

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 1, 2018 TIME: 7:00PM

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

PROCLAMATION

1. Pulmonary Fibrosis Awareness

PRESENTATIONS

1. Testing for Pease Proposal to Study “Non Target” PFAS Compounds – Andrea Amico, Testing for Pease
2. Pease Water Treatment Update – Brian Goetz, Deputy Director of Public Works

V. ACCEPTANCE OF MINUTES – AUGUST 20, 2018

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. Public Hearing – Parking Ordinance – Downtown High Occupancy Zone

ORDINANCE AMENDING CHAPTER 7, ARTICLE I SECTION 7.102 – PARKING METER ZONES, SUBSECTION A, DOWNTOWN HIGH OCCUPANCY ZONE

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

(Sample motion – move to pass second reading and hold third and final reading at the October 15, 2018 City Council meeting, as presented)

B. Public Hearing – Zoning Ordinance – Highway Noise Overlay District

ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – CREATION OF A HIGHWAY NOISE OVERLAY DISTRICT:

- AMENDMENT TO ZONING MAP TO ADD HIGHWAY NOISE OVERLAY DISTRICT AS SHOWN ON THE MAP TITLED “PROPOSED HIGHWAY NOISE OVERLAY DISTRICT”, DATED JULY 17, 2018;

- INSERT NEW SECTION 10.613.60 IDENTIFYING THE HIGHWAY NOISE OVERLAY DISTRICT ON THE ZONING MAP;
- INSERT NEW SECTION 10.670 HIGHWAY NOISE OVERLAY DISTRICT;
- AMEND ARTICLE 15 – DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY

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

(Sample motion – move to pass second reading and schedule third and final reading at the October 15, 2018 City Council meeting on the following zoning amendments related to the creation of a Highway Noise Overlay District:

- *Amendment to Zoning Map to Add Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018;*
- *Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning Map;*
- *Insert new Section 10.670 Highway Noise Overlay District;*
- *Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability)*

C. First reading of Ordinance amending Chapter 7, Article XIX, Section 7.1901 – 7.1905 - Shared Active Transportation ***(Sample motion – moved to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the October 15, 2018 City Council meeting)***

D. First Reading of Ordinance amending Chapter 14, Article II, Section 14.2 - Demolition Ordinance ***(Sample motion – move to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the October 15, 2018 City Council meeting)***

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Moose License Plate Conservation Grant ***(Sample motion – move to approve and accept the grant from NH State Library’s Conservation License Plate Grant Program)***
- B. Acceptance of Department of Homeland Security Prospective Grant Award to the Portsmouth Police Department - \$69,638.00

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area on Thursday, October 11th through Saturday, November 3rd ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Carolyn Adams, American Volkssport Association, requesting permission to hold a walk starting at Little Harbour School on Sunday, June 9, 2019 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Brittany Adelhardt requesting permission to hold the Walk for Freedom on Saturday, October 20th ***(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 Eleanor Bird regarding the Post Office remaining in its current location ***(Sample motion – move to accept and place on file)***
- C. Letter from Shane Morin requesting to host the Annual Music and Poetry After Hours at Vaughan Mall on Friday, October 12th from 7:00 p.m. to 9:30 p.m. as well as the use of electrical outlets and a small PA/Sound system
- D. Letter from Susan Denenberg regarding polling hours
- E. Letter from Brian Wazlaw regarding polling hours

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. License Request Re: 77 Daniel Street
- 2. Request for First Reading of Amendments to Sign Ordinance
- 3. Sidewalk Easement Re: 439 Hanover Street
- 4. Water Services Access Easement Re: 50 Lovell Street
- 5. Temporary Construction License Re: 46-64 Maplewood Avenue
- 6. Report Back Re: Polling Hours and Request to Establish Polling Hours for the November 6, 2018 State General Election

City Manager's Informational Items:

1. Events Listing
2. Report Back Re: Accessory Dwelling Units and Garden Cottage Approvals
3. Letter Re: Relocation of the U.S. Post Office in Downtown Portsmouth.

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Katelyn Kwoka reappointment to the Economic Development Commission
2. Appointment to be Voted:
 - Everett Eaton reappointment to the Economic Development Commission

C. ASSISTANT MAYOR LAZENBY

1. *Pease CAP Update

D. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 6, 2018 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the September 6, 2018 Parking and Traffic Safety Committee meeting***)

E. COUNCILOR DENTON

1. International Energy Conservation Code (***Sample motion – move for a report back on the City's preferred method of adopting a more recent International Energy Conservation Code and declaring a more restrictive Climate Zone***)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*

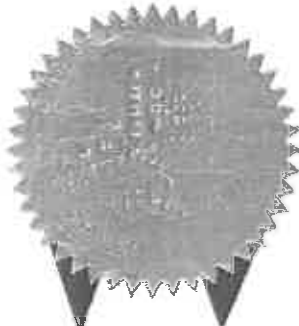
The Council Chambers
City Hall
Portsmouth, New Hampshire
A Proclamation

- Whereas:** pulmonary fibrosis is a serious disease that creates scarring (fibrosis) in the delicate lung tissue of affected patients causing progressive, incurable lung disease; and
- Whereas:** pulmonary fibrosis progresses quickly, often causing limited quality of life, disability and/or death within a few short years; and
- Whereas:** in many cases there is no identified cause of pulmonary fibrosis, which is referred to as idiopathic pulmonary fibrosis (IPF), and about 200,000 people in the United States are estimated to be affected by IPF; and
- Whereas:** pulmonary fibrosis is often misdiagnosed and under diagnosed, and a need has been identified to increase wide-ranging awareness and detection of this imperceptible disorder; and
- Whereas:** the Pulmonary Fibrosis Foundation will unify patients, caregivers, medical professionals, and the general public, by sharing and providing the latest information about advancements alongside all of the work still to be done within the global pulmonary fibrosis community; and
- Whereas:** established in 2000, the Pulmonary Fibrosis Foundation is a nonprofit organization that maintains a global mission to serve as the trusted resource for the pulmonary fibrosis community by raising awareness, providing disease education, and funding research. The Foundation works diligently to foster conversations and collaboration between everyone affected by pulmonary fibrosis, including those living with the disease, caregivers, the medical and research community, and the pharmaceutical industry.

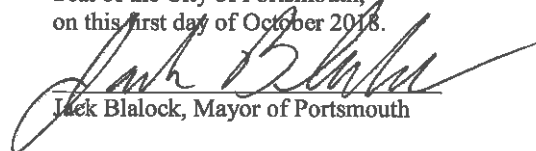
Now, therefore, I, Jack Blalock, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim the month of September 2018 in Portsmouth, New Hampshire as

Pulmonary Fibrosis Awareness Month

and urge all community members to become informed and involved in the fight to eradicate this serious disease.



Given with my hand and the
Seal of the City of Portsmouth,
on this first day of October 2018.


Jack Blalock, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 20, 2018

PORTSMOUTH, NH
TIME: 6:15 PM

Public Dialogue Session – One Table

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

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

Harold Whitehouse discussed his concerns with drinking water and asked if the City is looking for new sources.

Deputy Public Works Director Goetz explained that a 2008 study identified multiple sources which are part of our long-term plans. He explained that this information is updated on the website and is part of the Capital Improvements Plan.

Mr. Whitehouse stated he is also concerned about the expansion of Lonza at the Pease Tradeport stating that they use a lot of water.

Erik Anderson discussed the various tax exemptions that are available and feels that these exemptions create different tax rates for certain individuals and that everyone else pays the difference. He would like to see information presented on the fiscal consequences of these exemptions and have more discussion as these exemptions have consequences to all individuals.

Discussion ensued regarding the various types of exemptions with Assessor Lentz explaining the impacts or not to the tax rate.

Mr. Anderson stated he would also like to know how many businesses at the Pease Tradeport fall into the Airport District.

City Manager Bohenko explained that this was negotiated in the 1990's based on the FAA rules that the city can only recover actual costs i.e., police, fire, water/sewer, etc. but not schools. He stated the businesses outside of the airport district do pay all of the taxes, but some are also in Newington.

Justin Richardson discussed the recent issue of non-resident ex-officio membership on the Planning Board stating that as a lawyer and former ex-officio representative of the Planning Board on the Newington Zoning Board of Adjustment, he feels that he is confident in the opinion of City Attorney Bob Sullivan. He continued that he was concerned with the unfair criticism he saw regarding City Attorney Sullivan's opinion and referred to his letter which he submitted to the City Council and is on the agenda.

Esther Kennedy expressed her concern with the number of public hearings that were scheduled for the August 6th Council meeting and that the 3rd readings of the zoning ordinances are at a meeting with no public comment opportunity. She stated that people are on vacation in August but still do have concerns with these ordinances. Several Councilors responded that there were many opportunities for public input including the Planning Board process and e-mails.

I. CALL TO ORDER

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

II. ROLL CALL

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

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance.

PRESENTATIONS

1. Letter of Recognition by Mayor Blalock

Mayor Blalock presented Robert Carpenter with a framed letter of recognition for his service to our community and creative inventions that significantly impacted society as a whole. Mr. Carpenter accepted with thanks and appreciation.

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

V. PUBLIC DIALOGUE SUMMARY

Councilor Roberts gave a summary of speakers and topics discussed.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby and moved to suspend the rules to bring forward City Manager Item XI.A.1. Seconded by Councilor Denton and voted.

1. Portsmouth Historical Society Portsmouth400 Grant Request (Presentation)

Susan Labrie, Executive Director of the Portsmouth400 Committee, introduced committee members Peter Loughlin and Kathleen Soldati and gave a brief presentation of their activities to date.

City Manager Bohenko explained that the funding from the City will help the Executive Director and the other money raised would go to the event itself.

Assistant Mayor Lazenby moved to approve a grant request by the Portsmouth Historical Society – Portsmouth400 of up to \$25,000 for the first half of FY19 with the City contributing \$1.00 for every \$2.00 raised by PHS and the same for the second half of FY19 for a total of up to \$50,000, seconded by Councilor Pearson.

Mayor Blalock stated he fully supports this and the great work done by Susan and the rest of the committee and feels this is an exciting educational opportunity.

Motion voted.

VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. First Reading of Ordinance

First Reading of Ordinance amending Chapter 9, Article VIII – Boarding or Rooming Houses, Sections 9.801 – Section 9.805

Councilor Roberts moved to pass first reading and schedule a public hearing and second reading of the proposed amendment to the Boarding House Ordinance at the September 4, 2018 City Council meeting as presented. Seconded by Councilor Dwyer and voted.

B. Proposed Public Hearing of Resolution

Establish a Public Hearing Re: Exemption for Solar Energy Systems

Councilor Denton moved to establish a public hearing regarding Exemption for Solar Energy Systems at the September 4, 2018 City Council meeting, seconded by Councilor Pearson.

Councilor Becksted stated that during the public dialogue regarding the fiscal effect of the exemptions, he liked the explanation given by the Assessor. He stated that the last time, the Council was given maps and there was talk about filling in pockets, so will this be a part of the color-coded system. City Manager Bohenko stated he would e-mail the information.

Councilor Dwyer stated she also liked the explanation but would also like specific examples. She stated that Mr. Andersons' points of their being different levels are valid as there are 3 levels so far, so we should think about it in that way.

City Manager Bohenko stated that there are two more exemption resolutions he is bringing forward later on the agenda but he would like these to be scheduled to the September 17th meeting for public hearings, so as not to be confused with the Solar Energy resolution. He stated that Assessor Lentz will make a presentation on September 4th on the Solar Exemption resolution.

Councilor Denton thanked the City Manager for putting this on the agenda as there are currently 134 communities that have some type of this exemption. He stated this will bring it up to what 85 others offer which is either 100% of purchase value or the assessed value.

City Manager Bohenko stated that once the number is set it is a straight line depreciation and they will get the exemption for whatever the assessment is.

Motion voted.

C. **Public Hearing – Foundry Place Garage Designation**

ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7.402
REGARDING THE FOUNDRY PLACE GARAGE DESIGNATION

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

Mayor Blalock opened the Public Hearing. Seeing no one wishing to speak, Mayor Blalock closed the Public Hearing.

Councilor Pearson moved to pass second reading and schedule a third and final reading of the proposed ordinance at the September 4, 2018 City Council meeting, as presented. Seconded by Assistant Mayor Lazenby and voted.

Councilor Roberts moved to suspend the rules to take up Third and Final Reading, seconded by Councilor Denton.

Councilor Becksted stated he is opposed as this is an issue of following the process.

Motion passed on an 8-1 roll call vote, Councilor Becksted voted opposed.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated that there were no speakers at the public hearing for this item and this is a rather routine, housekeeping issue, so supports moving forward.

Councilor Becksted stated there have been instances in the past where votes were changed based on public comments prior to third readings of ordinances.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed on an 8-1 vote, Councilor Becksted voted opposed.

Councilor Becksted recused himself from voting on the following Zoning Ordinance Amendments and left the dais.

D. **Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street**

Part 1.A. – Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street: (Proposed Character District 4-W)

- 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
- 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

Councilor Perkins moved to pass third and final reading of the proposed amendments Part 1A, as presented, seconded by Councilor Reynolds.

Councilor Denton asked Councilor Dwyer to discuss her request for Planning Director Walker to make a presentation at the September 4th meeting regarding a transitional zoning option in the Bartlett Street area.

Councilor Dwyer stated that the concept of transitional zoning or buffers between zones, have been brought up periodically and doesn't only apply in this area, but others as well. She stated this shouldn't hold up this vote, but feels this is a relevant issue and a good opportunity to learn about it.

Councilor Perkins agrees stating that this issue comes up at the Planning Board as well and should also discuss when we do not need transitional zoning. She stated that she has heard that most people are happy with these amendments.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated he had a lot of concern with the impact to the neighbors, but feels that the collaborative efforts and public involvement, as well as the developers, Planning and City Councilor hearing those concerns, have brought us to this point.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed on an 8-0 vote. Councilor Becksted recused from vote.

E. **Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street**

Part 1.B. – Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street (Proposed Character District 4-L1)

- Amendments 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 a Portion of Tax Map 164 Lot 4 OR and Transportation Corridor (TC) to CD4-L1; and
- 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 a Portion of Tax Map 164 Lot 4

Councilor Perkins moved to pass third and final reading of the proposed amendments Part 1B, as presented. Seconded by Assistant Mayor Lazenby and voted 8-0. Councilor Becksted recused from vote.

F. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street

Part II. – Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street (Housekeeping)

- 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

Councilor Perkins moved to pass third and final reading of the proposed amendments Part II, as presented. Seconded by Assistant Mayor Lazenby and voted 8-0. Councilor Becksted recused from vote.

G. Third and Final Reading of Ordinance amending Chapter 7 - Parking Omnibus

Ordinance amending Chapter 7 – Parking Omnibus

Councilor Roberts moved to pass third and final reading of the proposed Parking Omnibus Ordinance, as presented. Seconded by Councilor Pearson and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

Assistant Mayor Lazenby moved to adopt the Consent Agenda as presented. Seconded by Councilor Dwyer and voted.

- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 10th annual American Lung Association Cycle the Seacoast Ride on Sunday, May 5, 2019 (**Anticipated action – move to refer to the City Manager with power**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

B. Letter from Attorney Justin Richardson regarding Planning Board Membership

Councilor Perkins moved to accept and place on file, seconded by Assistant Mayor Lazenby.

Attorney Richardson gave a brief overview of his letter to the City Council which expressed his confidence in the opinion to the City Council by City Attorney Sullivan concerning ex officios members of the Planning Board.

Discussion ensued regarding the various interpretations of the State RSA's and implementation in cities and towns in the State of New Hampshire.

Assistant Mayor Lazenby thanked Mr. Richardson for his time and communicating with the City Council on this issue.

Motion voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Portsmouth Historical Society Portsmouth400 Grant Request (Presentation)
2. Report Back Re: Osprey Landing Water Tank Release of Land

Councilor Reynolds moved to authorize the City Manager negotiate the transfer of the property to Spinnaker Point Condominium Association and to execute all necessary documents to effectuate that transfer. Seconded by Councilor Perkins and voted.

3. Rockingham Avenue Subdivision Easements

Councilor Roberts moved to authorize the City Manager negotiate, execute, deliver and record the deeds regarding the Rockingham Avenue Subdivision, as presented. Seconded by Councilor Pearson and voted.

4. Islington Common LLC Water Access Easement

Councilor Becksted moved that the City Manager be authorized to negotiate, execute, deliver and record the deeds regarding the Islington Commons property, as presented. Seconded by Councilor Pearson and voted.

5. 15 Thornton Street Subdivision Easements

Councilor Perkins moved to ratify the acceptance and recording of the easement deeds and plan related to the 15 Thornton Street Subdivision. Seconded by Councilor Pearson and voted.

6. 299 Vaughan Street Temporary Construction Licenses

Councilor Perkins moved that the City Manager be authorized to execute and accept the revised temporary construction license regarding 299 Vaughan Street as submitted. Seconded by Councilor Dwyer and voted.

7. Proposed Tax Exemptions for Wind-Power and Woodheating

Councilor Becksted moved to bring back for public hearing two proposed Resolutions at the September 17, 2018 City Council meeting, seconded by Councilor Denton.

Councilor Denton explained that the State has only 3 pieces of enabling legislation for renewable energy sources and tax exemptions, which are solar, wind and wood pellets. He continued that it is tough to figure out how to get heat out of renewable energy sources, but one option is wood pellets to heat your home, not for stoves, etc.

Councilor Roberts asked if this enabling legislation would not allow us to be EPA certified. Councilor Denton stated he would work with the City Attorney.

Motion voted.

City Manager's Informational Items:

1. Events Listing
2. McIntyre Update

Councilor Becksted asked where we stand with Washington, DC and Philadelphia in regards to the McIntyre building.

Deputy City Manager Colbert Puff reported that we received good news today that both offices have looked at the new design and are okay with it.

Councilor Becksted asked about the upcoming public input hearing for the Post Office.

Deputy City Manager Colbert Puff stated the hearing is scheduled for September 19th at 7:00 p.m. in the Council Chambers.

Mayor Blalock clarified that the city is hosting the meeting, not presenting the meeting.

Assistant Mayor Lazenby asked when the Council and public will be able to see the designs.

Deputy City Manager Colbert Puff stated that now that we have received the feedback, they can be posted.

Councilor Dwyer clarified that it is not a design drawing but a massive scale drawing and doesn't want people to misunderstand.

Councilor Denton asked if the design still contains an indoor market. Deputy City Manager Colbert Puff stated it does.

Councilor Becksted asked if we have flexibility in the time as that is a concern of the public.

Deputy City Manager Colbert Puff stated she is in contact with them every day and that is not a concern as of yet.

Councilor Perkins stated we need to make sure our principles match up and also complimented the staff on their advocacy for this project as there has been a lot of behind the scenes work.

Councilor Roberts stated that people should not expect a dramatic change in the design, but they are following the park service guideline to not detract from the "magnificence" of the McIntyre Building.

3. Berry's Brook Update Re: PFAS

City Attorney Sullivan gave a brief update on the recent findings of potential causes of high PFAS levels at the base of the landfill cap. He stated that through an analytical process it was determined preliminarily that the PFAS is not coming from the Coakley Road Landfill, but from the cap over the landfill refuse which was built in accordance to EPA specifications and has flexible membrane layer made of plastic as well as a layer of sand which allows migration to the top level. He stated that this is a possible source and will need further investigation, but he wanted to bring this to the Council's attention. He stated that this was the standard in the 1990's and other sites will be looked at now in light of this report. He concluded that a letter has gone out to the DES and EPA.

B. MAYOR BLALOCK

1. Adoption of Policy Re: Planning Board Residency Requirement

Mayor Blalock handed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to adopt the Policy regarding Planning Board Residency Requirement, seconded by Councilor Denton.

Mayor Blalock stated this is a delicate situation and he is following the lead of the City Manager who will sit on the Planning Board and appoint an ex-officio that lives in Portsmouth. He stated this is being done to avoid distraction and not to have to wait for a court case that would ultimately be the authority. He continued that the media and Secretary of State Office have weighed in on the issue, but he believes that the Planning Board members brought a lot to the table. Going forward, he doesn't want any detractions from Planning Board decisions and wants people to have a fair shake going before the Board.

Councilor Dwyer stated she supports the City Manager appointing himself and another ex-officio but not the policy. She continued that we have existing RSA's, Supreme Court and other case law as well as our own ordinances, so adding a policy is not the correct procedure. She stated she feels we should ask our legislative delegation to clarify the RSA's on ex officio.

Councilor Perkins stated she is also not in support of the policy change. She stated the ex officios add incredible value to the sophisticated work of the Planning Board and feels that the City Attorney's interpretation of the law is correct. She stated that Mr. Moore and Deputy City Manager Colbert Puff work very hard on all of the issues.

Councilor Pearson stated she respects the City Manager's decision to tamp down distraction but doesn't feel we should change ordinances etc. every time someone complains. She continued that these are staff members who's professional careers is to put Portsmouth first and these two individuals are exceptional. She continued that any of our staff would be expected to be professional and put Portsmouth first. She stated that just because people disagree with us, doesn't mean we are untruthful.

Councilor Denton stated there is a legal argument and a public policy argument. He stated the legal argument supports the current ex officios being there, but he doesn't mind tailoring the policy to require the ex officios to be residents.

Councilor Becksted stated he understands that Mr. Moore and Ms. Colbert Puff are valuable to the Planning Board, but last week, the Planning Board was run by only the citizen representatives and it went well. He stated he feels the RSA clearly establishes that board members must be residents.

Councilor Raynolds stated he found City Attorney's Sullivans memo on the subject helpful and persuasive as well as Attorney Richardson's memo. He rejects the notion that because the staff with the expertise are not residents, they are not representing the best interests of the city.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby asked the City Attorney if our Charter requires the City Manager to be a city resident. City Attorney Sullivan replied yes.

Assistant Mayor Lazenby stated that with that, he looks at the will of our democracy and it is not unreasonable to think that the ex officio should also be a Portsmouth resident. He continued that there is ambiguity with our laws and the City Charter and those should be looked at and sorted out, but at this point we need to set this policy.

Discussion ensued.

Motion passed on a 5-4 roll call vote. Assistant Mayor Lazenby, Councilors Roberts, Denton, Becksted and Mayor Blalock voted in favor. Councilors Pearson, Dwyer, Perkins and Reynolds voted opposed.

Councilor Dwyer moved that the Legislative Delegation be requested to review the RSA's related to ex-officio to clarify residency. Seconded by Councilor Perkins and voted.

2. Appointments to be Considered:
 - Shari Donnermeyer reappointment to the Parking, Traffic & Safety Committee

The City Council considered the reappointment of Shari Donnermeyer to the Parking and Traffic Safety Committee which will be acted upon at the September 4, 2018 City Council meeting.

3. Appointments to be Voted:
 - Ralph DiBernardo appointment as a Regular member to the Parking, Traffic & Safety Committee – term to expire 09/17/2021
 - Stephen T. Pesci appointment as Alternate member to the Parking, Traffic & Safety Committee – term to expire 08/04/2020
 - Mary Lou McElwain reappointment to the Parking, Traffic & Safety Committee – term to expire 09/17/2021
 - Harold Whitehouse reappointment to the Parking, Traffic & Safety Committee – term to expire 09/17/2021
 - J. Stephen McCarthy reappointment to the Building Code Board of Appeals – term to expire 07/01/2023

Councilor Roberts moved to approve the aforementioned appointments. Seconded by Assistant Mayor Lazenby and voted.

C. COUNCILOR ROBERTS

1. Parking, Traffic & Safety Action Sheet and Minutes of the August 2, 2018 meeting

Councilor Roberts moved to accept and approve the action sheet and minutes of the August 2, 2018 Parking, Traffic & Safety meeting. Seconded by Assistant Mayor Lazenby and voted.

D. COUNCILOR DWYER

1. Request to have Planning Director Juliet Walker make a presentation at the September 4th City Council meeting regarding a transitional zoning option in the Bartlett Street area

Councilor Dwyer moved to request to have Planning Director Juliet Walker make a presentation at the September 4th City Council meeting regarding a transitional

zoning option in the Bartlett Street area. Seconded by Councilor Reynolds and voted.

E. COUNCILOR DENTON

1. Piscataqua Region Estuaries Partnership: Discussion: Would it be beneficial for the City Council to have a Work Session where the Piscataqua Region Estuaries Partnership (PREP) presents findings from, and answers questions regarding, their 2018 State of Our Estuaries Report?

Councilor Denton stated he is looking to see if the City Council would like to have a work session to ask questions regarding the Piscataqua Region Estuaries Partnership and if so, he would like it to coincide with Wastewater Treatment facilities decisions. He reviewed the 3 documents included in the packet and stated he has visited the estuary.

Assistant Mayor Lazenby thanked Councilor Denton for his work and encouraged obtaining more information.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated he feels the report is very thorough but we wouldn't have enough time to cover it in a work session. He feels that a public presentation by the group would be more appropriate for those interested parties.

Assistant Mayor Lazenby passed the gavel back to Mayor Blalock.

Council consensus was to recommend that a public informational meeting be held at the Levenson Room of the Portsmouth Public Library.

