees for set information (for example assessing charges \$75.00 for Standard Assessing Mailing List File). The City is not required to mail records requested and typically the Legal Department does not do so when it handles requests.

As discussed with Councilor Perkins, the current public records statutory scheme does not take into account: the ease or difficulty of identifying records, particularly electronic records; the volume of records requested, whether the requester is a resident or a nonresident; or the purpose of the request. The City also receives inquiries from out-of-town and out-of-state businesses seeking general information sometimes requiring significant effort in response.

Finally, I note that the current right to know statutory scheme does not well reflect the modern municipal corporation which has several specific challenges:

- Municipalities including Portsmouth have a mix of paper records and electronic records that are not centrally indexed or organized;
- Municipalities today literally create hundreds if not thousands of electronic records daily because it is not only e-mail communication that creates

an electronic record but each electronic journal entry in the finance department, each draft of a document or spreadsheet, each issuance of a sewer bill and each electronic time entry from an employee clocking into work create a "record" as examples. Not all of the records are "public records" as defined by statute but the volume of electronic transactions makes it difficult to identify responsive documents to broad requests; and

- Records which are not "public records" or are otherwise exempt from disclosure are often not easily segregated or separated from other electronic records that are public records without individual review of the record prior to production. This is particularly an issue if the request is broad in time or scope.

It is interesting to note that federal and state courts have begun to incorporate in their rules and rulings the need for proportionality in responding to electronic discovery requests to better balance the burden of electronic record production with the nature and scope of the claim. This balance does not exist under the Right-to-Know law.



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

MAY 31 2016
Initial applicant

Name: John Formella Telephone: 850-375-1707

Could you be contacted at work? YES NO If so, telephone# 603-373-2010

Street address: 555 Sagamore Ave, Apt. #20 (until 6/30/16); 939 Maplewood Ave Unit 1
(after 6/30/16)

Mailing address (if different): Same as above

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

How long have you been a resident of Portsmouth? 3 years, 9 months

Occupational background:

I am an attorney at Pierce Atwood LLP, practicing primarily in the firm's Portsmouth
office. My primary practice areas are corporate law and environmental and land use
law. I have been practicing for 3 years and 9 months. I graduated with honors from George
Washington University Law School in May of 2012.

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

As mentioned above, I have been practicing environmental and land use law for going on
four years. Through the land use side of my practice, I have gained extensive experience
with state zoning statutes and local zoning ordinances, and I have appeared before zoning
boards multiple times.



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

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

Reasons for wishing to serve: I would love to serve on the Board of Adjustment for a couple reasons. First, I have a strong interest in land use that I have gained through practicing land use law, and I believe my experience makes me a good fit for the position. Second, I just bought a house in Portsmouth, and thus am committed to giving back to the City and doing what I can to help the City grow, prosper, and maintain its status as a place people want to move to.

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

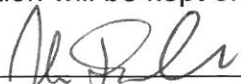
(1.) The 603 Initiative - Board Member and Treasurer (2.) McGregor Memorial EMS (volunteer ambulance corps serving UNH, Durham, Lee and Madbury) - board member (3.) Catapult - Events Committee Member (4.) Portsmouth Republican City Committee - Chairman.

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

- 1) Patrick Collins, 820 Middle Rd., Portsmouth, 802-558-2282
Name, address, telephone number
- 2) Jeff Kiesel, 21 Wallis Rd., Portsmouth, 603-770-2763
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 5/31/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No Possibly

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: Zoning Board of Adjustment

Name: Chase Hagaman Telephone: 603-498-5459

Could you be contacted at work? YES If so, telephone # 603-531-2645

Street address: 17 Staysail Way, Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? Since 2015

Occupational background: I am a licensed attorney, and work for a nonpartisan, nonprofit organization in federal budget policy. My degrees are in law and finance.

