

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, NOVEMBER 19, 2018 TIME: 6:30PM

- 6:30 PM – NON PUBLIC SESSION RE: RSA 91-A:3 II (e) – LITIGATION REGARDING JAMES G. BOYLE AS TRUSTEE, ET. ALS.

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

## PRESENTATION

- 1. McIntyre Property

- V. ACCEPTANCE OF MINUTES – SEPTEMBER 4, 2018

- VI. PUBLIC COMMENT SESSION

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

- A. Public Hearing – Ordinance amending Chapter 7 – Parking Meter Zones (Voted to postpone second reading and reopen the public hearing at the November 19, 2018 City Council meeting)

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:*

- 1) *Move to suspend the rules and bring forward the Fee Committee report back relative to resident discount at on-street parking meters; and*
- 2) *Move to pass second reading and schedule a third and final reading of the proposed Ordinance, as amended, at the December 3, 2018 City Council meeting.)*

- B. Public Hearing – Ordinance Amending Chapter 10 – Proposed Sign Ordinance

ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE BY DELETING THE EXISTING ARTICLE 12 – SIGNS AND INSERTING IN ITS PLACE IN 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

- 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 December 3, 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.)***

- C. Third and final reading of Ordinance amending Chapter 7, Article XIX, Section 7.1901 – 7.1905 - Shared Active Transportation ***(Sample motion – move to pass third and final reading of the proposed Ordinance)***
- D. Third and Final Reading of Ordinance amending Chapter 14, Article II, Section 14.2 - Demolition Ordinance ***(Sample motion – move to pass third and final reading of the proposed Ordinance, as amended)***

**VIII. APPROVAL OF GRANTS/DONATIONS**

- A. \*Acceptance of Donations Re: USS New Hampshire
- Wilcox Industries Corp - \$500.00
  - Renee Plummer dba Two International Marketing - \$500.00
  - Piscataqua Savings Bank - \$500.00
  - Sean Mahoney - \$500.00
  - Propeller Club of the United States 06/92 - \$500.00

***(Sample motion – move to accept and approve the donations for the USS New Hampshire, as presented)***

- B. Acceptance of Grant for Household Hazardous Waste Collection ***(Sample motion – move to accept and expend a \$4,287 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract)***
- C. Acceptance of Grants and Donation – Portsmouth Police Department
- a. Bulletproof Vest Grant - \$5,817.50
  - b. FY 2018 Internet Crimes Against Children Task Force Funding Grant - \$274,854.00
  - c. Highway Safety Grants - \$31,930.00
  - d. Lonza Biologics Corporation - \$4,000.00

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

- D. \*Acceptance of Donation - Portsmouth Fire Department - \$2,000.00 from Oreen M. Audette, “In Memory of Our Loved Ones” from, the Audette Family

## IX. CONSENT AGENDA

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

- A. Request for License to Install Projecting Sign for Regina Piantedosi owner of Regina Piantedosi for property located at 46 State Street **(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)**

#### **Planning Director's Stipulations**

- **The license shall be approved by the Legal Department as to content and form;**
  - **Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and**
  - **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works)**
- B. Letter from Donald Allison, Eastern States 20 Mile Road Race requesting permission to hold the race on Sunday, March 24, 2019 **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Lilia Potter-Schwartz, Race to Educate requesting permission to hold an annual race on Sunday, May 26, 2019 at 12:30 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Emily Christian, National Multiple Sclerosis requesting permission to hold the 2019 Walk MS: Portsmouth on Saturday, April 13, 2019 from 10:00 a.m. until 2:00 p.m. **(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 Jim Splaine regarding Coakley Landfill & Coakley Landfill Group
- C. Petition from Residents of Pinehurst Road requesting to change the zoning for the properties on Pinehurst Road from General Resident A (GRA) to Single Resident B (SRB) **(Sample motion – move to refer to the Planning Board for report back)**
- D. Letter from Colette Foley regarding Middle Street and Lafayette Road Bicycle Lanes

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### *City Manager's Items Which Require Action:*