Councilor Denton requested an update on upcoming Wastewater Treatment Facility issues.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer requested review of an issue acted upon by the City Council at a recent meeting regarding the Conference on Climate Change for which the City Council approved funding. She stated that at the time the speakers of the conference were not announced and it was thought that the Conference would focus on innovations, etc. Since that time we have become aware that this would be about climate change denial which is in opposition to the positions taken by the City of Portsmouth.

Councilor Roberts stated he agrees and that there are three speakers who are identified as skeptics in England and it is not consistent with the City of Portsmouth stance on the issue.

Councilor Denton stated he feels that initially supporting the conference was a good idea and feels that people have the right to hold them, but should not be supported financially by the city as there are other organizations that could use the funding.

City Manager Bohenko clarified that PS21 has received city funding for controversial presentations so it has been done before.

Councilor Reynolds shares the concerns expressed, but feels that Ms. Plummer had good intentions when it was presented to the City Council.

Councilor Pearson stated she whole-heartedly believes in science and is not in favor of city funding for this conference.

Mayor Blalock clarified that the funds have already been sent.

City Manager Bohenko stated he will reach out to the organizer of the group for further information.

Councilor Becksted requested the Pease Development Authority be invited to give a presentation of the properties at Pease and what falls under the Airport District, etc.

Assistant Mayor Lazenby invited people to attend the upcoming Tricycle Races being held on Tuesday, September 18th at 2:30 p.m. on Pleasant Street with proceeds to benefit the Alzheimer's Association.

XIII. ADJOURNMENT

Councilor Becksted moved to adjourn at 9:12 p.m., seconded and voted unanimously.

Respectfully submitted:

VALERIE A. FRENCH, CNHMC
DEPUTY CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 1, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones, Subsection A, Downtown High Occupancy Zone. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

PA00087904

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.1 – PARKING METERS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.102 PARKING METER ZONES

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

A. DOWNTOWN HIGH OCCUPANCY ZONE:

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

1. Daniel Street, starting at Chapel Street through to Market Square
2. Bow Street, starting at Chapel Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
6. Deer Street, starting at Market Street through to Maplewood Avenue
7. Fleet Street, starting at Hanover Street through to State Street
8. Hanover Lot, at intersection with Market Street
9. Penhallow Street, starting at State Street through to Bow Street
10. Chapel Street, starting at Daniel Street through to State Street
- 11. Hanover Street from Maplewood Avenue to Market Street**
- 12. Portwalk Place from Deer Street to Hanover Street**
- 13. High Street from Deer Street to Hanover Street**
- 14. Bow Street from Chapel Street to Daniel Street**
- 15. Daniel Street from Chapel Street to Bow Street**
- 16. State Street from Marcy Street to Middle Street**
- 17. Washington Street from State Street to Court Street**
- 18. Ladd Street Lot at Hanover Garage**

- B. Parking in all other parking meter zones shall be at the rate of one dollar fifty cents (\$1.50) per hour.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

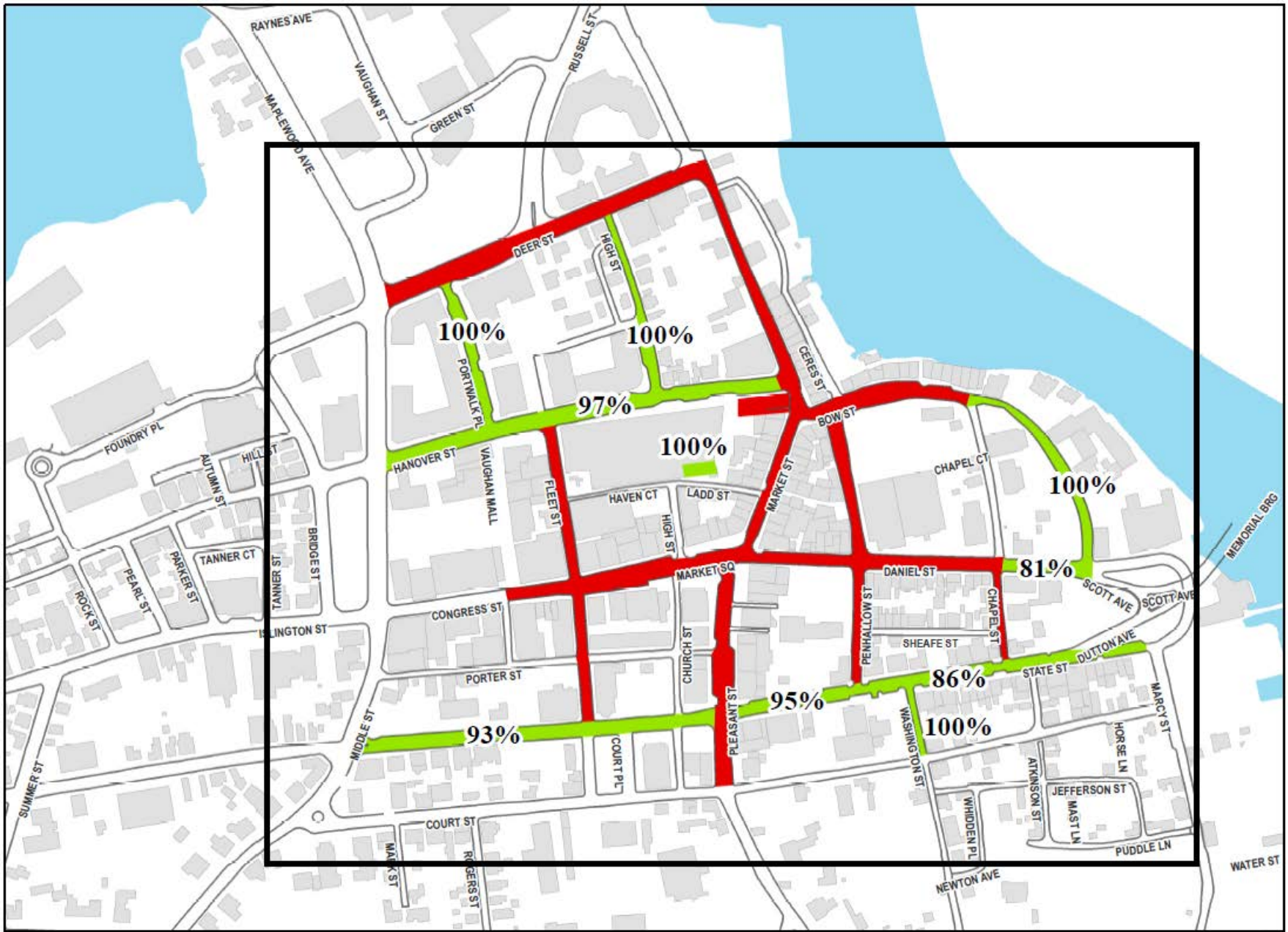
Kelli L. Barnaby, City Clerk



**CITY OF PORTSMOUTH
DOWNTOWN HIGH OCCUPANCY METER ZONE**

Legend
■ High Occupancy Zone





**CITY OF PORTSMOUTH
DOWNTOWN PROPOSED HIGH OCCUPANCY METER ZONE**

Legend

- High Occupancy Zone
- Proposed High Occupancy Zone



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 1, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Creation of a Highway Noise Overlay District:

- Amendment to Zoning Map to add Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018;
- Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning map;
- Insert new Section 10.670 Highway Noise Overlay District;
- Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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- Amendment to Zoning Map to add Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018;
- Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning map;
- Insert new Section 10.670 Highway Noise Overlay District;
- Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

Proposed Zoning Ordinance Amendment – Highway Noise Overlay District

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, be amended as follows:

A. Amend the Zoning Map by adding the Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018.

B. Insert a new Section 10.613.60 as follows:

10.613.60 The Highway Noise Overlay District (HN) is identified on the Zoning Map.

C. Insert a new Section 10.670 — Highway Noise Overlay District, as follows:

10.670 Highway Noise Overlay District (HN)

10.671 Purpose

The purpose of this Section is to minimize the impact of highway traffic noise on individuals, businesses and other activities, and to protect the general health, safety and welfare of the City by regulating certain uses, activities, and development within areas subject to projected intense highway traffic noise. This Section is adopted specifically to make the City of Portsmouth eligible for participation in the New Hampshire Department of Transportation’s Type II noise abatement program.

10.672 Applicability

10.672.10 The provisions of this Section shall apply to all land within the Highway Noise Overlay District as defined in Section 10.613.60, except land subject to the land use regulations of the Pease Development Authority.

10.672.20 The provisions of this Section shall overlay and supplement the regulations of any underlying district. If any provision of this Section differs from or appears to conflict with any other provision of the Zoning

Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

10.673 Standards

Noise sensitive uses within the Highway Noise Overlay District shall be planned, designed and constructed to comply with the following standards:

Structures and Uses	Loudest Traffic Hour Sound Level
Interior of dwelling, institutional residence or care facility, hospital or lodging establishment	45 dBA
Interior of other noise sensitive use	55 dBA
Uses with outdoor activities, measured at edge of the active use area closest to the highway	65 dBA

10.674 Conditional Use

10.674.10 Within the HNOD, noise sensitive uses shall require a conditional use permit from the Planning Board.

10.674.11 An addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance, or that was constructed subject to a validly issued conditional use permit, shall be exempt from the standards in Section 10.675 and from the requirement for a conditional use permit, provided that the footprint area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the footprint of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit. This 25 percent threshold shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures.

10.674.20 A noise analysis prepared in compliance with Section 10.675 must be submitted with any application for a conditional use permit under this section.

10.674.30 An application for a conditional use permit for a noise sensitive use in the Highway Noise Overlay District may be approved only if a noise

analysis prepared in compliance with Section 10.675 demonstrates that any applicable exterior and interior sound level standards established in Section 10.673 will be met through one or more of the following measures:

- (a) Site design to ensure that noise sensitive land uses are placed outside of the applicable noise contour;
- (b) Site design that achieves noise mitigation through placement of accessory structures between the noise source and the noise receiver;
- (c) Installation of a noise barrier; or
- (d) Superinsulated building design and construction.

10.674.40 The Planning Board shall grant a conditional use permit for a noise sensitive use only upon finding that any applicable exterior and interior sound level standards will be met as demonstrated by a noise analysis.

10.675 Noise Analysis

A noise analysis must be prepared by a registered engineer or qualified professional transportation noise analyst who has been trained in the use of the Federal Highway Administration (FHWA) Transportation Noise Model or a replacement model that has been approved by the FHWA. A noise analysis must include the following:

- (1) A description of the proposed development.
- (2) A narrative description of the proposed site configuration and any proposed noise mitigation measures.
- (3) A diagram showing the proposed site configuration including the location of noise sensitive land uses and any proposed noise mitigation measures.
- (4) Unadjusted 60, 65 and 70 dBA noise contours for the loudest traffic hour sound levels shown as an overlay on the site diagram. Noise contours must be developed using the FHWA Transportation Noise Model (or a replacement model that has been approved by the FHWA).
- (5) If the noise analysis shows that projected noise levels will exceed the sound level standard for the applicable activity at the location specified, the noise analysis must include:

- (a) Any adjusted noise contours and site-specific analyses used to adjust the noise contours based on improved topography;
 - (b) Calculations to support the noise level reduction of any proposed noise mitigation measure;
 - (c) A description of the width, depth, height, length, and materials used in any proposed noise barrier; and
 - (d) A description of construction methods and materials used in any proposed superinsulated building design. The sound transmission class must be provided for materials used.
-

D. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, by inserting the following terms and definitions in alphabetical order:

Active use area

The land area within 35 feet of a dwelling unit, or other principal use, on the sides closest to the highway where patios, children’s play areas, and outdoor activities are common.

dBA

The sound pressure level in decibels that is frequency weighted to the A-scale according to a frequency response established by the American National Standards Institute (ANSI S1.4-1971) and that approximates the frequency response of the human ear.

Leq(h) [hourly equivalent sound level]

The equivalent, steady-state A-weighted sound level that in one hour contains the same acoustic energy as the time-varying sound level during the same period. This is the average noise over one hour adjusted for human hearing.

Loudest traffic hour sound level

The Leq(h) associated with the loudest highway traffic hour.

Noise barrier

A noise wall, an earth berm, or a noise wall in combination with an earth berm, that obstructs the path of sound from the sound source to the sound receiver.

Noise mitigation

Reduction of the noise that is transmitted from a noise source to a receiver as a result of distance, natural features, noise barriers, or other structures.

Noise sensitive land uses

Residential uses, institutional residence or care facilities, hospitals, lodging establishments, places of assembly, libraries, schools, and day care centers.

Outdoor activities

Residential yards, gardens, patios, pools, etc.; private and public play areas.

Superinsulated

Designed and constructed to achieve a noise level reduction of more than 20 dBA Leq(h) between outdoor and indoor noise levels.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

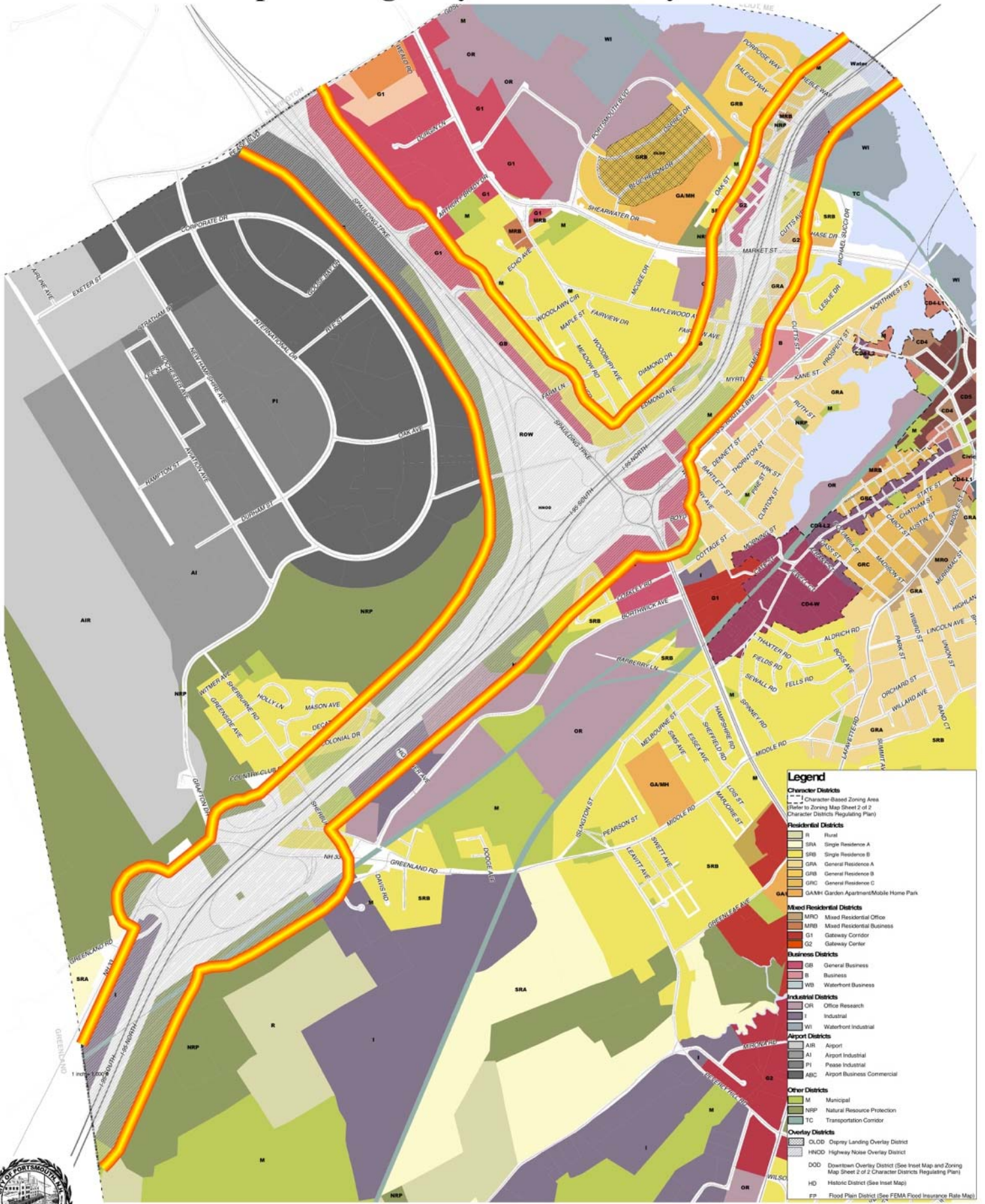
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

City of Portsmouth

Proposed Highway Noise Overlay District



Legend

Character Districts
 (Refer to Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)

Residential Districts

- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GAMH Garden Apartment/Mobile Home Park

Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

Business Districts

- GB General Business
- B Business
- WB Waterfront Business

Industrial Districts

- OR Office Research
- I Industrial
- WI Waterfront Industrial

Airport Districts

- AIR Airport
- A1 Airport Industrial
- PI Private Industrial
- ABC Airport Business Commercial

Other Districts

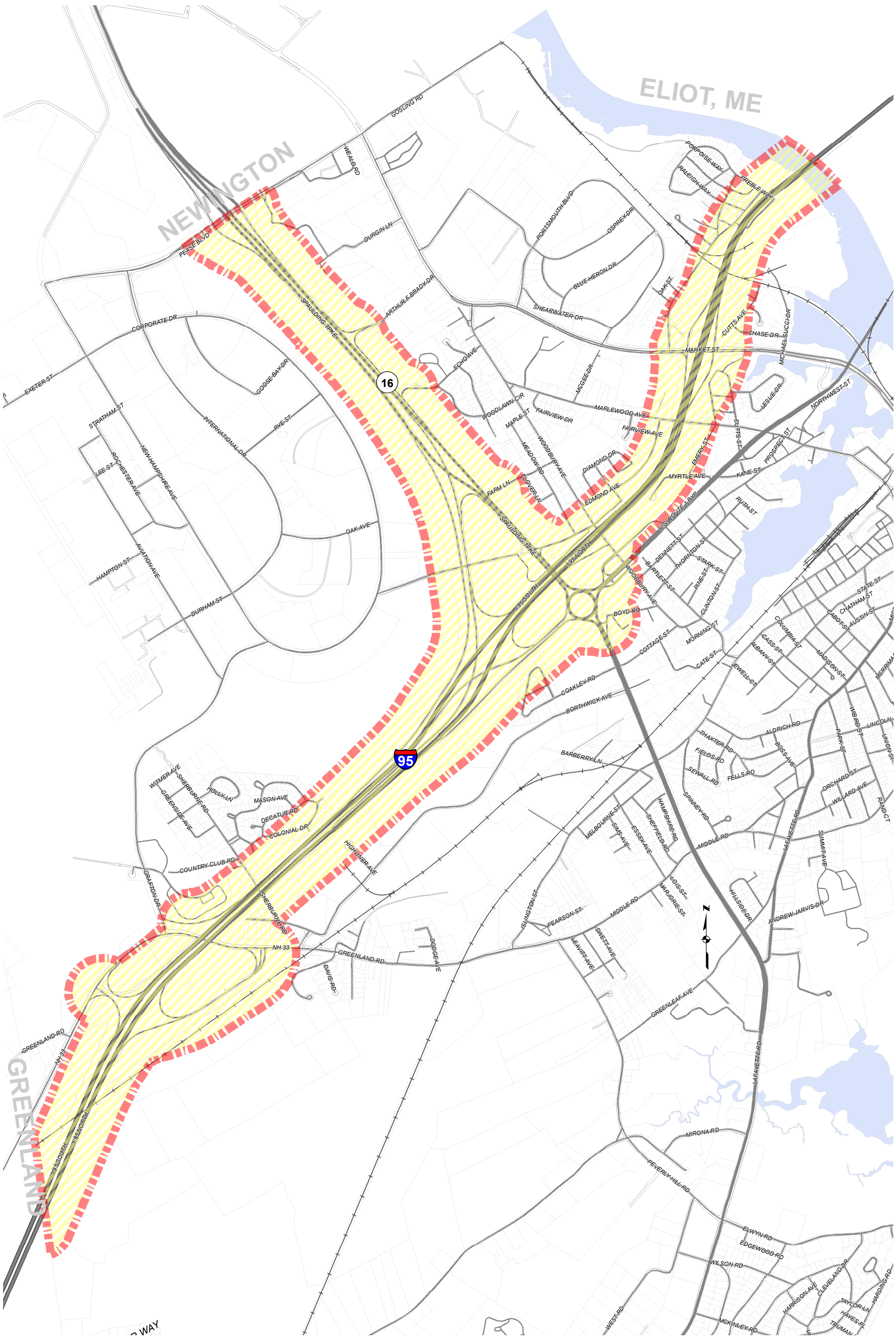
- M Municipal
- NRP Natural Resource Protection
- TC Transportation Corridor

Overlay Districts

- OLOD Osprey Landing Overlay District
- HNOD Highway Noise Overlay District
- DOD Downtown Overlay District (See Inset Map and Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
- HD Historic District (See Inset Map)
- FP Flood Plain District (See FEMA Flood Insurance Rate Map)



Proposed Highway Noise Overlay District





MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: HIGHWAY NOISE OVERLAY ZONING DISTRICT
DATE: 08/27/2018

Recommended Action

Vote to schedule a first reading for the September 17, 2018 City Council meeting on the following zoning amendments related to the creation of a Highway Noise Overlay District:

- *Amendment to Zoning Map to add Highway Noise Overlay District as shown on the map titled "Proposed Highway Noise Overlay District", dated July 17, 2018;*
- *Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning Map;*
- *Insert new Section 10.670 Highway Noise Overlay District;*
- *Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability.*

Background

For many years now, the City, along with state and local legislators and community representatives, has been seeking a mechanism for mitigating highway noise impacts for residential neighborhoods that abut the major highways in the City. One of the biggest obstacles has been securing the funding to implement the appropriate mitigation measures (i.e. sound barriers). Recently, the New Hampshire Department of Transportation (NHDOT) instituted a Highway Noise Barrier Program which provides the opportunity for abatement to be considered for communities adjacent to existing highways where no highway improvements are programmed (Type II). Previously this funding mechanism was only available in communities where new highway improvement projects were programmed (Type I).

The introduction of Type II means that Portsmouth's historical neighborhoods that are located along major highways, such as Pannaway Manor, may now be eligible for mitigation measures to reduce highway noise impacts.

One of the requirements for acceptance into the Type II program is that the City has to have enacted highway noise compatible planning and development regulations which require avoidance, minimization or mitigation of exterior highway traffic noise impacts associated with new noise sensitive development adjacent to state highways. The purpose of these zoning amendments are to meet this requirement.

The City initially applied to NHDOT for acceptance to the Type II program in September of 2017, but was denied based on the lack of local noise related regulations. A copy of the correspondence is enclosed for reference.

The amendments as proposed are designed to meet the minimum requirements for meeting the Type II program guidelines without unduly restricting property owners. The City's zoning consultant, Rick Taintor, has worked with the Planning Department staff to draft these amendments after consulting Federal Highway Administration guidance as well as reviewing with staff at NHDOT and the Rockingham Regional Planning Commission.

Planning Board Review

The Planning Board conducted a public hearing on this proposed zoning amendment at its August 16th meeting and voted to recommend approval to the City Council.

September 22, 2017

RE: Type II Noise Abatement Program

Dear Jonathan:

In response to the Commissioner's letter dated September 1, 2017, please find the enclosed details of noise compatible planning, zoning and development regulations which have been enacted in the City of Portsmouth. We appreciate your consideration in determining the City's eligibility to participate in the Type II program.

Zoning Ordinance

Article 13 – Performance Standards

- Section 10.1332.10 – Noise Limits

“The maximum permissible sound pressure level of any activity regulated by this Ordinance shall be established by the time period and type of zoning district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least 4 feet above the ground surface, but not greater than 4 feet above the floor surface of the upper most level of the building.

- Section 10.1332.20 – “Sound from any source controlled by this Ordinance shall not exceed the following sound pressure levels at the lot line of the “sender” premises.” (See Section 10.1332.20 for Table of maximum sound pressure levels)¹
- Section 10.533 – Special Yard Requirements on Lafayette Rd.

“Notwithstanding the minimum front yard requirements specified in Section 10.521 or Section 10.531, for any lot adjoining Lafayette Road between the Route 1 Bypass and the Rye town line, no building, structure, parking area, or display or storage area shall be located less than 80 feet from the centerline of Lafayette Road or 30 feet from the sideline of Lafayette Road, whichever represents the greater setback, except as permitted under Section 10.730.

- Section 10.1131 – Landscaping and Screening - General

“All multifamily residential and nonresidential development of land shall provide landscaping and screening as required by the Site Plan Review Regulations.”

Site Plan Review Regulations

- Section 1.1(e) – Purpose

¹ Section 10.1333 – Exemptions – include 10.1333.6 – “Traffic noise on existing public streets, railways or river traffic.”

“Protect abutters against hazards, unsightliness and nuisances detrimental to property values.”

- Section 3.2 – Off-site Impacts

“A traffic impact analysis shall be prepared by a professional engineer licensed in New Hampshire and experienced and qualified in traffic engineering, and shall contain the following information:

(d) A proposed plan to mitigate the projected impacts of the development.”