Please list experience you have in respect to this Board/Commission: As an attorney, I have a strong understanding of how to interpret state law, regulations and municipal ordinances. My current position requires me to understand the many sides of sometimes contentious issues and recommend a path forward. During law school, I worked with the NH Department of Revenue Hearings Bureau, Hillsborough County Superior Court - South and the Concord City Solicitor's Office. The first two positions involved participating in the judicial decision making process, and the third required interpreting and applying municipal code, often in situations involving property disputes.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? **NO - However, I have met with other board members and spoken with current members of the City Council.**

Would you be able to commit to attending all meetings? **YES - To the best of my knowledge.**

Reasons for wishing to serve:

I have always been purposeful about public service and invested in the communities in which I live. In part, that prompted me to run for City Council this year, and encouraged me to step forward and apply for a position on a board or commission. My wife and I have made Portsmouth our home, and plan to raise our family here. I also believe my work experience, education, decision making ability and demeanor could be of value in a position serving the city.

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

Prior to running for City Council, I spent four years coaching with a high school rowing program in Concord, NH. I currently serve on the Portsmouth Herald Editorial Board as a Community Advisory Board member, and I am exploring additional volunteering opportunities in Portsmouth, including in areas related to the arts.

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

1) Jeff McLean, 975 Banfield Rd., Portsmouth, NH 03801, 603-817-1172
Name, address, telephone number

2) John Formella, 939 Maplewood Ave., Portsmouth, NH 03801, 850-375-1707
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 12/08/17

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? **Yes, with a preference for the Planning Board or Economic Development Commission.**

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012

Chase Hagaman

CHASE.HAGAMAN@GMAIL.COM |

(603) 498-5459 |

[LINKEDIN.COM/IN/CHAGAMAN](https://www.linkedin.com/in/chagaman)

PUBLIC POLICY EXPERIENCE

The Concord Coalition, Portsmouth, NH
New England Regional Director

January 2014 – Present

- Expanding the network, impact and public awareness of a nonpartisan, grassroots organization
 - Fostering key relationships with dozens of state and national leaders and congressional staff
 - Developing partnerships with business, civic and educational organizations
- Performing public education and outreach through presentations, budget exercises, forums and media relations
 - Published more than a dozen articles and facilitated over 30 events to date, with as many as 300 attendees
- State Director of the *First Budget* campaign -- year-long project through the 2016 NH Primary
 - Managed daily activities of three interns, oversaw volunteers and organized a statewide speakers bureau
 - Interacted with candidates, campaign staff and press on fiscal policy issues at dozens of campaign events
- Coordinated the *Fiscal Fridays* interview series -- fifteen presidential and congressional candidates participated

City Council Campaign, Portsmouth, NH
Candidate for Portsmouth City Council

August – November 2017

- Campaigned for municipal office, managed volunteers, engaged media and designed website and literature

LEGAL EXPERIENCE

Independent Contractor, Concord, NH

August 2013 – June 2014

- Completed legal writing and research projects for area law firms, including a successful NH Supreme Court brief

Hillsborough County Superior Court South, Nashua, NH

January – April 2013

Legal Extern & Clerk

- Clerked for Judge Jacalyn Colburn and drafted court orders concerning motions and hearings on a variety of issues

City Solicitor's Office, Concord, NH

August – December 2012

Legal Extern

- Wrote research memoranda advising the City Solicitor on legal issues impacting the municipality

Department of Revenue Administration, Concord, NH

June – August 2012

Legal Extern

- Drafted Final Orders for open cases, and analyzed the veracity of legal arguments with Hearings Officer

Consumer and Commercial Law Clinic, Concord, NH

May – July 2011

Student Intern

- Crafted research memoranda, legal complaints and administrative rules for bankruptcy and foreclosure cases

COMMUNITY LEADERSHIP

The Portsmouth Herald, Portsmouth, NH
Editorial Board, Community Advisory Board Member

November 2017 – Present

Concord Crew, Concord, NH

August 2013 – June 2017

High School Rowing Coach

EDUCATION

University of New Hampshire School of Law, Concord, NH

May 2013

Juris Doctor

- President, Vice President and Governor of the Student Bar Association Board
- 2013 American Association for Justice Student Trial Advocacy Competition Participant

University of South Florida, Tampa, FL

May 2010

Bachelor of Science, Business Finance

- Graduated *cum laude* and received Florida Bright Futures Academic Scholars Award
- Vice President of External Affairs for the USF Ambassador Program