1. Acceptance of Doble Deed
2. Report Back Re: Quitclaim Deed - Property located off of Lafayette Road – Tax Map 296, Lot 2
3. 299 Vaughan Temporary Construction License
4. 135 Congress Street Temporary Construction License
5. 46-64 Maplewood Avenue Amended Fee for Approved Temporary Construction License
6. 90 & 110 Brewery Lane License for Street Lights on Public Property
7. Request for First Reading Re: Zoning Ordinance Amendments to Article 11 Off-Street Parking
8. 2019 Schedule of City Council Meetings and Work Sessions
9. Next Steps Re: Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy
10. Holiday Parking
11. Banfield Road Improvements

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

1. Events Listing
2. Peirce Island Wastewater Treatment Facility Upgrade Project: Progress Report November 2018

### B. MAYOR BLALOCK

1. Appointment to be Considered:
  - Chase Hagaman reappointment to the Zoning Board of Adjustment

### C. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 1, 2018 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the November 1, 2018 Parking and Traffic Safety Committee meeting***)
2. \*Proposed Demolition of St. Patrick School

**D. COUNCILOR PEARSON**

1. \*Update on Foundry Garage Art

**E. COUNCILORS DWYER & RAYNOLDS**

1. Memorandum and Minutes from Fees Schedule Study Committee:
  - Resident Discount at Parking Meters in conjunction with expansion of the meter rates in High Occupancy Zones
  - Proposed amendment to City Policy 2018-02 - License Fee for Encumbrance of City Property

**F. COUNCILOR DENTON**

1. \*Request the City complete a Capital Improvement form for a Level 3 480 volt Direct Current Fast Charger to be placed in Market Square

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

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


*\* Indicates verbal report*

**INFORMATIONAL ITEM**

1. Notification that the minutes of the Planning Board meeting of September 20, 2018 are available on the City's website
2. Notification that the minutes of the Site Review Technical Advisory Committee meeting of October 2, 2018 are available on the City's website

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** November 15, 2018  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on November 19, 2018 City Council Agenda

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***Non-Public Session:***

6:30 p.m. *Non-Public Session Re: RSA 91-A:3 II (e) – Litigation Regarding James G. Boyle As Trustee, et als*

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***Presentation:***

1. **Presentation Re: McIntyre Property.** Representatives from Redgate/Kane will give an update to the City Council regarding the McIntyre property.

***Acceptance of Grants and Donations:***

1. **Acceptance of Donations Re: USS New Hampshire.** Mayor Blalock and the City Council appointed the Portsmouth Host Welcoming Committee for the USS New Hampshire. The Committee is comprised of Mayor Jack Blalock; Committee Chair Stephanie Seacord; Deputy City Manager Nancy Colbert Puff; Economic Development Program Manager Nancy Carmer; Public Information Officer Brenna Woodman; Portsmouth Chamber Collaborative President Valerie Rochon and former Mayor Robert Lister. The Welcoming Committee hosted a 10<sup>th</sup> Anniversary Party for the USS New Hampshire and her full crew on October 25<sup>th</sup> at the Cisco aka Redhook Brewery, to make their stay in Portsmouth a

memorable one. Through the generosity of sponsors, the Welcoming Committee has received the following donations for City Council acceptance:

➤ Wilcox Industries Corp.	\$500.00
➤ Renee Plummer dba Two International Marketing	\$500.00
➤ Piscataqua Savings Bank	\$500.00
➤ Sean Mahoney	\$500.00
➤ Propeller Club of the United States 06/92	\$200.00

*The City of Portsmouth is the fiscal agent.*

*I recommend the City Council move to accept and approve the donations for the USS New Hampshire, as presented.*

2. **Acceptance of Grant for Household Hazardous Waste Collection.** As you are aware, \$15,000 has been committed from the Water & Sewer Enterprise Fund for two household hazardous waste collection events in the FY '19 budget.

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than twenty years. Over 200,000 gallons of hazardous waste have been properly disposed of during this time. An average of 600 families take advantage of the collection events every year.

In the spirit of being a good neighbor, the City also offers the services to residents of Newington and Greenland. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$4,287 from the Department of Environmental Services (DES) is available to the City to assist in managing the cost of these events. [See attached.](#) This grant would supplement the City funds proposed in the FY '19 budget.