(See Section 3.2.2 for (a-c) required information)

Section 3.2.4 – “The applicant shall provide traffic signal equipment, traffic signs, travel lanes, pavement widening, markings, sidewalks, and other improvements to existing streets upon determination by the Planning Board that the specific improvements are necessary for safe handling of traffic generated by the proposed development.”

- Section 6.1 – Landscaping and Screening Standards

“Landscaping shall be provided that:

- 6.1 (f) – Provides buffers between incompatible land uses or sites;
- 6.1 (h) – minimizes the introduction of pollutants to the environment.

- Section 6.9.1 – “Where nonresidential uses and/or off-street parking facilities abut a residential zone the perimeter shall be screened to provide physical and visual separation between uses.”
- Section 6.9.4 – “All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.”

Subdivision Regulations

- Section VI (12) – A. Open Space – Natural Features – preservation of natural features and boundaries
 - B. Buffer Strips – vegetative buffer to provide screening where non-residential development abuts a residential zone.

Should you have any questions, please feel free to contact me.

Sincerely,
Eric B. Eby, P.E.
Parking and Transportation Engineer

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

3
4 That a new provision entitled Chapter 7, VEHICLES, TRAFFIC AND PARKING,
5 Article XIX SHARED ACTIVE TRANSPORTATION be added to the Ordinances of the
6 City of Portsmouth to read as follows:
7

8
9 **ARTICLE XIX – SHARED ACTIVE TRANSPORTATION**

10
11 **Section 7.1901: PURPOSE**

12
13 The purpose of this ordinance is to deal with the emerging concept of Shared Active
14 Transportation in which various types of small, wheeled vehicles such as electric
15 scooters and bicycles are made available specifically for shared-use by the public. In
16 particular, this ordinance is adopted to protect against the public safety hazards and
17 visual distractions created by the indiscriminate placement of vehicles utilized in Shared
18 Active Transportation on the streets, sidewalks and public areas of the City.
19

20
21 **Section 7.1902: SHARED ACTIVE TRANSPORTATION**

22
23 For the purpose of this ordinance Shared Active Transportation shall refer to the
24 concept by which various types of small, wheeled vehicles are made available for
25 shared-use by the general public by a Shared Active Transportation Provider. The
26 vehicles used in Shared Active Transportation (shared vehicles) may include, but shall
27 not be limited to bicycles, e-bicycles, scooters and e-scooters. Excluded are vehicles
28 subject to registration by the State of New Hampshire Department of Motor Vehicles.
29

30
31 **Section 7. 1903: PARKING OF UNATTENDED SHARED VEHICLES**

32
33 Unattended shared vehicles may only be parked on streets, sidewalks or other City
34 property in the following areas:
35

- 36 a. Areas specifically designated and marked by the City for the parking of
37 shared vehicles, such as bike corrals, bike racks, or other locations that
38 are designated by the City for parking of shared vehicles.
39
40 b. Areas in which a Shared Active Transportation Provider has received a
41 license from the City Council pursuant to the processes for the creation of
42 sidewalk encumbrances for the purpose of parking shared vehicles.
43
44 c. Areas authorized by written contract with the City of Portsmouth.
45
46

47 **Section 7.1904: ENFORCEMENT**

48
49 If any shared vehicle is found unattended in violation of the provisions of this ordinance
50 by any City official, then;

- 51
- 52 a. If the vehicle has identification indicating the owner of the vehicle and has
53 a telephone number or an e-mail address for that owner, then the owner
54 shall be contacted and given two (2) hours to properly park the vehicle.
55
 - 56 b. If the vehicle does not contain the ownership information described above,
57 or if two (2) hours has passed since the owner has been notified that the
58 vehicle is improperly parked, then the City shall remove the shared vehicle
59 from the street, sidewalk or other location of improper parking and secure
60 the vehicle in a location to be determined by the City.
61
 - 62 c. If a shared vehicle is left unattended in a manner which blocks pedestrian
63 or vehicle passage on a sidewalk or street or otherwise creates a public
64 safety hazard it shall be removed immediately.
65
 - 66 d. Whenever a shared vehicle has been removed from the street, sidewalk or
67 public areas by the City it shall not be returned to the owner unless or
68 until:
69
 - 70 i. The owner has provided satisfactory proof that the person
71 making that request actually owns the shared vehicle; and
72
 - 73 ii. The owner has paid a fee to the City in compensation for the
74 removal of the shared vehicle, as adopted by the City
75 Council during the annual budget process.
76
 - 77 e. Any shared vehicle that has been removed from the street, sidewalk or
78 other public area in the City and not redeemed as allowed by this
79 ordinance within thirty (30) days shall be disposed of by the City without
80 compensation to the owner.
81

82 **Section 7.1905: APPEAL**

83
84
85 Any determination made by any City official in connection with the enforcement of this
86 ordinance may be appealed to the Parking Clerk who shall have the authority to make a
87 final determination with respect to the issue being appealed.
88
89
90
91
92

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

95
96 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

97
98 This ordinance shall take effect upon its passage.

99
100 APPROVED:

101
102 _____
103 Jack Blalock, Mayor
104

105
106
107 ADOPTED BY COUNCIL ON _____, 2018:

108
109 _____
110 Kelli L. Barnaby, City Clerk
111

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

3
4 That Chapter 14, Article II, Section 14.2 - DEMOLITION of the Ordinances of the
5 City of Portsmouth be amended to read as follows (deletions from existing language
6 ~~stricken in red~~; additions to existing language **bolded in red**; remaining language
7 unchanged from existing):
8

9
10 **Section 14.201 PURPOSE**

11
12 The purpose of this Article is to encourage the preservation of buildings and places of
13 historic, architectural and community value.
14

15
16 **Section 14.202 DEFINITIONS**

17
18 As used in this Article, the following words or phrases shall have the meanings set forth
19 below, except when the context requires a different meaning.
20

21 Demolition: Razing or destruction, entirely or in part, of a building or structure, whether
22 or not reconstruction is planned after demolition, or removal of a building or structure in
23 whole or in part from its present location. For the purpose of this Article, demolition shall
24 not include (a) interior demolition that does not affect the exterior of the building or
25 structure, or (b) work necessary to repair or replace exterior finishes such as roofing,
26 siding, trim or windows.
27

28 Demolition Review Committee: A committee appointed by the City Council and
29 comprised of five members as follows: one member of the Historic District Commission,
30 one member of the Planning Board, one member of the Portsmouth Historical Society,
31 the Chief Building Inspector or his/her designee, and the Planning Director or his/her
32 designee. Representatives of the Historic District Commission and Planning Board shall
33 be appointed annually or as necessary.
34

35 **Code Official: As defined in the zoning ordinance.**
36
37

38 **Section 14.203 APPLICABILITY**

39
40 The requirements of this Article shall apply to any demolition except:
41

- 42 (1) Demolition of a building or structure that has been granted a Certificate of
43 Approval by the Historic District Commission; or **has been approved for**
44 **demolition in association with a project approved, following a public**
45 **hearing, by either the Planning Board or the Board of Adjustment.**
46

47 (2) Demolition of any “dangerous building” that has been ordered to be
48 demolished pursuant to Chapter 14, Article I, Section 14.109(C).

49
50 (3) **Minor demolition projects, as determined by the Code Official, that**
51 **are not located in the Historic District, including but not limited to**
52 **chimneys, decks, porches, steps or other similar design features.**

53
54 (4) **Removal of partial roof components for vertical expansion such as**
55 **dormers or skylights on structures that are not located in the**
56 **Historic District.**

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58
59 **Section 14.204: APPLICATION AND NOTICE**

60
61 A. **APPLICATION:** Prior to the commencement of any demolition, the owner(s),
62 contractor, or agent (hereinafter Applicant) must (a) submit a completed
63 Demolition Permit Application (hereinafter Application) to the Inspection
64 Department, (b) post a sign or signs as required by paragraph B below, and (c)
65 publish a legal notice as required by paragraph B below. **Such Application shall**
66 **include a Demolition Plan that includes a scaled site plan showing the**
67 **location of the building(s) and photographs of the existing structure(s) and,**
68 **if applicable, elevations of the proposed structure(s).**

69
70 B. **SIGNAGE:** The applicant shall post one or more signs on the building to be
71 demolished, or on the lot where such building is located, so as to be clearly
72 visible from all public ways. In the event that visibility at the building’s location
73 would be hindered in such a manner as to obstruct notice of the sign, the
74 applicant will be required to post a sufficient number of signs as to insure clear
75 visibility. Said sign(s) shall be provided by the Inspection Department at the time
76 of application for the Permit.

77
78 **C. LEGAL NOTICE:**

79
80 (1) If the building to be demolished was constructed more than 50 years prior
81 to the date of application and the area to be demolished (building footprint
82 or gross floor area) is greater than 500 square feet, the **legal** notice shall
83 read as follows:

84
85 NOTICE

86
87 An application has been submitted to demolish **theis** building (or a portion thereof)
88 **located at _____**. Further information about the proposed
89 demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue,
90 Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a
91 written objection with the Inspection Department at the above address.
92

93 If no written objection is received in the Inspection Department within 30 days from the
94 date of this notice, the Demolition Permit will be issued. If a written objection is received
95 within said period, the Demolition Review Committee will hold a public hearing on the
96 matter within 75 days from the date of this notice. Notice of the public hearing will be
97 published in a newspaper of general circulation, posted on the City's website, and given
98 to all parties who have filed objections to the proposed demolition.

99
100 Date of this Notice: _____

- 101
102 (2) If the building to be demolished was constructed 50 years or less prior to
103 the date of application, or the area to be demolished (building footprint or
104 gross floor area) is 500 square feet or less, the **legal** notice shall read as
105 follows:
106
107

108
109 NOTICE

110
111 An application has been submitted to demolish ~~theis~~ building (or a portion thereof)
112 **located at** _____. Further information about the proposed
113 demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue,
114 Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a
115 written objection with the Inspection Department at the above address.
116

117 If no written objection is received in the Inspection Department within 30 days from the
118 date of this notice, the Demolition Permit will be issued. If a written objection is received
119 within said period, the Inspector may order an additional delay in issuing the Demolition
120 Permit, up to a maximum of 90 days from the date of this notice.
121

122 Date of this Notice: _____

- 123
124 (3) In either case, the required sign(s) shall remain posted until the Inspection
125 Department has issued a demolition permit.
126

127 **DG. PUBLICATION:** The applicant shall, within seven (7) days of submitting an
128 Application, have published **the required** a legal notice in a newspaper of
129 general circulation in Portsmouth. All costs which are incurred for publication of
130 the legal notice are to be paid by the applicant who also will provide copies of the
131 published legal notice to the Inspection Department prior to the expiration of the
132 thirty (30) day period contained in the legal notice. The legal notice shall include
133 the wording required by Section 14.204.**CB** (1) or (2), as applicable, and shall
134 also contain the address and description of the building or structure to be
135 demolished and the name and address of the applicant.
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139 **Section 14.205: PROCEDURE**

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- A. If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the following procedure shall be followed:
- (1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied and the demolition may proceed.
 - (2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall have fifteen (15) days to notify the applicant in writing that the **Demolition Plan** must be reviewed by the Demolition Review Committee (**hereinafter Committee**) before proceeding and forward the application to each member of the ~~Demolition Review~~ Committee.
 - (a) The ~~Demolition Review~~ Committee shall schedule a public hearing within thirty (30) days of notification from the Building Inspector. Notice of the public hearing shall be given to all parties who have filed objections, posted in two public places and on the City’s website, and published in a newspaper of general circulation at least ten (10) days prior to the hearing, not including the day of the hearing or the day of posting.
 - (b) The ~~Demolition Review~~ Committee shall hear all public testimony on the building’s significance. The owner or the owner’s representative shall be invited to attend the hearing.
 - (c) At the conclusion of the hearing, the ~~Demolition Review~~ Committee shall determine that the building is “significant” or “not significant” based on whether the building is of such historic, architectural or **community-cultural** value that its removal would be to the detriment of the public interest.
 - (d) If the Committee finds the building is “not significant,” no further review is required.
 - (e) If the Committee finds the building is “significant,” the following steps shall be taken:
 - (i) The Committee shall hold a meeting with the owner or owner’s representative within fifteen (15) days, or at the applicant’s earliest convenience, to discuss alternatives to

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the proposed Demolition Plan. Public comment shall be accepted by the Committee at the meeting.

- (ii) ~~After the meeting provided for in paragraph (i) above, if no alternatives to demolition have been identified and agreed to by the applicant, and if the applicant agrees, the applicant shall submit basic measured drawings of the building (plan and elevations) as determined by the Demolition Review Committee. In addition, if the applicant agrees, the Committee shall document the building photographically. The applicant shall also be encouraged to salvage significant architectural features identified by the Committee.~~

After the meeting provided for in paragraph (i) above, the Committee shall:

- a. **Approve the Application as submitted; or**
- b. **Approve any alternatives to the Demolition Plan which have been agreed to by the applicant; or,**
- c. **Determine to delay the issuance of the demolition permit for up to the maximum time period allowed by this ordinance.**

- (iii) Following the completion of documentation ~~and (if applicable) salvage~~ as set forth in (ii) above, no further review is required.

B. If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the following procedure shall be followed:

- (1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied.
- (2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall order an additional delay period, not to exceed sixty (60) days from the date of receipt of the written objection(s) **in instances where a significant building site, or life safety condition is presented in the objection.** However, in no event shall the delay period ordered by the Building Inspector exceed ninety (90) days from date of notice.

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Section 14.206: DEMOLITION PERMIT

Upon completion of the procedure outlined in Section 14.205, the Building Inspector shall issue a Demolition Permit after the expiration of any delay period ordered pursuant to Section 14.205.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL ON _____, 2018:

Kelli L. Barnaby, City Clerk

FINANCE DEPARTMENT



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Judie Belanger, Director of Finance and Administration
DATE: September 20, 2018
RE: Moose License Plate Conservation Grant

The Finance Department is pleased to announce that the City of Portsmouth has been awarded one of the FY2018/2019 Moose License Plate Conservation Grants in the amount of \$9,535 for the conservation project *Preservation, Microfilming and Digitation of Five Portsmouth Historic Overseer of the Poor Documents Dated 1812 to 1868*. These monies will help preserve legally required and historically significant documents held by the Finance Department that initially were intended to be financed through the City's Capital Improvement Program.

The New Hampshire State Library's (NHSL) FY2018/2019 Conservation License Plate Grant Program is designed to help municipalities as well as other public organizations preserve their historic documents. The NHSL Grant awards up to \$10,000 to applicants to conserve publicly owned documents. The program aims to aid in the preservation of New Hampshire's historic manuscripts as well as increase their availability to the public. The Grant requires that these documents not only be professionally preserved but also scanned to preservation microfilm as well as digitized.

This is the second Moose License Plate Conservation Grant the City has been awarded. The City received a grant in the amount of \$9,966 last year and utilized it to restore seven historic documents dating 1800-1888.

Pursuant to City Charter, please place on the October 1st City Council Agenda under Grants/Donations for approval.

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

SEP 26 2018

CITY MANAGER
PORTSMOUTH, NH

DATE: SEPTEMBER 26th, 2018
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOSEPH ONOSKO, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: GRANT AND DONATIONS

At the September 25th, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant award:

- i. Dept. of Homeland Security Prospective Grant Award -- *The terms of this grant require approval pending funding.* The Portsmouth Police Dept. has been *prospectively* awarded \$69,638 for a UAS – an unmanned aerial surveillance vehicle. No actual work or preparatory work may begin for this project until the official award notice is received by the Department and all the pre-award criteria are met. Prospective approval of the award is part of the pre-award criteria.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting. We respectfully request this item be placed on the City Council meeting agenda for the October 1st, 2018 regular City Council meeting.

Respectfully submitted,


Kathleen M. Levesque
Office of the Chief

Attachments: Award Notice of Prospective Award

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

State of New Hampshire



JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

RICHARD C. BAILEY, JR.
ROBERT L. QUINN
ASSISTANT COMMISSIONERS

DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

Tel: (603) 223-3889
Speech/Hearing Impaired
TDD Access Relay NH 1-800-735-2964

September 17, 2018

Robert Merner, Chief
Portsmouth Police Department
3 Junkins Ave
Portsmouth, NH 03801

Re: Prospective 2018 Homeland Security Grant Program Competitive award. Contingent upon receipt of US Department of Homeland Security approval of this specific award as per FEMA/DHS Information Bulletin 426 and Presidential Executive Order 13809 dated 8/28/17. Federal Homeland Security Funds NOT anticipated to be awarded to the prime awardees until approximately October 10, 2018.

Dear Chief Merner,

It is my pleasure to inform you that upon review of your 2018 Homeland Security Competitive Grant application by the Homeland Security Grant Review Committee that the Portsmouth Police Department has been **FROSPECTIVELY** awarded \$69,632.00 for an unmanned aerial surveillance vehicle (UAS). These funds are anticipated to be awarded under the State Homeland Security Program (SHSP) portion of the 2018 Homeland Security Grant program (HSGP) by September 2018. The State of NH Department of Safety filed a statewide application in late June 2018 and included this project for review by DHS/FEMA headquarters as is required by the current DHS process. Due to additional conditions on this type of equipment promulgated as outlined above this purchase will need additional approvals from DHS headquarters after the award has been accepted at your level and additional information as prescribed by DHS is secured from the City of Portsmouth police department. We will work with you to facilitate this process.

Your grant was for the purchase of an unmanned aerial surveillance vehicle commonly known as a "drone" as described in your application. Please remember: **DO NOT fund** a local level budget for this project at this time, this was noted in a preliminary notice email to you on June 15, 2018. It is critical to insure that the grant awarded does not supplant local funds for this project already budgeted. Additionally no actual work or preparatory work may begin for this project until the official award notice is received by you from this office and all the pre-award criteria are met.

We will plan to officially issue award documents to your agency through the normal grant agreement process by October 10, 2018 or sooner. These grant awards are subject to federal program requirements and other specific special conditions applicable to your award. You will have an opportunity to review these at the time of award.

Additional information is also available at <http://www.nh.gov/safety/homeland/index.html>. We, at the Department of Safety, look forward to this opportunity to work diligently with local first responders, public safety officials, and other local and state officials and agencies to prepare and protect our citizens. It is our hope that we will never have to apply these skills, or use this equipment; however, we will work together to ensure that our ability to do so will be keen.

Sincerely,


Pamela Urban-Morin
Grants Administrator

Cc: Karen Senecal, Administrative Manager Portsmouth PD

Federal 2018 NH Department of Safety - Grants Management Unit Grant Application

CFDA #97.067 - DUE December 20, 2017 noon to: HomelandGrants@dos.nh.gov

Lead Applicant Agency

Partnering Cities/Countries/Agencies

*Please note schools may not apply in 2018

Organization: DUNS #

Proposal Information: Is this a continuation of a Homeland Security Grant?
 If you answered yes, please identify the previous project title and amount below.

Previous Project Title: Amount:

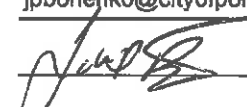
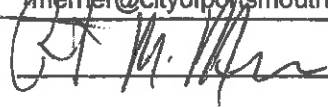

Is this a construction project? Describe: (tower, fence, repeater, etc.)

Current Project Title: Amount Requested:

- Please check the Investment Justification which best describes your project:
- Special Team and or Special Response Enhancement (WMD/CBRNE)
 - WMD/CBRNE prevention, protection, response, recovery
 - Enhanced Communications
 - Mass Casualty Preparedness

Approvals:

NIMS Compliance (see NIMS requirements attached)	<input type="text" value="Yes"/>	(attach letter of certification)
After Action Report (AAR) recommended this project	<input type="text" value="No"/>	Date(s) of Event/Exercise: <input type="text"/>
NH IAC Infrastructure Analysis recommended this project	<input type="text" value="N/A"/>	(attach document re: certification of assessment)
LEOP priority	<input type="text" value="No"/>	(attach supporting pages from <u>current</u> LEOP)
Communications study & propagation support	<input type="text" value="N/A"/>	(attach documentation to support this)

	Authorizing Official per RSA (Per RSA 31:95b or RSA 37:6)	Project Director/Contact	Financial Officer
Name:	<u>John P. Bohenko</u>	<u>Robert R. Merner</u>	<u>Karen A. Senecal</u>
Title:	<u>City Manager</u>	<u>Chief of Police</u>	<u>Administrative Manager</u>
Address:	<u>1 Junkins Avenue</u>	<u>3 Junkins Avenue</u>	<u>3 Junkins Avenue</u>
City, Zip:	<u>Portsmouth, NH 03801</u>	<u>Portsmouth, NH 03801</u>	<u>Portsmouth, NH 03801</u>
Phone No:	<u>(603) 610-7201</u>	<u>(603) 610-7457</u>	<u>(603) 610-6714</u>
Fax No:	<u>(603) 427-1526</u>	<u>(603) 433-8809</u>	<u>(603) 610-7416</u>
Email:	<u>jbohenko@cityofportsmouth.com</u>	<u>rmerner@cityofportsmouth.com</u>	<u>ksenecal@cityofportsmouth.com</u>
Original Signatures			

2018 Competitive Application must be completed in full for consideration.

**NH Department of Safety - Grants Management Unit
FY 2018 Homeland Security Grant
Application**

Please address all points in sequence. The NH State Strategy was updated in 2014 and expanded to include a wider reach into First Responder mission areas and is approved to support the preparedness, prevention, protection and recovery needs of NH's PRIMARY First Responders. 2018 Priorities support the National Preparedness System (NPS) in order to achieve the national preparedness goal (NPG). See: <https://www.fema.gov/national-preparedness-goal>. HSGP allowable costs support efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas. Responses should include all jurisdictions participating in the applications. You **MUST** use this fillable form - Do not use separate sheets for narrative sections. Only attach the required attachments not the narrative.

SECTION I: STRATEGY

Describe your problem and solution by answering each question below using 2,000 characters or less:

A. Describe your Scope of Work in 30 words or less.

Attain drone and training drones to enhance public safety capabilities during large scale public events, high risk critical incidents, protection of critical infrastructure and during uncover operations and investigations.

B. Describe how this project prevents a threatened or an actual act of terrorism including how it protects citizens, residents, visitors, and assets. Per DHS Guidance, all projects must assist in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

Portsmouth is a tourist destination with numerous large scale events that can draw over 100K people, a mecca for public protests, a rally point for presidential candidates, and home to multiple critical infrastructure. Portsmouth is also across the river from the Portsmouth Naval Shipyard, within a 10 mile radius of Seabrook Nuclear Plant and provides mutual aide to numerous towns in Rockingham County and outside the county to include Durham, which houses the University of NH.

The arrival of Chief Merner in June 2017 provided New Hampshire's seacoast with a human asset. He was a Commander on the Boston Police force the day of the Boston Marathon bombing and was instrumental in the capture of Dzhokhar Tsarnaev. His tenure in Seattle, Washington encompassed large scale event control as well. The benefit of his firsthand knowledge and experience in prevention, preparedness, and protection of Portsmouth and the surrounding towns for planned and unplanned events is invaluable.

Ex: Planning for Portsmouth's annual Halloween parade, an event that draws thousands of participants and spectators was one of the events prevention tactics were modified. The chief added large scale Public Works assets at road entries to prevent cars driving into the crowd and commissioned the "jack tower" owned by the University of NH. Although the tower is tremendous asset, it is a stationary unit. Given the traffic of people on foot, on multiple streets, the agility and capability of a drone before and during an event such as this would have provided significantly more protection capabilities to command staff.

A drone has high resolution, real-time video and recording capabilities that provide a 400ft+ high/3-mile view that can be used to detect suspects and threats. This technology would vastly improve protection at seacoast events, SERT call-outs, and protection of critical infrastructure. The mapping capabilities for planning purposes or searches are un-paralleled.

C. Describe how this project improves your ability to respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident? Give a detailed description and focus on timely restoration of assets.

A drone is an agile asset and a force multiplier at a catastrophic incident.

If acquired, the drone would be pre-deployed to map things like schools and public buildings in 3D models for access and egress points. These could be used in multiple area response plans. During a live event, a deployed drone's optic capabilities allows an operator/command staff to scan and zoom in on the disturbance and surrounding area, providing valuable information that might not be able to be seen in totality by those on the ground. The information provided to all public safety, medical, and city/town/state personnel for the best placement of assets, in real time, would ultimately save lives and protect property from further threats, and target where the most important repairs need to be made to restore primary services, if damaged.

A drone's recording capabilities would not only provide footage of an event for any prosecution of perpetrators, but also provide valuable information before, during, and in the aftermath of an event for use in an after-action evaluation to improve future responses. The video and report could be used as a training tool for NH agencies and across the country, if deemed valuable.

D. Per DHS/FEMA, proposed projects must either: 1) support sustainment of existing core capabilities (see Core Capabilities document) or 2) address gaps as identified in the most recent State Preparedness Report (see State Preparedness Report) via NH DOS HSEM or in NH State Strategy (synopsis attached). Identify how your project will address either 1) or 2) described above and explain how. If this is a new capability please explain why it is necessary.

The Portsmouth drone project addresses several NH State Strategy Goals and Objectives.

Goal #1

- Utilizing the 3D mapping capabilities of the drone, enhanced safety and response plans can be devised for buildings such as schools and enhance preparedness and resiliency of the Seacoast area assets and beyond.
- Distribution of information to the area and state agencies from a deployed drone can improve coordination and decision making capabilities of decision makers so the public can be informed and directed what to do during an event.