PROFESSIONAL LICENSES

- State of New Hampshire and United States District Court, D.N.H., November 2013; Inactive Status

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – June 7, 2018

City Hall – Conference Room A

MEMBERS PRESENT: Chairman, Doug Roberts
City Manager, John Bohenko
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Members: Harold Whitehouse, Ronald Cypher,
Mary Lou McElwain and Ralph DiBernardo

MEMBER ABSENT: Shari Donnermeyer

CITY STAFF PRESENT: Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker

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

Temporary Action Items requiring an ordinance during the annual omnibus:

Action Item (VII.A.) Request to expand No Parking area on Highland Street near Middle Street. VOTED to prohibit parking on west side of Highland, up to first driveway.

Action Item (VII.B.) Request to lower speed limit to 20 mph on Dodge Avenue. VOTED to lower speed limit to 25 mph and post 25 mph speed limit sign.

1. Accepted and placed on file meeting minutes from May 3, 2018.
2. Accepted and placed on file financial report dated April 30, 2018.
3. Public Comment: One Speaker: Jane Nilles
4. (VII.D.) **Action Item:** Report back: Langdon Street and Brewster Street parking and traffic flow public meeting. **VOTED to change Brewster Street to one-way from Islington Street to McDonough Street; restrict parking on east side of Brewster Street north of McDonough Street; restrict parking on east side of Langdon Street north of #81 Langdon Street with a report back in 60 days.**

Public Comment: Three Speakers: David Rheaume, Michelle Wirth and Neil Cohen
One email submission: Kelly Hurd

5. (VI.A.) **Action Item:** Request to renew valet parking license, by the One Hundred Club. **VOTED to renew the valet parking license for the One Hundred Club.**
6. (VII.A.) **Action Item:** Report back: Request to expand No Parking area on Highland Street near Middle Street, by Jane Nilles. **VOTED to prohibit parking on west side of Highland, up to first driveway.**
7. (VII.B.) **Action Item:** Request to lower speed limit to 20 mph on Dodge Avenue, by Harold Sullivan. **VOTED to lower speed limit to 25 mph and post 25 mph speed limit sign.**
8. (VII.C.) **Action Item:** Report back: Request for a loading zone between the hours of 9 am and 5 pm, 7 days a week, on Vaughan Street at 3S Artspace, by Martin Holbrook. **VOTED to make no change at this time and revisit after hotel construction is complete.**
9. (VII.E.) **Action Item:** Report back: Chairman Robert's parking space suggestions. **VOTED to have City Manager meet with the Chairman, City staff from the Public Works, Fire, Police, and Planning Departments on Fleet Street parking suggestions and report back at the August 2, 2018 meeting.**
10. (VIII.A.) **Action Item:** Zagster bike share 2018 update, by Planning Director Juliet Walker. No action required by Committee.
11. (VIII.B.) **Action Item:** Neighborhood Traffic Calming Program, by Planning Director Juliet Walker. No action required by Committee.
12. (VIII.C.) **Action Item:** Middle Street bike lane project, by Planning Director Juliet Walker. No action required by Committee.
13. (VIII.D.) **Action Item:** Parking meters on Vaughan Street, Raynes Avenue, Islington Street and State Street. No action required by Committee.
14. (VIII.E.) **Action Item:** PTS open action items. No action required by Committee.
15. Public Comment: One Speaker: Pat Bagley

Adjournment – At 9:21 a.m., **VOTED** to adjourn.

Respectfully submitted by:
Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – June 7, 2018
City Hall – Conference Room A

I. CALL TO ORDER:

At 8:00 a.m., Chairman Roberts called the meeting to order.

II. ROLL CALL:

Members Present:

Chairman, Doug Roberts
City Manager, John Bohenko
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Deputy Fire Chief, James Heinz
Member, Harold Whitehouse
Member, Ronald Cypher
Member, Mary Lou McElwain
Alternate Member, Ralph DiBernardo

Members Absent:

Member, Shari Donnermeyer

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker

III. ACCEPTANCE OF THE MINUTES:

Mary Lou McElwain moved to accept the meeting minutes of May 3, 2018.
Seconded by Public Works Director Peter Rice. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Deputy Fire Chief James Heinz moved to accept the financial report dated April 30, 2018.
Seconded by Ronald Cypher. **Motion passed 9-0.**

V. PUBLIC COMMENT:

Jane Nilles supported the prohibition of parking on the west side of Highland St. up to the first driveway. Parking on both sides creates traffic and pedestrian problems, and prohibits good sight lines.

City Manager John Bohenko moved to advance action item VII.D. (Landgon St. and Brewster St. parking and traffic flow public meeting) to be addressed next on the agenda.
Seconded by Public Works Director Peter Rice. **Motion passed 9-0.**

D. Report back: Langdon Street and Brewster Street parking and traffic flow public meeting. Chairman Roberts read an email from Kelly Hurd. She supported the change. The road is too narrow for two-way traffic and parking. Making the street one-way would eliminate sight line issues.

Public Comment: David Rheaume requested that the last proposed parking space on Langdon Street not be approved. McDonough St. and Langdon St. are very narrow at that corner. It is already tight for large trucks to make that turn, and adding a parking spot there would create more of an issue.

Michelle Wirth supported the change on Brewster St. to one-way from Islington St. She expressed concern about where people would park if there were no more parking on Langdon St. north of McDonough St. Eric Eby replied that they tried to strike a balance between residents' requests to eliminate parking and the neighborhood need for parking. Ms. Wirth was not in support of removing parking on Langdon St.

Neil Cohen was not in support of removing parking and noted that the parking in that area was very tight. Many of the lots do not have room for parking, so the residents must find parking on the street.

Harold Whitehouse moved to change Brewster Street to one-way from Islington Street to McDonough Street; restrict parking on east side of Brewster Street north of McDonough Street; restrict parking on east side of Langdon Street north of #81 Langdon Street. Seconded by Ronald Cypher.

Eric Eby stated that the recommendation was to make Brewster St. one-way from Islington St. to McDonough St. because the roadway is narrow and it would not be a big change in traffic volume. The recommendation is to also restrict parking on the east side of Brewster St. by Nickerson-Remick. The parking would remain on the residential side of the street. The recommendation for Langdon St. is to restrict parking from #81 north. Eric Eby has talked to Regan Electric and saw how difficult it was to get vehicles in their driveway with cars parked on the street. Before the houses were built there was no curbing, so they could make the turn more easily. Eric Eby clarified that 3 parking spaces would be eliminated with this change.

Mary Lou McElwain clarified that the back loop did not have parking. Eric Eby confirmed that had already been posted no parking. It is not a city street; it is a city parcel with a roadway on it. It is a narrow curved roadway that would not allow for parking. If it became a city street, then they could look at possibly changing the parking rules. It still may be difficult to add parking though. Mary Lou McElwain noted that the parking in that area was a big issue. She recommended approving the one-way on Brewster Street, but holding off on making a decision on parking. They could revisit the parking once the new garage was complete. Eric Eby responded that when cars were parked on the Nickerson-Remick side of Brewster St. it was difficult to get one lane of traffic through. It was an issue that needed to be addressed now.

Ralph DiBernardo noted the safety issues the parking created. It did not allow for emergency vehicles to get into the street, and it prevented the vehicles from getting in and out of businesses. He did not think the Committee should postpone this action item.

Harold Whitehouse suggested implementing the change on a trial basis. Eric Eby responded that anything the PTS votes on is on a trial basis for up to a year.

Public Works Director Peter Rice moved to suspend the rules to allow for additional public comment. Ronald Cypher seconded. **Motion Passed 9-0.**

Neil Cohen opposed the proposed parking restrictions on Langdon Street near Regan Electric.

Ronald Cypher amended the motion to add a report back in 60 days. Seconded by Harold Whitehouse. **Vote 8-1, to change Brewster Street to one-way from Islington Street to McDonough Street; restrict parking on east side of Brewster Street north of McDonough Street; restrict parking on east side of Langdon Street north of #81 Langdon Street with a report back in 60 days.**

Mary Lou McElwain voted opposed.