*I would recommend the City Council move to accept and expend a \$4,287 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract.*

3. **Acceptance of Grants and Donation - Portsmouth Police Department.** Attached is a memorandum, dated October 24, 2018 from the Office of the Chief. At the October 23, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donations:

- a. Bulletproof Vest Grant – A grant in the amount of \$5,817.50 has been received from the Bureau of Justice Assistance under the FY 2018 Bulletproof Vest Partnership. Under this partnership, the Bureau of Justice Assistance provides matching grant dollars of 50% of the cost to replace aged bulletproof vests for Portsmouth officers.
- b. FY 2018 Internet Crimes Against Children Task Force Funding Grant – A grant in the amount of \$274,854 has been received from the US Department of Justice. This grant funds the New Hampshire Internet Crimes Against Children (ICAC) Task Force for the 2018 Federal Fiscal Year. The Portsmouth Police Department is the Headquarters for the New Hampshire ICAC Task Force. These grant monies will be distributed by the ICAC Commander to our task forces throughout the state.
- c. Highway Safety Grants – Multiple grants from the New Hampshire Department of Safety totaling \$31,930 distributed, as shown below, have been awarded to the Portsmouth Police Department:

i. STEP Patrols	\$9,286.
ii. Operation Safe Commute	\$2,971.
iii. Join the NH Clique	\$ 440.
iv. Distracted Driving	\$6,380.
v. Pedestrian Bicycle	\$5,115.
vi. DWI Patrols	\$7,738.
Total Amount Awarded	\$31,930.

- d. A donation in the amount of \$4,000 from Lonza Biologics Corporation to help the Portsmouth Police Training Department, given in appreciation for the extensive active-shooter response training provided to nearly a thousand Lonza employees.

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

*I recommend the City Council move to accept and approve the grants and donation to the Portsmouth Police Department, as presented.*



4. **Acceptance of Donation - Portsmouth Fire Department.** The Portsmouth Fire Department has received a \$2,000.00 donation from Oreen M. Audette, “In Memory of Our Loved Ones from, the Audette Family.”

*I recommend the City Council move to accept and approve the donation to the Portsmouth Fire 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 (Voted to postpone second reading and reopen the public hearing at the November 19, 2018 City Council meeting.)** At the meeting of October 1, 2018, the City Council voted to postpone second reading and reopen the public hearing at the November 19, 2018 City Council meeting regarding 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 Zones 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.

As you recall, the City Council referred this matter to the Fee Committee to evaluate additional residential discount at the on-street parking meters with the proceeds received from the expansion of the High Occupancy Zones. Attached under Councilors Dwyer’s and Reynolds’ names is a report back from the Fee Committee which recommends certain actions in conjunction with approval of the proposed expansion of the Highway Occupancy Zones.

*I recommend the City Council suspend the rules and bring forward the Fee Committees recommendations for action prior to voting on the expansion of the High Occupancy Zones.*

*The following motions are required:*

- 1) *Move to suspend the rules to bring forward the Fee Committee report back relative to resident discount at on-street parking meters, and,*
- 2) *Move to pass second reading and schedule a third and final reading of the proposed Ordinance, as amended, at the December 3, 2018 City Council meeting.*

2. **Public Hearing/Second Reading of Amendments to 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.** At the October 15, 2018 City Council meeting, the Council voted to schedule second reading and a public hearing on the [attached proposed Amendments](#) to 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 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 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.

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

*Move to pass second reading and schedule third and final reading of the proposed Ordinance at the December 3, 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. **Third and Final Reading of Ordinance amending Chapter 7, Article XIX, Section 7.1901 and 7.1905 - Shared Active Transportation.** At the October 15, 2018 City Council meeting, the Council voted to pass second reading and schedule third and final 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.](#)

*I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented.*

4. **Third and Final Reading of Ordinance amending Chapter 14, Article II, Section 14.2 - Demolition Ordinance.** At the October 15, 2018 City Council meeting, the Council voted to pass second reading with a minor amendment and to schedule third reading on the proposed ordinance amending Chapter 14, Article II, Section 14.2 – Demolition Ordinance.