Goal #2

- Live optics from a drone can be streamed to other agencies given permissions. This can be invaluable in the event a catastrophic incident happens. Information, especially visuals, can be key to a response on the local or state level.

Goal #3

- Primarily, a drone can improve protective measures of the critical infrastructure physical site by not only the 3D mapping capabilities to assist with site security and target hardening, but performing surveillance should a potential threat be identified.
- A drone can also be instrumental in the security of supply chains integrity by assessing any potential threats along a delivery route

Goal #4

- With the streaming capabilities of a drone's site line and the ability of a drone at 400ft to zone in on a face or a car with extreme clarity it would greatly enhance the agency and state's capability and ability to act.
- Surveillance done at 400ft is/almost virtually undetectable. The capability of this unit would greatly enhance interdiction and disruption capabilities of any approved operation it was deployed in

Goal #5

- Specific shipping lanes and transportation routes can be monitored in a wide angle or targeted area should a threat be identified.
- A drone can be pivotal and a force multiplier in Mass Search and Rescue operations. A drone can cover a significant amount of land and with the mapping component identify covered area and area still to search.

E. Identify who benefits from this investment or project [fire or police department(s), one county, multiple counties, etc.] and describe how. Attach letters of support from partnering agencies.

- Both the Police and Fire department benefit on a local level, as does Public Works as they are responsible for ensuring several city critical infrastructure are functioning, like Water and Sewer.
- All 14 agencies in the Seacoast Emergency Response Team will benefit as they will have access to a drone asset be deployed upon request at a high risk critical incident.
- Portsmouth works with the majority of the cities/towns in Rockingham County who have requested a mutual aid agreement. However, members of the department have been deployed where staffing has been needed, regardless of the location in the state and beyond. The same would hold true with this asset. Case in point, we work closely with the University of NH in Strafford County. We augment their staff during their events and they have deployed their jack tower at two of our events this year.
- It is to be expected, with a drone asset, which includes the trained officer(s) and equipment, a call to deploy may come from anywhere in the state until such time a program is set up in each county. Our SERT team has been deployed, as needed, in various parts of the state, and even out of state. The same is expected to apply to NH's needs with regard to the drone.

F. Explain any previous grant experience you have had, how many years, types of projects, size of awards, etc.

The Portsmouth Police Department has managed Federal, State and Local grants for at least TWO DECADES. A federal audit of one of our COPS grants took place in 2001, which we passed. At that time, we developed a Portsmouth Police Department Grants Management Guide detailing financial controls. This guide is updated each year to comply with the applicable section of the DOJ Financial Guide. We adhere to this guide for most of our external funding, whether a direct award from the federal government, a sub-grant through the state, or even a local donation.

Portsmouth has an accounting system set up to separately track expenditures and reimbursement revenue separately per grant. Every year, as part of the city's overall annual audit required by city ordinance, the federal programs are audited per Government Auditing Standards to include the 2 U.S. Code of Feral Regulations Part 200, Uniform Administrative Requirements: Cost Principles, and Audit Requirements for Federal Awards. These audits are posted on the city's website under the Finance Department.

MOST RECENT Grants received: NH Department of Safety: Law Enforcement Terrorism Prevention (2nd grant) \$ 9,225, Opioid Reduction-Granite Hammer (2nd Year) \$32,000, Sobriety Check Point \$7,427, Pedestrian and Bike \$ 6,157, Step Enforcement \$15,940, DWI Patrols \$14,547, Distracted Driving \$7,157, NH DOJ Victims Against Women (~20yrs) \$30,000, U.S. DOJ Internet Crimes Against Children (~20yrs of awards) \$264,256 and Bulletproof Vest Program (~20yrs) \$5,110.

G. Describe the long-term approach to sustaining and maintaining the capabilities created or enhanced by this project using local funds.

The Portsmouth Police Department will put the drone vehicle on its "rolling stock" program and put it into the rotation for replacement once it has been received and the "life cycle" of the vehicle is determined.

The drone will come with a warranty, which will allow time to add the additional costs for maintenance and upkeep into the regular maintenance cycle in the allocated budget. Batteries will also be added to the appropriate line item as those will have to be replaced more often.

The department, once initial training is completed, will absorb weekly/monthly training hour costs.

Depending on the number of call-outs required per year outside Portsmouth and SERT calls, the department may need to set up a fee schedule to cover the cost associated with the officer's time away from regular duties here. However, that will be determined based upon the impact to the department, which can't be determined at this time.

I. The DHS Grant Guidance emphasizes a priority of "Whole Community" preparedness. For more information, please refer to <http://www.fema.gov/national-preparedness/whole-community>. Aligns with DHS/FEMA recommendations.

1. Describe how this project will ensure that your response and recovery actions are driven by the actual needs of the entire affected community and the conditions on the ground, including population demographics and geographic location and advocate on behalf of youth, older adults, and individuals with disabilities and other access and functional needs, socio-economic factors, and cultural diversity.

As outlined in a previous section, Portsmouth is a destination city for its seacoast location, historical value, arts and culture, plus shopping and restaurants. If you couple that with high attendance events, road races, political rallies, protests and parades of varying subject matter from LBGTQ events to free speech and womens rights, major growth in construction of hotels, apartments/condos, and businesses, home to multiple critical infrastructure, the center of the I-95/Route 16/Route 1 "spoke of NH/MA/ME, an active port and airport, plus proximity to the Seabrook Nuclear Plant, Portsmouth Naval Shipyard, towns with high beach populations, and UNH, Portsmouth and its surrounding communities reflect an area of NH that could benefit greatly from the tremendous value of a drone program.

Portsmouth resident community is 21,000 and growing. The daily influx for the work population expands this number by an estimated 45,000 and during much of the spring/summer/fall seasons each year, with over a 100 events , the population expands up to and over 100,000 people at any given time. Several of our SERT communities also experience similar population expansions, for example those with beaches.

This program would benefit youth, the elder community, those with disabilities, and culturally diverse communities in similar ways. Advocacy would come in the form of the added value this program would have in the protection of these individuals. Primarily in school, elder, low income, and disabled housing and the safety and emergency response to incidents at these locations and public events.

SECTION II: PROJECT

Please answer the following using 1,000 characters or less:

- a) Will this investment include DHS/FEMA approved training? When? What?

The preferred training would be authorized from either FEMA or DHS. In the absence of available training for law enforcement personnel from an approved list of vendors, the PPD will seek out recommendations from current NH and law enforcement agencies who currently have drones or the best training.

FEMA doesn't currently list any current training for drones on their site.

DHS doesn't currently list any current training opportunities either. We found an RFP where DHS was seeing Drone Training for U.S. Law Enforcement Personnel in September 2016. However, that is all we could locate on that topic.

We did locate a training on 2/13/18 in Concord, but it doesn't state if DHS or FEMA approved.

Given the newness of this initiative in NH, we are positive training for law enforcement will increase in New England.

- b) Will this investment include DHS/FEMA approved exercises? If your project exceeds \$100K – you must implement an exercise in connection with the project. When?

If there are DHS/FEMA approved exercises, the department will review and if financially feasible, design, submit for reviewed, and carryout.

- c) Select from the drop down list the Core Capability Mission Area that is supported by this project (tie to IE above).

Protection

- d) Select from the drop down list the Core Capability that is supported by this project.

On-Scene Security and Protection

- c) Select from the drop down list the State Strategy Goal that supports this investment. See attached State Strategy Executive Summary.

Goal 4

- f) Does the requested equipment replace any existing inventory? If so, list and describe.

No

- g) Does this project reduce State-listed critical infrastructure and soft target explosive attack vulnerabilities, or if communications, do you hold the frequency (NH DOS HSEM maintains this list, contact your local field representative for information)? If so, please describe.

Portsmouth alone has numerous critical infrastructure covering every category. Where this grant will include 13 other communities, the list multiplies.

Initial use of the drone will be to improve preparedness by 3D mapping prioritized high risk targets for response plans. This will be an ongoing project.

In addition, as high population events are scheduled, evaluations will be completed with the drone, followed by deployment plans and actual use to increase protection and reduce the vulnerabilities of an attack.

Surveillance of stationary critical infrastructure can be completed when threats are identified or at the request of the target or the state.

This asset will be one more proactive tool to increase safety and reduce threats to our city, county, and state.

SECTION III: BUDGET

Provide the total estimated cost to implement this project by completing the **Budget Sheet (attached)**. In addition:

- Please coordinate the request with your equipment page and attach the AEL item description for each category of equipment requested. See: <http://www.fema.gov/preparedness-non-disaster-grants>
- If the AEL Equipment Category requested requires an EHP approval, once your grant is approved by Grant Committee and DOS, you will be provided with the specifics of the information gathering that the process entails. This will then become part of your official grant file.
- Provide the proposed funding amount that is expected to be obligated towards Law Enforcement. Law Enforcement Funding Amount: \$ 69,638.00
- Provide the proposed **direct local funds** that are expected to be obligated to this project. Additional local project dollars are greatly appreciated, but projects with local assets will not receive any bonus points. Local Funding Amount: \$ 20,000.00

SECTION IV: MANAGEMENT

Identify up to ten milestones, with start and end dates, which will be achieved within the period of performance (approximate). For planning purposes all projects **MUST BE** completed within 36 months from official notice to proceed from NH DOS with all reimbursements completed within 45 days of grant end date for 2021. Per DHS/FEMA, you **MUST** list a minimum of four (4) milestones.

Milestone Number	Milestone Name	Start Date (mm/dd/yyyy)	End Date (mm/dd/yyyy)
1	Acquire FAA COA for City of Portsmouth	03/01/2018	07/01/2018
2	Conduct oral boards for Drone Team	03/01/2018	06/30/2018
3	Bid Drone and peripherals	03/01/2018	05/31/2018
4	Schedule Training	07/01/2018	10/01/2018
5	Implement program in Portsmouth	10/01/2018	06/30/2020
6	Set up a COA for SERT communities	03/01/2019	07/01/2019
7	Train four SERT members to use asset	07/01/2019	12/31/2019
8	Implement in SERT Communities	01/01/2020	06/30/2020
9	Set up a "Working Drone" training group with Mission/Goals/Objectives	07/01/2020	03/31/2021
10			

SECTION V: ATTACHMENTS
(Use as many pages as necessary for this section)

Section V.A. – Attachments – Required

- Signed Cover Page
- Signed Grant Terms and Conditions (see attachment). The attached conditions are for the 2017 grant. If this project is awarded, updated 2018 Conditions will be included with your award letter depending on year that is awarded. The Department of Safety does not currently have these.
- City or Town resolution, if required.
- Budget Sheet (See attachment)
- AEL Information Sheet(s)
- Partnering agency letters of commitment
- Documented assessments to support request
- NIMS certification letter of compliance. See attached NIMS requirements.

Section V.B. – Attachments – Additional Supporting Documents

If the uniqueness of your project has not been captured from the questions above and you would like to provide any additional relevant information, please insert additional narrative or labeled graphic attachments.

Section V.C. – Attachments – Environmental Documents: To be supplied AFTER this project is approved by the Homeland Security Grant Committee and by the Department of Safety – Grants Management Unit. This also requires DHS/FEMA approval before beginning the project. This will THEN become an addendum to your official application.

FYI: Projects involving communication towers (including the placement of equipment on an existing building or tower), physical security enhancements, new construction, renovation, and modifications to buildings and structures that are 50 years old or older require an environmental review. The following documents must be provided upon approval of your application by DOS:

1. A formal written request for construction with all the essential elements and information mentioned in the FEMA Information Bulletin #329 and subject requirements.
 - Description of the asset or facility, asset location including latitude/longitude, whether the infrastructure is publicly or privately owned, and the construction or renovation project.
 - Certification that a facility vulnerability assessment has been conducted for the facility.
 - An outline addressing how the construction or renovation project will address the identified vulnerabilities from the assessment.
 - Consequences of not implementing the construction or renovation project.
2. Completed National Environmental Policy Act (NEPA) Compliance checklist
3. Completed Environmental Historic Preservation Screening Memo (EHPSM)
4. Maps indicating location(s) of proposed project
 - Topographical / Aerial view Map
 - Floodplain map - (FIRM) map
5. Photographs of the location(s) of proposed project from all directions.
6. For HSGP grants, Pam Urban-Morin is your NEPA/EHP contact: Pamela.Urban-Morin@DOS.NH.GOV.

September 21, 2018

City Manager
John Bohenko
1 Junkins Avenue
Portsmouth New Hampshire 03801

Dear Mr. Bohenko,

On behalf of the Scarecrows of the Port Committee, I am writing to request permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area.

We would like to ask for approval to continue the tradition with placing the Scarecrows of the Port in Downtown Portsmouth for the 11th season. We remain a small committee of volunteers who are happy to continue the work to put up and take down the scarecrows for the community and tourists to enjoy.

The City of Portsmouth retailers and different downtown business associations can collaborate to decorate their stores in a festive manner to attract visitors and locals to the downtown.

We are planning to put up 45 scarecrows in the City Property. We would like to erect the scarecrows on Thursday, October 11th and take them down on Saturday, November 3rd. The Scarecrows of the Port Committee volunteers will be responsible for placement and removal.

As always, we appreciate any assistance from DPW. As in the past we will supply you with our insurance coverage information.

Thank you for your continued support, we are very thankful for all you do for our community.

Sincerely,



Laurie A. Mantegari
Committee Member
Scarecrows of the Port

Dear Mr. Bohenko:

I am the Co-president of Twin State Volkssport Assn, which is part of the American Volkssport Association. The AVA is a national walking club. We are requesting to put on a walk with a start a Little Harbor School, on June 9, 2018. This is a Sunday, and the day after Market Square day.

I have been speaking with Lisa Santomango of the Portsmouth School Dept and Ann Sharpe of your office, who advise me that the procedure would be to put this before you as City Manager so it can be brought up at the October 1 meeting. I believe the Little Harbor School would be perfect for us, as our start and finish for the walk.

Our organization holds a convention every two years, and for the first time in its nearly 40 , it will be in New England. The Convention committee is out of Albany NY; they chose Portsmouth as the first walk in their "Walk through History". Our local club already hosts a Portsmouth walk, which is a popular one for us. On June 9, we will have a different route for our convention goers. We are hoping to have 400 or 500 walkers. Some of our walkers will be coming by bus, but many will be in cars. They will be going the next day to a walk in Danvers MA. Many of them will be staying in the area and enjoying Portsmouth that weekend. Besides our club members, this walk will be open to the public as well.

We set up tables where the walkers register, and we have water and snacks for them. They have a window of time to start and finish. It is not a race, and not all people start at the same time. We already have two routes, a 5k and a 10k, devised by our trailmaster, Claudia Cauchon, who is a resident of Newmarket NH. The average walker will be walking for 1 to 2 hours, and returning to the start. There will be a water stop on route.

Our tables will be staffed the entire time of the walk, which may be six to seven hours, say 8 to 3 pm. . We have a crew to tear down and clean up afterwards.

We anticipate having porta potties at the school for our walkers' use.. We know there is a \$50 permit required, and that we should speak with Captain Warchol about police assistance and cost. We know that 1M liability insurance is required.

I have been told my Lisa that we cannot set this up until April through her office, but Ann has explained this is the way to clear the date and get city approval. If approved, I understand you would have another meeting that we may attend by phone to work out further logistics.. My recollection is that I should apply for the permit in January.

If you would like to know more about our parent organization, I invite you to visit the website at AVA.ORG. We tend to have more seniors than young people, although all walkers are welcome. Our motto is "fun, fitness, and friendship."

Thank you for your consideration and assistance in this regard. If there is other information you need to know before the October 1 meeting, I have put three of our Albany committee members in the CC, along with our club's officers. Our regional director is Chris Mellen, also in the CC line. Together we should be able to answer any question you may have.

Yours sincerely,

Carolyn L. Adams, Esq
Co-President of TSVA, Deputy Regional Director, North East Region, AVA
P O Box 151
South Ryegate VT 05069

September 12, 2018

Brittany Adelhardt
144 Echo Ave
Portsmouth, NH 03801
brittanyadelhardt@gmail.com

Jack Blalock
148 Brackett Road
Portsmouth, NH 03801

Dear Mayor Blalock and City Council,

I am formally calling upon your benevolence to hold a charitable walk through the city. I am requesting to host a local fundraising event on behalf of the global campaign, A21, called Walk for Freedom. This is an event that will be taking place all over the world on October 20th, uniting thousands of participants, in an effort to facilitate the end of human trafficking and bring about a change for enslaved humans everywhere. Together we can fight this and I would love to be able to add Portsmouth to the growing voice for freedom.

This is a simple yet powerful event in which we will walk in single-file lines down the local streets, sidewalks, and bridges peacefully holding signs and passing out flyers to help spread the awareness of human trafficking. Together we have the power to bring about change, and I need your help for that.

Details for the event are as follows:

Saturday, October 20th, 2018
11:00AM – 01:00PM
Map of route attached

I respectfully await your response,

Brittany Adelhardt

CITY COUNCIL E-MAILS

September 18, 2018 – September 27, 2018 (9:00 a.m.)

OCTOBER 1, 2018 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by Karin Barndollar (karin.bdollars@gmail.com) on Monday, September 17, 2018 at 15:53:40

address: 120 Ridges Ct, Portsmouth, NH 03801

comments: Dear members of the City Council, I am writing in response to the article and editorial in the Portsmouth Herald regarding the financial fallout to the Arts Festival because of performance cancellations due to rain. It seems, however, that fortunately, because of the foresight of the City Council, the new Master Plan includes a covered stage for the Park. I hope that the City will consider moving forward with the construction of the covered stage as soon as possible. Prescott Park Arts Festival is such a wonderful addition to the Portsmouth arts scene in the summer, and I believe, generates substantial income for the restaurants and businesses in the downtown. I feel that we should do whatever we can as a community to support the organization.

Sincerely
Karin Barndollar

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Nicole LaPierre (nicoleglapierre@hotmail.com) on Wednesday, September 19, 2018 at 07:12:41

address: 44 Rock Street

comments: Dear Council:

I am writing in response to the op-ed entitled "Pilot Permit Parking Program A Bad Idea" that was published September 13th. To my understanding, the parameters of a pilot parking program were not defined by residential property owners. They were put forth by the city and have not been discussed or voted on by city council. An open discussion indeed needs to happen.

Regarding an implied sense of entitlement on the part of property owners and renters, that is a distorted simplification and a distraction from resolution. It does not serve the interest of any invested parties to try to overlook the complexity of the current parking situation. The core issue is we are a growing city with an inadequate parking structure. In recent years, Portsmouth's downtown area has grown exponentially in ways I and other residents could not have predicted or necessarily welcomed. The result is a serious parking problem.

There is also the pending opening of a 5-story 618 space Foundry Place garage which has a price tag of \$26.2 million to the taxpayers of Portsmouth. If the intent was not to encourage people playing or working downtown to park there, what was the \$26.2 million point? Why would anyone pay to park there if there is abutting free parking in a residential neighborhood that is in sight from the garage road? Is that a just or sensible solution for the residents who lived there prior to garage? Please keep in mind its construction was not our decision either.

The status quo and do nothing as suggested will only exacerbate the problem. Every city has its growing pains and we are not immune. Coming to an agreement on a parking program is far more pragmatic than trying to ignore the inevitable.

Nicole LaPierre
44 Rock Street
includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Bill Hamilton (bill@phineasgraphics.com) on Tuesday, September 25, 2018 at 08:48:11

address: 108 Penhallow St.

comments: Dear City Council,

I'm attaching my recent letter to the Portsmouth Herald and would like the city council to respond to me regarding the issues raised. Thank you. Bill Hamilton.

"I attended last night's packed meeting called by the U.S. Post Office at City Hall and was heartened to read your paper's account of the unanimous support of residents, business owners and even members of the city's own Economic Development Commission to keep the Post Office in its current location at the McIntyre building.

The Post Office, unequivocally, wants to stay in the building and the people of Portsmouth, overwhelmingly, want it to stay there. It seems that the only opposition is the City Council itself and the Redgate/Kane maximum-density development team requiring the Post Office to leave during renovations. What's most shocking to me is that throughout the entire preliminary process of the McIntyre project— all of the citizen forums, hearings, etc.—we were constantly reassured that the Post Office would stay. All of a sudden—it has to go! Were we intentionally deceived?

It was made very clear last night that it's too costly and encumbering to expect the Post Office to relocate temporarily and then move back when the project is complete. Therefore, the only solution for the Post Office to remain in its current location is for the City/Redgate/Kane development team to come up with a meaningful, doable, affordable plan for the Post Office to remain there during construction. Councilor Dwyer, citing "hazardous waste" and "asbestos abatement" issues reminded me of the terms "national security" and "weapons of mass destruction" in masking the truth. Although the McIntyre building may have issues, is the Post Office building itself contaminated with hazardous waste and asbestos? And if so, can the clean-up be contained so that the Post Office can continue to operate safely and efficiently? This has been done before, both in Portsmouth and in other cities, as was pointed out many times last night. If this can't be done, then maybe it's time for ye!

t another project revision—this time demanded by the people of Portsmouth and not the federal Historic Monument Program.

The other issue, of course, is the lease agreement after redevelopment of the project. According to David Rouse, real estate specialist for the Post Office, who conducted last night's meeting, "the rent for the new office would triple". Is this what the city means by "public benefit"? By offering the Post Office "reasonable and fair" lease terms, the city isn't "subsidizing" this enterprise, but providing a necessary and essential service. After all, isn't the city collecting zero rent on this property now? So, maybe a little less money—in return for a real public benefit.

I urge everyone concerned about saving the Post Office to express their outrage to the City Council in any way possible—letters, calls, attending meetings— to demand a plan to preserve the Post Office in it's current location.

Otherwise, isn't it just another example of Portsmouth's leadership failing the local citizenry—in favor of tax dollars and tourism."

Bill Hamilton

bill@phineasgraphics.com

108 Penhallow St. Portsmouth, NH 03801

603-436-4402

fax 603-436-1052

Publishers of The Art Guide

includeInRecords: on

Engage: Submit

CITY COUNCIL E-MAILS

E-MAIL RECEIVED ON October 1, 2018

OCTOBER 1, 2018 CITY COUNCIL MEETING'

Updated 10/1/2018 through 3:00 p.m.

Two new messages are below as received

Below is the result of your feedback form. It was submitted by Esther Kennedy (esthersmarina@gmail.com) on Friday, September 28, 2018 at 21:50:53

address: 41 Pickering Ave. Portsmouth NH

comments: Dear City Council and City Manager, Today I came home to a note in my door about city neighborhood parking.

Two weeks ago I came to city council to discuss neighborhood parking during Public Dialog. I was trying to find out how accurate the newspaper article was so I could share the information at the FOSE meeting.

I was told a couple of things at that meeting by Mr Rice and Mr. Bohenko in front of all of you on this topic:

1) I was told I was going to get the minutes of the meeting that discussed parking at traffic and safety. I shared at the FOSE meeting that these minutes were coming and I would share once I received them. This has not happen yet!

2) The city manager shared the city was not moving forward until the garage was finished. I shared this with the FOSE Board.

3) Lastly,I was told that someone would meet with the FOSE Board to clarify the expectations. I called Mr Fletcher and have yet to receive a call back! I shared this with the FOSE Board. .

At this point I feel that I was not given the truth about the time line for neighborhood parking. I tried to be proactive and come forward with the simple. goal to get accurate information from my city to share with the FOSE board.. It seems the city can not provide the truth in public Dialog .

As you know Like many neighborhoods the South End is divided on this topic and this brings concern to my fellow neighbors.

As we move forward I would like to know the given agenda for the 11th. We are hoping we can share this with the neighborhood ahead of time..

I'm also concern with the start time of 6:00 pm being early for many of our neighbors given their work schedules.

Lastly, people have already asked where they can share their thoughts if they can not attend on the 11th.maybe you could inform us.

I hope in the future when a citizen comes forward to find the truth, they will be given the truth by city council during public dialog.

Respectfully submitted,
Esther Kennedy

Engage: Submit

Below is the result of your feedback form. It was submitted by Gerald Duffy (Gduffy44@gmail.com) on Thursday, September 27, 2018 at 15:07:07

address: 428 Pleasant St., Unit 3

comments: Dear City Councillors:

I would like to congratulate the city for implementing the first project of its kind in the state of New Hampshire, as part of the national Safe Routes to School program. This is turning point and a key moment in the city's history of multi-modal transportation. It has required a lot of citizen advocacy, volunteer hours, work from groups like PS21, and a visionary leadership in planning to accomplish this. Not everyone will like the change at first, but I hope we not only stick with the program, but plan to expand it in the future. I have attached below the letter to the Herald I just submitted, that documents some of the test drives and rides I made this week, and some additional background.

Warm regards,
Gerald Duffy

Letter to the Herald:

Dear Harold:

Please consider publishing this letter. Thanks.

Regards,
Gerry

In response to Diane Stradling's letter in the Herald today — "Bike lanes on Middle Street pose a hazard" — I'd like to add a different perspective to this Safe Routes to School project the City has just implemented. I've driven, biked, and walked Portsmouth streets since 1984. For three years, while our son was an infant, we lived right on Middle Street, on the bend near Cass Street. The street was and remained until now one of the most dangerous streets in town, with traffic routinely exceeding 35-40 mph. Crossing the street with a stroller was taking our lives into our hands, even on crosswalks. We moved to a safer neighborhood.