Chairman Roberts stated there were two people this morning who supported the action item. One submitted an email and the other person had to leave the meeting before addressing the Committee.

VI. NEW BUSINESS:

A. Request to renew valet parking license, by the One Hundred Club.

City Manager John Bohenko moved to renew the valet parking license for the One Hundred Club. Seconded by Ralph DiBernardo. **Motion passed 9-0.**

VII. OLD BUSINESS:

A. Report back: Request to expand No Parking area on Highland Street near Middle Street, by Jane Nilles. Ronald Cypher moved to prohibit parking on west side of Highland, up to first driveway. Seconded by Public Works Director Peter Rice. **Vote 9-0, to prohibit parking on west side of Highland Street, up to first driveway.**

Eric Eby noted that this parking restriction would allow for traffic to pass. Parking would still be allowed on the other side of the roadway because there is a high demand for parking in that area.

B. Report back: Request to lower speed limit to 20 mph on Dodge Avenue, by Harold Sullivan. Eric Eby noted that after recording speeds on Dodge Avenue, the 85th percentile speed was 22 mph and the average speed was less than 20 mph. They can't post a speed limit of 20 mph by state law. The lowest they can post is 25 mph.

City Manager John Bohenko moved to lower speed limit to 25 mph and post 25 mph speed limit sign. Seconded by Ralph DiBernardo. **Vote 9-0, to lower speed limit to 25 mph and post 25 mph speed limit sign.**

C. Report back: Request for a loading zone between the hours of 9 am and 5 pm, 7 days a week, on Vaughan Street at 3S Artspace, by Martin Holbrook. Ronald Cypher moved to make no change at this time and revisit after hotel construction is complete. Seconded by City Manager John Bohenko.

Eric Eby noted that this location was not impacted by the hotel construction. They could still double-park their trucks like they have been doing. The parking in this area is in high demand, and they did not want to take parking away. It is best to keep this as is, and take another look at it once the hotel construction is complete.

Chairman Roberts agreed that parking was in high demand in that area, and was reluctant to restrict a large number of spaces to one user during the day.

Vote 9-0, to make no change at this time and revisit after hotel construction is complete.

E. Report back: Chairman Robert's parking space suggestions. Chairman Roberts noted that most of his suggestions came back in the negative. He suggested having staff further confer with the Fire and Police Departments to discuss their concerns and report back at the August meeting.

Ralph DiBernardo moved to have City Manager meet with the Chairman, City staff from the Public Works, Fire, Police, and Planning Departments on Fleet Street parking suggestions and report back at the August 2, 2018 meeting. Seconded by Harold Whitehouse. **Vote 9-0, to have City Manager meet with the Chairman, City staff from the Public Works, Fire, Police, and Planning Departments on Fleet Street parking suggestions and report back at the August 2, 2018 meeting.**

Harold Whitehouse suggested testing the issue with the Fire Department's #5 ladder truck, if possible.

Chairman Roberts stated the Congress Street (Music Hall to Maplewood Avenue) parking space suggestions would be addressed at a later date when the analysis of a two-way street is finished. The other suggestions did not need to be looked at further.

VIII. INFORMATIONAL:

A. Zagster bike share 2018 update, by Planning Director Juliet Walker.

Planning Director Juliet Walker provided a presentation on the Zagster program. The program is in its second year. A Zagster station has been added at Portwalk Place. The Zagster program is a lease agreement, so the city has very little involvement with maintenance and upkeep. The station on Russell St. in front of the Sheraton was moved to a spot in front of City Hall. Since the Portwalk Place station was added, they felt that

it was an opportunity to pilot the station at City Hall. The locations will be monitored for usage data.

Mary Lou McElwain was not in support of the Zagster program because it did not provide helmets. She did not think that the City Hall location was safe because of the ongoing construction. Planning Director Juliet Walker responded that the City Hall location was chosen based on visibility and not interrupting traffic flows. She was in conversation with the Farmer's Market to ensure that the Zagster location did not interfere with the market.

Planning Director Juliet Walker explained to the Committee the membership options, maintenance protocol, sponsorship program for new locations and the financial cost to the City.

B. Neighborhood Traffic Calming Program, by Planning Director Juliet Walker.

Planning Director Juliet Walker presented the Application for Traffic Calming Measures and stated that the form was formalizing a process already in place. She felt that it was important for people to have a clear process that outlined what information needed to be provided in the request. There is a web page for the traffic calming program that includes the application presented today. Eric Eby will initially review the applications. He will evaluate the requests and perform initial analysis before presenting them to the Committee. The application process will require residents to provide more information about the issues they are raising. Some requests will require a petition to be submitted as well. This process will encourage collaboration with the residents and discussion about different solutions. Chairman Roberts spoke in favor of this process.

C. Middle Street bike lane project, by Planning Director Juliet Walker.

Planning Director Juliet Walker provided an update on the project. They were successful in receiving a reasonable bid from Highway Safety Systems. Construction is anticipated to start later in the summer. City funding for the project is around \$90,000 and \$180,000 is coming from grants. A few items were taken off the initial plans, like the pedestrian actuated signals, but if more funding becomes available they will be added back in.

Harold Whitehouse asked what the length of the bike lane project would be. Planning Director Juliet Walker responded that it would be from the Andrew Jarvis Drive intersection to Miller Street.

Ralph DiBernardo asked if it was paint only. Planning Director Juliet Walker responded that it was paint and bollards. The bollards can be removed and they will work with DPW to determine when they should be removed for snow plowing season.

Public Works Director Peter Rice clarified that the Andrew Jarvis Drive intersection would be under construction after the end of the school year. The road would be widened to help allow for the bike lane. The entrance to the high school will be closed during the weekdays for the summer. The construction will be complete by the time school is back in session, and the mast arm for the signal will come a few weeks after that.

Harold Whitehouse asked about the intersection of Greenleaf Avenue and Lafayette Road. Public Works Director Peter Rice responded that they were constructing the Andrew Jarvis Drive intersection first. After that, the traffic flow would be reevaluated and the Greenleaf Road area would be reviewed.

D. Parking meters on Vaughan Street, Raynes Avenue, Islington Street and State Street. Public Works Director Peter Rice noted that area had 100% utilization all the time. Metering these spaces will encourage turnover. The information provided today was just informational and City staff would be reporting back to the Committee with specifics at a future meeting.

E. PTS open action items. No discussion by the Committee.

IX. MISCELLANEOUS:

The Committee discussed the topic of roadway markings (painting lines) to designate on-street parking spaces.

Ralph DiBernardo complimented the police officers working in Market Square on May 4th on crosswalk and stop sign enforcement. He thanked Public Works for addressing the problem of cars parking on the grass on Aldrich Road near Islington Street.

Chairman Roberts informed the Committee in a recent Police Department presentation to City Council the data showed a decline in traffic accidents.

Harold Whitehouse noted that he hoped the Committee would be included in a City Council site visit to the new garage site.

Mary Lou McElwain stated she wanted to rescind her vote at the May 3, 2018 meeting on action item (VI.D.) regarding electric vehicle charging station parking space regulations. She opposes free parking at the electric car charging stations. Mary Lou McElwain moved to reconsider the vote.

Public Works Director Peter Rice clarified that the spaces were already free. The direction from City Council was to start installing charging stations. The charging station at the garage was grant funded. The charging station at City Hall was through parking funds. The fee committee will be working to determine an appropriate fee to charge at the stations.

The motion was not seconded, so the motion will not be considered.

Mary Lou McElwain stated she wanted on the record that she was opposed to two free parking spaces next to the free charging station.

Pat Bagley handed out a petition signed by 25 residents that opposed the proposed new parking spaces in front of Langdon House. She questioned how this parking would be a traffic calming method. Public Works Director Peter Rice clarified that they were not putting parking in that area as part of a project. Chairman Roberts stated the issue was referred to the Committee by Councilor Dwyer on June 4, 2018. The referral to the Committee from City Council is to consider adding parking in front of the Langdon House.

X. ADJOURNMENT – at 9:21 a.m., VOTED to adjourn.
Respectfully submitted by:

Becky Frey
PTS Recording Secretary