The amendment consisted of adding “small buildings” to the list of exempt projects in Section 14.203 (3).

Staff also recommends another minor amendment be incorporated into the third and final reading – to replace “community” with “cultural” in Section 14.201. This would be consistent with other changes made throughout the document as previously approved by the Council.

The updated revised Demolition Delay Ordinance incorporates all of the original proposed changes as well as the proposed amendments described above.

*I recommend the City Council move to pass third and final reading of the proposed Ordinance, as amended.*

### ***Consent Agenda:***

1. **Request for License to Install Projecting Sign.** Attached is a request for a projecting sign license (see attached memorandum from Juliet Walker, Planning Director):
  - Regina Piantedosi, owner of Regina Piantedosi for property located at 46 State Street

*I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request.*

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

1. **Acceptance of Doble Deed.** The City has received the deed for the US Government’s property at 125 Cottage Street, the former Paul A. Doble Army Reserve Center. This represents the final step in a multi-year effort to secure the property for the City, which began in 2005. At this time, the deed needs to be accepted by vote of the City Council and returned to the federal government for signature and eventual recording. Following completion of the signature and recording process, the ownership will be formally transferred. Meanwhile, staff have confirmed the property has been emptied of its contents (except for commercial grade kitchen equipment, which will become the City’s property) and cleaned.

*The deed for the Doble Center is attached.* A few important notes related to the deed are worth highlighting at this time.

- The legislation which authorized the federal government to transfer the property to the City also required the property be used for the “public benefit of a park or recreation use.” This restriction will stay with the property in perpetuity and the recourse for non-compliance is expressly called for in the legislation. The City is receiving this

property “without consideration,” meaning no fee is to be paid in for the property. In the future, care will need to be taken to avoid triggering the automatic reverter provisions which the Federal government requires to be in the deed.

- As is custom for transfers from the Federal Government Environmental Condition of Property and Finding of Suitability, documents were completed following extensive reviews of the property beginning in 2007. These documents have been reviewed by City staff and City consultants. Typical construction contaminants have been tested for and confirmed to be absent, with the exception of asbestos, which will be remediated as part of the Senior Center construction project. As added protection for the City, a “CERCLA” (Certified Environmental Response, Compensation, and Liability Act) covenant is included in this deed. The covenant confirms all remedial action necessary to protect human health and the environment have been addressed prior to the date of the deed and that any future remediation, which may arise from the government’s use will be conducted by the federal government.

The City staff in the Community Development, Recreation and Public Works Departments continues to move forward with preparations for the construction of the new Senior Activity Center. This work includes logistical preparations for taking control of the building and ensuring the building and grounds are maintained after site control is secured. Below is a list of the next steps in the process “*to create opportunities for healthy aging through social engagement, physical well-being, civic involvement, creativity and lifelong learning*” – the mission for the new Center.

For more information about the project, including drawings, visuals, and site plans, please visit: <https://www.cityofportsmouth.com/recreation/senior>.

- **Abutters Meeting:** An abutters meeting attended by direct abutters, current senior center users, and other residents was held on October 29, 2018. At the meeting, residents were able to get a preview of the site plan to be reviewed at upcoming land use meetings and to ask questions of City staff. The Recreation Department, project engineers and architect reviewed programming and usage of the building; traffic, bike and pedestrian access and circulation; parking and parking lot lighting.
- **Land Use Reviews:** This project is proceeding through the Site Plan Review, which will include reviews by the City’s Technical Advisory Committee (Tuesday, December 4<sup>th</sup> at 2:00 p.m.) and City’s Planning Board (Thursday, December 15<sup>th</sup> at 7:00 p.m.).
- **Advisory Group:** The Recreation Department Senior Services division and a growing group of volunteers are working to form a Friends Group to assist the City in communicating about and planning for the Center.
- **Construction Preparations:** Following land use review, the staff plans to release drawings and specifications for project bidding. Asbestos remediation work is slated to take place in advance of the full construction project. The City will work to keep

abutters and the broader public up to date on developments. A final construction schedule is yet to be determined, but is anticipated to begin soon after the City controls the property and is anticipated to last approximately 10 months. The cost for the construction is estimated to be \$3.4 million; \$300,000 in design costs have already been funded through the Community Development Block Grant (CDBG) program. Construction will be funded through a combination of additional CDBG funding as well as proceeds from the Daniel Street Trust and other sources.