This week, I did a number of test drives — both directions in my car and on my bike — and posted videos on "The (Un)official City of Portsmouth NH" Facebook page to document the experience. Certain things were immediately obvious. 1) Traffic is appreciably slower because the lanes are narrower (though still standard width). Drivers have to focus more and automatically slow down. To Diane's concern, in reality, the reduced speed will likely make the side-street junctions safer: more time to anticipate and react. 2) From the cyclist's perspective, the street is transformed. I have some street cred when it comes to riding. In my 65-year biking career I've ridden in towns, busy cities, quiet villages, wide open spaces, in at least a dozen countries, some of which drive on the left. In the last 35 years I've never

felt safer riding on a Portsmouth street than I did this week when I tried out the new bike safety project for myself.

I've been an advocate of this project for at least two decades and it does my heart good to see it finally come to fruition, thanks to many volunteer hours from many Portsmouth residents, PS21, supportive City Councilors, and the leadership of planning department director, Juliet Walker. Will there be bugs to work out? Of course, when are there not. Will there be some initial confusion? Yes. But if drivers just use sensible caution and their basic safe driving skills during the transition and cyclists remember that they too have to obey the traffic laws (including stopping for lights and stop signs), there's a good chance no one will get seriously hurt and a better chance that a few more kids will ride their bikes to school — which was the whole point — a form a new generation of riders. And so it goes. It's a key moment and turning point in the history of multi-modal transportation in this town. I'm only one resident, but I'm celebrating.

includeInRecords: on

Engage: Submit



September 21, 2018
38 South Street #1
Portsmouth, NH 03801

David Rouse, Real Estate Specialist
United States Post Office 475 L'Enfant SW, Rm 6670
Washington, D. C. 20260-1862

Dear Mr. Rouse,

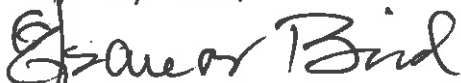
Your visit last night to Portsmouth to hold a public meeting is much appreciated. In the document you provided to attendees you state: "The Postal Service prefers to remain in our current location." Let me reassure you the majority of citizens prefer that the Post Office remain in its current location.

An accommodation should be made by the developer, not the P.O. What is evident now is that the Councilors did not understand the passion of people here and permitted the Developer Redgate/Kane to propose demolishing the East wing (Post Office) and replacing it with another 4- story brick building.

An encouraging statement from Councilor Chris Dwyer reminded the group that when the renovations to the Middle School were made, classes were in session. The Post Office wing could continue to function with proper protection during construction.

The City needs to alter the Contract - it's not too late.

Very Truly Yours,


Eleanor Bird

✓ Cc: Portsmouth City Councilors

Dear City Council of Portsmouth,



I am writing you that you may include my inquiry on your next Council meeting. As a brief introduction, I have recently inherited the position and honor of Co-Chair of the Portsmouth Poet Laureate Program and am currently running The Long Mile writing program at Safe Harbor, in conjunction with Mike Nelson. Last year I had hosted the First Annual Music and Poetry After Hours at Vaughan Mall, with great success. Therefore, I am organizing an outdoor event of acoustic music and poetry, to take place on October 12th, 2017, from 7pm to 930pm, located on the stage at Vaughan Mall. This year will be structured to benefit the local recovery centers.

Expected attendance hovers around 30-50 attendees, with 12 artists/poets to headline. As with last year, we will need to use a small PA/Sound system, With this comes the request to use electrical outlets associated with the space. As before, I fully am open to meeting with the appropriate department representatives.

Lastly, I would like to thank you for your time, consideration and attention. I have included contact info below, should that make communication easier.

Shane Morin

Host

207-294-2905

writestuffnh@gmail.com

SUSAN V. DENENBERG, ESQ.

147 Congress Street, Suite D 1
PO Box 1142
Portsmouth, NH 03802-1142

603-427-5533

September 25, 2018

City Council
Portsmouth, NH 03801

Dear City Counselors,

I am the Moderator of Ward 2 and have worked at the polls for over 20 years. I have been a ballot clerk i.e. the person who takes your name and checks you in. I have been a Selectperson, which is an elected position. The Selectmen assist any voter who needs extra assistance, shows you to the voting booth and does a variety of other needed tasks. I have been the Clerk, who is responsible for overseeing the counting. The Moderator oversees the entire operation, deals with whatever problems crop up, deals with the press, ensures that the election rules and laws are followed, deals with campaign managers and candidates who show up at the polls etc.

I understand a suggestion has been made to extend the polling hours. We traditionally have been open from 8 am until 7 pm. However on the Presidential election, we are usually open from 8 am until 8 pm. Every election differs from the one before as the cycle changes from small off-year elections where we vote for the City Council, to mid-term elections, the Presidential Primary and the Presidential election. For the off-year election, we may have 800 voters. For the mid-term primary, we had 1262 voters. For the mid-term election, we may have 2000 or more voters. For the Presidential Election in 2016, we had more than 3100 voters. As each election has lessor or greater number of voters, depending on whether it is an off year etc., it makes no sense to have the polls open for a longer time for an election such as for city council.

Before you decide to extend the polling hours, I believe you should know what occurs before and after the polls are open. At Ward 2, the Middle School, the voting machine and ballots are delivered at 6 am. The election workers come in at 6 am and start to set up for voting that begins at 8 am. There are substantial tasks that need to be accomplished in 2 hours so that we can open the polls at 8 am and have a smooth running operation. These tasks are not seen by the public nor by the city counselors and so unless you have worked at the polls, you would not know what occurs between the hours of 6 and 8 am. Here is a partial list of what is done: We re-count the ballots so that we can be assured of an accurate count. We need to account at the end of the night for any unused ballots. This is done for the purpose of ensuring fair elections. If we can account for every ballot, then no one can accuse us of election fraud. We put up the signs that are required in the voting booths and around the voting area. We rope off the voting area in accordance with election law. We organize the check-in books and determine how many check-in lines there will be. We set up the table for those people who did not bring an ID or who do not have an ID. A person with no ID can still vote, but there are certain requirements that must be fulfilled. We start the voting machine and do a test to show that it is working

correctly. Voting booths, tables and chairs may be moved to be more convenient and accessible to voters. All of the election workers sign in and obtain name tags. We spend some time going over the training and the proper way to greet voters and the protocol for each voter. We go over the rules about new voters and registration. We go over any new quirks in the law and what has changed since the last election.

At the end of the night, when the polls close at 7 pm, there are substantial tasks that the election workers do. The tape from the voting machine is run, making 3 copies. The election results are read to anyone who remains within the area, mainly volunteers from campaigns and journalists. There are some ballots that are not read by the machine and they need to be hand-counted. All write-in votes must be counted separately. So if there are 10 different offices, there will probably be write-in votes for all 10 offices. This takes substantial time to count the write-in votes. There are tally sheets that must be completed for each office. These forms are done in duplicate by hand. We are often comparing the numbers who voted according to the machine to the numbers who voted according to the check-in list. This is done in order to ensure that we have fair elections and so that no one can accuse us of voter fraud. There is a general clean up, taking down signs etc. There are specific ways that election materials need to be put together in accordance with the law. Once we are finished with these tasks, then the Clerk and Moderator go to City Hall for a double-check on the results and to assure that the count is correct. In the election on September 11, we completed these tasks at about 9:40 pm. So any worker who came in at 6 am and worked until 9:40 pm put in a 15 ½ hour day.

On September 11, the Clerk, William Tucker and I completed our tasks at City Hall and I was home at 10:45 pm. So the Moderator and Clerk worked a little less than 17 hours. During a Presidential year of the Presidential Primary, we may be completing our tasks at midnight or 2 or 3 am.

Before you consider changing the polling hours, I suggest that you come work the full day at our Ward or at whatever Ward you live in. Based on twenty plus years experience at the polls, I believe we should keep the polls open 8 am to 7 pm on all elections, except for the Presidential Primary and the Presidential election when they should be open from 8 am until 8 pm.

By the way, you may want to consider raising the rates that you pay the election workers, considering that you are relying on these dedicated workers to ensure that the elections are fair. Nashua pays the Moderator and Clerks \$225. for the day; Selectmen \$190 and Ballot Clerks \$175.

Sincerely,

Susan V. Denenberg

TO: Portsmouth City Council

9/25/18

FM: Brian Wazlaw, Ward 5 Moderator

RE: Election Hours

Hi folks,

I am not in favor of changing the polling hours. I offer a snapshot of the day using the recent primary as an example.

We had approximately 1,300 voters on September 11. Upon opening at 8:00 PM, there was a short line, probably no more than a 7 – 8 minute wait. Throughout the day lines are minimal or none at all. From 5 – 7 pm when one might believe there would be lines, there is limited waiting time or none at all. At no time during the day and to the closing time of the polls are there significant lines similar to the opening of the polls. Voting is constant throughout the day. To my knowledge, at Ward 5 we have not received any complaints about the polling times.

Opening at 7:00 AM would require our set up team to arrive at 5:00 AM. The moderator, clerk, and selectmen are part of our set up team. When the polls close, the moderator, clerk, and selectmen, and six - eight other individuals are required to close out and fill out the requisite forms. At times, we have completed our tasks as late as 10:30 PM. Closing at 8:00 PM, of course, would also extend the day.

It is a very long day . You need to have a sufficient workforce for the day and evening. In Ward 5 we have, currently, a sufficient workforce of experienced folks. As you are aware, we have ballot clerks, greeters, individuals to control the ballots, absentee voter counters, a CVA table, etc.

I have one question. Who has determined the need for extended hours? Do you have any data to share with us on extended hours?

By the way, with one exception, I would be in favor of extended hours for the January Presidential primaries.

My thoughts,


Brian Wazlaw

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: September 27, 2018

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on October 1, 2018 City Council Agenda

Presentations:

1. **Testing for Pease Proposal to Study “Non Target” PFAS Compounds.** Andrea Amico, with Testing for Pease, will provide an overview of their proposed “PFAS Non Target Analysis Project,” that they are interested in doing at Pease with scientists from Colorado School of Mines, Northeastern University, and Silent Spring Institute using funds obtained through a local grant awarded to them by the Seacoast Women's Giving Circle.
2. **Pease Water Treatment System Update.** As you are aware, the City of Portsmouth and the United States Air Force have executed their latest agreement to treat perfluorochemical compounds (PFAS) from water supplied by the Smith, Harrison and Haven Wells serving the Pease Tradeport drinking water system. The agreement will provide the City with up to \$14.3 million to reimburse the cost of construction of the final treatment system for all three wells, which will include a dual filtration system consisting of resin and activated carbon filters. Under the agreement, the City will be responsible, with the assistance of its engineering consultant, for the bidding, contracting, and oversight of the construction just as in an typical municipal construction project. The City will submit pay requests monthly to the Air Force for reimbursement and a motion to facilitate that process is recommended. Deputy Public Works Director Brian Goetz will give an update to the City Council regarding this latest agreement with the Air Force and the new drinking water system to be constructed.

I recommend the City Council move to accept the reimbursement to the City for up to \$14.3 million for the construction of the Resin-Activated Carbon Water Treatment System for the Pease Tradeport Water System, and further, authorize the City Manager to expend these funds.

Acceptance of Grants and Donations:

1. **Acceptance of Moose License Plate Conservation Grant.** The City of Portsmouth has been awarded one of the FY2018/2019 Moose License Plate Conservation Grants in the amount of \$9,535 for the conservation project Preservation, Microfilming and Digitation of Five Portsmouth Historic Overseer of the Poor Documents Dated 1812 to 1868. These monies will help preserve legally required and historically significant documents held by the Finance Department that initially were intended to be financed through the City's Capital Improvement Program.

The New Hampshire State Library's (NHSL) FY2018/2019 Conservation License Plate Grant Program is designed to help municipalities as well as other public organizations preserve their historic documents. The NHSL Grant awards up to \$10,000 to applicants to conserve publicly owned documents. The program aims to aid in the preservation of New Hampshire's historic manuscripts as well as increase their availability to the public. The Grant requires that these documents not only be professionally preserved but also scanned to preservation microfilm as well as digitized. This is the second Moose License Plate Conservation Grant the City has been awarded. The City received a grant in the amount of \$9,966 last year and utilized it to restore seven historic documents dating 1800-1888.

I recommend the City Council move accept and approve the Moose License Plate Conservation Grant, as presented.

2. **Acceptance of Department of Homeland Security Prospective Grant Award to the Portsmouth Police Department.** Attached is a memorandum, dated September 26, 2018, from Joseph Onosko, Portsmouth Police Commission and Robert Merner, Chief of Police. At the September 25, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant award:

- a) Department of Homeland Security Prospective Grant Award – **The terms of this grant require approval pending funding.** The Portsmouth Police Department has been **prospectively** awarded \$69,638 for a UAS – an unmanned aerial surveillance vehicle. No actual work or preparatory work may begin for this project until the official award notice is received by the Department and all the pre-award criteria are met. Prospective approval of the award is part of the pre-award criteria.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at this evening's City Council meeting.

I recommend the City Council move to accept and approve the prospective grant award to the Portsmouth Police Department, as presented.

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing/Second Reading Re: Chapter 7, Section 7.102 Parking Meter Zones, Subsection A, Downtown High Occupancy Zone.** At the September 17, 2018 City Council meeting, the Council voted to schedule pass first reading and schedule second reading and public hearing of the [attached proposed Ordinance amending Chapter 7, Section 7.102 Parking Meter Zones, Subsection A, Downtown High Occupancy Zone.](#) Also, [attached are the current and proposed maps](#) of the City's High Occupancy Parking Zones. The average occupancy on the streets recommended for inclusion under the definition of High Occupancy presently sit at well over 100% collectively, where 80-85% is the industry standard recognized as 'optimal'. Additionally, expanding the High Occupancy coincides with the 2012 Parking Principles objective to 'Price and manage more desirable on-street parking spaces to favor users who are highly motivated to use them...' City staff have revised Chapter 7, Section 7.102 PARKING METER ZONES, Subsection A, DOWNTOWN HIGH OCCUPANCY ZONE to include the proposed streets – [see attached proposed Ordinance.](#)

If the City Council wishes to proceed, the following motion would be required:

Move to pass second reading and schedule a third and final reading of the proposed Ordinance at the October 15, 2018 City Council meeting.

2. **Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Creation of a Highway Noise Overlay District.** At the September 17, 2018 City Council meeting, the Council voted to pass first reading and schedule second reading and a public hearing of the proposed Ordinance for the creation of a Highway Noise Overlay Zoning District. [Attached is a memorandum](#) from Planning Director Juliet Walker regarding this matter. The memorandum details the background regarding the City's efforts to seek a mechanism for mitigating highway noise impacts for residential neighborhoods that abut the major highways in the City. Also, [attached is a proposed Ordinance, zoning map, and a response letter to NHDOT regarding the Type II Noise Abatement Program.](#) The Planning Board conducted a public hearing on this proposed zoning amendment at its August 16, 2018 meeting and voted to recommend approval to the City Council.

The primary objective of the proposed Highway Noise Overlay District zoning amendments are to help the City to be eligible for participation in NHDOT's Type II noise abatement program. The proposed amendments apply to all land within 500 feet of the centerline of 1-95 or NH 16, except land subject to the Pease Development Authority's land use regulations. A requirement for acceptance into the Type II program is that the City has to have enacted highway noise compatible planning and development regulations which require avoidance, minimization or mitigation of exterior highway traffic noise impacts associated with new noise sensitive development adjacent to state highways. The amendments as proposed are designed to meet the minimum requirements for meeting the Type II program guidelines without unduly restricting property owners.

If the City Council wishes to proceed, the following motion would be required:

Move to pass second reading and schedule a third and final reading for the October 15, 2018 City Council meeting on the following zoning amendments related to the creation of a Highway Noise Overlay District:

- *Amendment to Zoning Map to add Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018;*
- *Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning Map;*
- *Insert new Section 10.670 Highway Noise Overlay District;*
- *Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability.*

3. **First Reading of Ordinance amending Chapter 7, Article XIX, Section 7.1901 and 7.1905 - Shared Active Transportation.** At the City Council September 17, 2018 meeting, the Council voted to schedule a first reading regarding a proposed Ordinance for shared active transportation (electric scooters, bicycles and the like). The attached proposed Ordinance is a new provision entitled Chapter 7, Vehicles, Traffic and Parking, Article XIX Shared Active Transportation to be added to the Ordinances.

If the City Council wishes to proceed, the following motion would be required:

Move to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the October 15, 2018 City Council meeting.

4. **First Reading of Ordinance amending Chapter 14, Article II, Section 14.2 - Demolition Ordinance.** At the September 17, 2018 City Council meeting, the Council voted to schedule a first reading regarding several amendments to the Demolition Ordinance. Attached is a proposed Ordinance that amends Chapter 14, Article II, Section 14.2 - Demolition Ordinance.

The proposed Ordinance reflects changes to the definition, applicability, application and notice, as well as procedure regarding the demolition of a building and process.

If the City Council wishes to proceed, the following motion would be required:

Move to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the October 15, 2018 City Council meeting.

City Manager's Items Which Require Action:

1. **License Request Re: 77 Daniel Street.** Tom Hammer Construction LLC, has erected scaffolding and is currently working pursuant to a City issued encumbrance permit to facilitate storefront restoration and window installation at 77 Daniel Street. [See attached picture.](#) That work may extend beyond the maximum time permitted under the encumbrance permit (October 1, 2018).

Tom Hammer Construction LLC requests a license to cover such additional construction time to complete the work. Staff recommends the contractor be granted a license to October 19, 2018 which should provide sufficient time for the work to be completed. The license would include the applicable terms and conditions already in place pursuant to the encumbrance permit relating to safe pedestrian passage. The license will also provide the City Manager with the authority to extend the time if needed for good cause.

I recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Tom Hammer Construction LLC.

2. **Request for First Reading of Amendments to Sign Ordinance.** The Planning Board conducted a public hearing on this proposed zoning amendment at its August 16, 2018 meeting and voted to recommend approval to the City Council with amendments at the September 17, 2018 meeting. [See attached proposed Ordinance.](#)

The amendments are being proposed primarily to bring the City's sign regulations into compliance with legal requirements for content neutrality. In the case *Reed et al. v. Town of Gilbert, Arizona, et al. (2015)*, the U.S. Supreme Court ruled that regulations that categorize signs based on the type of information they convey and then apply different standards to each category are content-based regulations of speech and are not allowed under the First Amendment protections of the United States Constitution. Additional changes include updating the regulations regarding prohibited signs and temporary signs, clarifying sign area, and other housekeeping amendments.

The request for this evening's meeting is to bring the proposed Ordinance back for first reading at the October 15, 2018 City Council meeting.

Therefore, I recommend the City Council move to schedule a first reading for the October 15, 2018 City Council meeting to amend the Zoning Ordinance by deleting the existing Article 12 – Signs and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018.

3. **Sidewalk Easement Re: 439 Hanover Street.** A. Matthew Wirth and Michelle Wirth own property at 439 Hanover Street. The property abuts Hanover Street, Brewster Street, and Sudbury Street. During the course of a recent public works project, the owner discovered that a portion of the public sidewalk along the above listed streets was outside the public right-of-way and encroaching upon the Wirth's property.

The Wirths have agreed to convey a sidewalk easement to encompass existing sidewalk and cure the title defect. The easement is to be conveyed as shown on the [attached plan](#).

On September 20, 2018, the Planning Board voted to recommend that the City Council accept a sidewalk easement from the Wirths across property located at 439 Hanover Street.

The Planning, Legal, and Public Works Departments recommend acceptance of this easement.

I recommend the City Council move to accept a sidewalk easement from the Wirths across property located at 439 Hanover Street.

4. **Water Services Access Easement Re: 50 Lovell Street.** On August 16, 2018, the Planning Board approved an application from the Theresa Sessions requesting Site Plan Review Approval for a property located 50 Lovell Street. The application proposed to construct two new multi-family buildings on a lot with an existing single family residence. [See attached map](#).

As approved, the Site Plan includes a water service access easement ([see attached](#)) to provide municipal access to the City for the purpose of accessing water infrastructure for routine service.

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 deeds regarding 50 Lovell Street.

5. **Temporary Construction License Re: 46-64 Maplewood Avenue.** On May 17, 2018, the Planning Board granted site plan review approval to Steve Kelm for property located at 46-64 Maplewood Avenue to construct a five-story, mixed use building.

The Construction Mitigation and Management Plan (CMMP), signed in August 2018, identified temporary encumbrances of the public right-of-way for project-related work along Bridge Street, Deer Street, and Maplewood Avenue for different periods of time during of the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved 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.

The License Areas are shown on the attached plan labeled “License Plan” prepared for 30 Maplewood Ave LLC. License Area 1 is 630 square feet of the sidewalk area along the south side of Deer Street. License Area 2 is 322 square feet of the sidewalk area located at the corner of the intersection of Deer Street and Maplewood Avenue. License Area 3 is 1,140 square feet square feet of the sidewalk area on the west side of Maplewood Avenue.

The duration of the license is proposed to be 120 days, commencing 10 calendar days after the licensee provides written notice to City, which shall not be any later than 30 days after the City Council’s approval of the license agreement.

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 for a total of \$37,656. The proposed [attached license agreement](#) also provides that, if any of the license areas returned to the City prior to the end of the License Term, the City will refund the applicant the portion of the license fee already paid to the City.

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 46-64 Maplewood Avenue.

6. **Report Back Re: Polling Hours and Request to Establish Polling Hours for the November 6, 2018 State General Election.** At the July 9, 2018 City Council meeting, the Council requested a report back regarding polling hours and a request to establish polling hours for the November 6, 2018 State General Election. [Attached is a memorandum](#) from City Clerk Kelli Barnaby regarding this matter.

The City Council discussed expanding the hours by adding an hour in the morning which would establish polling hours from 7:00 a.m. to 7:00 p.m. The City Clerk suggests that the hours for the November General Election remain from 8:00 a.m. to 7:00 p.m.

The City Council may choose one of the following motions:

- 1) Move to establish the polling hours for the November 6, 2018 State General Election from 8:00 a.m. to 7:00 p.m., or,*
- 2) Move to establish the polling hours for the November 6, 2018 State General Election from 7:00 a.m. to 7:00 p.m.*

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: Accessory Dwelling Units and Garden Cottage Approvals.** At the September 4, 2018 City Council meeting, the Council requested a report back regarding accessory dwelling units and garden cottage approvals. [Attached is a memorandum from Planning Director Juliet Walker,](#) regarding this matter.
3. **Letter Re: Relocation of the U.S. Post Office in Downtown Portsmouth.** For your information, [attached is a letter](#) from Mayor Blalock to Senators Jeanne Shaheen and Maggie Hassan regarding the relocation of the U.S. Post Office in Downtown Portsmouth.

77 Daniel Street
Area being encumbered



Proposed Zoning Ordinance Amendments
Article 12 – Signs
September 25, 2018

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 12 – Signs
Comparison of Proposed Amendments with Existing Ordinance
September 25, 2018

Article 12 Signs

Section 10.1210	Purpose and Intent
Section 10.1220	General Sign Regulations
Section 10.1230	Sign Districts
Section 10.1240	Permitted Sign Types
Section 10.1250	Sign Dimensional Standards
Section 10.1260	Sign Illumination
Section 10.1270	Additional Sign Regulations
Section 10.1280	Nonconforming Signs
Section 10.1290	Sign Definitions

Section 10.1210 Purpose and Intent

- 10.1211 The purpose of this Article is to regulate the type, number, location, size and illumination of signs on private property in order to maintain and enhance the character of the city’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.
- 10.1212 This Article is intended to permit signs only as accessory uses to a permitted use on the same lot and not as principal uses on a lot. When a principal commercial use or activity is not open to the public or has been abandoned, all allowed accessory signs shall be removed regardless of their content.
- 10.1213 This Article is not intended to regulate the content of signs except as follows:
- 10.1213.10 When a sign is allowed because it is necessary to identify a building address or for safe access to or egress from the lot, only that relevant message may be presented.
- 10.1213.20 A sign that advertises a product or service not available on the lot (an “off-premise sign”) is not permitted. However, when a sign is permitted as accessory to a commercial use, the sign may contain a noncommercial message instead of a commercial message.

Section 10.1220 General Sign Regulations

10.1221 Sign Permits

- 10.1221.10 No sign shall be erected without a sign permit issued by the Code Official except in accordance with the provisions of this Ordinance or a decision by the Board of Adjustment.
- 10.1221.20 No sign permit will be issued for any premises on which there is an outstanding violation of any part of this Ordinance.
- 10.1221.30 In the Historic District, a sign that violates any requirement of this Article, including the design standards set forth in Section 10.1274, shall require a Certificate of Appropriateness from the Historic District Commission (HDC) under Section 10.630, in addition to the sign permit issued by the Code Official.
- 10.1221.40 Any sign located within a public right of way, including a projecting sign that extends over the public right of way, requires City Council approval and license in accordance with Chapter 8 of the municipal code.

10.1222 Signs Not Requiring A Permit

The following signs are permitted without a sign permit and shall not be included in the calculation for aggregate signage on a lot:

- 10.1222.10 Signs required, or deemed necessary for the public welfare and safety, by a municipal, state or federal agency, such as traffic control devices
- 10.1222.20 Signs with a sign area up to 4 square feet containing only content of a general directive or informational nature such as the following:
 - (a) Identifying a building address or unit number;
 - (b) Directing or guiding to entrances, exits or parking areas;
 - (c) Identifying handicapped parking, no parking, or loading areas;
 - (d) Identifying or directing to a public service facility or accommodation;
 - (e) Identifying an official inspection station;
 - (f) Notices concerning restrictions on access to private property (e.g., no trespassing, no hunting, etc.).
- 12.1222.21 All such signs shall be located so as not to create a traffic safety hazard or to block line of sight from a motor vehicle.
- 12.1222.22 A freestanding sign under this provision shall comply with the height standards for freestanding signs in Section 10.1223.33.

- 12.1222.23 A sign pertaining to public parking in a private parking lot that has been authorized under a permit from the Department of Public Works is exempt regardless of sign area.
- 10.1222.30 One building identification sign per lot, composed of either (a) unpainted letters carved into, embedded in or embossed on the material of the building wall above the first story with a sign area up to 12 square feet; or (b) a metal plaque affixed to the building wall no more than 5 feet above ground level, with a sign area up to 4 square feet. Such signs are typically used to provide historical information about the building such as the name of the building or the date of its construction.
- 10.1222.40 Miscellaneous signs mounted on a wall, window or door at a building entrance, provided that (a) there shall be only one group of such signs per entrance; (b) each group of such signs shall not exceed 4 square feet in area (measured as a single sign in accordance with Section 10.1252) and shall be placed within 3 feet of the entrance; (c) no individual sign in the sign group shall exceed one square foot in area; and (d) no letter, character, image or graphic shall be more than 2 inches in height. The intent of this provision is to allow for the provision of information that is not intended to be read from more than 3 feet from the sign, including but not limited to restaurant menus, credit card stickers, hours of operation, owner and contact information, etc.
- 10.1222.50 Internal signs.
- 10.1222.60 Illuminated signs more than 3 feet behind any window or opening through which they might be visible from private or public right of way.
- 10.1222.70 Flags of the United States, the State of New Hampshire or the City of Portsmouth that have been officially adopted by law or ordinance, limited in number and size as follows:
- 10.1222.71 Each lot may have up to 3 flags (free-standing or attached to a building) that are up to 24 sq. ft. in area (per flag) in Sign Districts 1, 2 and 3, and up to 60 sq. ft. in Sign Districts 4, 5 and 6.
- 10.1222.72 In addition to the above, each dwelling unit or condominium unit on a lot may have up to one flag not exceeding 6 sq. ft. in area attached to the dwelling unit or condominium unit.
- 10.1222.80 Signs on registered motor vehicles that are used in the ordinary conduct of a business, but not including signs on vehicles that are parked on, or in view of, a street when the vehicle is not actively being used in the conduct of business.

- 10.1222.90 Low wattage or low voltage temporary decorative lighting and displays used for holidays, festivals and special events, provided they do not pose a safety or nuisance problem due to light trespass or glare.

10.1223 Temporary Signs

- 10.1223.10 The following temporary signs are allowed without a sign permit and shall not be included in the calculation for aggregate signage on a lot:
 - 10.1223.11 One temporary sign placed on a lot while the lot (or a dwelling unit or commercial unit on the lot) is being offered for sale or lease by a real estate agent or through advertising in a local newspaper of general circulation, and for a period of 14 days following the date on which a contract of sale or lease has been executed.
 - 10.1223.12 Temporary signs placed on a lot that is under active development, to be removed within 14 days after issuance of the first certificate of occupancy.
 - 10.1223.13 Temporary signs placed on a lot for a period of 90 days prior to, and 7 days after, an election involving candidates for a federal, state or local office that represents the district in which the lot is located.
- 10.1223.20 The following temporary signs are allowed with the issuance of a sign permit:
 - 10.1223.21 One temporary sign placed on a lot for more than 90 days while the lot (or a dwelling unit or commercial unit on the lot) is being offered for sale or lease.
 - 10.1223.22 Temporary signs placed on a lot that is under active development for more than 14 days after issuance of the first certificate of occupancy, but not to exceed 60 days after the issuance of said certificate.
- 10.1223.30 The following provisions apply to all temporary signs whether requiring a sign permit or allowed without a permit:
 - 10.1223.31 The maximum sign area of a temporary sign allowed by this section shall be as follows:

Sign District 1 or 2	6 sq. ft.
Sign District 3	16 sq. ft.
Sign District 4, 5 or 6	32 sq. ft.

10.1223.32 The maximum height of a temporary freestanding sign shall be as follows:

Sign District 1, 2 or 3	4 ft.
Sign District 4, 5 or 6	12 ft.

10.1223.33 A temporary freestanding sign shall comply with the required setback for the applicable sign district as set forth in Section 10.1253. In Sign District 1 a temporary freestanding sign shall be set back at least 7 feet from any lot line.

10.1223.35 Temporary signs shall not be illuminated in any way.

10.1223.36 A property owner may not accept a fee for posting or maintaining a temporary sign allowed by this Section 10.1223, and any sign that is posted or maintained in violation of this provision is not authorized.

10.1223.40 Special Event Signs

In addition to other permanent and temporary signs allowed by this Article, one sign may be placed on a lot immediately preceding and during a special event on that lot, subject to the following conditions:

10.1223.41 A sign permit for the special event sign shall be obtained from the Code Official. Only one permit for a special event sign shall be issued for a lot in any 3-month period.

10.1223.42 A lot may have one special event sign for one consecutive 7-day period every 3 months, for a maximum of 4 special event signs per year. If a special event sign permit is not used in one quarter it shall not be carried over to the next quarter.

10.1223.43 The special event sign shall not be limited to size or location, but shall not be placed in such a manner as to create a traffic safety problem.

10.1223.44 The special event sign shall be removed at the end of the event.

10.1224 Signs Prohibited in All Districts

The following signs are prohibited in all sign districts:

10.1224.10 Animated signs.

10.1224.20 Signs that move or flash, or give the appearance of such motion (for example, by means of traveling lights). Beacons, rotating and flashing

lights are prohibited except where such lighting devices are deemed necessary for the public safety and welfare by federal, state or municipal authorities.

- 10.1224.30 Banners, pennants or flags (except as permitted by Section 10.1222.80) which are signs under the definition of “sign” herein.
- 10.1224.40 Balloons or other inflated devices displayed more than one day per month.
- 10.1224.50 Mobile signs.
- 10.1224.60 Signs mounted, attached or painted on vehicles, trailers or boats, except as permitted by Section 10.1222.90.
- 10.1224.70 Any sign emitting sound.
- 10.1224.80 Any sign projected via illumination on the exterior of any structure, or on or above a surface such as a driveway, sidewalk or street, regardless of the technology used to project the sign. This prohibition shall not apply where the structure or surface on which the sign is projected is within the same lot as the principal use to which the sign is accessory.
- 10.1224.90 Any sign advertising a product or service not provided on the lot on which the sign is located (“off-premise sign”).

10.1225 Maintenance of Signs

- 10.1225.10 All signs and sign structures shall be properly maintained and kept in a neat and proper state of maintenance and appearance.
- 10.1225.20 Any sign of any type and located within any district which is found by the Code Official to be in a state of disrepair, illegible or dangerous, shall be repaired or removed.
- 10.1225.30 Upon failure to comply with an order to repair or remove a sign within thirty days, the Code Official is authorized to cause removal of the sign at the expense of the owner of the property on which the sign is located.

Section 10.1230 Sign Districts

- 10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and illumination of signs.

These sign districts are overlay districts. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 1	All Rural and Residential Districts Natural Resource Protection
Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business Character District 4-L1 Character District 4-L2
Sign District 3	Character District 4-W Character District 4 Character District 5
Sign District 4	Business Office Research
Sign District 5	General Business Gateway Neighborhood Mixed-Use Corridor Gateway Neighborhood Mixed-Use Center
Sign District 6	Industrial Waterfront Industrial Airport Districts

10.1233 In order to address the characteristics of a specific area or its surroundings, an area may be changed to a different sign district than specified in Section 10.1232 following the same procedures as for a change in the underlying zoning district. (For example, a portion of the General Business district may be changed from Sign District 5 to Sign District 2 in order to protect an adjacent neighborhood from excessive light.)

10.1234 Any sign not specifically allowed in a sign district is not permitted.

Section 10.1240 Permitted Sign Types

10.1241 The types of signs permitted in each sign district shall be as set forth in the following table, except as otherwise provided herein.

Table of Permitted Sign Types

	Sign District					
	1	2	3	4	5	6
Freestanding sign	N	P	P	P	P	P
Wall sign	P	P	P	P	P	P
Projecting sign	P	P	P	P	P	P
Parapet sign	N	N	N	N	P	P
Roof sign	N	N	N	N	P	P
Awning sign	N	P	P	P	P	P
Marquee sign	N	P	P	P	P	P
Canopy sign	N	N	N	P	P	P
Changeable or animated signs						
Animated sign	N	N	N	N	N	N
Changeable sign	N	P	P	P	P	P

P = Permitted N = Prohibited

10.1242 Each side of a building facing a street may have one parapet sign (if permitted by Section 10.1241) or one wall sign above the ground floor.

10.1243 Only one freestanding sign shall be permitted per lot, except that a lot with more than one driveway may have one freestanding sign at the site's primary driveway and one smaller freestanding sign at each additional driveway complying with the area and height standards in Section 10.1251.30.

Section 10.1250 Sign Dimensional Standards

10.1251 Sign Area

10.1251.10 The maximum aggregate sign area shall be as follows:

	Sign District					
	1	2	3	4	5	6
Per linear foot of building frontage per establishment	0.5	1.0	2.0	1.5	1.5	2.0

10.1251.20 The maximum sign area for individual signs shall be as follows:

	Sign District					
	1	2	3	4	5	6
Freestanding sign	n/a	20	20	100	100	150
Wall sign	4	16	40	200	200	100
Projecting sign						
Ground floor use	2	16	12	16	16	16
Upper-floor use	n/a	0	8	8	8	8
Parapet sign	n/a	n/a	n/a	n/a	100	150
Roof sign	n/a	n/a	n/a	n/a	200	100
Awning sign	n/a	16	20	20	20	20
Marquee sign	n/a	16	20	20	20	20
Canopy sign	n/a	n/a	n/a	20	20	20

All dimensions in square feet

n/a = not applicable (sign type not permitted)
n.r = no requirement

10.1251.30 When a lot has more than one freestanding sign, the freestanding sign at the site's primary driveway shall comply with the maximum sign area specified in Section 10.1251.20 and the maximum sign height specified in Section 10.1253.10; and the freestanding signs at other driveways shall comply with the following standards:

Sign District	On same street as primary driveway		On different street from primary driveway	
	Maximum Sign Area	Maximum Sign Height	Maximum Sign Area	Maximum Sign Height
2	10 sq. ft.	5 ft.	10 sq. ft.	5 ft.
3	10 sq. ft.	5 ft.	20 sq. ft.	5 ft.
4	20 sq. ft.	12 ft.	40 sq. ft.	12 ft.
5	40 sq. ft.	12 ft.	75 sq. ft.	15 ft.
6	40 sq. ft.	12 ft.	75 sq. ft.	15 ft.

10.1251.40 A sign projected via illumination on the exterior of a structure, or on or above a surface such as a driveway, sidewalk or street, shall comply with the sign area requirements for a wall sign.

10.1252 Measurement of Sign Area

10.1252.10 Sign area shall be measured in one of the following ways, at the applicant's discretion:

- (a) the area that can be enclosed by one polygon with no more than eight sides; or
- (b) the area that can be enclosed by a circle, oval, triangle or rectangle, or any two such shapes.

10.1252.20 The sign area of a freestanding sign shall include all structural supports whether or not they contribute through shape, color or otherwise to the sign's message, except as follows:

10.1252.21 The base of a monument sign, up to one foot above the ground, shall not be included in the computation of sign area provided that such base is not illuminated in any way.



Height of base is less than one foot – Not included in sign area



Height of base is one foot – Not included in sign area



Height of base is greater than one foot – Included in sign area

10.1252.22 The vertical supports of a pole sign shall not be included in the computation of sign area, provided that (1) the total width of all such supports is less than one-third of the width of the sign, and (2) the supports are not illuminated in any way.



Total width of supports is less than 1/3 of the width of the sign – Not included in sign area



Total width of supports is greater than 1/3 of the width of the sign – Included in sign area



Width of support is greater than 1/3 of the width of the sign – Included in sign area



Width of support is approximately 1/3 of the width of the sign

- 10.1252.30 For a sign that is painted or engraved on, or otherwise applied directly to, a building or other structure, the sign area shall include any background of a different color, material or appearance from the remainder of the wall or structure, and shall include all related text, images and graphics.
- 10.1252.40 The sign area of a canopy sign shall include all text and symbols, whether or not illuminated, and all illuminated areas; but shall not include non-illuminated areas that are distinguished from the background only by color stripes.
- 10.1252.50 The sign area of a projecting sign shall not include the area of supporting brackets with no text, images or graphics.
- 10.1252.60 Where a sign has two faces that are parallel or where the interior angle formed by the faces is 45 degrees or less, only one display space shall be measured in computing total sign area.
- 10.1252.70 The sign area of a spherical, free-form, sculptural or otherwise non-planar sign shall be equal to 75 percent of the areas of the 4 vertical sides of the smallest rectangular box that will encompass the sign.
- 10.1252.80 Decorative lighting on a building or structure, including neon and other accent lighting, and any illuminated building panel, shall be considered a wall sign for the purposes of this section, and shall be counted as part of the aggregate sign area allowed.

10.1253 Sign Height and Setback

10.1253.10 The maximum and minimum heights and minimum setbacks for signs in each sign district shall be as set forth in the following table, except as otherwise provided herein.

Table of Sign Height and Setback Requirements

	Sign District					
	1	2	3	4	5	6
Projecting sign						
Minimum clearance (ground to bottom of sign)	7	7	7	7	7	7
Freestanding sign						
Minimum setback from lot line	n/a	5	5	20	10	20
Maximum height (ground to top of sign)	n/a	7	12	20	20	20

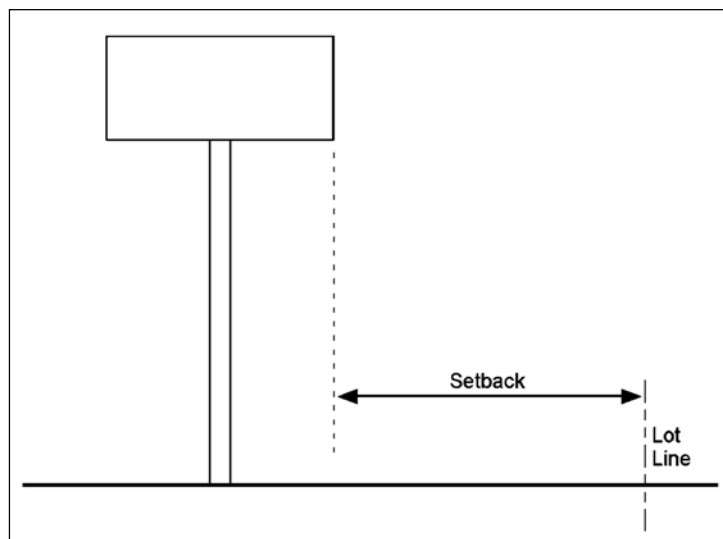
All dimensions in feet

n/a = not applicable (sign type not permitted)

10.1253.20 Where a driveway intersects with a street, no sign shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by (a) the side lines of the driveway and street and (b) lines joining points along said side lines 20 feet from the point of intersection.

10.1253.30 The height of a freestanding sign shall be measured with respect to the elevation of the centerline of the adjacent public right-of-way.

10.1253.40 The setback of a sign from a lot line shall be measured as the shortest horizontal distance from the lot line to the any part of the sign, whether or not such part of the sign is at ground level.



10.1253.50 A projecting sign shall project no closer than 1 foot to the edge of the vehicular travel way, if any.

Section 10.1260 Sign Illumination

10.1261 Types of Illumination

10.1261.10 Signs may only be illuminated as set forth in the following table, except as otherwise provided herein.

Table of Sign Illumination Requirements

	Sign District					
	1	2	3	4	5	6
External illumination	N	P	P	P	P	P
Halo lettering	N	P	P	P	P	P
Internal illumination						
Freestanding sign	N	P	N	P	P	P
Wall sign	N	P	P	P	P	P
Projecting sign	N	N	N	N	N	N
Parapet sign	n/a	N	N	N	P	P
Roof sign	n/a	N	N	N	P	P
Awning sign	n/a	N	P	N	P	P
Marquee sign	n/a	N	P	N	P	N
Canopy sign	n/a	n/a	n/a	P	P	P
Direct illumination	N	N	P	P	P	P

P = Permitted N = Prohibited n/a = not applicable (sign type not permitted)

10.1261.20 Temporary signs shall not be illuminated.

10.1261.30 Signs in the Historic District shall be illuminated only by external illumination, notwithstanding anything to the contrary in Section 10.1261.

10.1262 Hours of Illumination

Signs shall not be illuminated between 11:00 p.m. and 6:00 a.m., except that signs may be illuminated during the operation of a use or activity that is open to customers or the public, and for not more than one hour after the activity ceases.

10.1263 Illumination Standards

10.1263.10 A light source for external illumination of a sign shall be mounted and shielded so that said light source is not visible three feet above grade at the lot line and so that the lighting is confined to the area of the sign.

10.1263.20 A light source for internal illumination of a sign constructed of translucent materials and wholly illuminated from within shall not require shielding.

- 10.1263.30 A sign or its illuminator shall not by reason of its location, shape or color interfere with pedestrian or vehicular traffic or be confused with or obstruct the view or effectiveness of any official traffic signal or traffic marking.
- 10.1263.40 Illuminance of the sign face shall not exceed the following standards:
- 10.1263.41 External illumination: 50 foot-candles as measured on the sign face.
- 10.1263.42 Internal illumination: 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.
- 10.1263.43 Direct illumination: 5,000 nits during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.
- 10.1263.50 Light sources shall utilize energy efficient fixtures to the greatest extent practicable. Light fixtures including bulbs or tubes used for sign illumination shall be selected and positioned to achieve the desired brightness of the sign with the minimum possible wattage, while ensuring compliance with all applicable requirements of this Ordinance.
- 10.1263.60 A sign using direct illumination shall consist only of letters, numbers and other common typographical characters, all of which shall be in no more than three colors against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the sign.

Section 10.1270 Additional Sign Regulations

10.1271 Signs on More Than One Façade of a Building

- 10.1271.10 A use in a building with more than one exterior wall facing a street may have signs on each such wall.
- 10.1271.20 An establishment with a public entrance on a side of the building not facing a street may have signs on that side as well as on the street-facing wall(s).
- 10.1271.30 Regardless of the location of signs, the maximum sign area per establishment shall be based only on the building frontage as defined in Section 10.1290.

10.1272 Roof Signs

- 10.1272.10 A roof sign shall be parallel to the main façade of the building on which it is mounted,

- 10.1272.20 A roof sign on a pitched, hip, gambrel or mansard roof shall not extend above the elevation midway between the level of the eaves and the highest point of the roof. A roof sign is not permitted on a flat roof.
- 10.1272.30 The maximum height of a roof sign shall not exceed the lesser of 36 inches or 25% of the vertical height of the roof.

10.1273 Marquee Signs

- 10.1273.10 All text, images and other graphics on a marquee sign shall be displayed on the outside vertical faces of the marquee, and shall be no more than 1.5 feet tall.
- 10.1273.20 The sign area of a marquee sign shall be included in the maximum aggregate sign area allowed for the lot.

10.1274 Relation of Sign to Building Façade in the Historic District

In the Historic District, a wall sign or projecting sign should align with some horizontal element on the façade. For example, the top of the sign may align with the top of the window, the bottom of the sign may align with the bottom of the window, the bottom of sign may align with the top of the lintel, etc.

10.1275 Interim Signs

An interim sign may be erected while awaiting arrival of a permanent sign for which a sign permit has been issued. -The interim sign shall conform to the same dimensional and other requirements as the approved permanent sign and shall be allowed only until the permanent sign is installed or for 60 days, whichever is the shorter period of time. A sign permit for an interim sign must be obtained from the Code Official.

Section 10.1280 Nonconforming Signs

- 10.1281 A nonconforming sign or sign structure shall be brought into conformity with this Ordinance if it is altered, reconstructed, replaced, or relocated. For the purpose of this provision, the alteration of a sign or sign structure includes any change in size, shape, materials or technology. A change in text or graphics is not an alteration or replacement for purposes of this subsection.
- 10.1282 Nonconforming signs must be maintained in good condition. Maintenance required by this Subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and is not a change or modification prohibited by Subsection 10.1281.
- 10.1283 A nonconforming sign shall be removed, made conforming, or replaced with a conforming sign if 50 percent or more of the nonconforming sign

is blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

- 10.1284 A nonconforming sign shall be removed if the use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a continuous period of 8 months or more. An intent to abandon is not required as the basis for removal under this section.

Section 10.1290 Sign Definitions

Aggregate sign area
See under sign area.

Animated sign
A sign that uses movement or a change of lighting to depict action or create a special effect or scene. See also changeable sign.

Awning
A cloth, plastic or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning sign
A sign that is painted on or otherwise applied or attached to an awning. An internally illuminated awning shall be considered an awning sign whether or not it contains any text or graphics.

Banner sign or banner
A sign that consists of text or other graphic elements on a non-rigid material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere. See also temporary sign.

Building frontage
The maximum horizontal width of the ground floor of a building that approximately parallels and faces a public street or right of way.

- (a) Where an individual occupant's main entrance faces a driveway or parking lot, the width of the occupant's ground floor space facing the occupant's entrance shall be considered that occupant's separate and distinct building frontage.
- (b) Where two or more uses occupy the ground floor of a building, the portion of the building frontage occupied by each use will be that use's separate and distinct building frontage for the purpose of calculating allowed sign area.
- (c) A corner lot or through lot shall be considered to have a separate and distinct building frontage on each street.
- (d) When a building is not parallel to the street, or has a front wall that is angled or curved, the building frontage shall include any portion of the front wall that is oriented at an angle of 30 degrees or less from the front lot line.

Canopy

A freestanding structure constructed of rigid materials, providing protective cover over an outside service area.

Canopy sign

A sign attached to, affixed to or otherwise mounted on a canopy.

Changeable sign

A sign or portion thereof with characters, letters or symbols that can be changed, whether electronically or manually without altering the face or surface of the sign. A sign on which the message changes more than once per day shall be regulated as an animated sign. A sign on which the only changes are mechanical or electronic indication of time or temperature is not considered a changeable or animated sign.

Direct illumination

Illumination of a sign by light emitted directly from a lamp, luminary or reflector, and not diffused through translucent materials or reflected or projected from an external source. Examples include, but are not limited to, signs using luminous gas-filled tubes (e.g., neon) or light-emitting diodes (LED). (See also external illumination, externally illuminated sign, internal illumination, internally illuminated sign.)

External illumination

Illumination of a sign by a source of light not contained within, or on the surface of, the sign itself. (See also direct illumination, externally illuminated sign, internal illumination, internally illuminated sign.)

Externally illuminated sign

A sign that is illuminated by a light source that is not contained within, or on the surface of, the sign itself

Freestanding sign

A sign that is permanently erected in a fixed location and supported by 1 or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. Examples include, but are not limited to, monument signs and pole signs.

Halo lettering.

An externally illuminated sign in which light sources are placed out of direct view behind opaque sign elements (letters or graphics), creating a glow around the sign elements.

Halo Lettering



Internal sign

A sign that is not intended to be viewed from outside the property, and that is located so as not to be visible from any street or from any adjacent lot. Examples include, but are not limited to, signs in the interior areas of shopping centers, non-illuminated signs inside a building and more than 3 feet inside any window or door, and signs located completely within a building and not visible from outside the building.

Internal illumination

Illumination of a sign by light that is diffused through a translucent material from a source within the sign. (See also direct illumination, external illumination, externally illuminated sign, internally illuminated sign.)

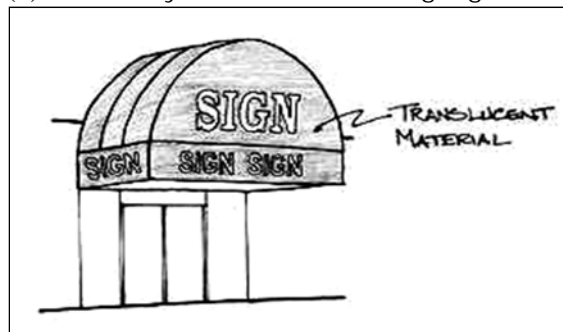
Internally illuminated sign

A sign that is illuminated by light from a source within the sign through a translucent material. (See also direct illumination, external illumination, externally illuminated sign, internal illumination, halo lettering.)

Examples of internally illuminated signs include:

(a) Internally illuminated translucent sign, which may have opaque surfaces with translucent letters or translucent surfaces with opaque letters. An opaque surface with translucent letters is preferred to a translucent surface with opaque lettering.