Once completed, the City's current senior program will relocate to Cottage Street. The Portsmouth Senior Activity Center provides programs and activities for people ages 50+. The comprehensive array of activities and services promotes healthy aging and focuses on fitness, enrichment, socialization, resources, and entertainment as well as a hub to gather. The current program has 1,300 members. The new space will allow for more programming and provide needed space for other community programs that complement and expand the senior offerings, including intergenerational programming.

We all look forward to the wonderful addition the new Center will be to our community. I will keep you up to date as the work progresses.

*I recommend the City Council vote to accept the deed for the property at 125 Cottage Street in Portsmouth, New Hampshire and further authorize the City Manager to execute all necessary documentation to affect the same subject to a title search.*

2. **Report Back Re: Quitclaim Deed - Property located off of Lafayette Road – Tax Map 296, Lot 2.** In order to clear up title to a 6.5 acre mostly wet, land-locked parcel on the border of Greenland and Rye, the Legal Department recommends that the City accept a quitclaim deed for that parcel from Mary Beth Hebert who resides at 112 Gates Street, Portsmouth. [Attached is a map](#) showing the parcel known as Tax Map 296, Lot 2.

On August 28, 1995 the former Portsmouth Tax Collector issued a tax deed conveying land located on Lafayette Road known as Tax Map 296, Lot 2 to Mary Beth Herbert. This conveyance was in error. Subsequently, on September 8, 1995 the Tax Collector conveyed through a Corrective Deed a parcel of land located at Map 296, Lot 5 to Ms. Herbert (the correct lot). No quitclaim deed relative to Lot 2 was filed to fully effectuate and correct the original conveyance error.

Ms. Herbert does not wish to retain any interest in Lot 2 and the Legal Department has prepared a quitclaim deed to accomplish this clearing up of title. Ms. Herbert continues to own Lot 5. The City Council voted on September 17, 2018 to refer this request to the Planning Board for its recommendation. At its meeting of October 18, 2018, the Planning Board voted to recommend acceptance of a quitclaim deed.

*I recommend the City Council move to accept a quitclaim deed from Ms. Herbert for property located at Tax Map 296, Lot 2, for land-locked property located off of Lafayette Road on the border of Greenland and Rye.*

3. **299 Vaughan Street Temporary Construction License.** On June 15, 2017, the Planning Board granted site plan review, wetlands conditional use, and subdivision approvals for Vaughan Street Hotel LLC (formerly 299 Vaughan Street LLC) to construct a five-story, 143-room hotel with additional ground-floor retail uses on properties formerly occupied by a municipal parking lot and an auto parts business.

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

On August 20, 2018, The Council approved a license request for the initial phase of the project, which runs through the end of January 2019. [See attached License Agreement.](#) The current request to the City Council is for the next phase of the project. The total term of the requested license is for 240 days starting on January 30, 2019. The license area as shown on the [attached plan](#) consists of 6,235 square feet of City property including a portion of the street, sidewalk and parking spaces. During the term of the license, Vaughan Street shall be operated as a one-way street. The proposed operation of Vaughan Street as a one-way street previously been reviewed and discussed with the Parking & Traffic Safety Committee.

The total fee for the temporary license was calculated based on the \$0.15 per square foot per day as defined in the City Council policy. The policy also allows the City Manager to waive the license fees for parking in unmetered spaces if the applicant can provide equivalent public parking in the immediate vicinity of the licensed area. The developer is proposing to continue to provide the four (4) temporary parking spaces at the 111 Maplewood Ave property as approved for the Phase 1 license, labeled as T6 to T9 on the [license plan provided](#). In addition, the developer is proposing to provide 16 daily parking passes for covered spaces in the Portwalk Place parking garage – 10 of these will be available 7 days a week, 6 will be weekday only.

Each space is 160 square feet, which calculates to \$24 per space per day. For the 4 uncovered spaces, 240 days, the total credit is \$23,040. As the covered parking spaces are generally higher value to the City and the users than an unmetered on-street space, City staff are proposing a credit of \$36 per day per space. For the 10 covered spaces, 240 days, the total credit is \$86,400. For the 6 covered spaces, 185 days, the total credit is \$39,960. As a result, the license fee has been reduced from \$224,460 to \$75,060.

As the City Council will be considering revisions to the License Fee for Encumbrance of City Property Policy at the November 19, 2018 City Council meeting, staff is recommending that the authorization of the license provide the ability for City staff to adjust the fee if the policy is amended during the term of the license without further action of the City Council.



Based on the currently proposed revised policy as reviewed and recommended by the Fee Committee, the new base fee would be \$74,820 and the adjusted parking credits would be \$49,880, bringing the total license fee to \$24,940.

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

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

*Move that the City Manager be authorized to execute and accept the temporary construction license regarding 299 Vaughan Street as submitted and that the City Manager may adjust the fee if the License Fee for Encumbrance of City Property Policy is amended by City Council during the term of the license.*

4. **135 Congress Street Temporary Construction License.** On January 18, 2018, the Planning Board granted site plan review for a 2,943 square foot rear addition to this building for restaurant expansion and function space. In addition, the project received Historic District Commission approval for renovations to the façade.

The modifications to the façade require a temporary encumbrance to the sidewalk along Congress Street which will be longer than 30 business days and therefore will require a license. The license is subject to the “License Fee for Encumbrance of City Property” policy, which was adopted by the City Council on April 16, 2018. [See attached License Agreement and Exhibit A.](#)

The total term of the requested license is for 127 days starting on November 20, 2018. The license area as shown on the enclosed plan consists of 563 square feet of City sidewalk. 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 and therefore the total license fee is \$10,725.15.

As the City Council will be considering revisions to the License Fee for Encumbrance of City Property Policy at the November 19, 2018 City Council meeting, the license includes language for the City to adjust the fee if the policy is amended during the term of the license without further action of the City Council.

Based on the currently proposed revised policy as reviewed and recommended by the Fee Committee, the new base fee would be \$3,575.05. 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 135 Congress Street, as submitted.*

5. **46-64 Maplewood Ave Amended Fee for Approved Temporary Construction License.** On October 1, 2018, the City Council approved a temporary construction license for the project located at 46-64 Maplewood Avenue. [See attached.](#)

The total area to be encumbered is 2,092 square feet for a duration of 120 days commencing after the licensee provides written notice to the City. The license is subject to the License Free for Encumbrance of City Property Policy.

As the City Council will be considering revisions to the License Fee for Encumbrance of City Property Policy at the November 19, 2018 City Council meeting, staff recommends that the City Council amend the license approval to allow for the fee to be modified in the event that the City Council amends and reduces the fee policy during the term of the approved License. Based on the currently proposed revised policy as reviewed and recommended by the Fee Committee, the total fee would be reduced from \$37,656 to \$12,552.

*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 an amendment to the temporary construction license for 46-64 Maplewood Avenue as approved by the Council on October 1, 2018 by adding the following:*

*“In the event that the City Council amends and reduces the License Fee for Encumbrance of City Property Policy during the term of this License, the City will reimburse Licensee a portion of its License Fee on a pro rata basis consistent with the amended policy without the need of further vote of the Council.”*

6. **90 & 110 Brewery Lane License for Street Lights on Public Property.** The mixed use project at 90 & 110 Brewery Lane is nearing completion. In the process of closing out the project and reviewing that all conditions of site plan review approval have been met, the Planning Department staff were made aware that five street lights shown on the approved plan are in fact located on City property. As such, they require a perpetual license from the City to allow the property owner to install, maintain, replace and pay electric bills for the lights. The license agreement requires that the lights shall be turned on consistent with the hours of operation for the City’s other street lights, but shall otherwise be the responsibility of the property owner to maintain, repair, and, if necessary, replace. [See attached Agreement.](#)

*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 a license agreement with Brewery Lane Portsmouth, LLC for street lights associated with the project located at 90 & 110 Brewery Lane.*



7. **Request for First Reading Re: Zoning Ordinance Amendments to Article 11 Off-Street Parking.** Attached is a proposed Zoning Ordinance amending Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking. The request is for a first reading at the next City Council meeting of December 3, 2018.

The amendments are being proposed to clarify the off-street parking requirements in the zoning ordinance. Specifically, additional criteria is being proposed for the granting of a conditional use permit by the Planning Board for providing less than the minimum number of off-street parking spaces required or for exceeding the maximum of off-street parking spaces allowed. Three housekeeping amendments are also proposed.

The Planning Board conducted a public hearing on this proposed zoning amendment at its October 18, 2018 meeting and voted to recommend approval to the City Council with amendments at that time

*I recommend the City Council move to schedule a first reading for the December 3, 2018 City Council meeting to amend the Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking as presented in the document titled “Proposed Off-Street Parking Amendments” dated October 18, 2018.*

8. **2019 Schedule of City Council Meetings and Work Sessions.** Attached for your review and adoption is a proposed schedule for City Council Meetings and Work Sessions for calendar year 2019.

*May I have your approval on this 2019 Schedule.*

9. **Next Steps Re: Mayor’s Blue Ribbon Committee on Sister Cities and Citizen Diplomacy.** In the Final Report and Recommendations presentation by the Blue Ribbon Committee on Sister Cities and Citizen Diplomacy at the October 15, 2019 City Council meeting, there were a number of suggested actions for the City Council to consider. The first action would be to accept the report and then coordinate with the Committee on suggestions for establishing a standing committee to carry out the next steps outlined in the report.

*Therefore, I recommend the City Council move to accept the report.*

10. **Holiday Parking.** In keeping with past traditions, the Parking Division proposes that the City Council considers offering on-street downtown parking free of charge from Monday, December 17 through Monday, December 24, 2018 in an effort to attract the shopping public and in support of downtown businesses. In October, 2018, Portsmouth on-street parking averaged \$9,865.00 daily, which would equate to \$98,650.00 for the 10-day period. When the City estimates it's parking revenues for the year, it accounts for the Holiday Free Parking.

*I recommend the City Council move to authorize the City Manager to implement a free holiday parking period from December 17 through December 24, 2018.*

11. **Banfield Road Improvements.** The Department of Public Works is in the process of finalizing acquisitions and plans as part of the Banfield Road Improvements Project. That project includes areas of widening and shifting of the roadbed, replacement of culverts, installation of guardrail, and the construction of a pedestrian accommodation from Ocean Road to Heritage Avenue.

Among the parcels impacted by the project is a City-owned property located on the south side of Banfield Road identified as parcel 0294-0009-0000 on the [attached figure entitled "Impacts to City-Owned Properties."](#) That parcel is currently a conservation property as defined and regulated by City Ordinance Chapter 8, Article V, Conservation Ordinance. Pursuant to §8.501 of that Ordinance, any use other than for the purposes of passive recreation must be approved by the City Council by two-thirds (2/3) vote. Because the City seeks to use the property for drainage purposes to improve the road, a vote of the City Council is required. That City Council vote must be preceded by a referral to the Conservation Commission for a review and report back.

For reference, the [attached figure](#) also identifies impacts to the two properties acquired by the City in fee the last two years along Banfield Road. Those properties are identified as parcel 0283-0019-0000 (the property purchased from Ferrari Remodeling) and parcel 0275-0005-0000, the so-called "teepee property." The specific drainage impacts to all three of these City-owned parcels are shown in the attached exhibits to the figure. Note also that the Department of Public Works will be coming forward with proposed easements from private property owners separately.

*I recommend the City Council move to refer to the Conservation Commission the proposed roadway drainage impacts to conservation property identified as parcel 0294-0009-0000 for a review and report back.*

### ***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. **Peirce Island Wastewater Treatment Facility Upgrade Project: Progress Report November 2018.** Attached for your information is a Progress Report dated November 2018 regarding the Peirce Island Wastewater Treatment Facility Upgrade.