(b) Internally illuminated awning signs.



(c) Internally illuminated channel letters.



Marquee

A structure other than a roof that is attached to, supported by and projecting from a building, and that provides shelter for pedestrians.

Marquee sign

A wall sign that is mounted on or attached to a marquee.

Mobile sign

A sign on a trailer or other wheeled apparatus, whether or not self-propelled, that is not permanently affixed to the ground. (See also: temporary sign.)

Monument sign

A freestanding sign constructed of a solid material and mounted on a solid base that is placed directly on the ground.

Nit

A unit of luminance, equal to one candela per square meter.

Parapet

An extension of a vertical building wall above the line of the structural roof.

Parapet sign

A wall sign attached to the face of a parapet.

Pennant sign or pennant

See banner sign.

Parapet sign

A sign attached to a parapet wall, with its face parallel to the plane of the parapet wall and extending no more than 18 inches from such wall.

Pole sign

A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights or braces from the ground and not supported by a building or base structure.

Projecting sign

A sign attached to and projecting from the wall of a building with the face of the sign at an interior angle of more than 45 degrees to the building wall to which it is attached.

Roof sign

A sign that is located:

- (a) above the level of the eaves on pitched or gambrel roofs;
- (b) above the roof deck of a building with a flat roof; or
- (c) above the top of the vertical wall of a building with a mansard roof.

Sign

Any symbol, design or device used to identify or advertise any place, business, product, activity, service, person, idea or statement. Any representation that is illuminated and consisting wholly or in part, of text, images or graphics shall be considered a sign. Signs need not include text, and may consist of stripes, spots, or other recognizable designs, shapes or colors. Displays comprising of merchandise, figurines, mannequins, decorations and other similar articles, arranged inside a building and visible outside of a window, shall not be considered a sign.

Sign area

The total surface area of a sign display, including all text, images and graphics, and any distinctive surface, board, frame or shape on or within which the text, images and graphics are displayed.

Aggregate sign area

The total sign area of all signs on a lot or building, as indicated by the context, excluding the area of freestanding signs allowed by Article 12.

Sign band

A painted stripe or otherwise distinct scheme which indicates the establishment's logo by use of certain colors or patterns.

Temporary sign

A sign, other than a mobile sign, that is not permanently affixed to a building or structure or permanently mounted in the ground, and that pertains to an activity or event of limited duration. (See also mobile sign.)

Wall sign

A sign attached to, erected against or hanging from the wall of a building, with the face in a parallel plane to the plane of the building wall, and extending no more than 18 inches from such wall. A wall sign may also be inside of a building if it is illuminated and visible through the window from a private or public right of way.

Access Easement for Water Services

KNOW ALL MEN BY THESE PRESENTS, that Dorothy M Kierstead and Theresa Sessions of 50 Lovell St., Portsmouth, County of Rockingham, State of New Hampshire, for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with QUITCLAIM COVENANTS an easement over, below, along, and across the premises described herein, located at 50 Lovell Street, Portsmouth, County of Rockingham, State of New Hampshire, (Tax Assessor's Map No. 147, Lot 2), and being more particularly described as follows:

Northerly by Lovell Street sixty-nine (69) feet, more or less; Easterly by land now or formerly of Christ Church two hundred forty (240) feet, more or less; Southerly by land now or formerly of John H. Broughton sixty-nine (69) feet, more or less; and Westerly partly by land now or formerly of Luther Thompson, partly by land now or formerly of John L. Randall, partly by land now or formerly of Frederick E. Potter two hundred forty (240) feet, more or less.

Meaning and intending to convey an easement over the premises conveyed to the within grantors by Deed of Dorothy M. Keirstead dated March 12, 2015 and recorded at the Rockingham County Registry of Deeds at Book 5601, Page 1135.

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

Retained Rights: Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

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.

This is an exempt transfer per R.S.A. 78-B:2(I).

IN WITNESS WHEREOF, the parties have executed this document on the _____ day of _____, 2018.

Dorothy M. Kierstead

Witness: _____

Theresa Sessions:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared the above-named Dorothy M. Kierstead, and acknowledged the foregoing instrument to be her free act and deed executed for the purposes contained therein.

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

STATE OF NEW HAMPSHIRE
COUNTY OF _____


Personally appeared the above named Theresa Sessions and acknowledged the foregoing instrument to be her free act and deed, executed for the purposes contained therein.

Notary Public/Justice of the Peace
My commission expires:



Property Information

Property ID	0147-0002-0000
Location	50 LOVELL ST
Owner	KIERSTEAD DOROTHY M



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

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

Parcels updated 01/04/2018
Properties updated 09/25/2018

1" = 51 ft

[Report a map error](#)

LICENSE AGREEMENT
FOR 30 MAPLEWOOD LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to 30 Maplewood LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 36 Maplewood Ave, Portsmouth NH pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 46 Maplewood Avenue, shown on the City of Portsmouth's Assessor's Map as Tax Map 125/2A, Lot 2 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5835, Page 1026.

The City authorizes Licensee to temporarily use three sections of City sidewalks located along Deer Street and Maplewood Avenue, more particularly described in the attached Exhibit A, Easement and License Plan, Tax Map 125-Lots 2 & 2A (Subdivision Lots 1 & 2) as follows:

License Area 1: 630 square feet of the sidewalk area located immediately adjacent to the Subject Property along the south side of Deer Street depicted and described as Zone 1 in Exhibit A:

License Area 2: 322 square feet of the sidewalk area located immediately adjacent to the Subject Property at the corner of the intersection of Deer Street and Maplewood Avenue as depicted and described as Zone 2 in Exhibit A.

License Area 3: 1,140 square feet square feet of the sidewalk area directly adjacent to the Subject Property on the west side of Maplewood Avenue as depicted and described as Zone 3 in Exhibit A.

2. **Use:** Licensee shall make use of the Licensed Area for the purpose of facilitating the Licensee's construction activities only and in accordance with the terms and conditions set forth herein and consistent with a

Construction Management and Mitigation Plan (“CMMP”) entered into between the City and Licensee attached hereto as Exhibit B.

3. **Term:** The license for all three License Areas shall be for one hundred and twenty consecutive days, commencing 10 calendar days after Licensee provides written notice to City of the commencement date of the term, which shall not be any later than 30 days after the City Council’s approval of this Agreement.
4. **Notice:** Licensee shall provide notice to the City’s Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City’s control and use.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled “License Fee for Encumbrance of City Property” (the “License Fee Policy”). The License Fee Policy provides that Owner will be charged \$0.15 per square foot per day for use of City property.

License Area 1: License Area 1 is 630 square feet. 630 multiplied by \$0.15 per square foot equals \$94.50 per day.

License Area 2: License Area 2 is 322 square feet. 322 multiplied by \$0.15 per square foot equals \$48.30 per day.

License Area 3: License Area 3 is 1,140 square feet. 1,140 multiplied by \$0.15 square foot equals \$171 per day.

The total License Fees for the License Term of the 120 days for the three License Areas is **\$37,656** (License Area 1- \$94.50 x 120 = \$11,340) + (License Area 2-\$48.30 x 120 = \$5,796) + (License Area 3- \$171 x 120 =\$20,520.00)

The total License Fee shall be paid to the City in advance of the commencement of the term of this Agreement when Licensee sends written notice of the commencement of the term of the license as set forth in paragraph 3. Because it is in the City’s interest that the Licensed Areas be returned to the public use as soon as possible, if License Area 1, 2 or 3 or all Licensed Areas are returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

Licensee may terminate this License prior to the end of the term by returning License Area 1,2 or 3 or all Licensed Areas or any portion of the sidewalk, parking spaces, City right of way or City land to safe and effective use by the public prior to the expiration of the term of this

License. Licensee shall contact the Director of Public works for a determination that License Area 1, 2 or 3 or all Licensed Areas have been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the Licensed Areas or Area to the City in the manner prescribed under this License by the end of the term may result in enforcement action by the City.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the Licensed Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety in accordance with the CMMP. The Licensee shall secure the perimeter of the Licensed Areas and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
9. **Damage:** Licensee agrees to remedy any damage to the Licensed Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or the CMMP. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and CMMP may, at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.

12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2018

City of Portsmouth

By: _____
John P. Bohenko
City Manager

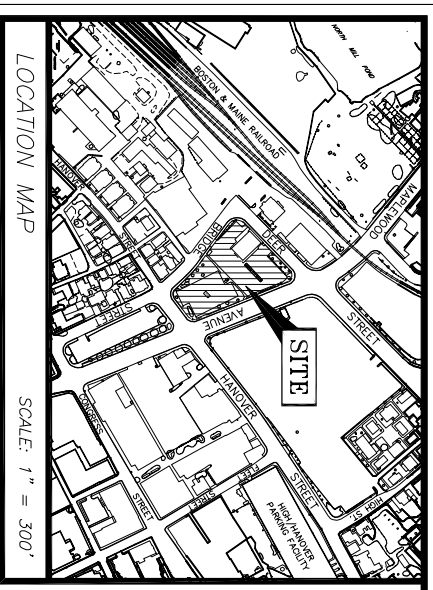
Pursuant to vote of the City Council
of _____.

Dated this _____ day of _____, 2018.

Licensee

By: _____

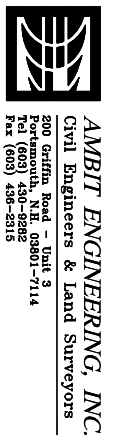
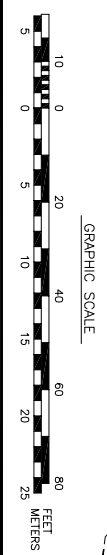
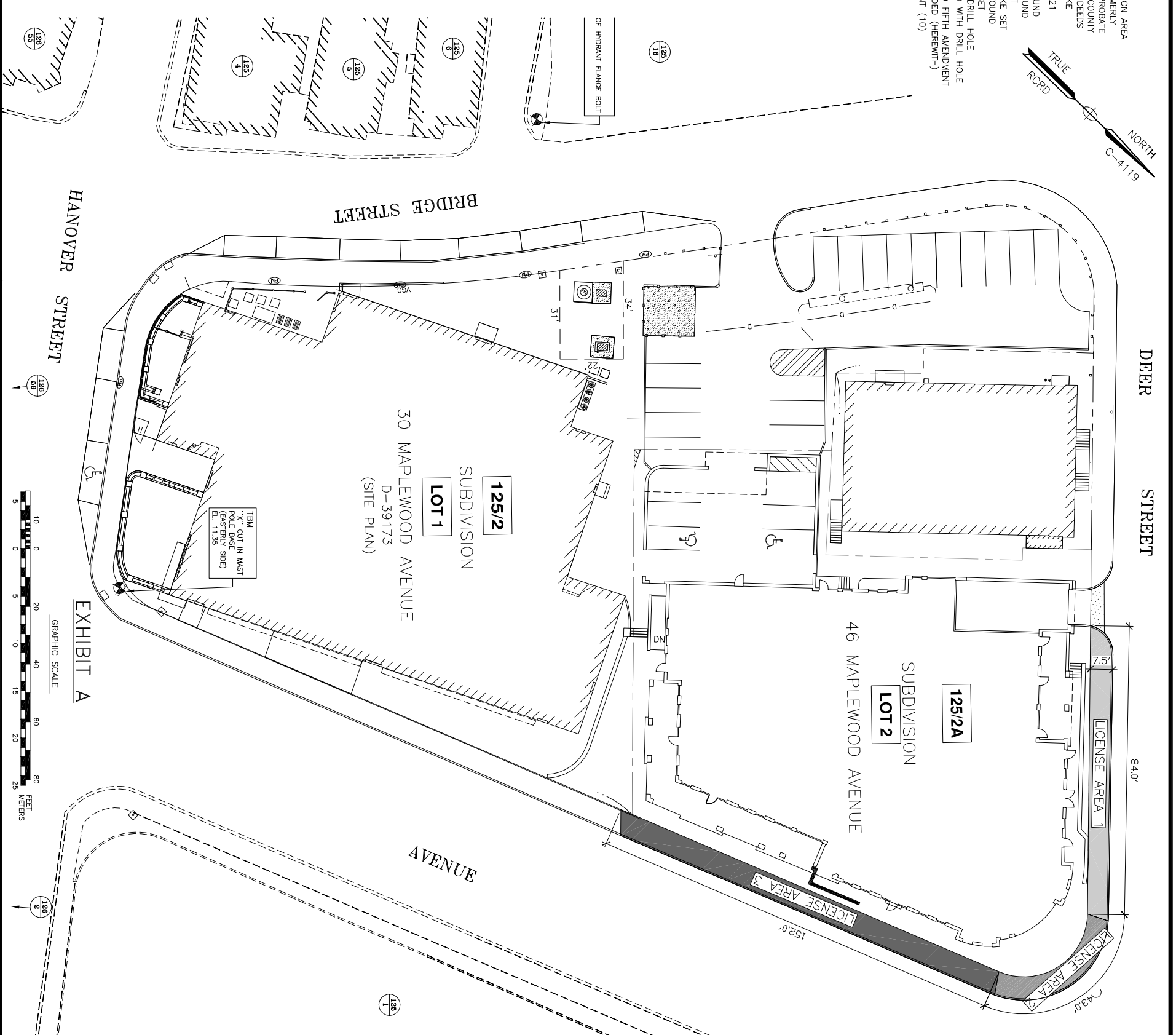
Stephen Kelm
Manager
30 Maplewood LLC.



- LEGEND:**
- LOA LIMITED COMMON AREA
 - N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY
 - RR SPK REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - RR SPK MAP 11/LOT 21
 - OR RND IRON ROD FOUND
 - O/P RND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - RR SPK SET RAILROAD SPIKE SET
 - OH FND DRILL HOLE FOUND
 - OH SET DRILL HOLE SET
 - BOUND WITH DRILL HOLE
 - STONE BOUND WITH DRILL HOLE
 - REFERE TO FIFTH AMENDMENT
 - TO BE RECORDED (HEREWITH)
 - PARKING COUNT (10)

ABUTTERS LIST:

- 128 N/F PARADE OFFICE 4/4
CATARGES PRIVATE INVESTMENTS
262 WASHINGTON STREET, SUITE 302
BOSTON, MA 02108
3786 / 2701
- 128 N/F EMERSON HOMEY POST 168
238 DEER STREET
PORTSMOUTH, NH, 03801
- 128 N/F SHANG TA, GUEN & JUNE LI
60 NORFOLK ROAD
QUINCY, MA 02189
3280 / 0843
- 128 N/F GONDY LEE CARROLL
3103 / 0287
- 128 N/F G AND N REALTY, LLC
3044 ELLIOTT ST. #217
PORTSMOUTH, NH 03801
3957 / 2586
- 128 N/F JOHN GRAY REVOC. TRUST
BRADFORD A GRAY REVOC. TRUST
RYE, NH, 03870
3895 / 0843
- 128 N/F DEER STREET ASSOCIATES
P O BOX ME 03911
YORK, HAGERST, ME 03911
- 128 N/F SHANNES AND MCKICHERN CO
(PORTSMOUTH) LLC
282 CORPORATE DRIVE
PORTSMOUTH, NH, 03801
4496 / 0556
- 128 N/F STEPHEN & CHRISTINE WAVEUX
64 BRIDGE STREET
PORTSMOUTH, NH, 03801
2899 / 0847
- 128 N/F CITY OF PORTSMOUTH
P. O. BOX 628
PORTSMOUTH, NH, 03802
280-4125



NOTES:

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 125 AS LOTS 2 & 2A
- 2) OWNERS OF RECORD:
125/2:
30 MAPLEWOOD AVENUE
CONDOMINIUM ASSOCIATION
36 MAPLEWOOD AVENUE
PORTSMOUTH, NH, 03801
5099/2424
PLAN D-38936
DECLARATION: BK 5636, BK 1930
FIRST AMENDMENT: BK 5647, PG 1028
SECOND AMENDMENT: BK 5688, PG 2226
THIRD AMENDMENT: BK 5783 PG 2443
FOURTH AMENDMENT: BK 5807, PG 2635
FIFTH AMENDMENT: BK 5835/ PG 1028
125/2A
30 MAPLEWOOD LLC
36 MAPLEWOOD AVENUE
PORTSMOUTH, NH, 03801
5835/1026
- 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 3301500295E, MAY 17, 2005.
- 4) EXISTING LOT AREAS:
LOT 1 34,687 S.F. 21,798 S.F.
0.8009 AC. 0.5004 AC.
- 5) PARCELS ARE CURRENTLY LOCATED IN THE CHARACTER DISTRICT 4-L, HISTORIC DISTRICT, AND DOWNTOWN OVERLAY DISTRICT.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF PROPOSED LICENSES.
- 7) LOT 2A HAS A DEDDED RIGHT TO USE THE DUMPSTER ON LOT 2. SEE RCRD 5835/1026
- 8) EXCESS SNOW SHALL BE REMOVED FROM THE SITE AND DISPOSED OF OFF SITE. SNOW SHALL NOT BE DISPOSED OF OR STORED ON CITY PROPERTY.

NO.	DESCRIPTION	DATE
3	DRAIN PIPES IN R-O-W	3/6/18
2	SNOW REMOVAL NOTE, VFM EASEMENT	2/6/18
1	ADDED HATCHING	1/12/18
0	ISSUED FOR COMMENT	12/19/17
NO.	DESCRIPTION <td>DATE</td>	DATE

LICENSE PLAN
TAX MAP 125-LOTS 2 & 2A
(SUBDIVISION LOTS 1 & 2)
 OWNER:
30 MAPLEWOOD, LLC

30-64 MAPLEWOOD AVENUE
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

APPROVED BY THE PORTSMOUTH PLANNING BOARD
 CHAIRMAN _____ DATE _____

CITY MANAGER'S OFFICE

MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Kelli L. Barnaby, City Clerk

DATE: September 24, 2018

SUBJECT: Polling Hours and Salaries

A review of polling hours and salaries of election officials has been conducted as part of this report back to the City Council requesting the development of a plan to extend the polling hours for the November State General Election.

In an effort to recruit new election workers it was suggested by Moderator Brian Wazlaw to have Election Officials attain one additional person to work at the polls. This model has been successful in Ward 5 – Little Harbour School. Based on the foregoing, I will be incorporating this model in the four other ward locations. Also, next year I would like to work with the City-wide Neighborhood Committee to see if it is possible to acquire additional election workers to assist during the 2019 Municipal Election.

In addition, the salary structure was reviewed and found to be low in comparison to other communities. After much discussion, City Manager Bohenko, Finance Director Belanger and myself agreed that an increase in salaries was needed but could also serve as an incentive in recruiting additional workers.

The new salaries would go into effect next year however, we concluded it was important to recognize the need for additional funding in November and determined we would provide each election worker with an additional \$50.00 for the day.

Below is a chart that outlines the current and proposed salary figures for FY20.

<i>Election Official Title</i>	<i>Current Salary</i>	<i>Proposed Salary</i>
Ward Moderator	\$190.00	\$250.00
Ward Clerk	\$190.00	\$225.00
Ward Selectman	\$145.00	\$200.00
Ballot Inspector	\$145.00	\$175.00
Board of Registrar At-Large	\$11.00 Per Hour	\$20.00 Per Hour
Board of Registrar Clerk	\$10.50 Per Hour	\$19.00 Per Hour
Board of Registrar Members	\$10.00 Per Hour	\$15.00 Per Hour
Overtime Beyond Midnight	\$5.00 Per Hour	\$10.00 Per Hour
Training Stipend – Attendance Required at Training Session & Working Election Day	N/A	\$25.00

In terms of polling hours, I would suggest they remain 8:00 a.m. to 7:00 p.m.

It is important to note, the Election Officials work beyond the closing of the polls. At the close of the polls there are a number of voting documents to be completed such as the Return of Votes. Tallying results at the end of the day is already difficult and the workers are exhausted, so expanding the hours beyond 7:00 pm. would make things extremely problematic.

I would also like to remind the City Council of a voter's ability to cast an absentee ballot due to employment obligation. The terms "employment" shall include the care of children and infirm adults, with or without compensation. With that being said, having the polls open an hour earlier and the provision to receive an absentee ballot presents ample opportunity for the voter to cast their vote on Election Day.

In accordance with State Statute the City Council shall establish the polling hours for the November 6, 2018 State General Election.

Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sun Oct 7, 2018

10am - 11:30am 6th Annual Memorial Bridge 5k

Where: US Route 1 Memorial Bridge

Description:

- <https://www.prescottpark.org> - Contact: Ben Anderson, Executive Director, Prescott Park Arts Festival (603) 436-2848 - This event is held by Prescott Park Arts Festival in conjunction with Seacoast Community School.

Thu Oct 11, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

Fri Oct 12, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

Sat Oct 13, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

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Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Fri Oct 19, 2018

5pm - 8pm Folk Trio

Where: Vaughan Mall

Description: Contact: Joel Glenn Wixson

Wed Oct 31, 2018

7pm - 9pm Portsmouth Halloween Parade

Where: Beginning at Peirce Island to conclude at Prescott Park

Description: - <http://www.portsmouthhalloweenparade.org> - Contact: Abigail Wiggin

Sun Nov 11, 2018

8am - 9am Seacoast Half Marathon

Where: Begins and Ends at Portsmouth High School

Description:

- <https://seacoasthalfmarathon.com> - Contact: Jay Diener, Co-Race Director (603) 758-1177 or shmracedirector@gmail.com

Wed Nov 14, 2018

5pm - 8pm Folk Trio

Where: Vaughan Mall

Description: Contact: Joel Glenn Wixson

Thu Nov 22, 2018

7am - 9am Seacoast Rotary Turkey Trot 5K

Where: Race will start at Peirce Island and finish at Strawberry Banke

Description: Registration is at 7:00 a.m. and race will start at 8:30 a.m.

Sat Dec 1, 2018

5:30pm - 8pm Holiday Parade

Where: Market Square

Description: 5:30 p.m. - Tree Lighting 6:00 pm. - Parade

Sun Dec 9, 2018

10am - 11am Jingle Bell Run/Walk for Arthritis

Where: Little Harbour School

Description:

- <https://www.arthritis.org/new-hampshire/> - Contact: Thomas Bringle, Director of Development (603) 460-4213 or tbringle@arthritis.org - Registration opens at 9:00 a.m. and race start time is 10:00 a.m.

Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Mon Dec 31, 2018

4pm - 12am First Night Portsmouth 2019

Where: Market Square

Description: Contact: Barbara Massar, Executive Director

Sat Apr 13, 2019

9:30am - 11:30am New Castle 10K

Where: Starts and finishes at Great Island Common New Castle

Description:

- <https://www.newcastlenh10k.com/> - Contact: Nick Diana (603) 498-8539 or nick@newcastlenh10k.com

Sun May 5, 2019

8:30am - 9:30am American Lung - Cycle the Seacoast

Where: Cisco Brewers Portsmouth

Description:

This event will be held at Cisco Brewers (formerly Redhook) Portsmouth. The first rider will leave Cisco Brewers at 7:00 a.m. and the last rider will be in around 3:30 p.m. Contact is Melissa Walden, Associate of Development.

12pm - 4pm Children's Day - Pro Portsmouth

Where: Market Square

Description: Contact: Barbara Massar, Executive Director

Sat Jun 8, 2019

9am - 4pm Market Square Day Festival & 10K Road Race - Pro Portsmouth

Where: Market Square

Description:

Contact: Barbara Massar, Executive Director - Event: 9:00 a.m. to 4:00 p.m. - Street closures - downtown streets from 4:00 a.m. to 6:00 p.m. - Race course 9:00 a.m. roving closures.

Sat Jun 29, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sat Jul 6, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Sat Jul 13, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Sat Jul 20, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Sat Jul 27, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: REPORT BACK ON ACCESSORY DWELLING UNIT AND GARDEN COTTAGE APPROVALS
DATE: 9/25/2018

In January of 2017, the Council adopted zoning amendments to allow for the creation of accessory dwelling units (ADUs) and garden cottage (GC) units in certain residential districts in the City. As summarized on the attached spreadsheet, since adoption of the amendments, the Planning Board has reviewed 15 applications for ADUs and GCs, 12 of which have been approved, 2 of which have been denied, and 1 of which has been postponed indefinitely. The 2 denials and 1 postponement were all related to issues concerning the status of the ownership of the property and the ability for the applicant to comply with the owner-occupancy requirements of the ordinance.

Of the 12 approvals, only 2 have been issued certificates of use, which is the final step in the approval process. Three of the remaining 10 have not yet pulled a building permit to complete conversion of the units. The rest are at various stages in the building permit approval process or are working on satisfying the stipulations of approval.

The Planning Board is currently considering minor amendments to the Ordinance that are primarily focused on clarifying the current criteria and standards. The revisions currently being considered include:

- Revisions to the definition of accessory buildings or structures to distinguish from dwelling units from non-dwelling units
- Clarification of the distinction between attached and detached accessory units
- Clarification of what dimensional requirements are applicable to accessory dwelling units located in non-conforming lots or buildings
- Expanded description of ownership and owner-occupancy requirements
- Requirements for provision of utilities servicing the accessory and principal dwelling units
- Modifications regarding the design criteria for a detached accessory dwelling unit to require that it be clearly subordinate to the principal dwelling
- Time frame for the expiration of approvals

The Planning Board is scheduled to hold a public hearing on the zoning amendments in October and will likely forward a recommendation to the City Council by November.

PB Approved	Address	Property Owner	Description	#of Stories	Total GFA	Footprint	Bedrooms	CU Issued	Notes
04/20/17	123 Clinton Street	Alan G. Brady/Kendall E. Perkins	Detached accessory dwelling unit					11/27/2017	
05/18/17	171 Walker Bungalow Road	Paul & Diane Messier	Detached accessory dwelling unit					8/10/2018	
05/18/17	746 Middle Road	Joseph and Ellen Yarborough	Detached accessory dwelling unit	1.5	750	750	2		
07/20/17	1490 Islington Street	Paul M. & Laura L. Mannle	Attached Accessory Dwelling Unit on 1st floor of existing single family residence		727		1		
07/20/17	4 Sylvester St	Gary & Airial Sillanpaa	Detached accessory dwelling unit	1	676	676	2		Stipulation for relocation of City sewer easement, modification to design
08/17/17	174 Dodge Avenue	Steven H. Lee	Garden Cottage - Existing bldg, 1,000 s.f. 2-story	2	600		1		Stipulation of approval to limit GC to 600 sq. ft. and confirm septic capacity
10/19/17	5 Buckminster Way	Cristin Pugliese	Attached Accessory Dwelling Unit. 2 story, 2 bedroom, 1083 s.f.	1			1		Stipulations of approval to limit ADU to first floor and confirm septic capacity.
12/21/17	140 Orchard Street	Christopher L. & Anna D. Shultz	Garden Cottage - Existing bldg, 1068 s.f. 2-story	2	1068	548	1		Stipulation for maximum of 1-bedroom
03/15/18	323 Jones Avenue	Peter L. Evans	AADU, one bedroom, one story, above existing garage	1	750		1		Stipulations of approval to confirm septic capacity and limit total living space to 750 sq. ft.
5/17/2018	28 Walden Street	Christopher & Tracy Kozak	Garden Cottage, one story, one room, existing structure, 371 GFA, 410 footprint	1	371	410	1		
7/19/2018	191 Sagamore Avenue	Mark Baldassare	CUP - Garden Cottage; 1 story, 1 bedroom	1		384	1		Stipulation of approval to install privacy fence.
9/17/2018	304 Leslie Drive	Kyle Crossen-Langelier	AADU, convert existing second unit - one floor, one room	1	364	364	1		
denied	36 Artwill Avenue	Karona, LLC	Detached accessory dwelling unit						Owner did not comply with owner-occupancy requirements
denied	86 Emery Street	Kathryn Michele Arbour	DADU - 1 floor, two bedroom, fp 749, gfa 694						Applicant did not comply with owner-occupancy requirement, ultimately approved as a second unit by BOA.
postponed	33 Blossom Street	Scott A. Lupkas & Sara Bess	Garden Cottage - 2nd floor, one bedroom, fp 528, gfa 450						Owner could not confirm principal place of residence



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 610-7200
Fax (603) 427-1526

Jack Blalock
Mayor

September 26, 2018

Honorable Jeanne Shaheen
U.S. Senator
2 Wall Street, Suite 220
Manchester, NH 03101

Honorable Maggie Hassan
U.S. Senator
1589 Elm Street, 3rd Floor
Manchester, NH 03101

RE: Relocation of the US Post Office in Downtown Portsmouth, NH 03801

Dear Senators:

I am writing to request your collective assistance in the effort to keep a retail US Post Office downtown.

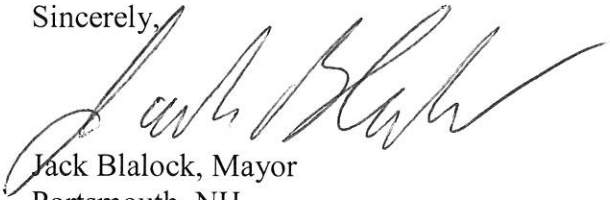
As you know, for over twelve years the City has worked collaboratively with the US General Services Administration (GSA) to find a way for the City to acquire the McIntyre Federal Building parcel and return it to the tax rolls through redevelopment as a publicly accessible, economic viable property that meets the public's community development goals. In response to the GSA's suggestion of the federal Historic Monument Program as a mechanism to gain ownership of the property, the City embarked on an extensive public engagement and planning process over the past sixteen months. During that period, the overwhelming public sentiment expressed throughout the process was to maintain a retail presence of the post office on the property.

This sentiment was reinforced repeatedly by the testimony heard at the Post Office's meeting on September 20, 2018 at Portsmouth City Hall where local residents and business owners noted that the absence of the Post Office would create a void in the infrastructure that currently enhances living/operating a business downtown. At that meeting, the Post Office cited the requirement and cost of vacating the property during site remediation and redevelopment, as well as an increase in rent and insufficient parking and loading as reasons it would likely not remain at the McIntyre Property after the redevelopment is complete.

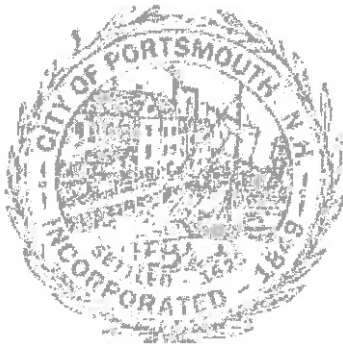
Just as articulated in the City's Request for Proposal for the McIntyre Redevelopment, the City Council recognizes the value of having convenient postal services in the City's core. With a significant amount of new office and residential space proposed at the existing McIntyre Building site and other locations in the City's north end, a downtown postal facility would maintain this existing convenience and add to the City's overall vitality and the sense of community evidenced by the social interaction that often occurs at the facility.

We believe there are ways to find interim solutions to the challenges facing the post office such as finding temporary interim space while the site undergoes construction as well as ways to structure terms to allow the post office to remain at the property following construction. To that end we request your assistance in working with the post office to identify a solution that best meets the community's desire and reasonably accommodate the post office's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Blalock". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack Blalock, Mayor
Portsmouth, NH



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: EDC

Name: Katelyn Kwoka Telephone: 603-918-4931

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

Street address: 37 Langdon St

Mailing address (if different): _____

Email address (for clerk's office communication): KwokaK35@gmail.com

How long have you been a resident of Portsmouth? 4 years

Occupational background:
Mechanical Engineer, Pratt and Whitney

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

Reasons for wishing to continue serving: I want to continue to see Portsmouth and NH grow and continue to move forward.



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

NH Governor's Millennial Council
Seacoast Rep Board of Trustees

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

1) John Formelle
Name, address, telephone number

2) Alan Gold
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Katelyn E. Hill Date: 8/27/18

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2022
Annual Number of Meetings: ²⁰¹⁸ Not available Number of Meetings Absent: /
Date of Original Appointment: 5/7/2018

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

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – September 6, 2018
City Hall – Conference Room A

MEMBERS PRESENT: Chairman, Doug Roberts
City Manager, John Bohenko
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Deputy Fire Chief, James Heinz
Members: Harold Whitehouse, Shari Donnermeyer,
Mary Lou McElwain and Steve Pesci

MEMBER ABSENT: Ralph DiBernardo

CITY STAFF PRESENT: Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher
Planning Director, Juliet Walker

Action Items requiring an immediate ordinance during the next Council meeting:
None

Temporary Action Item requiring an ordinance during the annual omnibus:

Action Item (VI.A.) Request to remove two parking spaces in front of 21 Brewster Street, by Kelly Hurd. **VOTED** to remove one parking space in front of 21 Brewster Street.

1. Accepted and placed on file amended meeting minutes from August 2, 2018.
2. Accepted and placed on file financial report dated July 31, 2018.
3. Public Comment: Seven Speakers: Martha Robertson, Stephanie Lane, Lee Frank, Rick Condon, David Gaddy, Kelly Hurd and Roger Pederson
4. (VI.A.) **Action Item:** Request to remove two parking spaces in front of 21 Brewster Street, by Kelly Hurd. **VOTED** to remove one parking space in front of 21 Brewster Street.
5. (VI.B.) **Action Item:** Request to install curbing and trees along Madison Street near the intersection with Austin Street, by Lee Frank and others.
VOTED to direct staff to include Madison Street as a proposed project in the Capital Improvement Plan (CIP) for Fiscal Year 2020 to 2025.
VOTED to have staff collect data, evaluate and report back on parking and traffic on Madison Street.
VOTED to have staff collect data, evaluate and report back on a pedestrian crosswalk across State Street at Madison Street.

6. (VI.C.) **Action Item:** Shared Active Transportation, potential ordinance.
No action required by Committee.
7. (VI.D.) **Action Item:** Request to renew Portwalk Place valet licenses.
VOTED to renew valet licenses for Marriott Residences and Hampton Inn.
8. (VIII.A.) **Action Item:** Neighborhood Parking Program.
No action required by Committee.
9. (VIII.B.) **Action Item:** Andrew Jarvis Drive improvement project status.
No action required by Committee.
10. (VIII.C.) **Action Item:** Middle Street bike lane project status.
No action required by Committee.
11. (VIII.D.) **Action Item:** Letters received regarding motorcycles in Market Square.
VOTED to place letters on file.
12. (VIII.E.) **Action Item:** Neighborhood Traffic Calming Applications received.
No action required by Committee.
13. (VIII.F.) **Action Item:** PTS open action items.
No action required by Committee.

Adjournment – At 9:10 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. – September 6, 2018
City Hall – Conference Room A

I. CALL TO ORDER:

At 8:00 a.m., Chairman Doug 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, Shari Donnermeyer
Member, Mary Lou McElwain
Member, Harold Whitehouse
Alternate Member, Steve Pesci

Member Absent:

Member, Ralph DiBernardo

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher
Planning Director, Juliet Walker

III. ACCEPTANCE OF THE MINUTES:

Deputy Fire Chief Heinz requested that the source for the motorcycle accident information discussed under action item VIII.B. be cited in the August meeting minutes. Chairman Doug Roberts agreed to provide the source document to the Committee.

Shari Donnermeyer moved to accept the amended meeting minutes of the August 2, 2018 meeting, seconded by Harold Whitehouse. **Motion passed 7-0.**
Steve Pesci recused himself from the vote because he had not attended the meeting.

IV. FINANCIAL REPORT:

Harold Whitehouse questioned the Foundry Place Transient line item. Public Works Director Peter Rice said the numbers were projections for budgeting purposes based on utilization expectations.

The Committee discussed the budget surplus and targets noted on the report, as well as the High Hanover Garage closures due to high occupancy. City Manager John Bohenko

requested a report on how many times the garage was closed, and the duration of the closures, for the October meeting.

Mary Lou McElwain questioned the HH Pass Reinstatement line item. City Manager John Bohenko said it was for the people who did not pay their monthly fee on time and had to reinstate it.

Harold Whitehouse moved to accept the financial report dated July 31, 2018, seconded by City Manager John Bohenko. **Motion passed 8-0.**

V. PUBLIC COMMENT:

Martha Robertson had concerns about the Neighborhood Parking Program. Chairman Doug Roberts responded that it was on the agenda today, but no decision would be made by the Committee. The program would be presented to the City Council in the coming weeks.

Stephanie Lane had concerns about motorcycle parking in Market Square. Ms. Lane felt there could be a better compromise. Chairman Doug Roberts noted that this was an informational item. He stated it was supposed to be a simple change, but it has become more complicated. The consensus is to leave the parking as it is.

Lee Frank spoke in support of action item VI.B. He stated it has been a safety issue for many years.

Rick Condon spoke in support of action item VI.B. He expressed concern about the disorganized parking, cars parking in the opposite direction of traffic, or spilling over into driveways.

David Gaddy spoke in support of action item VI.B. He stated adding a curb at the edge of the road, without recessing it, would not solve the problem. Mr. Gaddy has seen school buses unable to drive down Madison Street because cars were parked on the street. He stated it was particularly an issue in the winter, when the snow banks start to creep into the street.

Kelly Hurd spoke in support of action item VI.A. Ms. Hurd proposed a compromise. She proposed removing only one on-street parking space instead of two.

Roger Pederson spoke to motorcycle parking in Market Square. He stated not all motorcyclists should be in the same category. Some meet the decibel requirements and some do not. He suggested one solution could be a voluntary decibel-testing program. Motorcyclists who pass the test could receive a permit to be able to park in the downtown area.

VI. NEW BUSINESS:

A. Request to remove two parking spaces in front of 21 Brewster Street, by Kelly Hurd. Eric Eby noted that the issue was presented to the Committee last fall. The street was under construction then, so the decision was made to wait until construction was completed. He stated it remained problematic after construction, so the request is to remove two parking spaces. However, Ms. Hurd just noted in the public comment that removing one space would give them room to turn in and out.

Public Works Director Peter Rice commented that striping out one spot was a good compromise. If it was still an issue in the future, it could be reevaluated.

Public Works Director Peter Rice moved to remove one parking space in front of 21 Brewster Street, seconded by City Manager John Bohenko. **Motion passed 8-0.**

B. Request to install curbing and trees along Madison Street near the intersection with Austin Street, by Lee Frank and others. City Manager John Bohenko moved to direct staff to include Madison Street as a proposed project in the Capital Improvement Plan (CIP) for Fiscal Year 2020 to 2025, seconded by Harold Whitehouse.
Motion passed 8-0.

City Manager John Bohenko noted that there might be other issues like drainage that would need to be addressed with the curbing.

Chairman Doug Roberts questioned if putting a camera in the area to collect data was appropriate. Eric Eby confirmed that it was.

City Manager John Bohenko moved to have staff collect data, evaluate and report back on parking and traffic on Madison Street, seconded by Public Works Director Peter Rice.
Motion passed 8-0.

Mary Lou McElwain commented that staff should look at the entire street with cars parking on both sides. If a school bus cannot make it down the street, then that is a safety issue. Public Works Director Peter Rice responded that they would be looking at the entire geometry of the road to assess the curbing. If parking was going to be maintained, then the road would need to be widened. Mary Lou McElwain questioned how the school bus issue would be handled in the short term. Public Works Director Peter Rice responded that the City would ensure the snow banks are pushed back far enough to keep the road open for access by school buses. He stated it would be an operational issue in the short-term.

Chairman Doug Roberts noted that the last part of the request was to add a crosswalk on State Street near the intersection of Madison Street for Cater Park.

Eric Eby commented that at the site visit an area for a potential crosswalk was identified, but more data should be collected to understand what would be required.

Steve Pesci moved to have staff collect data, evaluate and report back on a pedestrian crosswalk across State Street at Madison Street, seconded by Mary Lou McElwain. **Motion passed 8-0.**

C. Shared Active Transportation, potential ordinance. City Manager John Bohenko noted that this was a topic he brought up after reading industry periodicals about scooters and bikes without docking stations. It is becoming a problem because the scooters and/or bikes can be parked anywhere by users because there are no docking stations. The goal is to get ahead of this issue.

Mary Lou McElwain questioned if a company could just come in and set this up. City Manager John Bohenko said that was correct. It has already happened in some cities.

Steve Pesci suggested changing the title of the potential ordinance, so that the public would more readily understand what the ordinance was for. The language should specify that it would be for privately owned vehicles that are shared for a fee. Steve Pesci was grateful that the City was being proactive.

Harold Whitehouse questioned if it was necessary to have legislation about this as well. City Manager John Bohenko responded that it was possible. The City can regulate the sidewalks.

Steve Pesci commented that this was great technology. It's great for mobility, but it needs to be regulated. He asked if there was a way to license them, much like signage, where the business would need to get a permit. The issue is the placement and quantity of the scooters. The City should regulate both. City Manager John Bohenko responded that it could fall under the encumbrance license.

Chairman Doug Roberts added that the ordinance should address (if it's appropriate) the use of bike lanes by low power vehicles.

Deputy Fire Chief James Heinz commented that Fire Departments in other cities are having issues navigating stretchers on sidewalks that have scooters parked on them. The Fire Department supported the regulation of scooter placement.

Mary Lou McElwain pointed out that the Police Department would have to enforce all of this. Police Captain Frank Warchol confirmed that it would be another layer to the ordinance.

City Manager John Bohenko commented that there was a benefit to the scooters. It could reduce the amount of cars downtown. He will address the issue with the City Council.

D. Request to renew Portwalk Place valet licenses. City Manager John Bohenko moved to renew valet licenses for Marriott Residences and Hampton Inn, seconded by Harold Whitehouse. **Motion passed 8-0.**

Harold Whitehouse commented that there is a lot of 15 minute parking and valet parking in that area and wondered if the Committee made a mistake allowing so much valet parking. City Manager John Bohenko responded that the valet takes the cars out of the core downtown and parks them in an area that the public would not normally park. It helps reduce the downtown congestion.

Shari Donnermeyer questioned why they were charging the same amount this year as last year. City Manager John Bohenko said they would take the fee under advisement with the Fee Committee.

VII. OLD BUSINESS:

No old business.

VIII. INFORMATIONAL:

A. Neighborhood Parking Program. Ben Fletcher talked about the research that went into the program. The division was charged with developing a neighborhood parking program for neighborhoods that wanted it. The Department researched other communities that have similar programs to discuss what has been successful. The Department went to Baltimore because they have a very robust neighborhood parking program. There was an online survey for residents in April and May. There were over 300 responses mostly coming from the South End and Islington Creek neighborhoods. Based on the responses, an outline was created, and interested neighborhoods were asked to form steering committees. All this information provided went into creating the draft document.

City Manager John Bohenko added that it was a pilot program. It may be something the City moves forward with or not. City Council will make the final decision. This is a request coming from the neighborhoods. They will have to evaluate what works and doesn't work for them. There could be unintended consequences.

Chairman Doug Roberts questioned if 75% of the residences needed to sign up. Ben Fletcher confirmed that was correct. The reason that is required is to ensure that the majority of residents are interested in the program.

Mary Lou McElwain questioned how this would impact the existing parking stickers. Ben Fletcher responded that this program would replace that one. The existing parking sticker program is difficult to enforce. Mary Lou McElwain questioned if the signs for the existing program would be eliminated. Ben Fletcher responded that they would be eliminated and this neighborhood parking program would have its own sign package.

Shari Donnermeyer questioned where the pilot programs would be taking place. Ben Fletcher responded that one would be in the Islington Creek neighborhood which consists of the area north of Islington St. towards the pond going from Bridge Street, to Cass

Street, and down to Dover Street. The South End neighborhood would be the other one and it goes from Court Street, down to Sander's Fish Market and Pleasant Street, up to Court Street again.

Shari Donnermeyer asked when the program would start. Ben Fletcher responded that it would start in concurrence with the opening of the Foundry Place Garage.

Steve Pesci questioned if the model was designed to be fiscally self-sustaining. City Manager John Bohenko responded that the pilot program wouldn't be because there's a lot of one-time start-up fees. If it became permanent, City Manager John Bohenko believed that it should be revenue neutral. Ultimately, that would be a decision of the City Council.

Chairman Doug Roberts noted that he had received an email about this topic from Elizabeth Bratter. He will forward it to the City Council.

B. Andrew Jarvis Drive improvement project status. Harold Whitehouse complimented those working on the project. He asked if the crossing guard would have control over the lights. Public Works Director Peter Rice responded that they were looking at making it a timed system. The thought is once the signaling is set up, a crossing guard won't be needed because it will be much safer.

Eric Eby commented that it was an adaptive program that can account for different times of the day and different days of the week. There is video detection overhead to adapt to traffic patterns.

C. Middle Street bike lane project status. Planning Director Juliet Walker updated the Committee on the project status. Information about the project schedule has been posted on the web page. They are working on the striping. A portion has already been completed as part of the Andrew Jarvis Drive project. The South Street, Lafayette Road and Middle Street intersection will have improvements made and a bike box will be added. There will be bike lanes and buffer bike lanes with parking, as it gets closer to downtown. There has been engagement from the Seacoast Area Bike Riders (SABR) and Portsmouth High School to educate riders on how to use the bike lanes and bike box. She explained a bike box gives bicyclists a head start on a left turn at intersections. There is a video explaining how to use it on the web page. The contractor should finish the project by the end of September.

www.cityofportsmouth.com/planportsmouth/middle-street-lafayette-road-bicycle-pedestrian-corridor-project

D. Letters received regarding motorcycles in Market Square. Chairman Doug Roberts noted that the Committee had received letters about this topic. There have been suggestions for times and head in parking. The Department of Public Works and Eric Eby can consider the suggestions and bring back a recommendation, if appropriate.

Director of Public Works Peter Rice moved to put the letters on file and revisit if the issue comes up again, seconded by City Manager John Bohenko. **Motion passed 8-0.**

- E. Neighborhood Traffic Calming Applications received:
- a. Aldrich Road
 - b. South Mill Street
 - c. South Street between Middle Street and Lafayette Road
 - d. South Street and Brackett Lane

Eric Eby commented that they have received several requests. The Aldrich Road request has been in front of the Committee a few times. They are in process of gathering signatures on the petition. City Manager John Bohenko questioned if there were any opportunities to put in a mini-roundabout to help slow down traffic. Eric Eby responded that was something they were looking into especially in areas where there is a 4-way intersection.

Public Works Director Peter Rice noted that the traffic calming options were listed on the web page. www.cityofportsmouth.com/publicworks/transportation/neighborhood-traffic-calming-program He said a study of Aldrich Road was completed and a number of traffic calming options were presented and the neighborhood uniformly rejected them. Aldrich Road was designed with neighborhood input. Chairman Doug Roberts suggested doing a temporary calming measure so the neighborhood could see how it would impact them. Public Works Director Peter Rice agreed.

- F. PTS open action items
No discussion by the Committee.

IX. ADJOURNMENT – at 9:10 a.m., VOTED to adjourn.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

ORDINANCE #2011-01 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 38 "BUILDING CONSTRUCTION," SECTIONS 38-1 AND 38-5, OF THE DURHAM TOWN CODE, TO CODIFY THE TOWN'S SUPPORT FOR ENERGY EFFICIENCY BUILDING STANDARDS BY ESTABLISHING AS A BUILDING CONSTRUCTION ENERGY EFFICIENCY STANDARD THE CURRENT INTERNATIONAL ENERGY COUNCIL CODE FOR CLIMATE ZONE 6

WHEREAS, the Durham Town Council placed the New Hampshire Climate Change Resolution on the March 13, 2007 town ballot; and

WHEREAS, the voters of the Town of Durham adopted the New Hampshire Climate Change Resolution by a margin of 1447 for and 254 against; and

WHEREAS, the New Hampshire Climate Change Resolution contained the following paragraph:

"In addition, the Town of Durham encourages New Hampshire citizens to work for emission reductions within their communities, and we ask our Town Council to consider the appointment of a voluntary energy committee to recommend local steps to save energy and reduce emissions."; and

WHEREAS, the Durham Town Council, the governing body of the Town of Durham, New Hampshire, on April 23, 2007 adopted Resolution #2007-14 creating an advisory committee called the Energy Committee Steering Committee, now known as the Energy Committee; and

WHEREAS, New Hampshire's adoption of the 2009 edition of the International Energy Conservation Code (IECC) on April 1, 2010 classified Strafford County as Climate Zone 5, along with Massachusetts to the south; and

WHEREAS, similar-latitude counties in Vermont and Maine are classified as Climate Zone 6; and

WHEREAS, prior to April 1, 2010 Strafford County had been classified as Climate Zone 6; and

WHEREAS, construction design significantly influences a structure's consumption of heating oil and electricity throughout its life; and

WHEREAS, Climate Zone 6 construction design standards are more energy-efficient than Climate Zone 5, with minimal upfront cost; and

WHEREAS, Chapter 38, Section 38-1. "Purpose" does not currently provide for standards relative to energy conservation or energy efficiency; and

WHEREAS, Chapter 38, Section 38-5. "Conformity to building codes required" references an outdated set of codes, i.e., 1990 Building Officials and Code Administrators (BOCA) codes; and

WHEREAS, the Energy Committee has considered the benefit to the Town of requiring that the current printed edition of the International Energy Conservation Code (IECC) be used for all energy code construction in the Town of Durham based on all Climate Zone 6 design criteria and advises the Durham Council to do so;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2011-02 and does hereby amend Chapter 38 "Building Construction," Section 38-1 and Section 38-5 of the Durham Town Code by codifying the town's support for energy efficiency building standards by **establishing as an building construction energy efficiency standard the current International Energy Council Code for climate zone 6.**

Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

38-1. Purpose

The purpose of these regulations is to provide for the public safety, health and welfare through the establishment and enforcement of standards of construction for structural strength, adequate means of egress, sanitary equipment, light and ventilation, energy efficiency and fire safety and in general to secure safety to life and property from all hazards incidental to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

38-5. Conformity to building codes required.

All construction in the Town of Durham shall conform to the current Life Safety Codes, National Electrical Codes and applicable state laws and NFPA & ICC adopted codes, ~~to 1990 Building Officials and Code Administrators (BOCA) codes~~ and to current applicable town ordinances and construction requirements. The current printed edition of the International Energy Conservation Code (IECC) shall be used for all energy code construction in the Town of Durham based on all Climate Zone 6 design criteria.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 24th day of January, 2011 by Seven (7) affirmative votes, Zero (0) negative votes, and Zero (0) abstentions.

Diana Carroll, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk