

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 7, 2019 TIME: 6:00PM

- 6:00PM – NON PUBLIC SESSION RE: DEPUTY CITY MANAGER NANCY COLBERT PUFF EMPLOYMENT AGREEMENT IN ACCORDINANCE WITH RSA 91-A:3, II (a)

- 6:15PM – PUBLIC DIALOGUE SESSION

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

PRESENTATIONS

- 1. Cable Television Renewal Franchise Agreement
- 2. Breakfast Hill Area Waterline Study

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

- VI. PUBLIC DIALOGUE SUMMARY

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

- A. Public Hearing – Thomas J. McIntyre Property

PROPOSED ACQUISITION OF 80 DANIEL STREET, FEDERAL THOMAS J. MCINTYRE PROPERTY PURSUANT TO THE HISTORIC MONUMENT PROGRAM, VIA A PUBLIC-PRIVATE PARTNERSHIP WITH REDGATE/KANE

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

(Vote to take place at the January 22, 2018 City Council meeting)

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the January 22, 2019 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)***

- C. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement be amended by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2019 ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the January 22, 2019 City Council meeting to amend the Portsmouth Zoning Ordinance, Article 2 – Administration and Enforcement, by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2018)***

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation - Portsmouth Fire Department - \$500.00 donation from Newburyport Five Cents Savings Bank ***(Sample motion – move to accept and approve the donation to the Portsmouth Fire Department, as presented)***

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Rich Clyborne and Matt Glenn, Gundalow Company requesting permission to hold the Piscataqua River Festival and Round Island Regatta on Saturday, June 1, 2019 ***(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 Brad Gray regarding the opposition to the Kane/Redgate development proposed for the present McIntyre Building Site ***(Sample motion – move to accept and place on file)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

1. Request to Establish Joint Work Session with Planning Board Re: Short Term Rentals
2. Report Back Re: Petition for Rezoning of 290 Gosling Road

City Manager’s Informational Items:

1. Press Release Re: Portsmouth Parking Division New Parking App and Resident Parking Discount Program
2. Reminder of Upcoming City Council Work Sessions

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Heinz K. Sauk-Schubert appointment to the Historic District Commission as an Alternate
2. Appointments to be Voted:
 - Cyrus Beer appointment to the Historic District Commission as Regular member
 - Margot Doering appointment to the Historic District Commission as an Alternate
 - Polly Henkel appointment to the Planning Board as an Alternate
 - Colby Gamester reappointment to the Planning Board
3. *Ethic Committee Drawing by Lot

C. COUNCILOR ROBERTS

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

D. COUNCILOR DENTON

1. House Bill 102 – Regulate the Distribution of Single-Use Plastics

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*



25 Vaughan Mall
Portsmouth, NH, 03801-4012
Tel: 603-436-6192 Fax: 603-431-4733

Technical Memorandum

To: Brian Goetz, Deputy Director of Public Works, City of Portsmouth
From: Keith A. Pratt, P.E. and Timothy K. Noble, E.I.T.
Date: December 11, 2018
Subject: **Initial Findings**
Breakfast Hill Road Water Main Extension
Master Plan Supplement

This memorandum provides a status of work completed to date as well as initial findings. Additional work is still pending prior to issuing a draft report, but the below provides a summary of the conclusions and recommendations so far.

The purpose of this project is to evaluate the ability of and improvements needed to the Portsmouth Water System if municipal water service was extended to the Breakfast Hill area in Greenland (see Figure E-1). The work is being done at the request of the Town of Greenland due to concerns related to groundwater contaminants around the Coakley Landfill area. The final report (when issued) will act as a supplement to the *2013 Portsmouth Water System Master Plan* by Tighe & Bond (2013 Master Plan).

The 2013 Master Plan evaluated the growth of the existing Greenland water service area, but the Breakfast Hill service area was not part of the estimated demands. This technical memorandum considers the added area in Greenland, which includes the following:

- ~ 785 acres
- 240 residential properties
- 5 commercial properties

Water demands added by the current Breakfast Hill Area properties are as follows:

- Estimated 2018 Average Day Demands = 0.04 MGD
- Estimated 2018 Max Day Demands = 0.29 MGD

The total updated Greenland demands (including Breakfast Hill) are as follows:

- Estimated 2018 Average Day Demands = 0.20 MGD
- Estimated 2018 Max Day Demands = 0.54 MGD

Additional growth of undeveloped land was not considered in this assessment, but all improved lots were assumed to connect. The high estimated maximum day demands are due to significant irrigation use in the area if it were to be part of the consumption. The added demands due to the Breakfast Hill area represent approximately 0.8% increase to

2018 Portsmouth system wide average day demands (3.8% increase to 2018 Portsmouth system wide maximum day demands). Portsmouth's water supply will be evaluated further to determine its ability to meet increased current day demands and 2040 projected demands from the Breakfast Hill Area after additional meeting with the City of Portsmouth.

Three (3) distribution system pipeline scenarios were evaluated for extending water to the study area. The scenario of just looping the water main from Post Road to the City's line on Lafayette Road did not work due to limited pressure and inadequate fire flows. Similarly, the scenario of connecting to the Pease system with the higher hydraulic grade line did not work either since the demand center on Breakfast Hill was so far away, fire flows were too low, and storage was limited.

Therefore, Scenario #2 would be the recommended option which also raises the hydraulic grade line of all of Greenland to an HGL of 230-feet (see Figure E-2). This is an increase in pressure of 59 feet (~25 psi). This scenario includes the following:

- 9,000 feet of 12" transmission main extension from Post Road to Lafayette Road
- 28,000 feet of 8" piping to serve the neighborhoods.
- 500,000-gallon, 91-foot elevated water storage tank. One potential location is on Breakfast Hill Road on land owned by the Town of Greenland. Other locations may be considered.
- New booster pump station (and PRV) near Grafton Road/Greenland Road intersection – Alternative location at Ocean Road
- Pease interconnection for emergency on Grafton Road (normally off). The Greenland pressure zone will match the Pease pressure zone.
- Pressure Reducing Valve on Ocean Road to allow water flow into Portsmouth.
- Upgrade to the Greenland Well Pump. Replacing the 10" main from the pump is not included.

An opinions of cost for Scenario #2 is being developed and will be provided shortly.

The Pease interconnect will provide storage to be used for either zone (Pease or Greenland) in the event of an emergency. The booster pumping station provides redundancy in the event the Greenland well is down or is off-line due to groundwater management goals.

The hydraulic model of the City's water distribution system was used to evaluate the pressure and fire flow. Scenario #2 was the best option of those considered that meets the goals of providing the following:

- A minimum static pressure of 35 psi at the street. Note, the static pressure in the Breakfast Hill with a HGL of 230 would range from 39 psi to 74 psi.
- Minimal impacts to the existing Portsmouth service areas in terms of pressure reduction or fire flow reduction.

Select areas within the City were evaluated and it was found that fire flows remained within 10% of what they are existing. Additional evaluation is needed to further confirm residual pressures and fire flows as well as look at impacts if alternative tank site and pumping station locations are considered.

Compared to existing conditions, an extended time water age evaluation on Scenario #2 suggests that water age decreases in some areas of the system and increases in others. The increases and decreases depend on how the system is operated. When Scenario #2 is complete, the water age of the system can be managed with coordinated use of the Greenland well, new booster pumping station and controlled tank drawdowns. A technical memorandum summarizing the extended time water age evaluation and additional recommendations will be provided as part of the updated Master Plan.

It would be proposed to be completed in phases. Phase I would be the backbone of the system as follows:

- 9,000 feet of 12" transmission main from Post Road to Lafayette Road
- 500,000 gallon elevated water storage tank on Breakfast Hill Rd. (or other location).
- Booster pump station near Grafton and Greenland Road or other location.
- Pease interconnection (1,700 feet) for emergency on Grafton Road (normally off).
- Pressure Reducing Valve pit on Ocean Road
- Upgrade to the Greenland Well Pump
- Connections to properties along Breakfast Hill Road

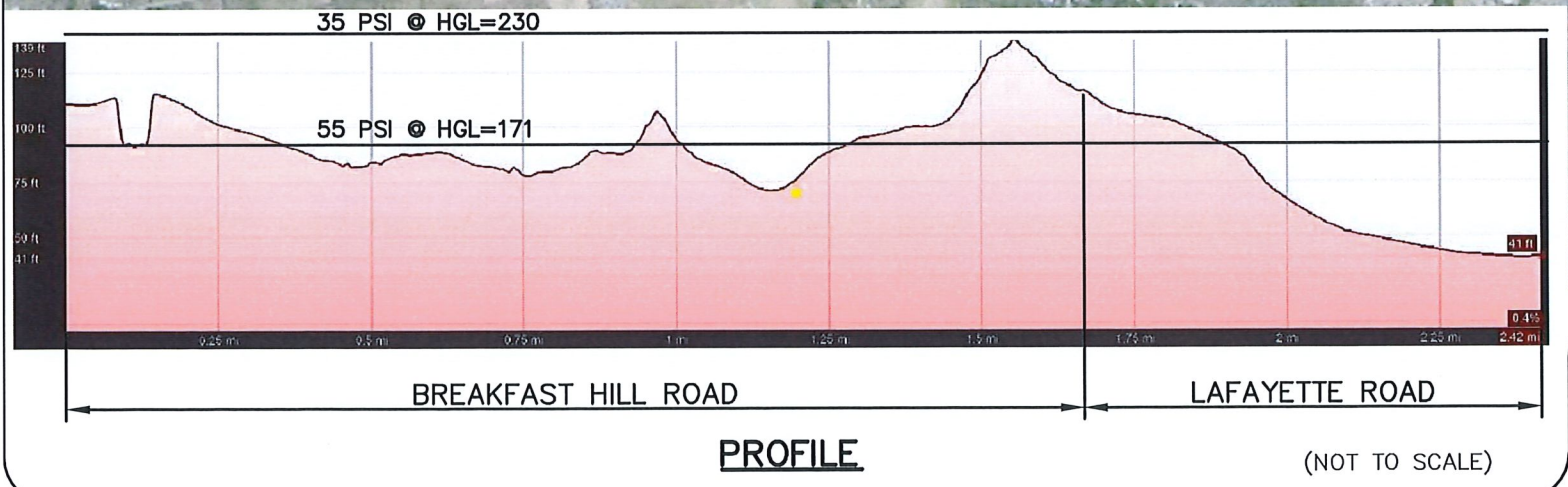
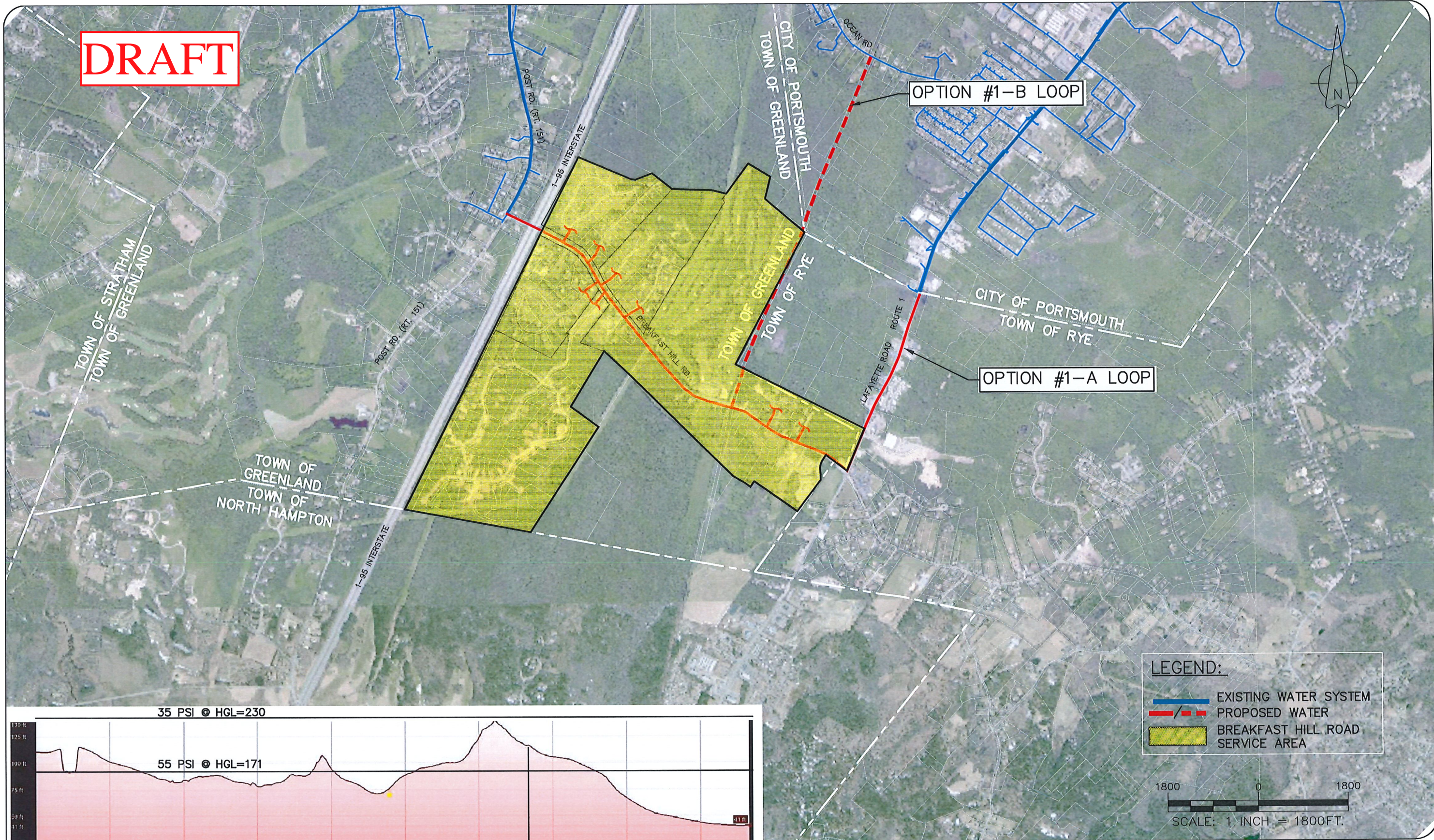
Future projects would serve the abutting neighborhoods including the following:

- Maple Drive/Sunnyside Drive Neighborhood (6,000 LF, 63 connections)
- Coombs Farm Road/Windsor Green Road Neighborhood (2,500 LF, 25 connections)
- Stone Meadow Way/Berry Farm Lane Neighborhood (1,600 LF, 14 connections)
- September Drive/October Drive Neighborhood (4,100 LF, 26 connections)
- Falls Way Neighborhood (12,400 LF, 77 connections)

The following would be necessary as next steps in design:

- Pursue Scenario No. 2, Standalone Greenland Pressure Zone by advancing final design of Phase I. The recommended budget for design of Phase 1 is being developed and will be provided shortly.
- Refine locations of booster pumping stations and tank locations.
- Additional design could be completed as part of the first project on neighborhoods that Greenland would like to serve.
- Meet with the NHDES to discuss further funding through the Trust Funds and/or Settlement Funds.
- Coordinate with Greenland for advancement of the next steps.

DRAFT



DATE
DEC 2018

PROJECT
2303

UNDERWOOD
engineers

25 Vaughan Mall, Portsmouth, N.H. 03801
Tel. 603-436-6192 Fax. 603-431-4733

ATTACHMENT "A" – SCENARIO #1
BREAKFAST HILL AREA
WATER MAIN EXTENSION
TOWN OF GREENLAND, NH

FIG.
E-1

H:\Real Numbers\Portsmouth\2303-Portsmouth Breakfast Hill Water Main HydraulicDrawings\2303 Interconnect Figures 11-2016.dwg, 2303 FIG 1, 12/10/2018 3:21:10 PM, mah

DRAFT



NEWINGTON

PORTSMOUTH

**PEASE
INTERCONNECT**

**PROPOSED
PRV/PUMPING
STATION**

**PROPOSED
PRV**

**UPGRADE TO
GREENLAND WELL**

**FUTURE
LOOP**

**PROPOSED WATER
STORAGE TANK
(HGL=230)**

LEGEND:
- - - - -
**PROPOSED
GREENLAND
PRESSURE ZONE**

STRATHAM

TOWN OF STRATHAM
TOWN OF GREENLAND

CITY OF PORTSMOUTH
TOWN OF GREENLAND

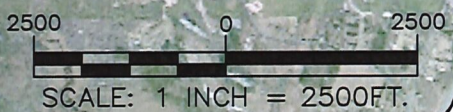
TOWN OF GREENLAND
TOWN OF RYE

RYE

CITY OF PORTSMOUTH
TOWN OF RYE

TOWN OF GREENLAND
TOWN OF
NORTH HAMPTON

NORTH HAMPTON



DATE
DEC 2018
PROJECT
2303

UNDERWOOD
engineers
25 Vaughan Mall, Portsmouth, N.H. 03801
Tel. 603-436-6192 Fax. 603-431-4733

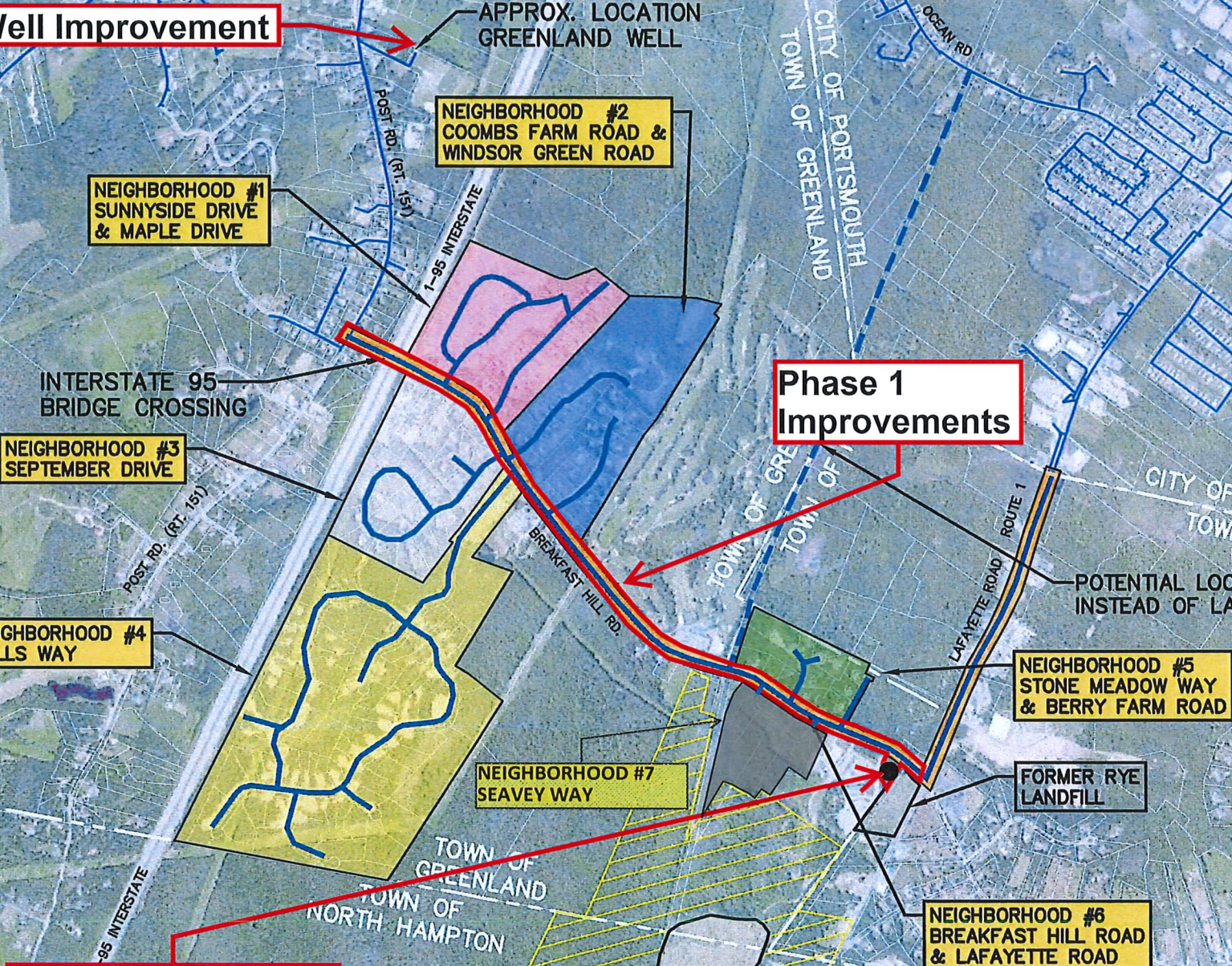
**ATTACHMENT "B" SCENARIO No. 2
BREAKFAST HILL AREA
WATER MAIN EXTENSION
TOWN OF GREENLAND, NH**

FIG.
E-2

Phase 1: Greenland Well Improvement

- Phase 1 Improvements also Include:
- PRV on Ocean Road
 - Booster Pump Station
 - Pease Interconnect

Note: Later phases will include water main distribution improvements to the labeled neighborhoods.



Phase 1: Elevated Storage Tank

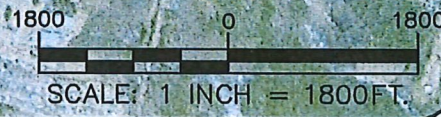
LEGEND:

- EXISTING CITY OF PORTSMOUTH WATER MAIN
- PROPOSED WATER MAIN EXTENSION

NOTES:

1. FOR THE PURPOSES OF THIS EVALUATION, A 12" WATER MAIN WAS ASSUMED FOR BREAKFAST HILL ROAD AND LAFAYETTE ROAD. THE NEIGHBORHOOD AREA ASSUMED TO BE 8".

DRAFT



DATE
DEC 2018

PROJECT
2303

UNDERWOOD
engineers

25 Vaughan Mall, Portsmouth, N.H. 03801
Tel. 603-436-6192 Fax. 603-431-4733

ATTACHMENT "L"
BREAKFAST HILL AREA
PORTSMOUTH WATER MAIN EXTENSION
TOWN OF GREENLAND, NH

FIG.
E-3

Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 7, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the proposed Acquisition of 80 Daniel Street, Federal Thomas J. McIntyre Property pursuant to the Historic Monument Program, via a Public-Private Partnership with Redgate/Kane.

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

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

NY 00406581

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OBTAINING REAL PROPERTY FOR HISTORIC MONUMENT PURPOSES

APPLICATION & INSTRUCTIONS

Title 40 U.S.C. 550(h)

National Park Service
U.S. Department of the Interior





INTRODUCTION

The following information is designed to assist your completion of the *Application for Obtaining Real Property for Historic Monument Purposes*, under Title 40 U.S.C. 550(h).

The Historic Monument or Historic Surplus Property Program is administered by the National Park Service (NPS), on behalf of the Secretary of the Interior, and the General Services Administration (GSA), the agency that identifies Federal historic properties to be transferred under this program. The program allows state, county, and local governments to obtain Federal historic properties at no cost. To apply for such a property, an eligible governmental entity must complete the *Application for Obtaining Real Property for Historic Monument Purposes* (Application). The Application is reviewed and approved by the NPS, and sets forth terms and conditions that will be made a part of the deed conveying title to the property. As part of the approval, the NPS formally recommends to the GSA that the subject property be transferred. If it agrees with the recommendation, the GSA executes the transfer. A property conveyed under this program must be used in accordance with the terms of the transfer in perpetuity, and the NPS is responsible for monitoring the property to ensure that it is maintained and protected.

Application Highlights

Section I—Request for Property:

- Person having legal responsibility and/or authority to submit the Application and carry out the conditions of a deed must sign in the space following the conditions.
- “Approved by the Secretary of the Interior” statement will be completed by the NPS once it has reviewed and approved the Application; “Accepted by the Administrator of General Services” statement will be completed by the GSA, signifying concurrence with the NPS’s approval and recommendation for historic monument conveyance.
- Includes terms and conditions for conveyance of the property.

Section II—Program of Preservation and Utilization:

- Includes three sections: “Preservation Plan” (Item #8), “Use Plan” (Item #9), and “Financial Plan” (Item #10).
- All proposed changes to properties being transferred under this program must be described in the “Preservation Plan” and must be in conformance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* (typically, the *Standards for Rehabilitation* would be the most applicable).
- Included at the end is the format for a resolution or certificate of authority identifying and certifying that the officials and Applicant are legally authorized to make an Application for the property.

General tips on preparing and submitting the Application:

- Consult with the appropriate regional office of the NPS early in the process. Contact information for the NPS regional offices is available online at: <https://www.nps.gov/tps/historic-surplus.htm>
- The Application should not be bound, put in a binder, or otherwise elaborately packaged.
- Use of the electronic form requires software compatible with AdobeReader. Attach additional sheets if necessary.
- Photographs must be high quality digital or 35mm prints and adequately labeled
- Submit **one (1) original and three (3) copies** of this completed Application to the appropriate NPS regional office as noted on page three - do NOT submit any application materials directly to GSA (NPS will retain the one original Application and a copy of the deed in its files, and forward the three copies of the Application to GSA.)



6. As of the date of assumption of possession of the property, or the date of conveyance, whichever occurs first, the Applicant shall assume responsibility for care and handling and all risks of loss or damage to the property and have all obligations and liabilities of ownership.
7. In support of eligibility to acquire the property for historic monument purposes, the undersigned submits a proposal entitled "Program of Preservation and Utilization" attached hereto. All proposed changes to the property must be described in the "Program of Preservation and Utilization" and must be in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (typically, the *Standards for Rehabilitation*). The "Program of Preservation and Utilization" may be amended from time to time at the request of either the Applicant or the Secretary, with the written concurrence of the other party. Such amendments will be added to, and become a part of, the original "Program of Preservation and Utilization." The National Park Service, as part of reviewing any amendments on behalf of the Secretary, is required to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. The Applicant agrees that it will furnish such data, maps, reports, and information as may be requested by the Secretary to comply with these laws, and any other laws, as required.
8. Conveyance of the Property shall be accomplished by an instrument, or instruments, in form satisfactory to the Administrator, without warranty, express or implied, and shall contain covenants, reservations, restrictions, and conditions substantially as follows:
 - a. That the Grantee shall forever use the property in accordance with its Application and the approved program attached thereto entitled "Program of Preservation and Utilization."
 - b. Other than as provided for in the approved "Program of Preservation and Utilization" (a) above, the property shall not be sold, leased, assigned, or otherwise disposed of, except to another eligible government agency that the Secretary is satisfied can assure the continued use and maintenance of the property for historic monument purposes. The Grantee may, however, enter into lease agreements with any individual or entity if the lease agreement is compatible with the approved program (a) above, and provided the prior concurrence of the Secretary, or his/her designee, is obtained in writing prior to the execution of such agreements. Any lessee who develops or rehabilitates the property on behalf of the Grantee shall also be required to provide the same information for the Biennial Reports as the Grantee (see 8.c below).
 - c. The Grantee shall prepare Biennial Reports setting forth the use made of the property during the preceding two-year period, and submit them to the Secretary at:

Historic Surplus Property Program, National Park Service, Northeast Regional Office, 200 Chestnut Street, Philadelphia, PA 19106

(Guidelines for Biennial Reports are available from the National Park Service regional office)

- 1) If the Administrator has authorized revenue-producing activities, based on the recommendation of the Secretary, then the Grantee shall file with the Secretary at the same address every two years a Financial Report, which shall include the following:
 - a) Statement of income from all sources during the reporting period.
 - b) Statement of expenses classified according to the following categories:
 - i. repair, rehabilitation, and restoration costs;
 - ii. recurring maintenance requirements costs; and
 - iii. administration and operations costs.
 - c) Statement of disposition of excess income.

The Financial Report will cover two accounting years, whether fiscal or calendar, as mutually agreed by the Grantee and the Secretary and will be submitted within 90 days after the close of the accounting year.



SECTION I – REQUEST FOR PROPERTY

To: General Services Administration
Address: Thomas P. O'Neill Federal Building
10 Causeway Street
City: Boston
State: MA Zip: 02222

Through: National Park Service
Name: Bonnie J. Halda
Address: Program Manager, Preservation Assistance
200 Chestnut Street
City: Philadelphia
State: PA Zip: 19106

GSA Control Number: NH0036ZZ

The undersigned, City of Portsmouth, hereinafter referred to as the Applicant or Grantee, acting by and through John P. Bohenko at 1 Junkins Avenue, Portsmouth, NH 03801 of the City of Portsmouth, hereby applies for the conveyance, without monetary consideration, for use for historic monument purposes, from the United States of America pursuant to 40 U.S.C. 550(h), and in accordance with the rules and regulations of the General Services Administration, the following described property:

Thomas J. McIntyre Federal Property, a 2.1 acre parcel located at 80 Daniel Street

This property is more fully described in the "Program of Preservation and Utilization," attached hereto and made a part hereof. Enclosed herewith is a resolution or certification as to the authority of the undersigned to execute this Application and to do all other acts necessary to consummate the transaction.

The undersigned agrees that this Application is made subject to the following terms and conditions:

1. This Application, as approved by the Secretary of the Interior (Secretary) and as accepted by the Administrator of the General Services (Administrator), shall constitute the entire agreement among the Applicant, the Secretary, and the Administrator, unless modified in writing by the three parties.
2. The descriptions of the property set forth above are believed to be correct, but any error or omission shall not constitute ground or reason for nonperformance of the agreement resulting from the acceptance of this Application.
3. It is understood that the property is to be conveyed "As Is" and "Where Is" without representation, warranty, or guaranty as to quantity, quality, character, condition, size or kind, or that the same is in condition or fit to be used for the purpose intended, and no claim for any adjustments upon such grounds will be considered after this Application has been accepted.
4. The Applicant agrees to assume possession of the property within 15 days of any written request given by the Administrator after acceptance of this Application. Should the Applicant fail to take actual possession within such period, it shall nonetheless be charged with constructive possession commencing at 12:01 a.m., local time, of the 16th day after such request by the Administrator. The word "possession" shall mean either actual physical possession or constructive possession.
5. As of the date of assumption of possession of the property, or the date of conveyance, whichever occurs first, the Applicant shall assume responsibility for any general and special real and personal property taxes which may have been or may be assessed on the property, and shall pay its part of the pro-ration of any sums paid, or due to be paid by the Federal Government in lieu of taxes.



SIGNED BY APPLICANT

Signed in acceptance of the foregoing conditions this ____ day of _____, 20¹⁹.

By:

Authorized Official's Signature

John P. Bohenko

Name – printed

City Manager

Title

1 Junkins Avenue

Address of Applicant

Portsmouth, NH 03801

City, State, Zip



- 2) Audit Report. The Audit Report will consist of a report produced by an independent audit firm summarizing the results of the biennial audit. The Secretary shall have the right, at his/her discretion, to audit such financial records, to examine such other records, and to inspect such portions of the granted property as may, in his/her judgment, be necessary to safeguard the interests of the U.S.
- d. Title to the property transferred shall revert to the United States at its option in the event of noncompliance with any of the terms and conditions of disposal.
9. Any title evidence which may be desired by the Applicant shall be procured by the Applicant at its sole cost and expense. The Federal Government shall, however, cooperate with the Applicant or its authorized agent in this connection, and shall permit examination and inspection of such deeds, abstracts, affidavits of title, judgments in condemnation proceedings, or other documents relating to the title of the premises and property involved, as it may have available. It is understood that the Federal Government shall not be obligated to pay for any expense incurred in connection with title matters or survey of the property.
10. The Applicant shall pay all taxes imposed on this transaction and shall obtain at its own expense and affix to all instruments of conveyance and security documents such revenue and documentary stamps as may be required by Federal and local law. All instruments of conveyance and security documents shall be placed on record in the manner prescribed by local recording statutes at the Applicant's expense.
11. The approved Applicant covenants and agrees for itself, its successors and assigns, to be subject in all respects to all Federal laws and regulations relating to nondiscrimination in connection with any use, operation, program, or activity on or related to the property requested in this Application.
12. The Grantee shall, within a period of six months from the date of the signing of the Deed of Conveyance, erect, and maintain a sign of compatible scale and materials near the principal access to the property stating that: "The (name of building/property) was acquired by (local government entity) from the Federal Government through the General Services Administration as Historic Surplus Property on (date). This public benefit program is administered by the National Park Service, U.S. Department of the Interior." Additional information may also be included, such as names of local officials, etc. This sign shall be maintained in perpetuity. A temporary sign may be erected during any rehabilitation work. The final design and text of the sign must be included in the "Program of Preservation and Utilization."



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APPROVED BY THE SECRETARY OF THE INTERIOR

Application approved and property recommended for historic monument conveyance by and on behalf of the Secretary of the Interior this ____ day of _____, 20____.

NATIONAL PARK SERVICE

By: _____
Signature

Name – printed

Title

ACCEPTED BY THE ADMINISTRATOR OF GENERAL SERVICES

Recommendation of the Secretary of the Interior accepted by and on behalf of the Administrator of General Services this ____ day of _____, 20____.

GENERAL SERVICES ADMINISTRATION

By: _____
Signature

Name – printed

Title

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SECTION II - PROGRAM OF PRESERVATION & UTILIZATION

1) APPLICANT:

1a. Name of Agency: City of Portsmouth
 1b. Agency Representative: John P. Bohenko
 1c. Agency Street Address: 1 Junkins Avenue
 1d. City: Portsmouth 1e. State: NH 1f. Zip Code: 03801 1g. Day telephone: (603) 610-4500

2) PROPERTY:

2a. Name of Property: Thomas J. McIntyre Federal Property
 2b. Street address: 80 Daniel Street
 2c. City: Portsmouth 2d. County: Rockingham 2e. State: NH 2f. Zip Code: 03801
 2g. Name of historic district, if applicable: Portsmouth Downtown Historic District

2h. Include as part of the Application a copy of the National Register nomination form or Determination of Eligibility, obtainable from the State Historic Preservation Officer or at www.nps.gov/nr

Check all applicable designations:

Local listing
 Certified Local Government
 State listing
 National Register Listed
 National Register Eligible
 Project Seeking the Federal Historic Rehabilitation Tax Credit
(Note: Checking this box directs the NPS Regional Office reviewing this Historic Monument Application to coordinate the review with that of the NPS Washington, D.C. office which administers the Federal Historic Rehabilitation Tax Credit Program.)

Number of Resources within Property
(in accordance with the National Register classification system)

	Contributing	Non-contributing
Buildings	1	
Sites		
Structures		
Objects		
TOTAL	1	0

(Note: Although the applicable National Register Nomination or Determination of Eligibility may provide this kind of information, always consult with NPS to ensure that the classifications and the counts are current.)



3) DESCRIPTION OF PROPERTY:

3a. Acreage:

2.1 acres

3b. Legal Description:

This can be in metes and bounds, rectangular, or cadastral survey. If the information is not available from the granting Federal agency, you must survey the property when the National Park Service is assured that you will be the recipient. In such event, the legal description and plot may be submitted subsequent to the Application.

Please see attached Appendix A.

3c. Map:

Attach a plot map showing the property boundary, contributing and noncontributing resources (buildings, sites, structures, objects—refer to 2h above), street plan, and other features (topographic features, vegetation, landscaping, water features, etc.) important in understanding the property.

4) NARRATIVE DESCRIPTION:

Provide a written description of all important historic resources and natural features identified in the plot map, above. This includes contributing resources (buildings, sites, structures, objects—refer to 2h above) vegetation, landscape features, etc. Include building number, designations such as "Barracks," "Water tower," etc, and give dimensions and floor area.

Please see attached Appendix B.



5) UTILITIES:

The Federal building is serviced by municipal water and sewer systems, and by electrical (Eversource), natural gas, telephone and internet services.

6) RELATED PERSONAL PROPERTY:

7) SIGNIFICANCE

Describe the significance of the property in American history, archeology, architecture, or culture, referencing the National Register nomination, or the Determination of Eligibility.

Please see attached Appendix B.



8) PRESERVATION PLAN:

All work must be done in accordance with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties* (typically, the *Standards for Rehabilitation* would be the most applicable set of treatment standards).

Using the outline format below, describe the proposed work on a feature-by-feature or work-item basis (examples of architectural/landscape features or work items include: formal garden, new landscaping, new parking area, roof, windows, porch, exterior siding, foundation, interior trim, interior plaster, floor plan/interior partitions, HVAC system, etc.). Begin by describing site work, including new construction and parking, followed by work on the exterior and finally work on the interior. A separate outline description should be used to detail each work item and its effect on architectural/landscape features or interior spaces. Under item “8D,” explain in detail the work to be undertaken and describe the effect (visual, structural, or other) on the existing feature. This should include the impact of any modern modifications or utilities on the existing feature. For archeological areas, describe necessary security and maintenance to stabilize the site, control vegetal growth, or avoid damage.

Numbered photographs and drawings are essential components of the Preservation Plan. Applicable photograph and drawing numbers should be referenced under “8E” and “8F” of each outline description or work item. The submitted photographs must be high quality digital or 35 mm prints and they must document the existing/ pre-project condition of the site, the exterior elevations of the building(s), and the interior. Interior elements to be documented include major spaces and detailing, such as decorative plasterwork and wainscoting.

Existing conditions may be shown by original construction drawings that include subsequent modifications, by current record drawings, or by newly prepared measured drawings. Major planned alterations or new construction must be shown on appropriate drawings (e.g., site plans, elevations, floor plans, sections). While detailed plans and specifications may not be necessary if the project is simple in scope, it must be clear from the submitted documentation that the Applicant has fully recognized areas of historic significance and will plan proposed work to minimize the impact on these significant areas.

ARCHITECTURAL/LANDSCAPE FEATURES

For each architectural or landscape feature where work is proposed, use the following format to describe the existing condition and the proposed work. Attach additional sheets/pages as necessary continuing the alphabetical format until every feature slated for work is described.

Feature A: Please see attached Appendix C.

8a. Approximate date of construction:

8b. Approximate date(s) of alterations:

8c. Description and condition:

8d. Proposed work and impact on the feature:

8e. Photo number(s):

8f. Drawing number(s):



Feature B: Please see attached Appendix C.

8a. Approximate date of construction:

8b. Approximate date(s) of alterations:

8c. Description and condition of Feature B:

8d. Proposed work and impact on the feature:

8e. Photo number(s):

8f. Drawing number(s):

Feature C: Please see attached Appendix C.

8a. Approximate date of construction:

8b. Approximate date(s) of alterations:

8c. Description and condition of Feature C:

8d. Proposed work and impact on the feature:

8e. Photo number(s):

8f. Drawing number(s):



9) USE PLAN:

Describe in detail the planned utilization and exhibition of the historic site. Differentiate between public-use activities and revenue-producing activities. Identify any portions of the property to which public access will be denied or restricted. Establish the suitability of the property for the proposed uses and the compatibility of the proposed revenue producing activities with the historical and/or architectural character of the property.

Please see attached Appendix D.

10) FINANCIAL PLAN:

10a. Analysis of projected income from all sources:

Please see attached Appendix E.

10b. Analysis of projected expenses for:

i) Repair, rehabilitation and restoration (if work will be phased, briefly describe each phase, indicate the corresponding time schedule, and group projected expenses by phase):

Please see attached Appendix E.

ii) Recurring maintenance requirements:

Please see attached Appendix E.

iii) Administration and operation:

Please see attached Appendix E.



10c. Provisions for disposition of excess income:

The law requires that all income in excess of costs for repair, rehabilitation, restoration, and maintenance shall be used by the Grantee only for public historic preservation, or park or recreational purposes (when all preservation needs have been adequately addressed). A reasonable amount of any excess proceeds may be carried forward from year to year to meet such costs. Any lessee who develops or rehabilitates the property on behalf of the Grantee shall be held to the same requirements for excess income.

Please see attached Appendix E.

10d. Description of accounting and financial procedures:

These must include provision for an independent audit every two years, the cost to be borne by the Grantee, and for an Audit Report based thereon to be submitted every two years, together with a Financial Report, to the Secretary of the Interior.

Please see attached Appendix E.

11) CAPABILITY:

Give a full statement of legal authority and ability to finance, operate, and maintain the property. Furnish complete information about the adequacy of staff to be made available to develop and operate the project and the Applicant's qualifications for the development and operation of historic property.

Incorporated in 1849, the City of Portsmouth is a municipality operating under a Council-Manager form of government. At the close of fiscal 2017, the City's independent auditor, Melanson Health, reported the City's total net position at over \$485 million. Its fiscal 2019 general fund budget is just over \$113 million, and its taxable valuation with utilities is roughly \$5.468 billion. The City enjoys a AAA bond rating. As a municipal corporation, the City is eligible to receive surplus property.

The City will enter into a partnership with SoBow Square LLC (formed by principals of Redgate Holdings LLC and the Kane Company) to redevelop and operate the property. SoBow Square-related personnel have significant real estate development and management experience, and have provided evidence of adequate financial capacity to successfully carry forth this project. The City will enter into a ground lease with SoBow Square to redevelop, operate, and maintain the property. SoBow is advised by MacRostie Historic Advisors and Bruner Cott Associates regarding compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties.



12) RESOLUTION:

*The resolution form on the following page has been provided for your use.
If you do not use this form, you must ensure that, at a minimum, the resolution contains the following:*

- 12a. Identification of the name, location, GSA control number and acreage of the property for which you are applying;
- 12b. An authorization of the Application for and acquisition of the specified property for historic monument purposes;
- 12c. A designation by title of a specific official to act as the authorized representative in all matters pertaining to the transfer of the property;
- 12d. A statement that the Application is being made for acquisition of the property under the provisions of 40 U.S.C. 550(h), and regulations and procedures promulgated thereunder;
- 12e. Where applicable, certification that the Applicant is authorized, willing, and able to conduct compatible revenue-producing activities, and that regardless of any revenues derived from such activities, the Applicant is financially able to utilize said property for historic monument purposes as set forth in its "Program of Preservation and Utilization" and in accordance with the requirements of 40 U.S.C. 550(h) and regulations and procedures promulgated thereunder;
- 12f. Where applicable, certification that any income in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the Applicant only for public historic preservation, park, or recreational purposes as enunciated in the "Program of Preservation and Utilization";
- 12g. Certification that the Applicant is willing and authorized to pay the administrative expenses incident to the transfer; and
- 12h. Certification that the Applicant is authorized, willing, and in a position to assume immediate care and maintenance of the property.

DRAFT



RESOLUTION/CERTIFICATE OF AUTHORITY (SAMPLE FORMAT)

Whereas, certain real property owned by the United States, located in the County of Rockingham, State of NH has been declared surplus and at the discretion of the Administrator of General Services (Administrator), may be conveyed for historic monument purposes to a State, political subdivision, instrumentalities thereof, or municipality, under the provisions of 40 U.S.C. 550(h), and rules and regulations promulgated pursuant thereto, more particularly described as follows: Thomas J. McIntyre Federal Property

80 Daniel Street Portsmouth, 2.1 acres

GSA control number NH0036ZZ

Whereas, City of Portsmouth needs and will utilize said property in perpetuity for historic monument purposes as set forth in its Application and in accordance with the requirements of 40 U.S.C. 550(h) and the rules and regulations promulgated thereunder; and

Whereas, the Applicant is authorized, willing, and able to conduct compatible revenue-producing activities, and that regardless of any revenues derived from such activities, Applicant is financially able to utilize said property for historic monument purposes as set forth in its "Program of Preservation and Utilization" and in accordance with the requirements of 40 U.S.C. 550(h) and regulations and procedures promulgated thereunder; and

Whereas, the Applicant agrees that any income in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the Applicant only for public historic preservation, park, or recreational purposes as enunciated in its "Program of Preservation and Utilization";

Now, Therefore, Be It Resolved, that City of Portsmouth shall make Application to the Administrator for and secure the transfer to it of the above-mentioned property for said use upon and subject to such exceptions, reservation, terms, covenants, agreements, conditions, and restrictions as the Secretary of the Interior, and the Administrator, or their authorized representatives, may require in connection with the disposal of said property under 40 U.S.C. 550(h) and the rules and regulations issued pursuant thereto; and Be It Further Resolved that City of Portsmouth

has legal authority, is willing, and is in a position to assume immediate care and maintenance of the property, and that John P. Bohenko City Manager be and he/she is hereby authorized, for and on behalf of the City of Portsmouth to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, Applications, reports, and other documents; the execution, acceptance, delivery, and recordation of reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the Application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation of instruments, or other costs identified with the Federal surplus property acquisition.

City Council
legal title of governing body of Applicant
1 Junkins Avenue, Portsmouth, NH 03801
address

I, John P. Bohenko, hereby certify that I am the City Manager of the City Council and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said City Council present at a meeting of said body on the Nth day of [month], 20 19, at which a quorum was present.

John P. Bohenko

Application: Obtaining Real Property for Historic Monument Purposes
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APPENDIX A

Legal Description and Map

Application: Obtaining Real Property for Historic Monument Purposes

Thomas J. McIntyre Federal Building

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3b. Legal Description

Per the deed dated May 12, 1965 and recorded with the Rockingham County Register of Deeds in Book 1767, Page 127, the parcel is legally bound and described as follows:

Beginning at a point on the Northerly line of Daniels Street; said point being the southerly corner of land now or formerly owned by the City of Portsmouth thence North thirteen degrees thirty-eight minutes twenty-five seconds West ($N 13^{\circ} 38' 25'' W$) along the land of said City of Portsmouth five and five hundredths (5.05) feet to a point, said point establishes by this deed the new Northerly line of Daniels Street; thence South eighty-four degrees thirteen minutes and no seconds West ($S 84^{\circ} 13' 00'' W$) along the new Northerly line of Daniels Street two hundred thirty-nine and seventy-three hundredths (239.73) feet to the point of tangency of a circle whose radius is ten and no hundredths (10.00) feet; thence along the arc of the circle whose radius is ten and no hundredths (10.00) feet a distance of thirteen and fifty-two hundredths (13.52) feet to the point of tangency with the new Easterly line of Penhallow Street; thence North eighteen degrees twenty minutes and fifty-six seconds west ($N 18^{\circ} 20' 56'' W$) along the new Easterly line of Penhallow Street three hundred sixty-seven and forty hundredths (367.40) feet to the intersection of the Southerly line of Bow Street and Easterly line of Penhallow Street as established by this deed; thence South sixty-two degrees ten minutes and twenty-one seconds West ($S 62^{\circ} 10' 21'' W$) a distance of five and seven hundredths (5.07) feet to the former Northerly line of Penhallow Street; thence South eighteen degrees twenty minutes fifty-six seconds East ($S 18^{\circ} 20' 56'' E$) along the former line of Penhallow Street two hundred eighty-two and seventy-eight hundredths (282.78) feet to a point; thence south nine degrees fourteen minutes sixteen seconds East ($S 9^{\circ} 14' 16'' E$) along the former line of Penhallow Street ninety-three and sixty-eight hundredths (93.68) feet to the formerly Northerly line of Daniels Street; thence North eighty-four degrees forty-two minutes fifty-eight seconds East ($N 84^{\circ} 42' 58'' E$) along the former line of Daniels Street fifty-seven and twenty-one hundredths (57.21) feet to a point; thence South thirty-six degrees twenty-five minutes twenty-eight seconds East ($S 36^{\circ} 25' 28'' E$) along the former line of Daniels Street ten and twenty-five hundredths (10.25) feet to a point; thence North eighty-two degrees twenty-two minutes fifty seconds East ($N 82^{\circ} 22' 50'' E$) along the former line of Daniels Street fifty-two and forty-nine hundredths (52.49) feet to a point; thence North eight degrees thirty-seven minutes forty seconds West ($N 8^{\circ} 37' 40'' W$) along the former line of Daniels Street two and forty-three hundredths (2.43) feet to a point; thence North eighty-two degrees sixteen minutes thirty-three seconds East ($N 82^{\circ} 16' 33'' E$) along the former line of Daniels Street one hundred fifty-two and ninety-five hundredths (152.95) feet to the point of beginning. Said parcel contains four thousand seven hundred forty and seventy-six hundredths (4,740.76) square feet.

3c. Map

Attached hereto on following page.

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APPENDIX B

Narrative Description

Application: Obtaining Real Property for Historic Monument Purposes

Thomas J. McIntyre Federal Building

80 Daniel Street, Portsmouth, NH

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4. Narrative Description

Site & Setting

The Thomas J. McIntyre Federal Building and Post Office, henceforth referred to as the McIntyre Building, at 80 Daniel Street comprises approximately 2.1 acres of land, with 245 feet of frontage on the northwest side of Daniel Street, 378 feet on the northeast side of Penhallow Street, and 186 feet on the southeast side of Bow Street. The property includes the McIntyre Building - a four-story (plus basement level) steel-frame masonry building containing approximately 107,000 square feet (sf) of gross building area with forty-four (44) indoor parking spaces, and a two-tier outdoor parking lot with ninety-one (91) spaces. The property is bounded on the south by Daniel Street, on the west by Penhallow Street, on the north by Bow Street, and by the three-story Old City Hall and Chapel Street on the east. The property drops in elevation thirteen feet from Daniel Street to Bow Street, a grade change of 4%. The area surrounding the McIntyre Building is Portsmouth's historic harbor and waterfront commercial areas and is made up of densely developed blocks of one-to-three story commercial buildings.

Exterior

The McIntyre Building is a four-story, masonry, New Formalist-style building with an asymmetrical southeast (facade) elevation. The building is made up of three distinguishable design components: the main four-story building, the one-story section on Penhallow Street, and the one-story wing on Daniel Street (the location of the current Post Office). It has a ballasted membrane on flat-roof with a deep concrete overhang supported by concrete brackets. Walls are brick and rest on concrete foundations. The primary Daniel Street facade has a recessed first story with a groin vaulted ceiling supported by paneled, concrete columns and segmental arches with paired, off-center fully glazed, aluminum-framed entrance doors. One-story wings at the southwest and northeast sides have secondary entrances and house additional office space and a post office. Most street-level windows are full-height, multi-light, fixed, aluminum sash and upper stories have recessed window openings with wide concrete surrounds. The first floor of the north elevation contains eighteen loading dock bays, one of which has been infilled and contains a single personnel door, that are protected by a cantilevered concrete roof.

On Penhallow and Bow Streets, brick walls capped with concrete (approximately five feet in height) surround and shield the view of the parking; these walls are original to the construction of the building. There are free-standing planters presumed to be placed after September 11, 2001 – six at the Daniel Street entrance and one at the entrance on Penhallow Street. The property has two flag poles: one at the corner of Daniel and Penhallow Streets (original) and a second pole erected in 1997 in front of the current Post Office entrance.

Main Building

The Main Building is a rectangular four-story plus basement, steel framed, red brick and concrete building with a flat roof. It has two primary elevations on Daniel and Penhallow Streets, a secondary elevation on Bow Street, and a tertiary elevation facing Chapel Street.

Above the first floor the building is red brick with a flat concrete fascia and cast concrete brackets with attached precast decorative panels that create parallel raised edges. The brackets on the south and east

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elevations have been encased in a wire mesh netting since 2008 to capture any falling pieces of failed concrete (first in a temporary black netting and currently in a heavy-duty beige netting). The single-pane, aluminum frame pivoting windows are equally spaced and are aligned both vertically and horizontally within each elevation; they are recessed one foot from the exterior plane of the building and are set within exposed-aggregate, unadorned white cast concrete window surrounds.

The main entrance to the building on Daniel Street is recessed two bays behind three flat segmental arches supported by four concrete columns currently encased in stainless steel (to protect against spalling sometime after September 2015); each column is surmounted by a single concrete bracket in the same design as those at the roof line. This covered entryway has a cast concrete groin vaulted ceiling the springing of which rests on single fluted concrete pilasters opposite the columns. There are three full-height glass walls aligned with each arch and vault of the entry surmounted by opaque demi-lune transoms above a concrete lintel; the center glass wall contains the main entry doors. These full-height glass walls are divided into three vertical components which is the common pattern found in all of the full-height glass elements in the McIntyre Building: squares at the top and base with a single pane of glass in between that rises approximately three times the height of the squares; they are either five or six bays wide. At the entry on Daniel Street, a pair of glass and aluminum doors have been inserted to the right and a single glass door (access to a stairwell) is to the left; the original configuration was a pair of doors in both of these openings. In front of the windows to either side of the entrance are balustrades, originally aluminum panels with oval openings, now replaced with simple square wrought iron balusters and railing.

The first floor of the north elevation of the building contains nine of eighteen loading dock bays, which are protected by a cantilevered concrete roof. There are solar panels on top of the mechanical room on the roof.

One-story section along Penhallow Street

This one-story section of the building is set back one bay from the Daniel Street façade and extends northward the entire length of the Main Building. It is red brick with a flat concrete parapet. On the small portion of this section facing Daniel Street is mounted both sides of the Great Seal of the United States, the name of the building (1981), and the corner stone. Nearly centered in the west elevation is a second entrance to the Main Building, originally the 24-hour entrance to the Box Lobby. To the north of this entrance is a flat brick wall, and to the south are three bays of full-height windows alternating with recessed brick wall panels. These full-height windows have the standard pane configuration, although some have been modified to provide for operable casements for natural ventilation.

There is a recessed entrance on the Penhallow Street elevation that is topped with a skylight covered pergola. The standard full-height window wall has been modified to accept a pair of glass and aluminum entry doors to the right and a single glass and aluminum entry door to the left (access to a stairwell). North and south brick walls each has a single-width full-height window. The inclined concrete pavement linking sidewalk to doors is without a level landing at the doors.

One-story wing east of the Main Building, current Post Office

Constructed of red brick with concrete details, this one-story wing is recessed one bay deep from the facade of the Main Building after its three-bay arcade and extends northward its entire length. As originally constructed, the Daniel Street elevation consists of three sections:

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- 1) The western-most section abutting the Main Building, which was the location of the Service Lobby. This section contains a full-height window of the standard design.
- 2) The center section projecting from the two side sections. This section was originally punctuated by three single-pane, pivoting, deeply recessed windows with concrete window frames alternating with two slightly bowed, full-height windows of the standard design. The center single-paned window was removed, and a new entryway installed in 1997.
- 3) The eastern-most section was a flat blank brick wall. A new full-height window replicating the original first floor full-height windows was installed in this wall in 1997.

There are currently four full height windows on the east elevation of this wing. The two center windows are original and helped to provide light to the large Workroom. The two flanking windows are new openings from the 1997 renovation, replacing narrow slit windows providing light into the locker rooms.

There is a flat concrete cornice atop this wing with the exception of the section abutting the Main Building; this section is capped by a taller parapet. The first floor of the north elevation of the building contains nine of eighteen loading dock bays, one of which has been infilled and currently contains a single door, which are protected by a cantilevered concrete roof.

Interior

Main Building

Half of the basement floor area is dedicated to underground parking; the remainder contains spaces and uses typical of a basement: boiler room, trash collection, and storage areas. The parking garage is concrete with concrete encased steel columns. The finishes in the interior spaces are composition floor tile, dropped ceilings, boxed fluorescent light fixtures, and a mixture of fiberboard and concrete block walls.

The entrance vestibule on the ground floor from Daniel Street is accessed through a pair of glass and aluminum doors. The east wall of the vestibule is a full-height, opaque-glass wall with a pair of doors in the center which once led to the Service Lobby in the one-story wing that currently houses the Post Office. The west wall is covered with a veneer of polished white marble panels; a building directory (aluminum case with two locking glass doors, not original) is attached to the wall and a single solid metal door to the left (south) of the directory leads to a full-height stairwell. The north wall of the vestibule is a full-height glass partition wall. Immediately beyond this partition is the Elevator Lobby: to the west is the hallway to the offices in the one-story section on Penhallow Street and two elevators.

On the wall to the left of the elevators is a bronze plaque commemorating the rededication and naming of the building in 1981 (this is likely the location of the original Building Directory). On the west wall opposite the elevators is an original built-in, tripartite aluminum and glass document case. In the early 1960s, document cases began to be added to public lobbies of federal buildings. These cases were designed to hold replicas of the Constitution, the Declaration of Independence, and the Bill of Rights. In the upper corners of the center section of the case are both sides of the Great Seal of the United States in brass, surmounted by a brass American eagle with its wings unfurled. All of the non-box walls are covered with a veneer of polished white marble panels in a pattern that replicates those of the full-height windows: squares at the top and base with a single piece of marble in between approximately three times the height of the squares.

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Beyond the Elevator Lobby area is the former Box Lobby; the boxes were located on the east wall and two bulletin boards and Lobby Desks were located on the west wall; there are no extant original fixtures to indicate the use of this space. [The boxes measured 5'6" above the baseboard with plaster wall above to the ceiling.] All of the walls are covered with a veneer of polished white marble panels, as are the walls to the vestibule to the Penhallow Street entrance; the marble on the east wall dates from the 1997 renovation. Inside the Penhallow Street entrance, on the north wall, is a bronze plaque commemorating the construction of the building in 1967. On the east wall are doors to the loading dock area, former storage areas for envelopes and mail bags, and modern office spaces (inserted into the former Workroom). All visible floors in the vestibule, lobbies and hallway area are terrazzo; the cornice and ceilings are plaster.

The upper floors of the Main Building were dedicated as office space. Each of these floors contains a north-south hallway immediately adjacent to the elevators. The fiberboard walls are punctuated by doors; there are no windows or transoms in the hallways. On the second floor, directly opposite the elevators is a pair of wood and glass doors providing public access to the Social Security Offices. Restrooms and service closets are clustered near the elevator core and stairwells. Full-height stairwells are located in the northwest and southwest corners of the Main Building; the northwest stairwell provides access to the roof. The floors throughout are carpeted. Each window has a deep window sill; there is no trim.

One-story section along Penhallow Street

Offices and a conference room line the exterior walls of this section. There is a dedicated hallway accessed from near the main entrance on Daniel Street as well as near the entrance on Penhallow Street. The hallway to these spaces is behind the elevators. On the opposite side of the hallway, directly behind the elevators are restrooms and storage rooms; originally an office for a secretary was located here, the only dedicated office in this area on the original drawings. The conference room is paneled in wood and the offices have dropped ceilings with boxed fluorescent lighting features and modern partition walls. There is no conference room identified on the original drawings, so it is presumed that the wood paneling is from a later date. The hallway floor is terrazzo.

One-story wing east of the Main Building, current Post Office

The Service Lobby was located in this wing with six service windows. Past the Service Lobby, along Daniel Street from west to east, there was a reception area; the Post Master's Office; an area with a hall, storage and a toilet; the Assistant Post Master's Office; an office for the Superintendent of Mail; and, behind the blank brick wall, the Women's Swing and Locker Room and Toilet. At the north end of the wing were the Men's Swing Room, Locker Room and Toilets. The center of this wing, and the majority of the floor space, was given over to a Workroom. There were two vaults near the Service Lobby.

In 1997, the public Post Office functions moved to this wing and a separate entrance directly from Daniel Street into this space was created by converting a window opening to a doorway. As far as is visible, all historic finishes were removed with the exception of some of the polished marble wall veneer at the area that was the entrance to the Service Lobby from the vestibule.

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APPENDIX C

Preservation Plan

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8. Preservation Plan

Feature A: Overall Rehabilitation

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

The Thomas J. McIntyre Federal Building, henceforth referred to as the McIntyre Building, is a four-story (plus basement) New Formalist style steel frame building clad in red brick and concrete located at 80 Daniel Street in Portsmouth, NH. It was constructed in 1967. The McIntyre Building was designed by the architectural firm of Koehler and Isaak for the U.S. government. In 1981, the building was rededicated and named for New Hampshire's U.S. Senator from 1962 to 1979, Thomas J. McIntyre.

The first-floor level of the McIntyre Building extends beyond the rectangular footprint of the upper floors (the Main Building), with one-story wings along Daniel Street (henceforth referred to as the east wing) and Penhallow Street (henceforth referred to as the west wing). The building features an asymmetrical south (main) elevation. Walls are brick and rest on a concrete foundation. The south elevation of the Main Building has a recessed first story (recessed one bay) with a cast-concrete groin-vaulted ceiling supported by paneled, concrete columns and segmental arches with paired off-center fully glazed, aluminum entrance doors. The entrance doors are set within full-height glass walls divided into three vertical components all surmounted by demi-lune transoms. The east and west one-story wings have secondary entrances and house additional office space (west) and a post office (east). Most of the first-floor level windows are full-height, multi-light, fixed, aluminum sash, while upper stories have recessed window openings with protruding concrete surrounds containing single pane pivoting windows. The building is topped with a ballasted membrane flat-roof, with a deep concrete overhang supported by concrete brackets.

The building occupies approximately 107,000 square feet of gross building area, with forty-four indoor parking spaces and a two-tier outdoor parking lot with an additional ninety-one spaces. The interior of the Main Building is subdivided for use as office space and has remained in continuous use by the Federal government since the building's completion in 1967. The interior of the building is laid out around a central core of elevators, stairs and bathrooms. When constructed, all of the upper floors were open space and noted on the drawings as "General Office Space." These floors have been altered over time to suit the changing needs of the organizations using the space. The finishes on the interior of the first floor are different from those of the upper floors, with most of the significant features concentrated on the first floor.

8d. Proposed work and impact on the feature:

The McIntyre Building will be rehabilitated for a mix of uses. The upper three floors of the Main Building will remain in office use, with commercial and retail uses on the ground level including in the one-story east wing and the loading dock area.

The parking area to the rear (north) of the site will receive a mix of open space and new construction that will be compatible in scale, massing and materials with the McIntyre Building and the adjacent neighborhood which is a National Register-listed Historic District. A new road between the existing building and the new

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construction will provide separation between the two, will preserve the view of the Main Building from Penhallow and Daniels Streets, and the view of St. John's Episcopal Church designed by Alexander Parris and an important visual landmark in the City.

The project has undergone an extensive public process review involving several public hearings and two formal meetings with the Historic District Commission. The original drawings were made available to the City and the architect but cannot yet be released by the GSA for inclusion in the application due to security concerns of the tenants. Copies of these drawings will be added to the application after the tenants vacate the building. It is because of these same security concerns that very few photos are included of the interior upper floors. More photos will be taken to document these spaces upon the tenants vacating the building and, these too, will be added to the application.

8e. Photo number(s): All

8f. Drawing number(s): All

Feature B: Site (including parking and new construction)

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

The McIntyre Building occupies the southern half of a 2.1-acre parcel in downtown Portsmouth. The site is bounded by Daniel Street to the south, Penhallow Street to the west, Bow Street to north, and the rears of structures on the west side of Chapel Street to the east. With the construction of the McIntyre Building and clearance of land for its associated parking, the site has been significantly altered over time, specifically with regards to the overall reduction of public outdoor space. The site is bounded on three sides by city-owned, concrete sidewalks. The grade of the site drops thirteen feet in elevation from Daniel Street to Bow Street, a change of 4%.

A new brick portico was constructed in 1997 when the Post Office moved to the one-story wing and created a new entrance by enlarging a former window. It is four red brick piers supporting a pyramidal Plexiglas skylight.

There is a small outdoor area with shrubs, grass, a brick path, and a picnic table along the east elevation of the east wing. The path ends at the wall of the loading docks.

Concrete planters are located along the perimeter of the building and the site. The original architectural planters were cast-concrete and crudely integrated into McIntyre's expressed foundation wall design at street level. Two other locations were surrounded by granite curbs that were not integrated with the foundation walls architecturally but were laid to follow the slope of the adjacent pavements. Half of the raised concrete beds in the Box Lobby entrance have been removed- presumably as obstructions to public access.

The north half of the property is occupied by parking, with a two-tiered indoor parking facility as well as surface parking. Five-foot tall brick walls capped with concrete along Penhallow and Bow Streets surround

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and shield the view of the parking area. There are three points of egress to/from the parking: one on Penhallow Street and two on Bow Street.

The city blocks immediately surrounding the McIntyre Building are densely developed, with most buildings built to the property lines and generally three stories tall.

The site is in good condition.

8d. Proposed work and impact on the feature:

The existing plaza in front of the building will remain, be regraded to be made code compliant and, where necessary, repaved to match existing.

The informal, granite-curbed planting bed (1967) on Daniel Street will be retained if it can be integrated into the revised ADA-compliant plaza.

The concrete mechanical areaway surrounds and sidewalk planters along Penhallow Street will be retained, while the granite-curbed planting bed flanking the original mailing platform, and the remnants of the original concrete planters at the recessed entrance to the former Box Lobby, will be removed to allow for access.

The flag pole located at the corner of Daniel & Penhallow streets will be retained, while the ca.1997 flag pole located at the East Wing will be removed.

The 1997 freestanding entry portico at the entrance to the east wing will be demolished.

A new road, Linden Way, will be constructed immediately north of the McIntyre Building's loading docks and will separate the new construction from the historic structure.

In order to construct Linden Way and to allow a proper parking grid in the garage, the existing parking deck and supporting columns below will be demolished and a new slab structure will be built. Due to the amount of ground disturbance at this location, it is unlikely that any archeological resources will be identified, but a 36CFR61 Qualified Archaeologist will be on site during any excavation to address any potential resource identification.

The site north of the McIntyre Building, currently the parking lot, will be redeveloped to hold three new buildings, with several plazas and market areas. These buildings will be mixed use, with some ground floor retail/commercial spaces and residences above. They will be constructed on the various parking areas, with wide plazas and walkways separating the buildings.

The new buildings will be compatible with both the McIntyre Building and with the existing building fabric in downtown Portsmouth in general, especially in terms of scale, massing, material, and features, such as fenestration grids. The buildings along the streets will be three stories plus an occupied fourth floor with roof dormers are generally found on historic buildings in the district. Roofs will be a combination of pitched and hipped and be covered in standing seam metal. The base of the buildings will be cast stone at the first-floor storefronts to reflect the historic character of the surrounding building and red brick above with brick sills and lintels.

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The new construction will be set at the sidewalk along Penhallow and the northeast corner of the site on Bow Street. The northwest corner of the site at Bow and Penhallow Streets will be a hardscaped open plaza with some plantings that will be connected to the new Linden Way by a passage that runs north to south through the center of the site. Linden Way will also feature a plaza that will provided a physical and visual connection between the historic buildings and new construction while clearly separating new from old.

In order to provide firetruck access to the site, the north east corner of the one-story east wing will be demolished to allow circulation from Linden Way to Daniel Street. The outdoor area to the east of the east wing will also be converted to an egress lane for emergency vehicles and will connect to Linden Way. The original Post Office parking lot on the southeast corner of the site will be removed to support the new fire lane and new walkways will be established for building access.

8e. Photo number(s): 1, 3-5, 7-11, 13-17, 19-23, 26-27

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-100

Feature C: Exterior Elevations

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

The McIntyre Building is a four-story, New Formalist-style building. The asymmetrical main elevation faces south onto Daniel Street, with secondary elevations facing west onto Penhallow Street and north onto Bow Street. The tertiary elevation faces east. The building is made up of three distinguishable design components: the main four-story building, the one-story section on Penhallow Street (the “west wing”), and the one-story wing on Daniel Street (the “east wing”). The steel-framed building is clad in red brick set in running bond, and sits upon concrete foundations. The primary elevation of the Main Building, which faces south onto Daniel Street, has a recessed first story (recessed two bays) with a cast concrete groin vaulted ceiling supported by paneled, concrete columns and segmental arches with paired, off-center fully glazed, aluminum-framed entrance doors. One-story wings on the west and east sides have secondary entrances and house additional office space (west wing) and a post office (east wing). On the small portion of this section facing Daniel Street is mounted both sides of the Great Seal of the United States, the name of the building (1981), and the corner stone. Note: when the building is transferred out of federal ownership, these signs must be removed. Eighteen loading dock bays are located on the north elevation, extending across the Main Building and the east wing. All are protected by a cantilevered roof. One of the bays has been infilled and now contains a single personnel door.

Above the first floor, the Main Building is red brick with a flat concrete fascia and cast concrete brackets with attached precast decorative panels that form two parallel raised edges. The brackets on the south and east elevations have been encased in a wire mesh netting since 2008 to capture any falling pieces of failed concrete (first in a temporary black netting and currently in a heavy-duty beige netting).

The exterior elevations are in good condition.

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8d. Proposed work and impact on the feature:

Any damaged or deteriorating brick and stone masonry will be repointed to match the original mortar in strength, composition, color, texture, joint width and joint profile. Masonry repairs will be undertaken per guidance in *Preservation Brief 2: Repointing Mortar Joints in Historic Masonry Buildings*. Any cleaning will use the gentlest means possible utilizing PROSOCO Sure Klean or equivalent in accordance with *Preservation Brief 1: Assessing Cleaning and Water-repellent Treatments for Historic Masonry Buildings*. Specifications, cleaning samples and repointing samples will be reviewed and approved by the National Park Service before proceeding with this work. Approved samples will be maintained on site until this work is completed.

Any broken or cracked bricks will be replaced in-kind or repaired to match the original in size, color, finish, strength, and texture.

Concrete ornamentation and detail will be retained, or replaced in-kind as needed, utilizing guidance in *Preservation Brief 15: Preservation of Historic Concrete*. Additionally, the non-historic stainless-steel wraps around the main columns on the south façade will be removed and the columns repaired in the same manner as the other concrete elements.

Bruner/Cott proposes removal of attached metal lettering and embedded Great Seal faces with repair of red brick facade to match adjacent areas of masonry. The cornerstone is to remain in place. The GSA can direct the City about retrieval and return of removed items.

Cut out and replace to match bricks at vertical fracture on northwest corner of west elevation and remove all wall mounted conduits, brackets and extraneous material.

Where a new opening is cut in the brickwork, the opening will be finished utilizing salvaged brick toothed-in to create a return.

The plastic skylights will be removed from the beams over the entryway on the one-story portion along Penhallow Street.

In order to provide required adequate turning radius for passage of emergency vehicles along the new roadway along the east elevation of the East Wing, approximately 1,300 square feet of the northeast corner must be removed (approx. 50'-0" on the north elevation and 26'-0" on the east elevation). This corner of the building is virtually not visible from any public right of way with the exception of from the rear of a parking lot on Chapel Street. Originally this area was the Men's Swing Room, Locker Room and Toilets. All of these original areas and features were removed in the 1997 renovation.

8e. Photo number(s): 1-24, 26-28

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, June 6, 2018, Sheets: A-300, A-301, A-302

Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-300, D-301, D-302, D-303

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Feature D: Roof

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

The Main Building is topped with a recent ballasted membrane flat-roof. There is a large mechanical room centered on the roof, which is topped with solar panels.

The roof of the one-story east wing is an EPDM roof; the roof on the West Wing is a ballasted membrane roof.

Describe cantilevered roof over loading docks.

The roofs are in good condition.

8d. Proposed work and impact on the feature:

There currently are no plans for the roof on the Main Building with the exception of removing the solar panels on top of the mechanical room. In the future, minimal access may be provided for tenants of the third floor. Any safety rails or items on the roof will not be permanent and will be set back as not to be visible from a public way. This work would be an amendment to the City's original Application and, as such, will be reviewed and approved by the National Park Service prior to any construction.

In the future as roofs fail and need to be repaired or replaced, the work will be in kind to the existing.

The majority of the roofs on the east and west wings as well as the roof over the loading dock will remain and be repaired in kind. A narrow skylight, 6'8" wide by 60' long, will be installed in the East Wing, near the north elevation at the center of the loading dock. The skylight will be low profile and not visible from a public way

8e. Photo number(s): 13-15, 66

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, June 6, 2018, Sheets: A-106

Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-105

Feature E: Entrances and Windows

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

West Wing

There are street-level windows in the West Wing along Daniel Street (6, 7 & 8 from north to south) that are full-height, multi-light, fixed, aluminum sash storefronts systems that are slightly bowed, with later operators added to each and multi-light transoms. To the north of window 6 is a deeply recessed entryway (3) set with paired aluminum and glass doors.

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Main Building

The main entrance (11), located on the south elevation of the Main Building, features a set of paired, fully glazed aluminum-framed doors. A single leaf, fully glazed, aluminum-framed door (6) is located to the west of the main entrance. The main entrance and single entrance are set within a full-height, multi-light, fixed, aluminum storefront system. The main entrance (11) is flanked by full-height, multi-light, fixed, aluminum storefront systems to the east (9) and west (12).

The upper floors of the Main Building are characterized by a regular fenestration grid, providing visual interest along the otherwise simple exterior. Upper stories have recessed window openings with wide concrete surrounds; the windows are single panes of glass.

East Wing

The south elevation of the east wing has a central entrance (17) with a free-standing brick portico that was added in 1997. The entrance is flanked by two full-height, multi-light, fixed, aluminum sash storefront systems that are slightly bowed (windows 16 and 18) to the east and west. To the west of window 16 is an original narrow slit window with a concrete surround (15) and to the east of window 14 is an original narrow slit window with a concrete surround (19). The last bays to the east and west also feature full-height, multi-light, fixed, aluminum sash storefront systems, one in each bay (windows 13 and 21). The center portion of the elevation projects out one-bay and on each side of the projecting section, one east and one west, there is a single full height window with a bottom panel of black plastic and a transom of the same (windows 10 and 16).

There are currently four full height windows on the east elevation of this wing. The two center windows (18 and 19) are original. The two flanking windows (21 and 24) are new openings from the 1997 renovation, replacing narrow slit windows. The north end of the east wing projects one bay and has a full height window that was added in 1997 (window 25).

Loading Dock

The first floor of the north elevation contains eighteen loading dock bays, one of which has been infilled and contains a single personnel door. The docks span from east to west across the north elevation of the main building and east and west wings.

Entrances and windows are in good to fair condition.

8d. Proposed work and impact on the feature:

West Wing

The existing recessed entryway along Penhallow Street will be retained and the full-height aluminum window wall will be repaired and receive new code compliant doors to match the appearance of the historic doors at this location. New storefront openings will be cut into the existing brick walls that face north and south on both sides of the recessed entryway and will include entry doors and sidelights.

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Windows 6, 7 and 8 will be retained. Clear safety film will be added to the glass.

Main Building

The main entrance (11) will be retained and the full-height aluminum window wall will be repaired and receive new code compliant doors to match existing. Windows 9 and 12 will be retained. Clear safety film will be added to the glass.

East Wing

The south elevation will remain to the depth of its first structural bay, with removal of the 1997 Post Office's brick entrance vestibule and introduction of accessible entrance doors. Window 13 will be removed to provide a new entry to the public spaces in this wing. The new opening will be full-height, aluminum-frame, with a pair of double doors and a two-pane transom above each door.

The remaining windows, 14-16, 18-21 and 22-24 will be retained and repaired. Window 25 will be demolished as this wing will be removed for firetruck access.

Loading Docks

The first five existing loading dock, bays 5-9, from the west of the main building will be removed and receive a combination of new storefront system to simulate the historic loading dock doors and a new retail entrance.

The remainder of the loading dock wall to the east of the brick pier next to loading bay door 9 will be removed and a new glass storefront system installed in the same plane as the removed wall. The 1967 cantilevered canopy will be retained from Penhallow Street to the western edge of the East Wing.

A new opening will be cut in the west elevation of enclosed loading docks. The opening will be infilled with a new storefront system that includes entry doors and sidelights.

Aluminum storefront will be used throughout the loading dock area, from infilling the garage door opening to the new enclosed area at the northeast area of the loading bay, as well as new opening.

Upper-Story Windows

Existing upper-story aluminum pivot windows will be abated, retained and repaired where necessary, though they will not be operable. New aluminum single pane low-e glass storm windows will be installed on the interior. Windows fit the opening and be removable and reversible

8e. Photo number(s): 1, 3-24, 26-27

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, June 6, 2018, Sheets: A-300, A-301, A-302

Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-300, D-301, D-302, D-303

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Feature F: Stairs and Elevators

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations:

8c. Description and Condition:

Full-height stairwells are located in the northwest and southwest corners of the Main Building; the northwest stairwell provides access to the roof.

The elevator lobby is located at the interior of the main entry vestibule along the Daniel Street entrance, in the Main Building. The elevators provide access to all floor levels.

The stairs and elevators are in good condition.

8d. Proposed work and impact on the feature:

All existing stairs and elevators will be retained and will remain in use. Elevator cabs will be refurbished.

8e. Photo number(s): 55, 65

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, June 6, 2018, Sheets: A-100, A-101, A-102, A-103, A-104, A-105

Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-101, D-102, D-103, D-104, D-105

Feature G: First Floor

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

The first floor of the McIntyre Building holds the primary publicly accessible spaces of the building, as well as the most significant remaining historic finishes.

Main Building

The main entrance to the building is at the southern end of the first floor of the Main Building, at the interior of the Daniel Street entrance. The entrance is set within a vestibule, enclosed by a pair of glass and aluminum doors. The east wall of the vestibule is a full-height glass wall with a pair of doors in the center, which lead to the Post Office located in the East Wing. The doors are blocked by a publication rack as a new separate public entrance to the Post Office was created in 1997. The west wall is covered with a veneer of polished white marble panels; a non-original aluminum case holding a building directory is attached to the wall. A single solid metal door to the left (south) of the directory leads to a full-height stairwell. The north wall of the vestibule is a full-height glass partition wall.

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Immediately beyond the full-height glass partition wall is the Elevator Lobby: to the west is the hallway to the offices in the West Wing and the two elevators. On the wall to the left of the elevators is a bronze plaque commemorating the rededication and naming of the building in 1981. On the west wall opposite the elevators is an original built-in, tripartite aluminum and glass document case. In the upper corners of the center section of the case are both sides of the Great Seal of the United States in brass, surmounted by a brass American eagle with its wings unfurled. All of the walls are covered with a veneer of polished white marble panels in a pattern that replicates those of the full-height windows, with squares at the top and base with a single piece of marble in between approximately three times the height of the squares.

Beyond the Elevator Lobby area is the former Box Lobby. All of the original walls, along the west side lobby are original and are covered with a veneer of polished white marble panels, as are the walls to the vestibule to the Penhallow Street entrance. The marble on the southeast corner of the lobby dates from the 1997 renovation. The remaining walls in the northeast corner of the lobby are later GWB from 1997 when the mailboxes were moved into the east wing. On the east wall are doors to the loading dock area, former storage areas for envelopes and mail bags, and modern office spaces, which were inserted into the former Workroom.

All visible floors in the vestibule, lobbies and hallway area are of terrazzo. The cornice and ceilings are plaster.

West Wing

Offices and a conference room are located along the perimeter of the West Wing. There is a dedicated hallway to these offices accessed from near the main entrance on Daniel Street as well as near the entrance on Penhallow Street. The hallway to these spaces is behind the elevators. On the opposite side of this hallway, directly behind the elevators, are restrooms and storage rooms. The walls of the conference room are covered with later wood panels, and the offices have dropped ceilings with boxed fluorescent lighting features and modern partition walls. The hallway floor is terrazzo.

East Wing

The East Wing serves as the current location of the Post Office. The original Service Lobby was located in this wing with six service windows. Past the Service Lobby, along Daniel Street from west to east, there was a reception area; the Post Master's Office; an area with a hall, storage and a toilet; the Assistant Post Master's Office; an office for the Superintendent of Mail; and, behind the blank brick wall, the Women's Swing and Locker Room and Toilet. At the north end of the wing were the Men's Swing Room, Locker Room and Toilets. The center of this wing, and the majority of the floor space, was given over to a Workroom. There were two vaults near the Service Lobby. (see copies of original drawings)

In 1997, the public Post Office functions moved to this wing and a separate entrance from the exterior directly into this space was created by converting a window opening to a doorway. All historic finishes were removed at that time, with the exception of some of the polished marble wall veneer at the area that was the entrance to the Service Lobby from the vestibule.

The first floor is in good condition.

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8d. Proposed work and impact on the feature:

Break into West Wing, Main Building and East Wing. The first floor of the McIntyre Building will be rehabilitated as the lobby for the upper floor office space and new retail uses along Penhallow Street. The vestibule will be retained in its entirety. The GSA will direct the City about removal and return of brass faces of the Great Seal and brass American eagle. All interior walls, except those that bound the main entrance lobby and elevator core, will be demolished. All new partitions will be of metals studs and GWB. Ceilings in historically finished spaces will remain finished at original heights while ceilings in former industrial spaces will remain exposed. Restrooms will remain and be updated to meet current building codes. The retail spaces will not be fully defined until tenants are identified. Tenants will be required to adhere to tenant fit out guidelines that meet the Secretary of the Interior's *Standards for Rehabilitation*.

West Wing

All terrazzo floors in the main entrance lobbies will be retained and repaired in kind where necessary.

The bronze plaque on the north wall at the Penhallow Street entrance commemorating the construction of the building in 1967 shall remain visible although remounted in the same general area to accommodate alterations to interior layout.

Interior plaques related to 1981 re-dedication are to be relocated to wall areas adjacent to the elevator lobby.

Main Building

All existing marble in the main lobby will be retained and repaired in kind where necessary.

All terrazzo floors in the main entrance lobbies will be retained and repaired in kind where necessary.

The plaster vaulted ceiling and soffit in the main lobby will be retained and repaired in kind where necessary.

A large opening will be cut in the east wall of the main lobby, constructed in 1997, to allow for access from the West Wing/Penhallow Street lobby to the East Wing.

The original aluminum and glass documents case (1967) on the east wall of the elevator lobby is to be retained.

Interior plaques related to 1981 re-dedication are to be relocated to wall areas adjacent to the elevator lobby.

East Wing

All mechanicals will be in the walls or above ceilings except in the former mail sorting areas, which are more industrial in character, where mechanicals will be exposed.

8e. Photo number(s): 33-54

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, June 6, 2018, Sheets: A-101
Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-102

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Feature H: Second through Fourth Floors

8a. Approximate Date of Construction: 1967

8b. Approximate date(s) of Alterations: 1997

8c. Description and Condition:

The second through fourth floors are subdivided for use as office space.

As was typical of most mid-century federal office buildings, the upper floors are simple in design, with few architectural flourishes. Each floor is bisected by a hallway running north-to-south immediately adjacent to the center core which includes the elevators, stairs and bathrooms. Simple doors are located off the hallway and provide access to the offices. On the second floor, a pair of wood and glass doors located directly across from the elevators provides public access to the Social Security Offices. Restrooms and service closets are clustered near the elevator core and stairwells on each floor. The floors throughout the second through fourth floors are covered with later carpeting. Along the perimeter walls, each window has a deep window sill, with no trim. The upper floors have been remodeled several times over the course of the twentieth century, with updates to both the floor plans and the finishes. Ceilings are dropped. Walls are constructed of a wall system that is not permanent.

The second through fourth floors are in good condition.

8d. Proposed work and impact on the feature:

The second through fourth floors will be rehabilitated for continued use as office spaces. The center core will remain. The tenant spaces will not be fully defined until tenants are identified. Tenants will be required to adhere to tenant fit out guidelines that meet the Secretary of the Interior's *Standards for Rehabilitation*. Tenant guidelines will be developed for inclusion in all leases. These guidelines will be reviewed and approved by the National Park Service prior to the execution of any lease. At a minimum, they will include the requirements (as applicable to each tenant) that all perimeter walls remain covered, that any new ceilings must remain above the window heads, all mechanical systems will be in the walls or above the ceilings, all new partitions will be of metal studs and GWB, and all floors will be covered in carpet; windows will not allowed to be blocked in any manner.

All existing partitions will be removed to create an open and flexible floor plan around the center core.

All mechanicals will be in the walls or above ceilings.

All new partitions will be of metals studs and GWB.

Floors will be covered in carpet

8e. Photo number(s): 55-65

8f. Drawing number(s): Bruner/Cott & Associates, Inc., *McIntyre Project*, June 6, 2018, Sheets: A-102, A-103, A-104

Bruner/Cott & Associates, Inc., *McIntyre Project*, 9/13/18, Sheets: D-103, D-104

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1. West and south elevations, facing northeast



2. South elevation, facing north

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3. South elevation, facing north



4. South elevation, facing east

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5. South elevation, facing northeast



6. East elevation, facing west

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7. East and south elevations, facing west



8. East and south elevations, facing northwest

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9. South and east elevations, facing northwest



10. Site and south elevation, facing northwest

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11. East and south elevations, facing north



12. East and north elevations, facing southwest

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13. East and north elevations, facing southwest

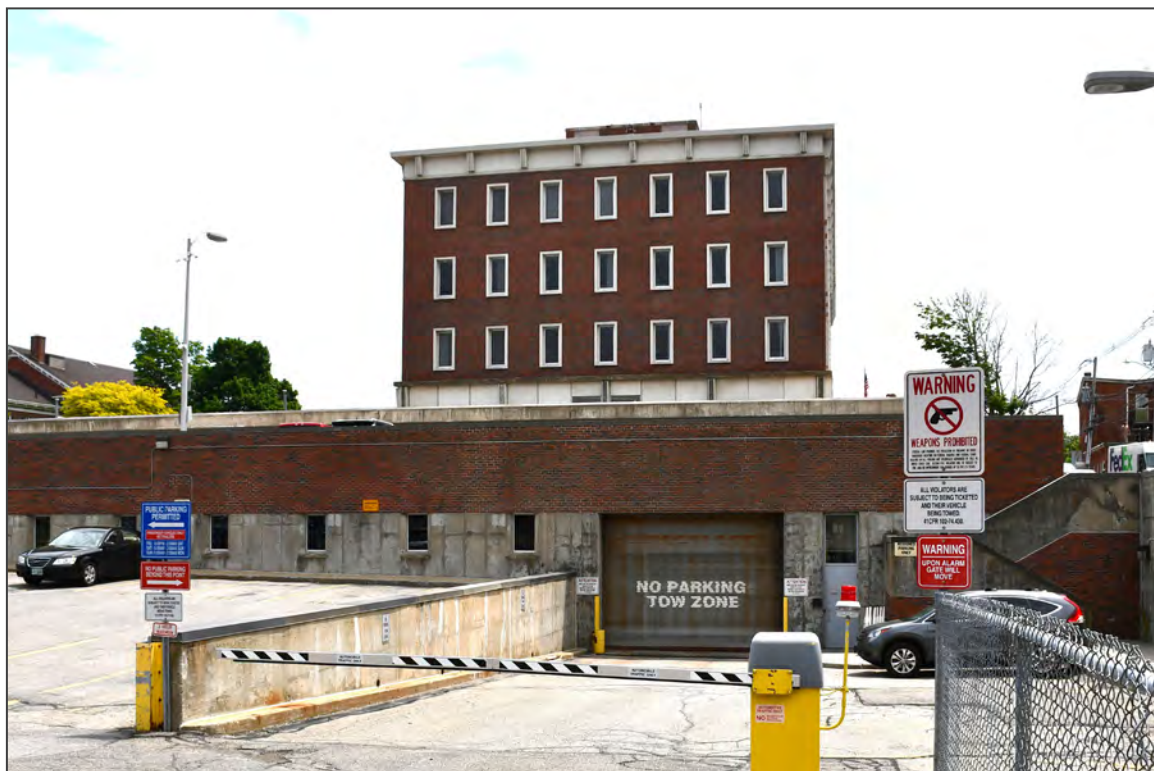


14. East elevation, facing southwest

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15. East and north elevations, facing southwest



16. North elevation, facing south

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17. North elevation, facing southeast



18. North elevation, facing southeast

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19. North elevation, facing southeast

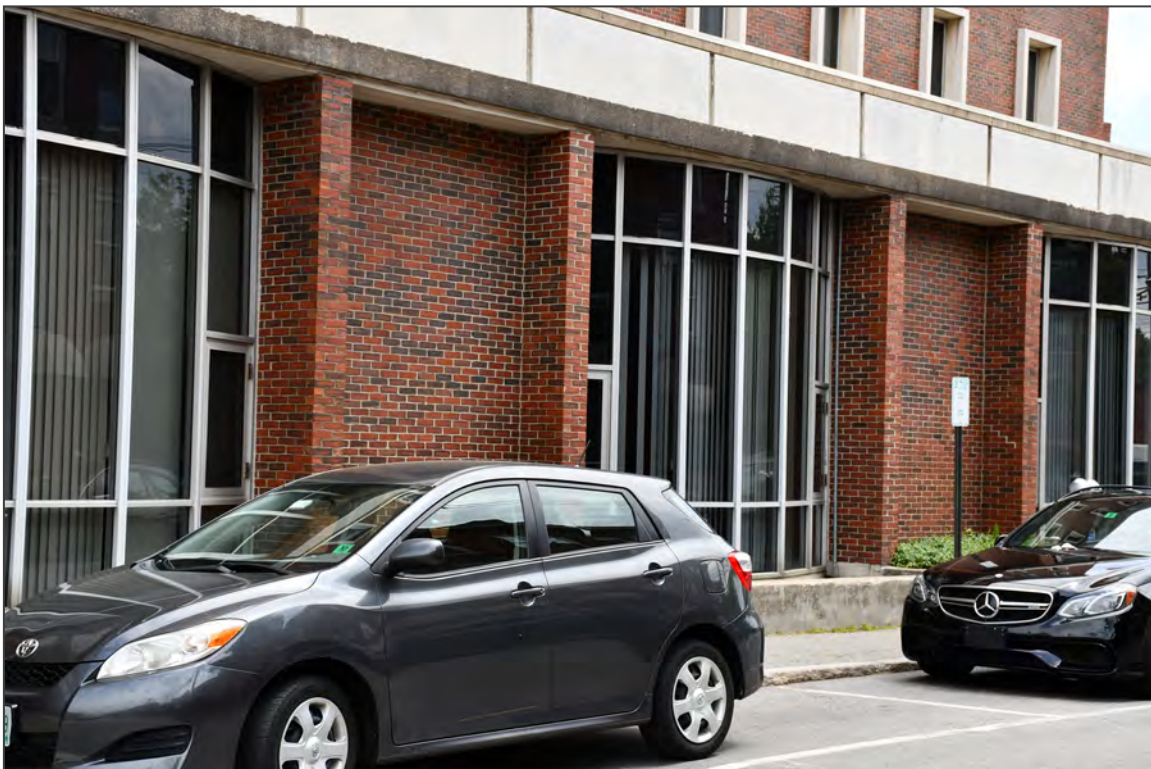


20. North and west elevations, facing southeast

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21. West elevation, facing southeast



22. West elevation, facing southeast

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23. West elevation, facing east



24. West elevation, facing east

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25. West elevation entrance covering



26. West elevation, facing northeast

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27. West elevation, facing east



28. South elevation column detail

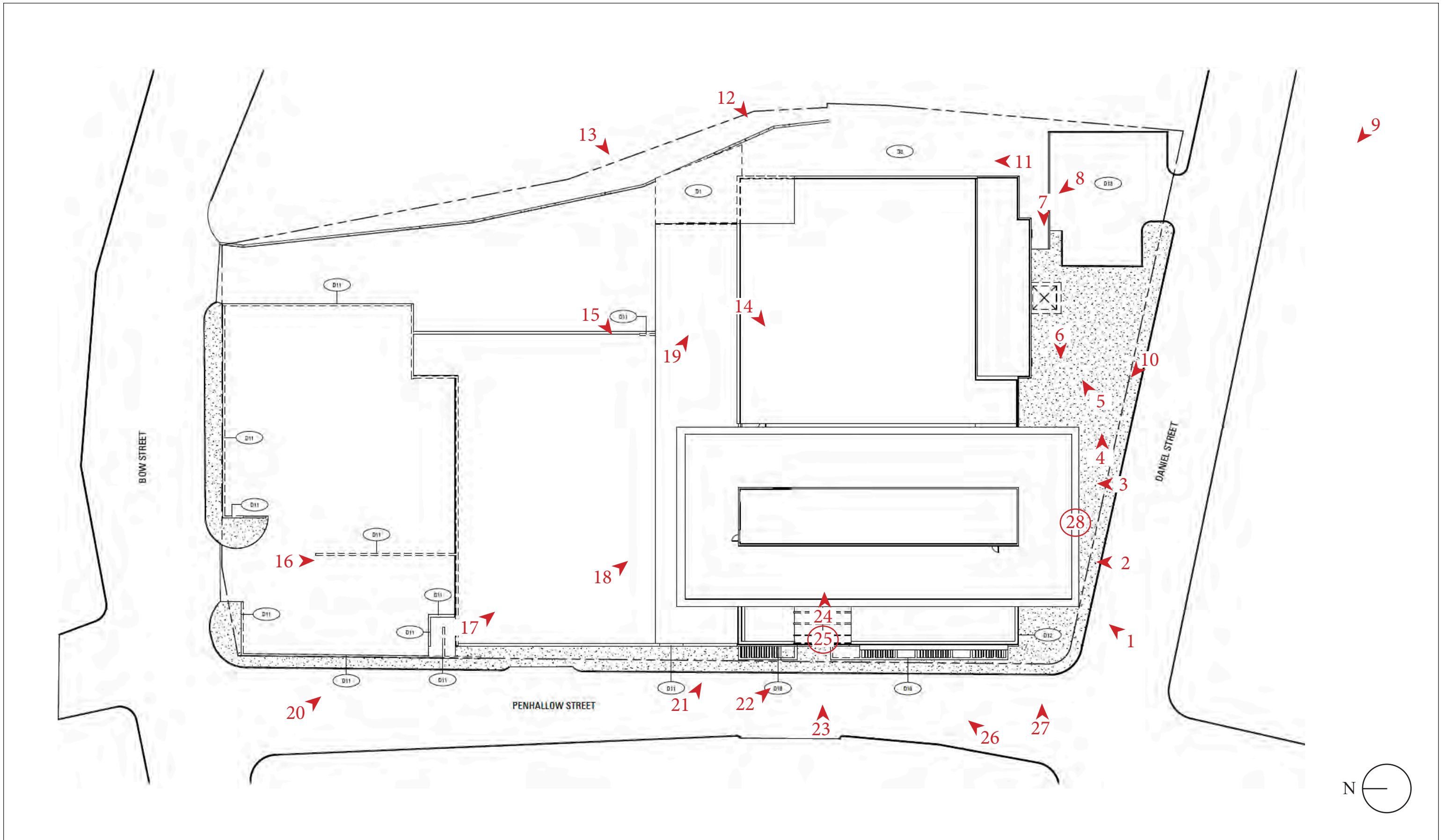
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53. Ground floor, facing northwest



54. Ground floor, facing north



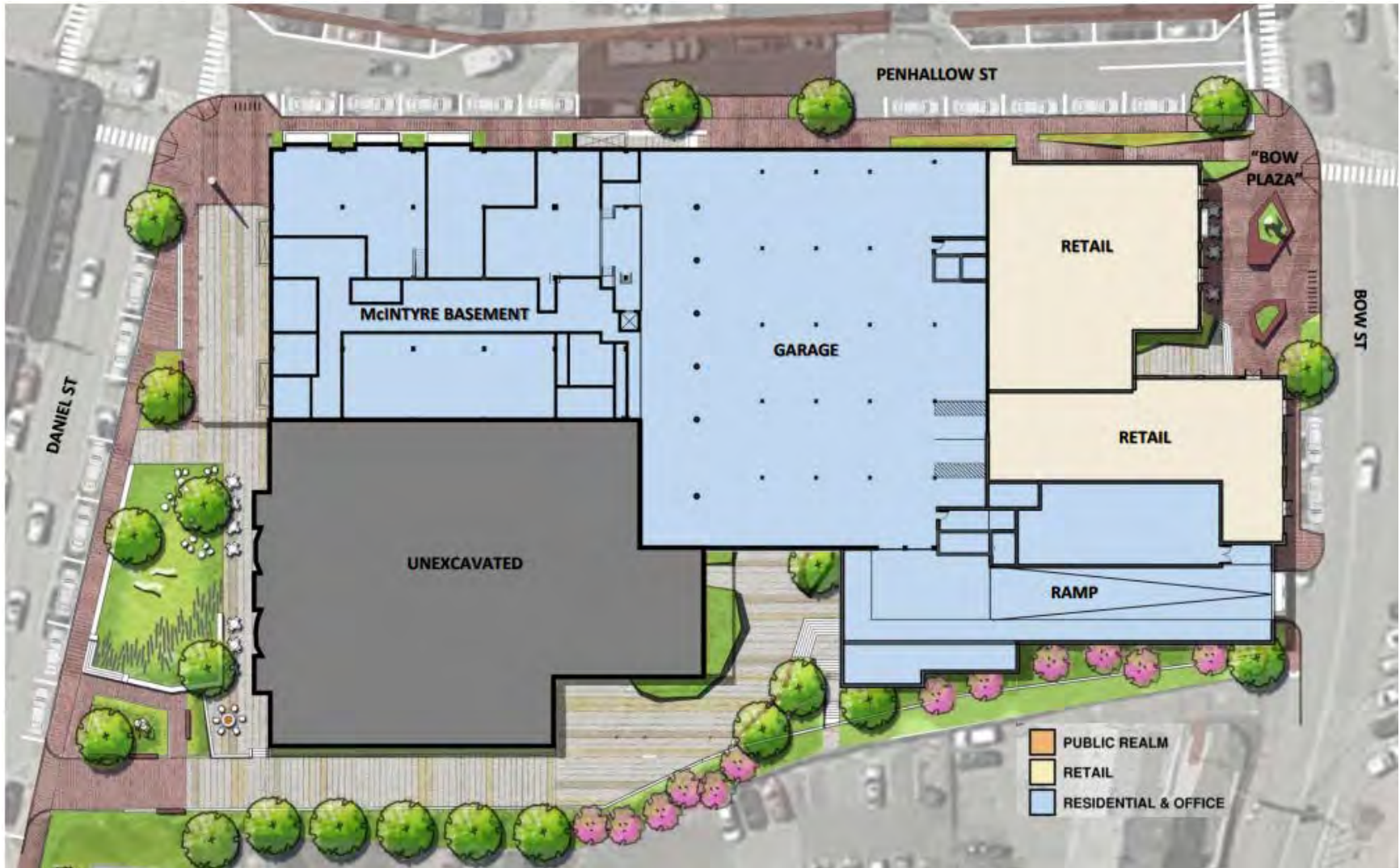
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80 Daniel Street, Portsmouth, NH
November 2018

APPENDIX D

Use Plan

Application: Obtaining Real Property for Historic Monument Purposes
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Site Plan – Elevation 20 (Bow Street)



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Site Plan Elevation 31 (Daniel Street)



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Site Plan – Proposed Ground Floor Uses:



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Daniel Plaza Perspective:



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DANIEL PLAZA



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Bow Plaza Perspective:



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BOW PLAZA



● plaza condition | sidewalk condition ●



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Bow Plaza:



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Plaza Perspective:



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THE PLAZA



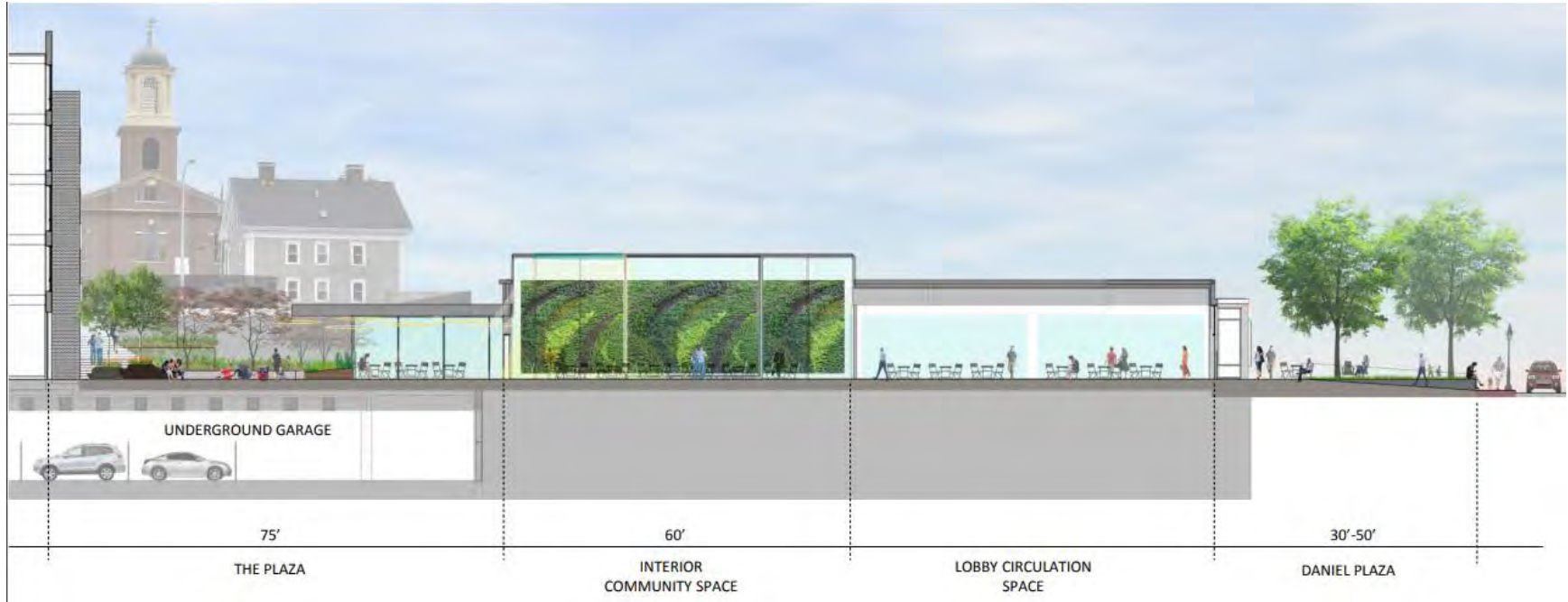
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COMMUNITY SPACE



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The Plaza & Indoor Community Space:





McIntyre Project Public Input Process - ESSENTIAL FRAMEWORK -

A. PUBLIC REALM

- Include easily adaptable public realm spaces that accommodate modestly-sized indoor and outdoor gathering space and a variety of activities and programming options for all ages. The public realm of the McIntyre should complement existing and planned Portsmouth assets (e.g. Market Square, Prescott Park, Vaughn-Bridge-Worth, etc.).
- Establish a highly walkable project buildout that creates interesting and varied pedestrian experiences (including public art and views) along all property edges and throughout/within the property. Make edges active and inviting.
- Offer an opportunity for the public to access to the expansive elevated views of the downtown and waterfront. Preserve critical viewsheds from the street level experience.

B. DESIGN

- New architecture should reflect current design and sustainable construction technologies while respecting the historic characteristics and integrity of the site's varying surroundings. Do not overshadow the McIntyre building.
- Provide multiple points of access along all sides of the parcel to ensure permeability through the site (especially at/through the existing McIntyre Building).
- Design the site for maximum adaptability to future changes in markets and public benefit needs. For example, ground-floors of existing and proposed buildings shall be designed to ensure adaptability and evolution of use such that street life in and around the McIntyre site continues to be vibrant and brimming with activity.
- Advocate for interpretation of the Secretary of the Interior's Standards that will allow for appropriate modification to character-defining features to invite public use and connect the building and site with its surroundings.

C. TRANSPORTATION & PARKING

- Reduce the need for on-site parking. Provide transportation and parking options, both external and internal to the site, designed to reduce reliance on personal cars.
- Define the types of on-site, practical accommodations for arrival/departure integrated into the site development in support of alternative modes of transportation and new consumption and distribution patterns, planning for future trends in transportation.
- Minimize/eliminate surface (vs. covered) parking.
- Minimize vehicular traffic into the site – limit to deliveries, public safety, and very slow travel.
- Consider important nearby transportation connections when designing public walk and path alignments through the property.

D. PUBLIC/PRIVATE PARTNERSHIP

- Establish and maintain a market-based mix of uses/activities of interest to Portsmouth residents. Consider existing and planned amenities and uses located within walking distance.
- The City's ability to achieve desired public amenities and benefits (including ground rent and surplus income) depends on its private partners also achieving financial goals. Fairly balance this relationship to result in long-term success. For example, consider design options that create increased density if increased public benefit results.
- Explore tax credit programs and other financing tools (e.g. tax increment financing), to leverage private and public capital and enhance project viability.
- Establish the proper scale, mass, density and building configuration to allow economic viability for public benefits and quality development.
- Establish a public/private oversight entities to document and monitor the project and to ensure that public benefits are being met and that the project is proceeding in accordance with partnership terms. Revisit the framework when changes are proposed.

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The Plaza:



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APPENDIX E

Financial Plan

DRAFT

Application: Obtaining Real Property for Historic Monument Purposes

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Financial Plan

The City intends that the rehabilitation and reuse of the McIntyre property will be carried out via a public-private partnership with SoBow Square, LLC (formed by principals of Redgate Holdings LLC and the Kane Company, hereinafter “the Developer”). The City will enter into a 75-year ground lease with SoBow Square to redevelop, operate, and maintain the property. SoBow is advised by MacRostie Historic Advisors and Bruner Cott Associates regarding compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties.

In advance of submission of this application, the City and the Developer will execute a Development Agreement that will form the basis of the partnership arrangement. The City engaged the law firm of Hinckley Allen to develop the terms of this agreement, which includes:

- Assurance of compliance with all regulations pursuant to the Historic Surplus Property Program
- Assignment of all costs associated with the redevelopment and reuse of the property
- Environmental due diligence and remediation responsibility
- Insurance requirements
- Restrictions on use
- Real estate taxes
- Permits and approvals
- Performance guaranty and completion bonds
- Evidence of project financing commitments
- Project schedule
- Indemnification and release of liability
- City and developer contingencies
- Default and Remedies

Upon acceptance of the transfer from the GSA, the City expects to simultaneously execute a ground lease with the Developer. A draft of the Development Agreement and Ground Lease is provided in Attachment xx¹. The lease, also drafted by Hinkley Allen, addresses typical items seen in a commercial ground lease, adds all conditions (including deed restrictions) pertaining to the Historic Surplus Property Program (HSPP), and is written with the perspective of a municipal landlord.

10a. Analysis of projected income from all sources

The City will receive income from the Developer in the form of ground rent. Per the ground lease agreement, the Developer will pay the City of Portsmouth a ground rent payment of \$xxx,000² per year, beginning at stabilization, which is anticipated to occur xx months after certificate of occupancy is achieved; the Developer anticipates ground rent to commence in quarter xx of year 20xx.

¹ “xx” indicated on-going negotiation of this term/agreement, to be included in a completed application which will be considered at a future meeting of the City Council.

² The Developer has proposed a ground lease of rent of \$100,000 annually, with 1.5% increases post-stabilization in years 1-5 and 2% annually thereafter.

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The ground rent period will escalate post-stabilization by xx% annually in years 1-5 and xx% annually in year xx-xx, at which time it will be reevaluated using a fair market appraisal for years xx-xx. The Developer determined the proposed ground rent amount using residual land value methodology: target return thresholds required for financing (described above) were established; holding this target return constant, after income, costs and operating expenses were factored into the underwriting, it was calculated that the project can sustain a \$100,000 annual ground rent payment.

Additional, project excess income beyond a reasonable return³ will be paid to the City as participating ground rent. This will be calculated as xx.

Other, non-cash benefits the City will accrue through this project include a brand-new gathering destination for downtown Portsmouth that includes:

- Fully designed and constructed outdoor public realm space that includes three distinct gathering spaces;
- Approx. 3,500 s.f. of indoor public gathering space, which is open to community-based programming and maintained by SoBow Square;
- Off-site utility upgrades (a new 8" water main loop on Chapel Road between Daniel St and Bow Street as well as a new 8" sewer main on Bow Street and Penhallow Street)

The estimated value of these items is summarized below:

Community Benefits	Amount
Public Realm	\$ 6,150,000
Community Space	\$ 625,000
Offsite Utility Upgrades	\$ 400,000
TOTAL	\$ 7,175,000

Ongoing Benefits (annual)	Amount
Proposed Ground Lease Payment*	\$ 100,000
Community Space Free Rent	\$ 105,000
Community Space Operations	\$ 37,000
TOTAL	\$ 242,000

* proposed, initial year

The mixed use redevelopment is expected to generate income from office, retail and residential tenants. Following is a description of each market, with anticipated income from each tenant type.

Office Market:

The outlook on the Portsmouth office market remains very positive, as growing demand for office space in the supply constrained urban setting of Downtown Portsmouth continues to drive rents.

³ Allowable pursuant to HSPP regulation; subject to NPS review.

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The New Hampshire Seacoast submarket continues to be one of the highest performing office markets in the region. It contains a total supply of 8.4 million square feet, with only 7.7% vacancy in 2017. This is the lowest vacancy rate experienced in the last seven years and the 7th consecutive year of decreasing vacancy. Of the market's 8.4 million square feet, 2.1 and 2.0 million square feet are in Portsmouth and Pease respectively, of which just 2.8% and 4.6% of the respective submarket supply is currently vacant, according to CBRE. The developer's research pulled from local brokers identified an even lower 1.7% vacancy rate in the downtown Portsmouth office market. This supply-stricken market has caused significant pent up demand for office space in the region, and with limited new construction available to lease, it appears that this shortage in available space will remain well beyond the short term.

This high demand and limited availability is especially evident in downtown Portsmouth, where companies are realizing the benefits associated with locating in an urban setting, yet the 2.8% vacancy has left many tenants no option but to unwillingly relocate to areas like Pease and beyond. Quality Class A office space (defined as buildings greater than 10,000 SF built after 1995) is even scarcer in downtown Portsmouth, with the only three Class A buildings being fully leased (Portwalk Place, 100 Market Street, and 99 Bow Street). Due to the lack of supply available to accommodate tenants, there have been very limited transactions in the past 24 months. However, as new supply is coming to market, asking rates are beginning in the low \$30's range for Downtown space, which is comparable to what many tenants in Class A buildings are currently paying in their current in-place leases.

Residential Market:

The Seacoast Multifamily Rental submarket continues to show strong fundamentals as households continue to choose to rent out of preference and necessity both locally and nationally. The submarket, which contains approximately 3,000 units among 21 properties, is 98.3% occupied, a full 130 basis points above its 5-year average of 97%. Average asking rents have also been growing at a notable rate, averaging a 4.7% increase per year since 2010. Of the approximate 300 units that were built after 2005 (Portwalk Place, Veridian Residences, Longview Place and Frank Jones Brewery), occupancy is currently at 99.3%.

The outlook on the Portsmouth multifamily market remains positive, as the demand for lifestyle rental units in an urban setting remains high and limited new product in the urban setting is planned or proposed in the near term.

Retail Market:

Office and Residential demand indicators are strong and clear. Retail demand is more variable and unpredictable, particularly given recent trends in rapidly changing consumer behavior. To assess this risk, the Developer worked with Graffito SP (GSP), one of the region's preeminent retail brokers and advisors to study the proposed retail program in context with the market and existing urban fabric and in relation to proposed public realm spaces (plazas and community space). As is the case for all urban retail projects, rental rates vary significantly based on premises (i) location within the asset (corner, in-line, visibility, etc.), (ii) size, (iii) use, and (iv) landlord delivery conditions. This research has resulted in a merchandizing and public realm / plaza strategy which recommends specific uses in specific locations to

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optimize exposure and vibrancy in different zones throughout the Project. Based on local market research, GSP asserts that Project rents will be in the \$30s and \$40s PSF.

GSP's believes there are certain other factors that have the potential to increase rents at the Project more than the anticipated ranges noted above, which are as follows:

1. Additional residential and office density added to the downtown area over the next 2 – 4 years;
2. Additional best-in-class restaurateurs locating in (and being recruited to) Downtown, further validating revenue projections that support higher rents;
3. World-class public realm design and programming that differentiates the Project from other near-by developments (current or planned), promote a unique brand for the Project, and generally aid in leasing efforts.
4. Targeted recruitment of best-in-class regional and national soft goods operators;
5. Willingness of Developer to execute percentage rent leases for food & beverage operators that may result in significant additional rent income once retail sales exceed an agreed upon breakpoint.

However, the large amount of retail space in the project is on the higher end of the spectrum of what the Developer believes is feasible to lease up within 12 months of Project delivery. To account for the retail risk, we have applied a ROC at the higher end of the previously noted range.

Proposed Rents by Use:

Proposed Uses	Office	Retail	Residential	Community Space
Rent Range PSF/Year	\$30-\$35 NNN	\$25-\$45 NNN	\$2,974/mo/unit avg	\$0

Based on our comparable market rent research, we believe the residential and office markets are clearly strong and the Project's residential and office space will be in high demand. We also believe that the retail market has the potential to be strong, but retail is the least stable of the three product types this Project will be delivering, and we will be creating a new destination for downtown Portsmouth; this involves a higher level of risk. The rental rates noted above we believe are achievable, though they are at the high end of the market's acceptance range and will require strong execution to be achieved.

10B Analysis of projected expenses for:

- i. **Repair, rehabilitation and restoration** (if work will be phased, briefly describe each phase, indicate the corresponding time schedule, and group projected expenses by phase):

The Developer has worked extensively with several of the region's top construction management firms and consultants to estimate the hard and soft costs for the Project. Currently, the development costs are estimated per the following:

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Development Costs	Amount
Hard Costs	\$49,038,594
Soft Costs (Inc. Closing & Taxes)	\$10,133,685
Total Project Cost	\$59,172,279

Approximately 35% of the hard costs are attributed to the commercial space (office and retail). The McIntyre building portion of this work is estimated at \$xx. A summary construction budget is as follows:

DRAFT

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Construction Estimate
 McIntyre Project - Commercial and Residential Combined

Cost Estimate Breakdown		10/12/2018
DIVISION	TRADE / DESCRIPTION	PRICE
Division 01	General Requirements	\$ 422,630
Division 02	HazMat	\$ 1,908,740
Division 02	Demolition	\$ 659,158
Division 02	Selective Demolition	\$ 36,720
Division 02	Earthwork	\$ 2,507,190
Division 02	Fencing	\$ 152,500
Division 02	Landscape & Site Furnishings	\$ 2,717,799
Division 02	CIP Concrete	\$ 705,319
Division 03	Cementitious Underlayment	\$ 128,215
Division 04	Masonry & Restoration	\$ 1,691,905
Division 05	Structural Steel	\$ 1,581,375
Division 05	Misc. Metals	\$ 172,600
Division 06	Rough Carpentry	\$ 1,904,130
Division 06	Finish Carpentry	\$ 446,600
Division 07	Waterproofing	\$ 810,889
Division 07	Insulation	\$ 125,471
Division 07	Roofing	\$ 435,245
Division 07	Siding	\$ 163,520
Division 07	Fireproofing	\$ 305,265
Division 07	Joints & Sealants	\$ 92,060
Division 08	Doors, Frames and Hardware	\$ 377,300
Division 08	Overhead Doors	\$ 36,000
Division 08	Entrances, Storefronts & Glazing	\$ 598,865
Division 08	Windows	\$ 622,350
Division 09	Gypsum Wall Board	\$ 1,150,695
Division 09	Acoustical Ceiling Tiles	\$ 55,200
Division 09	Flooring	\$ 510,466
Division 09	Painting	\$ 226,800
Division 10	Specialties	\$ 410,150
Division 11	Parking Equipment	\$ 845,000
Division 11	Appliances	\$ 269,500
Division 11	Trash Chutes & Compactors	\$ 54,000
Division 12	Cabinets	\$ 273,200
Division 12	Stone and Solid Surface Counters	\$ 139,500
Division 12	Window Treatments	\$ 23,100
Division 14	Elevators	\$ 1,290,000
Division 15	Fire Protection	\$ 645,850
Division 15	Plumbing	\$ 2,128,798
Division 15	HVAC	\$ 1,684,620
Division 16	Electrical	\$ 2,615,542
	Trade Subtotal: +	\$ 30,924,266
	General Conditions	\$ 2,286,991
	Climate control	\$ 150,000
	Design Contingency	712,136
	Construction Contingency	\$ 3,669,738
	General Liability Insurance	\$ 488,914
	General Conditions/Insurance/Bonds/Permits Subtotal: +	\$ 7,307,780
	CM Overhead and Fees: +	\$ 1,767,954
	TOTAL CONSTRUCTION COST: =	\$ 40,000,000

The project will address deferred maintenance issues on the McIntyre exterior that have resulted in deteriorated facades that have a negative visual impact and threaten the historic resource. The estimated cost of this repair is \$300,000.

The project is planned to occur in a single phase, with ___ months of construction, with a scheduled occupancy date of ____.

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ii. Recurring maintenance requirements:

The construction project is planned to result in high-quality, fully restored space in the McIntyre building, and new space for the additional commercial and residential structures on the site. A maintenance reserve will be established over the course of the first ten years to plan for future capital maintenance items.

iii. Administration and operation:

Operating costs will be approximately \$10.58 per rentable square foot for commercial space, including real estate taxes. The operating expenses for the multifamily component will be roughly \$8,911 per unit, including real estate taxes. The Developer will retain a best-in-class third party leasing and property management firm to manage the residential and commercial assets. Residential leasing will be handled through the property manager. Third party brokerage companies will be engaged for commercial leasing. See the below summary of all operational costs.

Residential/Retail			Office/Retail		
	Per Unit/Year	Total		Per RSP/Year	Total Current
Personnel	\$1,773	\$ 136,521	Utilities	\$2.00	\$126,550
Contract Services	\$800	\$ 61,600	R&M	\$1.00	\$63,275
Utilities	\$500	\$ 38,500	Janitorial	\$0.50	\$31,638
Make-Ready	\$250	\$ 19,250	Security	\$0.50	\$31,638
Maintenance & Repairs	\$250	\$ 19,250	G&A	\$0.50	\$31,638
Marketing	\$300	\$ 23,100	Insurance	\$1.50	\$94,913
Administrative	\$250	\$ 19,250	Management Fee	\$1.08	\$68,259
Management Fee	\$1,288	\$ 99,196	RE Taxes	\$3.50	\$221,463
Insurance	\$300	\$ 23,100			
Real Estate Taxes	\$3,200	\$ 246,400			
Totals	\$8,911	\$ 686,167	Totals	\$10.58	\$669,371

*Note that the above operating expenses are anticipated to inflate annually.

The Developer will be responsible for managing the pre-construction, construction, marketing, leasing, stabilization and operation of the property. The budget includes industry standard development fees and Project supervision fees totaling 4.0% of hard and soft costs (excluding land costs). These fees pay for a staff of 4-8 development professionals for 4+ years of work, managing the development process from local permitting to stabilization of the property. Once stabilized, the Developer will also provide asset management services for a customary asset management fee of 1.0% of revenues, which will be covered by operational cash flows.

The City will establish a Steering Committee to oversee progress on the construction of the development, and to ensure all commitments are being met, with City Council receiving regular updates. Once a certificate of occupancy is issued, the City will receive and review regular reports on the project's performance as required by the ground lease.

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10c. Provisions for disposition of excess income

The City will work with NPS to develop a plan for the use of excess income. A Special Revenue account will be established in the City's budget to receive excess proceeds, and a separate line item in the budget will be established to appropriate and expend any revenues collected on public historic preservation or park or recreational purposes, in accordance with program regulations.

10d. Description of accounting and financial procedures

Through its ground lease (Appendix xx), the City will require its private partner provide regular unaudited financial statements in accordance with GAAP and with generally accepted auditing standards. All income and expenses, including calculation of excess income, shall be provided. An interest-bearing Capital Expenditures Maintenance Reserve Fund will be held in escrow, to which the private partner will contribute \$xx,000/year for the first 10 years of the lease, until a \$xxx,000 cap has been accrued. This amount shall be maintained, until a capital improvement/repair requires the fund be drawn upon - this fund shall be replenished and maintained at the original cap level.

In addition, the ground lease requires the private partner to deliver audited financial statements, annually, prepared by an independent certified public accountant. The financial report will detail the income the City received from the project during the previous fiscal year, the expenditures, if any, made by for purposes of repair, rehabilitation and restoration of the building and recurring maintenance requirements.

At the close of each fiscal year, the City commissions an audit of its financial accounts (which would include the Special Revenue account that accepts any excess income). These audits, with a financial report, would be submitted every two years to NPS.

**Proposed Off-Street Parking Amendments
October 18, 2018**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, be amended as follows:

A. Delete existing Section 10.1112.52.

B. Insert a new Section 10.1112.14 as follows:

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61 or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

10.1112.141 An application for a conditional use permit under this section shall include a parking demand analysis demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use.

10.1112.142 An application for a conditional use permit under this section shall identify permanent measures to reduce parking demand, including but not limited to provision of rideshare or bikeshare services servicing the property.

10.1112.143 The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.

10.1112.144 At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.

1 C. Amend Section 10.1112.21 as follows (deletions from existing language stricken;
2 additions to existing language bolded; remaining language unchanged from existing):
3

4 The number of required off-street parking spaces shall be the sum of
5 the requirements for the various individual uses on a lot computed
6 separately, ~~except that a development designed as a shopping center~~
7 ~~shall comply with the specific requirements of Section 10.1112.30 for~~
8 ~~said use.~~
9

10 D. Amend Section 10.1112.323 as follows (deletions from existing language stricken;
11 additions to existing language bolded; remaining language unchanged from existing):
12

13 Where the table indicates that the minimum required number of off
14 street parking spaces shall be based on a parking demand analysis,
15 the applicant shall submit such analysis for review by the Planning
16 Board ~~through the Site Plan Review process.~~ Where the table indicates
17 that a parking demand analysis is an alternative to a specified ratio, the
18 applicant may submit such analysis to justify a ratio different from that
19 listed in the table. In either case, the Planning Board may approve the
20 number of parking spaces proposed by the analysis, or may approve a
21 greater or lesser minimum number of parking spaces based on its
22 review.
23

24 E. Amend Section 10.1115.21 as follows (deletions from existing language stricken;
25 additions to existing language bolded; remaining language unchanged from existing):
26

27 The following requirements shall apply in the Downtown Overlay District in
28 lieu of the requirements in Section 10.1112.30:
29

Use	Required Parking Spaces
Residential use (dwelling)	1.3 space per dwelling unit Same as Section 10.1112.30
Hotel or motel	0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities
Other nonresidential use	No requirement

30
31 The City Clerk shall properly alphabetize and/or re-number the ordinances as
32 necessary in accordance with this amendment.
33

34 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.
35

36 This ordinance shall take effect upon its passage.
37
38

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ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

APPROVED:

Jack Blalock, Mayor

**Proposed Amendments to the Zoning Ordinance
Article 2: Administration and Enforcement
November 19, 2018**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, Article 2 – Administration and Enforcement, be amended by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 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

1 Proposed Amendments to the Portsmouth Zoning Ordinance
2 Section 10.240 – Conditional Use Permits
3 November 19, 2018
4

5 10.240 Conditional Use Permits

6 10.241 General
7

8 10.241.10 A conditional use is a use of land or buildings within a zoning district that may be
9 authorized by this Ordinance subject to additional requirements. A conditional use permit
10 allows the Planning Board or other such Board or person as may have jurisdiction to
11 consider uses which may be desirable or appropriate in particular cases, but which are not
12 allowed as a matter of right within a zoning district.
13

14 10.241.20 This Ordinance authorizes the following general types of conditional use permits:
15

16 10.241.21 Conditional use approval is required for any use designated “CU” in
17 Section 10.440 – Table of Uses.
18

19 10.241.22 Conditional use approval is required for most uses, activities and alterations
20 in a wetland or wetland buffer (Article 10, Section 10.1010 – Wetlands
21 Protection).
22

23 10.241.23 Conditional use approval may be granted to allow flexibility of site or
24 building design where specifically authorized by the Ordinance but not listed
25 in Section 10.440. These include the following provisions:
26

27 (a) Character Districts (Article 5A)

- 28 • Increase in allowed building footprint subject to specified
29 development standards;
- 30 • Provision of required community space on a different lot than the
31 development;
- 32 • Crediting or assignment of excess community space in an
33 Incentive Overlay District.
34

35 (b) Gateway Districts (Article 5B)

- 36 • More than 24 dwelling units in a building;
- 37 • More than one principal building or building type on a
38 development site;
- 39 • Increased housing density, building height, or footprint.
40

41 (c) Off-Street Parking (Article 11)

- 42 • Less than the minimum number of required spaces or more than the
43 maximum number of allowed spaces;
- 44 • Shared parking.
45

46 10.241.30 No structure, building or use requiring a conditional use permit under this Ordinance
47 shall be used, constructed, altered or expanded unless the required conditional use permit

48 has been granted by the Planning Board or other such Board or person as may have
49 jurisdiction.

50
51 10.241.40 A structure, building or use authorized by a conditional use permit may not be added to,
52 enlarged, expanded or moved to another part of the lot without securing a new conditional
53 use permit.
54
55

56 10.242 Basis for Approval

57
58 10.242.10 The Planning Board or other such Board or person as may have jurisdiction may grant a
59 conditional use permit if the application is found to be in compliance with the general
60 approval criteria in Section 10.243 or, if applicable, the specific standards or criteria as set
61 forth in this Ordinance for the particular use or activity. The Planning Board or other such
62 Board or person as may have jurisdiction shall make findings of fact, based on the evidence
63 presented by the applicant, City staff, and the public, respecting whether the conditional
64 use is or is not in compliance with the approval criteria of Section 10.243.
65

66 10.242.20 The applicant shall provide, through the introduction of sufficient evidence, through
67 testimony, or otherwise, that the proposed use, development, or activity, if completed as
68 proposed, will satisfy the general and specific requirements as contained in the Ordinance.
69
70

71 10.243 Approval Criteria

72
73 10.243.10 A conditional use permit shall be granted only if the Planning Board or other such Board or
74 person as may have jurisdiction determines that the proposal conforms to all applicable
75 conditional use permit criteria, as set forth below or in other sections of this Ordinance.
76

77 10.243.20 Conditional uses designated in Section 10.440 – Table of Uses, as well as other conditional
78 uses for which no specific criteria are set forth in the Ordinance, shall comply with all of
79 the following criteria:
80

81 10.243.21 The design of proposed structures, their height and scale in relation to the
82 site’s surroundings, the nature and intensity of the proposed use or activity,
83 and the layout and design of the site will be compatible with adjacent and
84 nearby properties, buildings and uses, will complement or enhance the
85 character of surrounding development, and will encourage the appropriate
86 and orderly development and use of land and buildings in the surrounding
87 area.
88

89 10.243.22 All necessary public and private utility infrastructure and services will be
90 available and adequate to serve the proposed use.
91

92 10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian
93 infrastructure to serve the proposed use consistent with the City’s Master
94 Plan.
95

96 10.243.24 The proposed structures, uses, or activities will not have significant
97 adverse impacts on abutting and surrounding properties on account of traffic,

98 noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting
99 and glare.

100
101 10.243.25 The proposed structures and uses will not have significant adverse impacts
102 on natural or scenic resources surrounding the site, including wetlands,
103 floodplains, and significant wildlife habitat.

104
105 10.243.26 The proposed use will not cause or contribute to a significant decline in
106 property values of adjacent properties.

107
108 10.243.30 Where specific standards or criteria are set forth in this Ordinance for the particular use
109 permitted by conditional use permit, those standards and criteria shall apply in lieu of the
110 general standards in Section 10.243.20.

111
112

113 10.244 Conditions of Approval

114

115 Conditional use permits may be granted subject to appropriate conditions, including but not limited to the
116 following:

117

118 10.244.10 Front, side and rear yards in excess of the minimum requirements of this Ordinance;

119

120 10.244.20 Landscaping and/or screening of the premises from the street or adjacent property in
121 excess of the minimum requirements of this Ordinance;

122

123 10.244.30 Modification of the exterior features, buildings or other structures;

124

125 10.244.40 Limitations on the size of buildings and other structures more stringent than the minimum
126 or maximum requirements of this Ordinance;

127

128 10.244.50 Off-street parking and loading spaces in excess of the minimum requirements of this
129 Ordinance;

130

131 10.244.60 Regulation of the number, size, lighting of signs more stringent than the requirements of
132 the Ordinance; and

133

134 10.244.70 Other performance standards as may relate to the standards and criteria for approval.

135

136

137 10.245 Certain Representations Deemed Conditions

138

139 Representations made at public hearings or materials submitted to the Board by an applicant for a
140 conditional use permit concerning features of proposed buildings, structures, parking or uses shall be
141 deemed conditions upon such conditional use permit.

142

143

144 10.246 Expiration and Abandonment of Approvals

145

146 10.246.10 A conditional use permit shall expire unless a building permit is obtained within a period
147 of one year from the date granted, unless otherwise stated in the conditions of approval.
148 The Board may, for good cause shown, extend such period by as much as one year if such
149 extension is requested and acted upon prior to the expiration date. No other extensions may
150 be requested.

151
152 10.246.20 Failure to use a property for a use authorized by a conditional use permit for a period
153 exceeding eight months shall result in the termination of the conditional use permit.
154

155
156 **10.247 Repetitive Application**
157

158 If an application for a conditional use permit is denied by the Planning Board or other such Board or
159 person as may have jurisdiction, no application for a conditional use permit for the same or similar use
160 may be made for one year from the date of said denial, unless the applicant demonstrates to the
161 satisfaction of the Board that the circumstances have altered and that further consideration of the
162 application is warranted. In such an event, the resubmitted application shall follow the same procedures as
163 the original and shall be treated as a new application.
164



NEWBURYPORT
FIVE CENTS SAVINGS
BANK

121

December 17, 2018

RECEIVED

DEC 20 2018

CITY MANAGER
PORTSMOUTH, NH

Portsmouth Fire Department
170 Court Street
Portsmouth, NH 03801

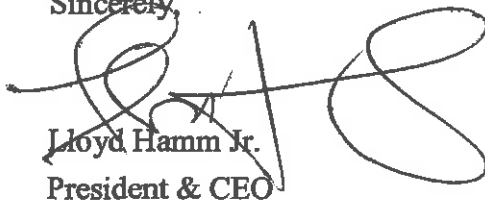
Dear Friends:

On behalf of Newburyport Five Cents Savings Bank, I am pleased to present to your organization the enclosed donation. This bank prides itself on its commitment to the local and surrounding communities.

We understand the current financial pressure that has been placed on charitable organizations and municipal entities, and hope that our gift will help to demonstrate our support for the good work that you do. Aligned with our mission, we encourage our employees to also become active in volunteering and contributing their time to many of the social groups in our great communities.

Wishing you great success in 2019!

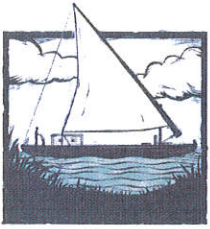
Sincerely,



Lloyd Hamm Jr.
President & CEO

LLH/ejb

Encl. ck. \$500.00



Gundalow COMPANY

Protecting the Piscataqua Maritime Region
through Education and Action.

RECEIVED

DEC 10 2018

CITY MANAGER
PORTSMOUTH, NH

December 4, 2018

Board of Directors

Janet Dinan
Peter Driscoll
Jill Farrell
Barbara Hughes
John Lamson
Jeffrey P. Little
Catharine Newick
Jeanne Rosadina
George Samuels
Brenda Schwechheimer
Ben Wheeler

Staff

Rich Clyborne
Executive Director

Kait Braseth
Development Coordinator

Gretchen Carlson
Program Manager

Matt Glenn
Captain

Andy Goodell
Operations Manager

Michele Lechner
Accountant

TO: Mr. John Bohenko, City Manager

SUBJECT: Proposal for Piscataqua River Festival and Round Island Regatta,
Saturday June 1, 2019

The Gundalow Company would like to host a new "Piscataqua River Festival" as a celebration of the maritime heritage and marine environment of the region. This event would include both ticketed activities on the grounds of Strawberry Banke Museum and free activities in Prescott Park, and would be held in conjunction with the eighth annual Round Island Regatta on Peirce Island.

We respectfully request the use on June 1st, 2019 of the Peirce Island Launch ramp (for the regatta, as in year's past) and the "open lawn C" area between the Liberty Pole, Anchor Bed, and Sheafe Warehouse in Prescott Park (for family activities, presentations, and maybe music). We would also have our Sheafe Warehouse exhibit, "Changing Nature: 400 years in the Piscataqua Maritime Region" open to the public, and the gundalow "Piscataqua" going out on sails.

For the ticketed festival on the grounds of Strawberry Banke we would have a tent for exhibitors, music, food, a boat show for traditional vessels under 26 feet, and various demonstrations and activities related to maritime history and the marine environment.

The enclosed timeline outlines the scope and timing of the event. We look forward to approval of this date and respectfully request a meeting to share our proposed ideas.

Sincerely,

Rich Clyborne
Executive Director
Gundalow Company

director@gundalow.org

Matt Glenn
Captain
Gundalow Company

captain@gundalow.org

WWW.GUNDALOW.ORG

info@gundalow.org
TEL (603) 433-9505
FAX (603) 433-6403

P.O. BOX 425
PORTSMOUTH
NEW HAMPSHIRE 03802

**2019 Piscataqua River Festival and Round Island Regatta
Proposed Timeline**

**High Water 10:52 am
Saturday June 1**

8:00-10:00 Setup in Prescott Park, Peirce Island, and Strawberry Banke

10:00-5:00 Activities in Prescott Park, Peirce Island, and Strawberry Banke

9:30am-11:30am (Saturday): Bracelet and number pickup under the tent **at the Peirce Island Boat Ramp**

10:30am: Sailboat Skippers Meeting, @Peirce Ramp

Class 1 Sail start **on the water**

11:30am: Paddle and Oar Skippers Meeting, All Paddle classes @Peirce Ramp

First: Long course rowers and paddlers start

Second: Youth paddle class start

Third: Paddlers (18-49) start

Fourth: Paddlers (50+) start

Fifth: Multi-Paddle class start

12:30pm: Participants join the festival at Prescott Park and Strawberry Banke

1:45pm: Awards Ceremony at Strawberry Banke Museum or Prescott Park

Free parking and boat launch is available from Peirce Island for all registered participants wearing bracelets. For Spectators, there will be commentary near the Boat Ramp.

Note 1: Total number of participants up to 150 by foot, water, car.

20 car and trailer combos for transporting and launching at Peirce ramp

40 cars with participants and spectators parking at Peirce

Up to 75 single kayaks, paddleboards, and rowboats

Up to 20 double paddlers and rowers

Spectator viewing from both the Peirce Island and South End shorelines

Note 2: Facilities on Peirce: Parking, Ramp Access, space for one pop-up tent, Toilets, free launch to participants with bracelets.

CITY COUNCIL E-MAILS

December 18, 2018 – January 4, 2019 (9:00 a.m.)

JANUARY 7, 2019 CITY COUNCIL MEETING

UPDATED 01/07/2019 THROUGH 4:30 PM

New content begins Page 3

Below is the result of your feedback form. It was submitted by Alain Ades, M.D./Magda Ades (aadesmd@yahoo.com) on Wednesday, December 19, 2018 at 01:03:03

address: 77 Hanover St.; 49 Little Harbor Rd

comments: My mother is almost 90 now. She lives in Portsmouth, and we both own the condo in which she lives. I spent four months with her in her apartment while she recovered from a serious illness. She gave me her thoughts, which I have included in this letter. It is from the two of us.

To all of the members of the City Council- open your eyes.

Hiring a \$575/hr attorney is a slap in the face for me, my mom, and all those who reside or own property in this great city. Bohenko works for you. He is YOUR employee. The crypto city atty to whom you pay large sums of money is also your employee. You do not seem to know that. Why?

So far, both have aided in the prevention of toxic substances being removed from our groundwater. Why?

So far, developers selected seem to be designing and constructing horrific structures permanently changing the quality of life here. Why?

Bidding was a total fraud in the McIntyre redevelopment. Why?

You held your vote to hire a Washington-priced attorney in a non-public session. We don't know how this came up, who voted in favor, and who voted against. Why?

So far, the city has gone after a taxpayer who has violated no laws, and whose only apparent sin, after 15 trials, is that he has shown Bohenko to be a rather petty, vindictive, lying individual. Why?

The money would be far better spent by hiring an outside independent investigator to examine the motivations for this asinine and wasteful effort. Also, to investigate independently the background of multiple inexplicable decisions of this and other city councils, led by Mr. Bohenko.

Assert your aegis over this guy. You all may be nice and loud and go to the Seacoast Rep and want to build build build. But at least have the dignity to stop a rogue out of control city employee. Stop acting like the Congressional Republican appeasers of a criminal President.

My Mom and I pay 12,000 a year in city taxes. Portsmouth is worth every dime of it. Don't screw her by letting Mr. Bohenko waste city dollars to artificially inflate his little guy. Be wise, and be tough. Nice doesn't cut it. And if you can't, do us a favor and don't run again.

BTW, the questions are rhetorical. No need for a response. The answers will soon be available to the public. They always are.

Alain Ades, M.D.

Magda Ades

includeInRecords: on

Below is the result of your feedback form. It was submitted by ALLAN PECHNER (portcitycoin@gmail.com) on Thursday, December 20, 2018 at 07:09:20

address: 399 Maplewood ave

comments: Time to bury this!

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by marie lyford (marie03801@comcast.net) on Thursday, December 20, 2018 at 08:07:57

address: 5 opal ave

comments: I am so very disappointed with the city for keeping this problem and costing the city so much money for so long. Please make a good faith compromise with Toyota and not say you're going to and then back out. I think there is some common ground that you can come to to stop this insanity. Hiring another attorney is just another waste of taxpayer money. Please Please take care of this problem responsibly.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Andrew bagley (Acbagley@yahoo.com) on Thursday, December 20, 2018 at 10:45:03

address: 222 Miller Ave

comments: Why does the city council feel the taxpayer can afford so much that it's not even worth having at least one elected official review?

includeInRecords: on

Engage: Submit

-----Original Message-----

From: Anne Donaldson [<mailto:donaldsonanne@aol.com>]

Sent: Thursday, January 3, 2019 10:20 AM

To: Kelli L. Barnaby <klbarnaby@cityofportsmouth.com>

Subject: McIntyre Building

To City Council members:

I am very concerned that you will pass on the developer's plan.

This plan is disregarding the wishes of the citizens who met over several weeks in regard to Size, Mass, Public Space, Post Office location, and access to views of the church and sky and river, etc.

The Dec. 27 letter to the editor from Duncan MacCallum shows how the financial arrangement as it stands is a boondoggle for the developers and a ripoff for the citizens of Portsmouth.

This land belongs to the citizens and we need to preserve historic Portsmouth for the enjoyment of future generations.

Anne Donaldson
42 Orchard St.

NEW CONTENT BEGINS:

Below is the result of your feedback form. It was submitted by Connie Freiermuth (conniek@myfairpoint.net) on Sunday, January 6, 2019 at 16:46:13

address: 3370 Lafayette Rd, Unit 17

comments: You've Allowed This Historic seaport town to lose Its character and Charm. You've allowed over-sized buildings to take over the landscape. I resent it everytime I drive or walk up to the Memorial Bridge and see the solid brick CONDO building blocking the view of the river and Shipyard that we citizens of Portsmouth and visitors used to enjoy. As I toured two So. Carolina friends on a walk around our town this past September the architect ask me the same question that I ask you all now - who the heck approved that building!?! Now you have the opportunity to approve something to not only enhance the beauty and historical aspects of our town but also to give the residents and visitors an opportunity to enjoy the area around the McIntyre Building. I agree with every point made in the Seacoast Sunday editorial "Time's Running out . . .". How many more big, high brick buildings with offices/ shops and expensive condos does Portsmouth need? How many of those buildings where working people, who keep the shops, businesses, and restaurants running, cannot afford to live, do we need? I encourage you all to reconsider your thoughts on the "Overbuilt" option you are considering and think of doing something nice for the people of our community. I know that I would enjoy bringing my grandchildrens to the public park then shopping for their birthday presents nearby in downtown. I can picture families with children enjoying the public park on Bow Street behind the McIntyre building then having a meal in one of the restaurants. Can't you? If you can't then I want to know why! Please do the Right Thing!

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Christopher and Roddy Cole (260Broad@gmail.com) on Monday, January 7, 2019 at 07:33:01

address: 260 Broad Street

comments: We would respectfully ask that the Council reconsider its apparent support for the Kane/Redgate proposal for this site. We have lived in the City since 1991, and understand that this is really an unprecedented opportunity to create something in the center of the City, which might include significant public green space. One such plan is proffered by/on revisitmcintyre.com. Such a proposal would create a public and community green space in between Daniel Street and Bow Street, which would benefit generations of Portsmouth taxpayers and many thousands of visitors to our City. The site as proposed and depicted in the Kane/Redgate proposal is too densely developed; too engaged in commercial for profit and taxable activities; and woefully inadequate in terms of public and community usefulness and open space. Have some courage and vote to reconsider and adopt a new, more City-friendly proposal for this unprecedented space.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jason Boucher (boucher.jason@gmail.com) on Monday, January 7, 2019 at 11:02:57

address: 65 WIBIRD ST

comments: Good Afternoon, Portsmouth City Councilors:

For the record and as a resident of Portsmouth, New Hampshire, the proposed 2.1-acre McIntyre Federal Building property design by SoBow Square, a.k.a. Redgate/Kane is very satisfactory and answers all questions and concerns I have had. The drawings and proposal look great. I love that there will be more office space and residences downtown to create more diversity and more working people, which only makes the city thrive and adds to our tourism layer by making Portsmouth more than just a tourist destination, but a place where people can work, live, shop, dine, and play. We are many layers, and not just a seasonal destination...but this project will help help anchor us to the many other layers aforementioned.

Lastly, there is no need for a large park, or green space on this parcel of land, as Prescott Park is a 5-minute walk (0.3 miles away) and is beautiful, with plenty of open green space for everyone to enjoy. It's such a blessing that we already have a giant park downtown!

I am unable to attend the meeting in person this evening, but please enter this into the public record and comments.

Thank you,
Jason Boucher
65 Wibird St.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Richard A. Smith (richard@cuzinrichard.com) on Monday, January 7, 2019 at 13:58:01

address: 93 High Street 1

comments: I am in favor of more open space , parking underground, keeping post office , and low income/affordable housing. This will increase the value of businesses and quality of life. We have too many high cost condos, restaurants, & hotels. Portsmouth downtown has no Drug , Grocery, hardware, or store of necessity. Open space is definitely lacking downtown and nothing is more valuable to citizens, businesses, tourists. It is the best long range investment . It will make everything more balanced ,valuable and attractive here for all.

We should protect those businesses we have and not create so much competition, so we lose the businesses we have and empty store fronts, or in a downturn of the economy which happens every now and then we have empty buildings.

This MacIntyre Project should be a gift to the city residents of Portsmouth and The city council i would hope think first of its citizens...

Thank you for your consideration

includeInRecords: on
Engage: Submit

January 1, 2019

To the City Clerk, Planning Board, City Council, Steering Committee

Dear Kelli Barnaby,

I am writing to say that I'm in opposition to the Kane/Redgate development proposed for the present Mcintrye Building site. I believe if approved as presented would be a mistake.

Before 1967, when the Federal government took this land, the area was a municipal metered parking lot. My father owned a business on Daniel Street then and I remember he was concerned with the elimination of public parking in the heart of DOWNTOWN. Thus began the parking problems for the Portsmouth downtown, which we continue to have to this day.

To approve this redevelopment plan as presented will be a disservice to the city. As shown, 80 underground parking spots are planned to be used by 77 condo owners and NO parking is planned for the 40 or so retail/office spaces to be developed or for metered PUBLIC parking. The elimination of any current parallel parking spots around the building (some taken away for service vehicles parking to stock the new stores and restaurants) as well as doing away with the present parking spots in front of the P.O., simply add to our parking problem.

Unless the city's goal is to have even more yellow vested meter people all over downtown, admittedly doing their job, which is to give out \$15.00 tickets the second a meter expires, this plan should not be considered. The number ONE priority for the city should be to maximum underground parking, for both tenants and the public. I feel we should demand that the developer, whoever it is, work this into the "deal", at all costs. A 5% or 10% increase in total costs can be absorbed. There is space for much more parking under the present unexcavated P.O. building.

This is a once in a lifetime opportunity for the city, but to approve this plan as presented would be a mistake. I appreciate that volunteers have put a lot of time into the project so far, but it is not too late to demand any changes major or minor as needed. This is a major piece of property and we should not rush into it. The Mcintrye property which will be given Free to the city and presently has no taxes basis for the city allows us no reason to maximize profits. To allow a developer to maximize profits building more brick buildings as high as possible in the air, without proposing substantially more public and private parking, should not be allowed.


I was born in Portsmouth, schooled in Portsmouth, worked in Portsmouth, owned a business on Daniel Street in Portsmouth, presently own a business in Portsmouth and presently live in Portsmouth. I would love to walk downtown and see more local people again, which will not happen as long as they fear their day could be ruined by a \$15.00 parking ticket. I would NOT like to see this presently proposed development design with such limited parking go forward.

I could add more, such as, I think Mike Simchek's (Revisitmcintrye.com) plan is better, and eliminating the Worth parking for greenspace is a bad idea, but I am too tired to write anymore.

Sincerely, Brad Gray
Portsmouth

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 3, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on January 7, 2019 City Council Agenda

Non-Public Session:

6:00 p.m. Non-Public Session Re: Deputy City Manager Nancy Colbert Puff Employment Agreement in accordance with 91-A:3 II (a)

- ***6:15 p.m. – Public Dialogue Session***

Presentations:

1. **Cable Television Renewal Franchise Agreement.** On Monday evening, Deputy City Attorney Suzanne Woodland and Cable Commission Chair Richard Winstanley will make a presentation to the City Council regarding the Cable Television Renewal Franchise Agreement.
2. **Breakfast Hill Area Waterline Study.** A representative from Underwood Engineers will make a presentation to the City Council regarding the Breakfast Hill Area Waterline Study. For your information, [attached is a copy of the Underwood Technical Memorandum](#) that was in your City Council packet of December 17, 2018. The Memorandum provides the initial findings and a status of the work completed to date.

According to their findings, the water demand for serving all the current properties in this area would average 40,000 gallons per day. This is an increase of about one percent for an

average day. Peak days would be 290,000 gallons per day due to anticipated irrigation demands, an increase of nearly four percent for a peak day.

Underwood also analyzed the potential infrastructure options necessary to provide the proper flow, storage and pressure to this area. Their current recommendation would include 9,000 feet of twelve-inch transmission pipe from Post Road to Lafayette Road together with a new elevated storage tank to maintain pressure. Retrofits of the Greenland well and additional booster pumps to feed Portsmouth water to this area would be necessary. Piping configurations and cost estimates for the various neighborhoods will be divided into phases. Underwood is currently finalizing their assessments and will provide an update in their final report which we anticipate receiving by the end of the year.

At this point there is no commitment from the Portsmouth water system to build or service this area of Greenland. Discussions will continue with the town as this study and design progresses. It is our understanding that the Town of Greenland's Board of Selectmen will be meeting in early 2019 to review this information and potentially move forward with a warrant article to fund additional design work. I will continue to provide updates when that occurs.

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing – McIntyre Project.** Attached is a draft application for the National Park Service's Historic Monument Program. The City continues to work with its partner, Redgate/Kane to finalize legal documents that will accompany the application as Appendices. Deputy City Manager Nancy Colbert Puff will make a brief presentation on the application components on Monday evening.

No action is required at this time.

2. **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking.** At the December 3, 2018 City Council meeting, the Council voted to schedule first reading for the January 7, 2019 City Council meeting, regarding the attached is a proposed Zoning Ordinance amending Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking.

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.

A presentation on this item was made by the Planning Director at the December 3, 2018 City Council meeting.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading for the January 22, 2019 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.

3. **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement by amending by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2018.** At the December 3, 2018 City Council meeting, the Council voted to schedule first reading for the January 7, 2019 City Council meeting, regarding the [attached proposed amendment](#) to Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits, dated November 19, 2018.

This amendment would insert a new section into the Zoning Ordinance defining approval criteria and conditions of approval for the granting of non-wetland conditional use permits by the Planning Board. NH RSA 674:21 states that communities that use conditional use permits shall adopt standards to guide the granting of the conditional use permits. Presently, a number of land uses as well as flexible zoning provisions in the City’s Zoning Ordinance require the granting of a conditional use permit by the Planning Board, but the Ordinance lacks consistency in terms of the standards of approval for granting of these. Adding this section to the Ordinance would be consistent with state laws and would also assist with administration of these permits by the Planning Board and City staff.

The Planning Board conducted public hearings on this proposed zoning amendment at its October 18, 2018 and November 19, 2018 meetings and voted to recommend approval to the City Council as revised.

A presentation on this item was made by the Planning Director at the December 3, 2018 City Council meeting.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading for the January 22, 2019 City Council meeting to amend the Portsmouth Zoning Ordinance, Article 2 – Administration and Enforcement, by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2018.

Consent Agenda:

1. **Acceptance of Donation - Portsmouth Fire Department.** The Portsmouth Fire Department has received a \$500.00 donation from Newburyport Five Cents Savings Bank ([see attached letter](#)).

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

City Manager's Items Which Require Action:

1. **Request to Establish Joint Work Session with Planning Board Re: Short-Term Rentals.** As you are aware, City staff was prepared to report back to City Council regarding short-term rentals after the first of the year. In addition, the Planning Board intended to discuss potential zoning amendments regarding short-term rentals in the City. The Mayor is requesting that the City Council hold a Joint Work Session with the Planning Board regarding this matter. We are requesting that the City Council establish Monday, February 11, 2019 at 6:30 p.m. for this Joint Work Session.

I recommend the City Council move to schedule a Joint Work Session with the Planning Board for Monday, February 11, 2019 at 6:30 p.m.

2. **Report Back Re: Petition for Rezoning of 290 Gosling Road.** On November 28, 2018, Attorney Ciandella submitted the [attached letter](#) to the City Council on behalf of his client, 290 Gosling Rd, LLC, requesting that the property with the address of 290 Gosling Road (Map 213, Lot 1) be re-zoned from Waterfront Industrial (WI) to Office Research (OR).

At the December 3, 2018 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

The Planning Board conducted a public hearing on this proposed zoning amendment at its December 20, 2018 meeting and voted to recommend approval to the City Council.

I recommend the City Council move to schedule a first reading for the January 22, 2019 City Council meeting regarding the request of 290 Gosling Rd, LLC the property with the address of 290 Gosling Road (Map 213, Lot 1) be re-zoned from Waterfront Industrial (WI) to Office Research (OR).

Informational Items:

1. **Press Release Re: Portsmouth Parking Division – New Parking App and Resident Parking Discount Program.** For your information, [attached is a press release](#) announcing ParkMobile Pay Solution and the Portsmouth Resident Parking Discount Program.

2. **Reminder of Upcoming City Council Work Sessions.** Just a reminder that the City Council will hold the following Work Sessions in January:

- Monday, January 14th at 6:30 p.m. - Capital Improvement Plan
- Wednesday, January 16th at 6:30 p.m. – FY20 Budget Work Session



Property Information

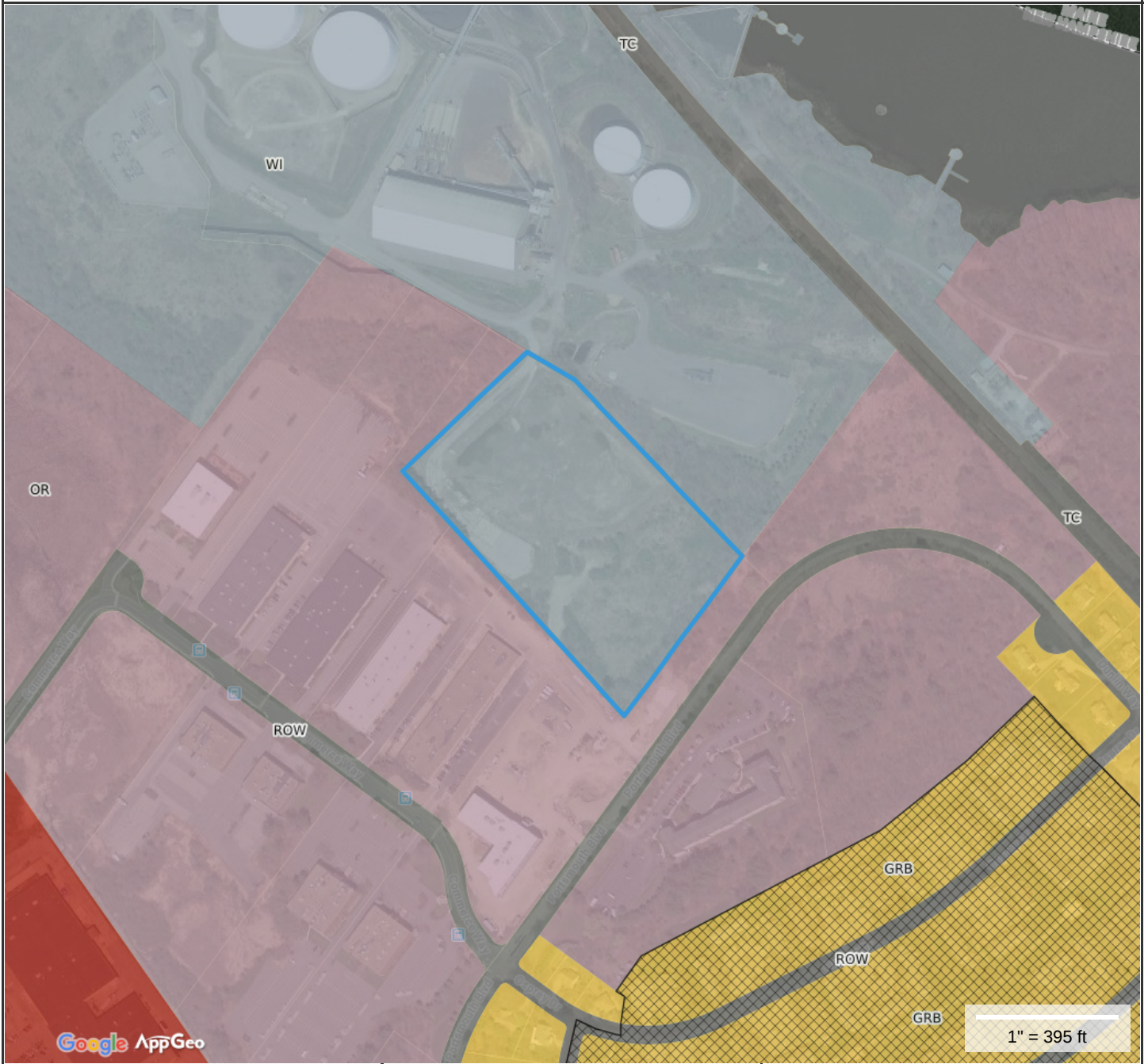
Property ID 0213-0001-0000
Location GOSLING ROAD
Owner 290 GOSLING RD LLC



**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.

Geometry updated 11/30/2018
Data updated 11/19/2018



Property Information

Property ID 0213-0001-0000
Location GOSLING ROAD
Owner 290 GOSLING RD LLC



**MAP FOR REFERENCE ONLY
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Geometry updated 11/30/2018
Data updated 11/19/2018

Map Theme Legends

Zoning

Residential Districts

-  R Rural
-  SRA Single Residence A
-  SRB Single Residence B
-  GRA General Residence A
-  GRB General Residence B
-  GRC General Residence C
-  GA/MH 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
-  AI Airport Industrial
-  PI Pease Industrial
-  ABC Airport Business Commercial


Conservation Districts

-  M Municipal
-  NRP Natural Resource Protection


Character Districts

-  CD5 Character District 5
-  CD4 Character District 4
-  CD4W Character District 4-B
-  CD4-L1 Character District 4-L1
-  CD4-L2 Character District 4-L2




Civic District

-  Civic District

Municipal District

-  Municipal District

Overlay Districts

-  OLOD Osprey Landing Overlay District
-  Downtown Overlay District
-  Historic District

City of Portsmouth



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

ROBERT D. CIANDELLA
LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
AMELIA G. SRETER
AUSTIN M. MIKOLAITIES
BRENDAN A. O'DONNELL

SENIOR COUNSEL
MICHAEL J. DONAHUE

RETIRED
CHARLES F. TUCKER
NICHOLAS R. AESCHLIMAN

December 12, 2018

VIA HAND DELIVERY

Juliet T. H. Walker, AICP - Planning Director
Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Request of 290 Gosling Road, LLC for Zoning Change from Waterfront Industrial (WI) to Office Research (OR) for property located at Gosling Road, Tax Map 213, Lot 1 (the "Parcel")

Dear Juliet:

I. Introduction:

This supplements our letter of 28 November to the Mayor and City Council (a copy of which is attached hereto as Exhibit A) and supports our request to rezone the Parcel referenced above from the Waterfront Industrial District to the Office Research District. Immediately below we summarize why the Planning Board should support and recommend our request to the City Council. Further below we explain why our request is supported by the legal framework governing rezoning and why the facts on the ground make compelling our request to rezone the Parcel.

II. Executive Summary

The Parcel to be rezoned is Waterfront Industrial in name only. The Parcel is isolated from the water, separated by another parcel of land which abuts the river and separated also by a railroad corridor which bisects that parcel and the subject Parcel. In addition, the Parcel has no access from the existing road network. Thus the Parcel sits isolated from the river and without roadway access but, importantly, the Parcel sits adjacent to and contiguous to an existing office park, the Portsmouth Office Park, which extends along Portsmouth Boulevard and Commerce Way. The requested rezoning will facilitate a major development, construction of a 175,000 square foot office building which will become a signature and prominent element of the

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Windsor Lane, P.O. Box 630, Exeter, NH 03833-4924
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253

Portsmouth Office Park. Access will be provided through the existing road network which services Portsmouth Office Park.

In sum, this request to rezone is legally and factually compelling. We ask that the Planning Board support our request and report to the City Council its recommendation that the zoning ordinance be amended to change the zoning of Tax Map 213, Lot 1 from Waterfront Industrial (WI) to Office Research (OR).

III. Legal and Factual Framework

The City of Portsmouth permits its zoning ordinance to be amended for rezoning purposes in accordance with the provisions of State law. See Portsmouth Zoning Ordinances, § 10.151. New Hampshire law permits the legislative body of a city to adopt or amend zoning ordinances for the purpose of “promoting the health, safety, or the general welfare of the community.” RSA 674:16. This authority includes adopting or amending zoning ordinances that regulate and restrict the “location and use of buildings, structures and land used for business industrial, residential, or other purposes.” Id.

In the context of rezoning, changing the zoning boundary to extend an existing use to nearby similar, surrounding land constitutes permissible rezoning. See Miller v. Town of Tilton, 139 N.H. 429, 431-32 (1995). A zoning amendment to rezone property is prohibited only when it “spot zones” an area by singling it out for treatment different from that of similar, surrounding land, and for which there is no justification based on health, safety, morals or general welfare of the community and which rezoning is not in accordance with a comprehensive plan. Id. at 431. Spot zoning occurs when an area is unjustly singled out for treatment different from that of similar, surrounding land. The mere fact that an area is small and is zoned at the request of a single owner does not make it spot zoning. Persons challenging a rezoning have the burden to demonstrate that the change is unreasonable or unlawful. (See Miller v. Town of Tilton, 139 N.H. 429, 655 A.2d 409 [1995]).

Here, we are seeking to have the Parcel rezoned from Waterfront Industrial, for which the Parcel is ill-suited, to Office Research, for which the Parcel is particularly well-suited. Furthermore, this rezoning will not create an incongruous district or a “spot” zoned differently from surrounding properties. Rather, as explained below, this rezoning will only be a tailored readjustment of the boundary of the Office Research District and the Waterfront Industrial District.

According to the City’s Zoning Ordinances, the purpose of “Waterfront Industrial” property is to “provide for industrial and related uses that depend on direct access to the Piscataqua River.” (emphasis supplied) Portsmouth Zoning Ordinances, §10.410. The Parcel is not compatible for use as Waterfront Industrial Property. The Parcel does not have direct access to the Piscataqua River. Rather, the Parcel is isolated from the river, separated from the river by both another lot and a rail line. Moreover, the Parcel is isolated from the existing road network,

and has no road access to the river. Thus, although the Parcel is currently zoned Waterfront Industrial property, its location and lack of access to the Piscataqua River make the Parcel ill-suited to “provide for industrial and related uses that depend on direct access to the Piscataqua River.” Id.

Conversely, the Parcel is well-suited to be zoned and used as Office Research property. The purpose of “Office Research” property is to “provide for campus-style development of offices buildings, research and development facilities, and complementary uses.” Id. Here, the Parcel is adjacent to and contiguous to an existing office park, and the intended use of the Parcel, if rezoned, is to build a 175,000 square foot office building which will be integrated into that office park. Thus, rezoning the Parcel to Office Research would only constitute a minor change in the boundary between the zoning districts, and it would change the Parcel from a use for which the Parcel is ill-suited (Waterfront Industrial) to the congruous use for which similar adjacent property is being used (Office Research). See e.g. Portsmouth Advocates v. Portsmouth, 133 N.H. 876, 881 (1991) (affirming the City Council’s adjustment of historic district boundaries to remove buildings lacking historical significance).

In addition and finally, in Portsmouth’s 2017 Master Plan, the City recognized that there is a lack of available office space in the City. See 2017 Portsmouth Master Plan, Page 16. Thus, rezoning the Parcel to Office Research to create an opportunity for a 175,000 square foot office building is consistent with the City’s Master Plan.

IV. Closing

This concludes our supplemental correspondence. We stand ready to answer any questions the Planning Board may have in connection with this matter.

Yours truly,

DONAHUE TUCKER & CIANDELLA, PLLC

Robert D. Ciandella
rciandella@DTCLawyers.com

RDC:lmh
Enclosures

cc: John Bohenko, City Manager
Robert P. Sullivan, City Attorney
290 Gosling Road, LLC
Patrick Crimmins, P.E.
Justin L. Pasay, Esquire
Stephanie Carty, Paralegal



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SENIOR COUNSEL
MICHAEL J. DONAHUE

RETIRED
CHARLES F. TUCKER
NICHOLAS R. AESCHLIMAN

November 28, 2018

VIA HAND DELIVERY

Honorable Jack Blalock, Mayor
City of Portsmouth
Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801



Re: Request of 290 Gosling Road, LLC for Zoning Change from Waterfront Industrial (WI) to Office Research (OR) for property located at Gosling Road, Tax Map 213, Lot 1

Dear Mayor Blalock and City Councilors:

I write on behalf of 290 Gosling Road, LLC seeking rezoning of the parcel referenced above from the Waterfront Industrial District to the Office Research District. We ask that the City Council refer this request to the Planning Board.

We look forward to presenting the merits supporting our request to the Planning Board. Notwithstanding, to inform the City Council of the location of the parcel which is the subject of our request, we have attached a portion of the City of Portsmouth Zoning Map which depicts the property and the zoning districts implicated by our request. In addition, we have attached a topographical plan for the parcel and relevant portions of the tax maps of the City.

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83 Clinton Street, Concord, NH 03301

Honorable Jack Blalock, Mayor
Portsmouth City Council
Page Two
November 28, 2018

Thank you for your attention. Once again, we look forward to presenting the merits supporting our request at the Planning Board and to completing the established City process governing rezoning before the City Council following review and action by the Planning Board.

Yours truly,

DONAHUE TUCKER & CIANDELLA, PLLC



Robert D. Ciandella
rciandella@DTCLawyers.com

RDC:lmh
Enclosures

cc: John Bohenko, City Manager
Robert P. Sullivan, City Attorney
Juliet T.H. Walker, AICP Planning Director
290 Gosling Road, LLC
Patrick Crimmins, P.E.
Justin L. Pasay, Esquire

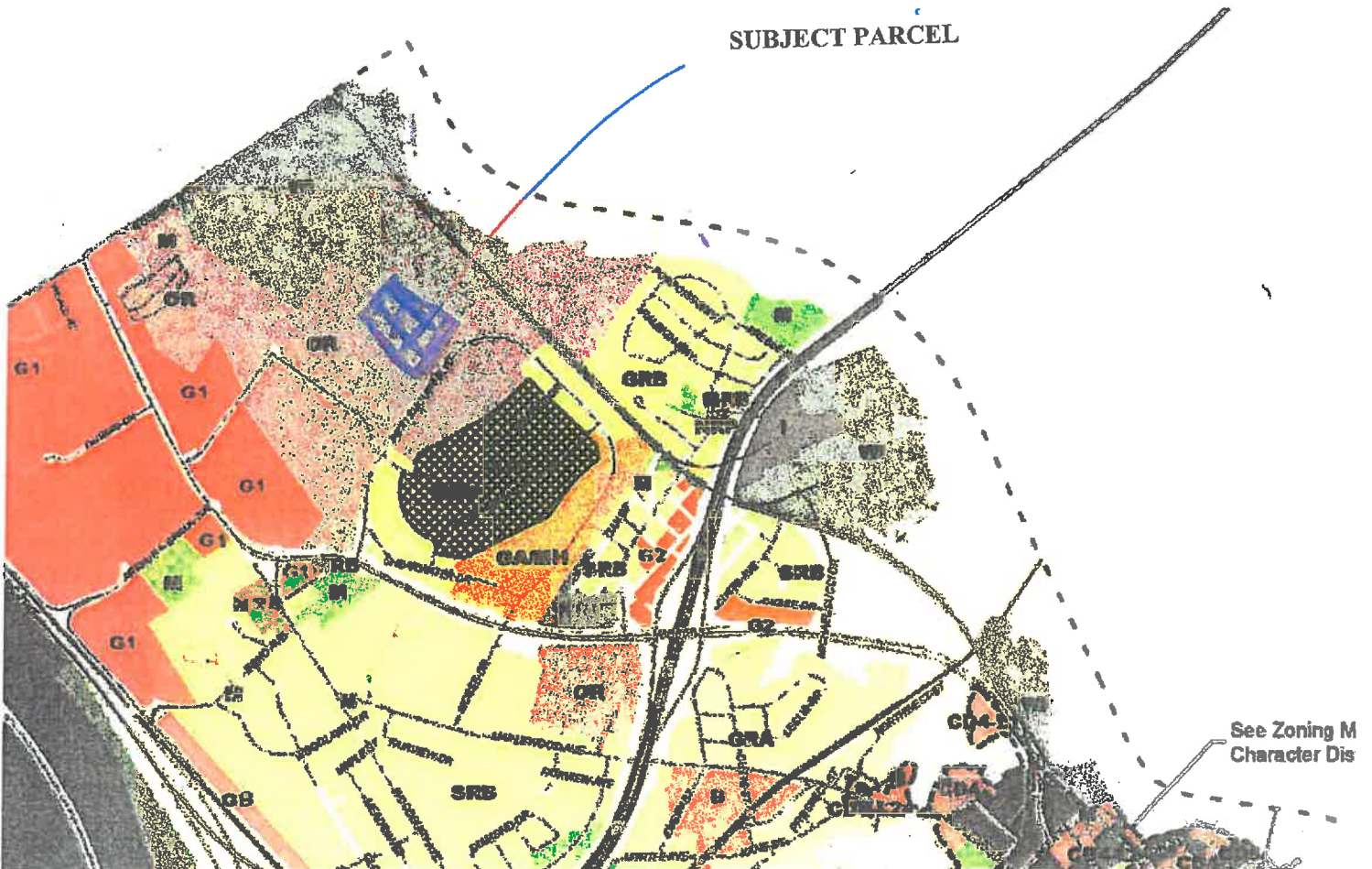
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ZONING MAP EXCERPT

City of Portsmouth 2

Sheet 1 of 2

SUBJECT PARCEL



Portsmouth Parking Division

Press Release

Date of Release: 1.7.19

Re: ParkMobile Mobile Pay Solution and Portsmouth Resident Parking Discount Program

The City of Portsmouth is pleased to announce it is presently engaged with ParkMobile, Inc. to provide residents and visitors with a convenient way to pay for parking through its mobile smartphone application. ParkMobile is the #1 provider of mobile payment solutions in the Parking Industry, providing service in over 350 cities, with 10,000,000 spaces in inventory. The City looks forward to providing this convenient payment alternative.

How it works

Interested users download the free ParkMobile application from their device's app store. Follow the prompts to load in contact information, vehicle and plate identification and a credit card to associate with using the app to pay for parking.

Once parked in a ParkMobile area, open the app and look for a Zone Number on the signage posted on the meter. Next, enter the Zone Number and select the time you want to park and start the session.

Portsmouth Resident Parking Discount Program

As part of the ParkMobile rollout, the City is pleased to announce a new **Resident Parking Discount Program**. Qualified residents of the City of Portsmouth are eligible to receive a \$.50 per hour discount from the hourly rate in any metered on-street or surface lot zone (garages are not eligible).

How to Qualify for the Portsmouth Resident Parking Discount Program **

Interested Portsmouth Residents may visit the parking offices at the new Foundry Garage at 100 Foundry Place, Portsmouth and see the attendant to apply. Attendants can take applications 24 hours daily, 7 days a week, and one hour of validated parking will be provided to complete the application.

As with the EasyPark devices, Residents will need the following to qualify for residency under the program:

1. Valid New Hampshire driver's license with Portsmouth address
2. Current Vehicle Registration with Portsmouth address
- and*
3. One of the following:
 - a. Current utility bill showing name and Portsmouth address, or
 - b. Current, fully-executed rental agreement showing name and Portsmouth address

****Residency status must be renewed every two years to remain active in the system as a resident and qualify for discounted parking.**

Resident plates are added to a list transmitted each day to ParkMobile. Users with Resident List plates will be shown pricing specific to Portsmouth Residents when using the ParkMobile app.



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: Historical District Commission

Name: Heinz K. Sauk-Schubert Telephone: 603.674.1633 mobile

Could you be contacted at work? YES/NO If so, telephone# 603.422.6444 home office

Street address: 142 Spinnaker Way

Mailing address (if different): _____

Email address (for clerk's office communication): hsauk@h2sa.com

How long have you been a resident of Portsmouth? 35 years

Occupational background:

Please see attached résumé..

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

Outside of two intervals, I have resided in Portsmouth since 1966. I witnessed the death throws of urban renewal, the birth of Strawberry Bank, the era of topless bars (Rico's, The Cave), the era of scofflaws and their fervent calls to replace the demolished former concrete garage, and to the arts, music and culinary (Blue Strawberry) awakening that placed Portsmouth on national notice for being one of the most desirable places to live. I was part of this growth as architectural practitioner and design consultant. As consultant I developed the winning design for the original Mark H Wentworth Nursing Home Addition (1986) which was recently renovated into a far less pleasing appearance, and the more recent project at 6-16 Congress Street (2004). Research and study for the latter project was presented at the first HDC session on April 14, 2014. That submission is currently proffered by the Planning Department as a model template for major projects. Project approval only required three work sessions and one public hearing.



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

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

Reasons for wishing to serve: As project architect for K-12 and post-secondary educational projects I came to intimately experience the utility and wisdom of having to present to regulatory committees and boards. Regulatory bodies are often perceived as onerous hurdles, yet due to their mandate and experience tend to deepen the cognitive engagement of all project stake holders. This sharpened engagement furthers creativity and often directly contributes to a more favorable outcome. I would like to further contribute to this process by presenting this time around the interests of the city at large.

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

Portsmouth Advocates

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

1) Thomas M. Cowgill 88/90 Wiburd Street Portsmouth, NH (603) 969-4999
Name, address, telephone number

2) Richard Candee 6 Scituate Road York, ME (603) 436-8433
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: Nov 29, 2018

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No ___ Not at this time.

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

142 Spinnaker Way
Portsmouth, NH 03801-3368, USA
voice 603.422.6444
cell 603.674.1633
hsauk@h2sa.com

Heinz K Sauk-Schubert

overview

AEC Consultant

Mr. Sauk-Schubert has operated and directed H2SA as a planning and design firm since 1976. Educated in Germany and the US, his professional design experience dates back to the early 1960's when he began his career in New York City as product designer with Kliegl Brothers, then also known as Universal Electric Stage Lighting Co. His architectural interests awoke while collaborating with architects Wallace Harrison and Max Abramovitz on the design of light fixtures for Lincoln Center's Philharmonic Hall, NY State Theatre and Metropolitan Opera House.

In 1971 he moved to Cambridge, MA and attended the Boston Architectural Center and worked for local architects and space planners. Based on that experience, he developed space analysis tools to assist planners and architects to accurately identify spatial, environmental, and energy requirements to efficiently house an organization inclusive of the effects of projected growth over specific time periods. These tools proved highly effective in assisting newspaper publishing houses to efficiently transition to computer based production.

In the late 1970's and early 1980's, he returned to engineering engagements, this time in both the food processing and aerospace industries while maintaining H2SA's architectural division. He worked on highly complex tool and gage designs used in the production of blades and vanes for jet engines manufactured by both General Electric and Pratt & Whitney.

An early proponent to use the computer as production tool in the AEC sector, he assisted design firms to transition from boards to computers. He developed standards, conventions and procedures, and designed templates and graphics to promote effective communication among stakeholders. As a college adjunct faculty member he taught Computer Aided Design using AutoCAD from introductory to advanced levels.

Mr. Sauk-Schubert interrupted his professional career path on several occasions to broaden his knowledge base and studied language philosophy, systems theory, and high level computer languages.

His clients include private individuals, corporations, institutions and municipalities as well as other design professionals including architects, industrial designers and engineers. He is recipient of US patents for his work on the application of microwave energy to materials filtration and treatment systems of effluent streams. His architectural projects have been executed in the US, Canada and Europe. He has received awards of excellence for his own projects both domestic and foreign as well as indirectly for those projects he designed and managed for other design firms.

At present he seeks to curtail his services to a region closer to home to minimize travel and afford more time with his family and grandchildren. He resides with his wife Diane in Portsmouth, NH.

10 Congress Building Portsmouth, NH
Project Manager, Designer

Retained by McHenry Architecture to assist in procuring downtown project. Subsequently retained to develop HDC presentation strategy, and assume designer and project manager roles. Managed production team, consultants, engineers, and vendors for prominent downtown Market Square mixed use project. High visibility project garnered community support for its context sensitive approach and design articulation.

- Project received 2008 AIA-NH Peoples' Choice Award in Commercial Category

Clee & Rhinesmith B.V. Noordwijk Aan Zee, Netherlands
Planner, Designer

Commissioned to design residence and office for principal of international consulting firm. Retained to administer and manage all construction project phases from selection of bidders to project close out.

Mark H. Wentworth Home Portsmouth, NH
Planner, Designer

Retained by Aring Schroeder Architects to analyze organizational space requirements, and to develop and define program requirements and objectives. Generated winning design concept. Retained to head design development team.

- Project received 1988 AIA Excellence in Architecture Award.

Fredelle Bruser Maynard Residence Toronto, Canada
Planner, Designer

Commissioned to design and direct residential row house renovation including gardens in historic Cabbage Town section of Toronto.

- Project received the Ontario Ministry of Municipal Affairs and Housing 1983 "Ontario Renews Award".

Jan E. Clee Residence & Clee Loft Portsmouth, NH & New York, NY
Designer

Commissioned to design residence and office on upper two floors of the historic Rockingham Hotel Condominium, Portsmouth, NH; and residential loft on 6th Avenue in Chelsea District, New York, NY. Retained to administer and manage all construction project phases from selection of bidders to project close out.

Genetic Engineering, Inc. Denver, CO
Planner, Designer

Retained to prepare organizational space requirement analysis and to recommend direction for future facilities development. Commissioned to plan and design corporate offices and research facility. Retained to manage construction project.

Bacon Basketware, Ltd. Toronto, Canada
Planner, Designer

Retained to plan and design prestigious wholesale showroom and corporate offices for national wholesaler in downtown Toronto.

First NH Bank Rochester, NH
Planner, Designer

Retained to provide space planning and design services for bank branch renovation project in downtown area. In spite of extensive scope of construction work, bank remained open for business during entire renovation cycle.

Philip Burzynski Cabin Barrington, NH
Designer

Commissioned to design year-round cabin for bachelor.

Wastech International, Inc.

Portsmouth, NH

Design Engineer, CAD System Analyst

Retained to plan, implement, and interim manage in-house engineering CAD department and to provide industrial design services to support fast track second generation product development within intense research and development environment.

- Developed and implemented CAD standards, technical publication standards, and unique eight-digit identification code that correlates drawings with parts, sub- and main assemblies, and prototype development versions of several product lines.
- Designed and developed diverse components for proprietary waste processing system employing microwave energy and self-cleaning ceramic filtration units.
- Designed two-stirrer, multi-mode microwave combustion vessel that achieved a reduction in process time by 57% and fabrication cost savings of 76% over previous model.
- Designed remote controlled, watertight sliding gate valve incorporating proprietary radial microwave trap for use as flow control device in microwave energy environment.

Malone Applied Technologies, Inc.

Rochester, NH

Design Engineer, Design Engineering Team Leader

Retained to manage design team of up to fourteen (14) designers and drafters. Responsible for mathematical analysis, solution methodology, and conceptual design of highly complex tool and gage design problems in aerospace industry assignments. Achieved consistent completion of projects ahead of schedule, resulting in increased revenue and accelerated repeat design contracts.

- Designed gages verifying dimensional accuracy of jet engine blades and vanes for General Electric (FMF / F101 engine) and Pratt and Whitney (JN9 engine). Tolerance specifications: $\pm 1.5 \times 10^{-5}$.
- Advised senior management during interview and negotiations with Sikorsky Aircraft. Conducted successful negotiations for multiple composite material tool design contract.

Gowen, Inc.

Portland, ME

Industrial Designer

Contracted to manage industrial process design projects. Projects ranged from food processing machinery to materials processing equipment for aerospace industry.

- Designed and developed prototype ingredient input section for first commercial fully automated donut production machine with proofer oven permitting production of both yeast and cake donuts. Initiated effective cost control program and in-house process testing procedures.
- Developed third generation fully automated pneumatic frozen fish block ejector for fish processing industry.
- Improved design of hermetically sealed retort oven designed to process classified material in an anoxic, high temperature environment into carbon based filaments employed in the production of space shuttle heat shield tiles.

Raiston & Dwyer, Consulting Engineers

San Francisco, CA

Lighting System Designer

Retained to develop stage lighting and control equipment layout for Stanislaus Arts Center Theater, University of California at Santa Cruz.

University of New Hampshire

Durham, NH

Designer

Commissioned to design and produce furniture for the Paul Creative Arts Center Annex.



honors

- AIA, New Hampshire Chapter Peoples' Choice Award
10 Congress Street, Portsmouth, NH
- 1988 AIA, New Hampshire Chapter Excellence in Architecture Award
Mark H. Wentworth Nursing Home, Portsmouth, NH
- 1983 Ministry of Municipal Affairs and Housing, Toronto, Ontario, Canada "Ontario Renews" Award
25 Metcalfe Street, Toronto, Ontario

competitions

- 2000 William Paterson University, Wayne, NJ College of Business Design Competition Competition Winner
- 1992 Pierce Island Park Project, Portsmouth, NH Arts in the Park Design Competition Competition Winner

exhibitions

- 1986 University Art Galleries, UNH, Durham, NH "A Private Eye" Sculpture, furniture, luminaire.
- 1972 University of New Hampshire, Durham, NH Whittermore School Exhibit Sculpture, furniture.
- 1970 University Art Galleries, UNH, Durham, NH Furniture, graphics.
- 1965 New School of Social Research, New York, NY Student Show: paintings, collages.
- 1958 Atrium Gallery, Bielefeld, Germany Paintings, drawings.

patents

- US Patent No.: 5,843,304 Materials Filtration and Treatment System
- US Patent No.: 6,132,600 Materials Filtration and Treatment System



- Well developed analytical skills. Strong ability to perceive correlative relationships between diverse data sets, functions, and tasks.
- Good interpersonal communication skills both written and oral. Superb visualization skills. Quick mechanical comprehension.
- Hands on experience with machine tools, construction equipment and machinery. Familiarity with machine shop practices, manufacturing processes, and construction technologies.
- Computer literate. Proficient in AutoCAD, Autodesk MDT, SDRC I-Deas Master Series, SketchUp, MS Office Professional. Program in VB, VBA, AutoLISP, VisualLISP.
- German, fully bilingual; Dutch, read.



- 1995 –1999, NH Community Technical College, Stratham, NH AS Summa Cum Laude, Academic Achievement Award.
- 1965 –1969, University of New Hampshire, Durham, NH Undergraduate, graduate work in fine & applied arts, German, philosophy.
- 1956 –1960, Oberpostdirektion, Münster, Westfahlen, Germany Low Voltage Engineering DBP Federal Scholarship recipient; full tuition, board, and stipend.

architecture

■ commercial, corporate, educational, institutional

10 Congress Building, Portsmouth, NH
Bacon Basketware, Ltd., Toronto, Canada
Boston Globe, Boston, MA
Clee & Rhinesmith, VB, Noordwijk, Netherlands
Fercroft Sheraton, Danvers, MA
Genetic Engineering, Inc., Denver, CO
Kittery Trading Post, Adams Camp, Naples, ME
Legal Seafoods, Chestnut Hill Mall, Newton, MA
Mark H. Wentworth Home, Portsmouth, NH
New York Daily News, New York, NY
City of Portsmouth, Pierce Island Park, Portsmouth, NH
Red Creek Inn Two, Rochester, NY
Siena College, Siena Hall, Loudonville, NY
William Paterson University, College of Business, Paterson, NJ
Medfield High School, Medfield, MA
Wakefield Public Schools, Galvin Middle School, Wakefield, MA
Pembroke High School, Pembroke, MA
Wellesley High School, Wellesley, MA

■ residential

Burzynski Residence, Barrington, NH
Chaikin Residence, North Hampton, NH
Clee Residence, Rye, NH
Clee Residence, Portsmouth, NH
Clee Residence, New York, NY
Clee Residence, Noordwijk aan Zee, Netherlands
Cons Residence, Kezae Falls, ME
Gleason Loft, Portsmouth, NH
Grier Residence, Portsmouth, NH
Hirsch/Reben Residence, Gray, ME
Maynard Residence, Toronto, Canada
Maynard Studio, Durham, NH
Sawyer Residence, Durham, NH
Simpson Residence, Lee, NH

design engineering

■ product design

Kennedy International Airport, Our Lady of the Skies Chapel
Kliegle Brothers, New York, NY
Lincoln Center, Metropolitan Opera House
New State Capital, Carson City, Nevada
New York World's Fair, Vatican Pavilion
Orlando Airport, Orlando, FL
PAN AM Building, New York
University of California at Santa Cruz, Student Union
University of California at Santa Cruz, Stanislaus Arts Center, Theater Complex
University of New Hampshire, Paul Creative Arts Center Annex, Durham, NH

■ industrial design

Automated Donut Systems
Framatome International
General Electric
IntelliTech International
Pratt & Whitney
Sikorsky
Wastech International

Characteristics, Qualities and Skills Survey Summary

In 1995 I took an informal survey and asked friends, clients and colleagues to reflect on what they considered to be my characteristics, qualities, and skills. The compilation below lists attributes that they attested to on my behalf.

Elusive distinction between qualities and characteristics caused some confusion. Responses were informal and meandered freely among the categories even when the response was written. I have left this meandering alone.

The responses were more than favorable. They were flattering. My self-assessment falls short of the superlatives handed me. I should have been more emphatic in my request to not leave the weak attributes altogether behind.

A final note. The parenthetic figure following the reference's name, lists the year in which the acquaintance was first made. The suffix following the year is a mnemonic that indicates whether the initial contact was Professional or Social. Finally, an appended asterik indicates that the individual is now deceased.

Basiliki H. Poulin, Jr.	(1964 S)
Anthony E. Irons	(1966 S)
Jan E. Clee	(1969 S)*
Jeannette Roberts	(1971 P)
Roomet J. Aring	(1979 P)*
Daniel B. Quinto	(1982 P)
Gregg W. Schroeder	(1983 P)

Transcription of Responses

"...outspoken, determined, relentlessly pursuing excellence, extreme visual acuity and spatial perception, creative problem solver, bright, alert," "...analytical and intuitive. Quite a combo, wouldn't you say?" "...ferocious focus...." "...thinking – organized & incisive; mathematics – precise; drafting – incredible grasp – lettering, computer – advanced & improving continuously,...." "...steadfast, see things incredibly fast, ability to see contexts from unusual and inclusive perspective as if from way up high without losing sight of detail,...." "...good deal of humanity in your thinking..." "...integrity in thinking and seeing and designing and sharing..." "...technobuff and humanist..." "...always approaches his design from the perspective of earth as partner and great teacher, never as disrespected or feared object. Sees in a difficult site an opening, an opportunity for learning, and growing and always seeks to find a solution that is least disturbing to what is." "...insightful, hardworking, committed, dedicated, diverse, reliable, imaginative,...." "...committed to a sane and beautiful solution, ability to practice a craft, great powers of conceptualization,..." "...perceptual, intellectual, multi-dimensional, committed, creative, organized,...." "... brings many planes of reference to his approaches and is absolutely dedicated to bring high quality solutions into being..." "...is dismayed by expediency, wants the best for everyone..." "...superb aesthetic judgement..." "...heightened awareness of proportion..." "...innovative, creative, disciplined, intelligent, loyal, diligent, wise (in his old age), integrity...." "...determined, honest, open, compassionate, imaginative, dedicated, and, yes, irrational...."

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE

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

MEMBERS PRESENT: Chairman, Doug Roberts
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Members: Harold Whitehouse, Shari Donnermeyer
Ralph DiBernardo and Steve Pesci

MEMBERS ABSENT: Fire Chief, Steven Achilles
Mary Lou McElwain

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:
None

1. Accepted and placed on file meeting minutes from November 1, 2018.
2. Accepted and placed on file financial report dated October 31, 2018.
3. Public Comment: Seventeen Speakers: Bill Henson, Anne Rugg, Karen Soltis, Barbara Grazier, Dr. Russell Grazier, Cynthia Hart, Robin Najar, CJ Fleck (with written correspondence from Sarah Fleck), Andy Richmond, David Allen, Liza Hewitt, Peter Whelan, Buster Miller, Paul Mannle, Lisa Mauer, Paige Trace and Peter Loughlin.

Email Correspondence: Astrid Wielens, Kathleen Larney, Paul Novotny, Brent Bell, Keith Wilkinson, Elizabeth Bratter, William Kennedy and Terry Taylor.

4. Middle Street Bike Lane Project report back, by Planning Director Juliet Walker – Planning Director Walker provided a post-construction report back on the project.
5. Neighborhood Parking Program, review of General Parameters, by Parking Director Ben Fletcher – **Voted** to table item for 30 days.
6. Request to lower speed limit on Edmond Avenue from 30 mph to 25 mph – **Voted** to have staff work with NHDOT and report back.

7. Request for handicap parking space at 462 Lincoln Avenue, by Pam Katz – **Voted** to approve handicap parking space at 462 Lincoln Avenue.
8. Request for parking space in bike lane buffer at 60 Lafayette Road – **Voted** to refer to staff for report back.
9. Request to address loss of handicap parking space in front of 504 Middle Street – **Voted** to refer to staff for report back.
10. Request for illuminated crosswalk on Middle Road at Riverbrook Condos – **Voted** to refer to staff for report back.
11. Report back on Neighborhood Traffic Calming requests – **Voted** to report back next meeting.
 1. Aldrich Road
 2. Brackett Road
 3. Brackett Lane
12. Report back on request for crosswalk on State Street at Madison Street – **Voted** to accept and place on file.
13. Edward Street closure, report back on meeting with abutter – Staff met with the abutter and she thought closing the end of Edward Street was a good idea that made a lot of sense.
14. PTS Open Action Items – No action required by Committee.
15. Foundry Place Parking Garage usage update, by Parking Director Ben Fletcher – Staff to report back next meeting.
16. Proposal to move the January meeting from 01/03 to 01/10 – Meeting moved to January 10, 2018. **Voted** to move Committee on-site visits from Tuesdays to Wednesdays starting at 8:00 a.m.

Adjournment – At 10:13 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. – December 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
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Member, Shari Donnermeyer
Member, Harold Whitehouse
Member, Ralph DiBernardo
Alternate Member, Steve Pesci

Members Absent:

Fire Chief, Steven Achilles
Member, Mary Lou McElwain

Staff Advisors Present:

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

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to accept the meeting minutes of the November 1, 2018 meeting, seconded by Shari Donnermeyer. **Motion passed 7-0.**

IV. FINANCIAL REPORT:

Ralph DiBernardo moved to accept the financial report dated October 31, 2018, seconded by Public Works Director Rice. **Motion passed 7-0.**

V. PUBLIC COMMENT:

Bill Henson, President and CEO of Wentworth Senior Living, commented on the Neighborhood Parking Program. Mr. Henson opposed the program on behalf of Wentworth Senior Living because they have not been part of the discussion. Mr. Henson was concerned because it will have a direct negative impact on their workforce, and non-resident visitors. These programs convert a community resource to a private entitlement. Mr. Henson requested that the Committee not approve the Neighborhood Parking Program. Mr. Henson noted that if this moved forward, then they would request to have access to some of the permits.

Chairman Roberts noted that this was referred to the Committee by City Council. This Board's role is to raise concerns about how the program is working. Chairman Roberts noted City Council has the authority to approve the program.

Anne Rugg, Manager of Commute Smart Seacoast, supported the bike lane project. She thanked the City and Planning Director Walker for working to put in the first and only protected bike lane in New Hampshire. Protected bike lanes are so important for bike safety, and the bollards are important to create that physical protection. A protected bike lane will encourage more people to bike in the City because they will feel safe.

Karen Soltis, President of Seacoast Area Bike Riders (SABR), noted that they were thrilled with the new bike lanes. SABR represents over 600 members of all bicycle skill levels. People who may not otherwise get on their bikes can now feel safe and protected from cars. The speed on Middle Street has also been reduced.

Barbara Grazier spoke in support of action item VII.E. on the agenda. She and her husband have had a chiropractic practice with a handicap space in front of it for over 30 years. Mrs. Grazier was there to protest that their handicap space was removed when the bike lane was installed. This has caused a hardship to their clients. She requested that the Committee reinstate their handicap parking spot.

Dr. Russell Grazier spoke in support of action item VII.E. on the agenda. He stated he was conflicted because he loves biking, but thought the new bike lane was too wide. There are better ways to do a bike lane without taking out too many parking spaces. Dr. Grazier noted that a handicap space in front of their business would be helpful.

Cynthia Hart thanked Eric Eby and the Police Department for the increased monitoring on Aldrich Road. She appreciated the monitoring and hoped that it would continue. Ms. Hart suggested adding more signage. She noted that turning from Aldrich Road onto Middle Street has become more difficult due to parked cars and the bike lane.

Robin Najjar spoke in support of the bike lane. She is an avid bicyclist, but rarely went downtown. The new bike lane will encourage more people to bike downtown. She encouraged the City to install more bike lanes and help create a more bike friendly City.

CJ Fleck stated he uses the bike lane to commute to work and bike downtown with his family. Mr. Fleck noted that he has had some tense interactions with drivers while biking around the City in areas that do not have a protected bike lane. The protected bike lane helps to promote a culture where bikes are more accepted on the road. Mr. Fleck provided a written statement from his wife, Sarah Fleck, regarding the bike boxes.

Andy Richmond commended the City for the implementation of the Middle Street bike lane and encouraged the City to continue to make it a more cycle and pedestrian friendly environment.

David Allen serves on the SABR Board. He stated that there were pros and cons to the bike lane. The sight distances are now safer when pulling out of Union Street, but other side streets are a little more difficult. He stated the City should be applauded for the project and acknowledged that some changes could be made.

Liza Hewitt, property owner on McDonough Street, noted that her property would be just outside of the Neighborhood Parking Program area. She was concerned that the program would push the parking problems down to McDonough Street. Ms. Hewitt hoped that they could talk about any problems that arise during the pilot. She suggested that the parking area in front of the warehouse not be restricted, so employees can park there. She encouraged staff to look at putting in a parking benefit district on her end of McDonough Street.

Ms. Hewitt commented on action item VII.F. and stated she would prefer no illuminated sign be installed on Middle Road at that location. In 2014, there were discussions about moving the crosswalk down in front of Chase Home, and Ms. Hewitt encouraged the Committee to consider that.

Chairman Roberts noted that the City Manager would have the power to make changes to the pilot program, so if there is immediate overflow it will be able to be addressed.

Peter Whelan spoke in support of the South End pilot program. He does not have off-street parking and parking has not been an issue. However, with more developments being constructed, cars are getting pushed out into the neighborhoods. It is time to try a pilot program. He encouraged the Committee to support the program.

Buster Miller spoke in support of the bike lane. He hoped that there would be more improvements to help create more shared infrastructure. The protected lane is important to keep cyclists safe.

Paul Mannle provided a handout to the Committee with final comments from the Islington Creek Neighborhood about the parking program. The hope is that this program would provide parking relief to the neighborhood without negative consequences. He encouraged the Committee to move this agenda item forward. He disagreed with item 16 in the parameters because it was not necessary for the pilot program. He noted that there was other parking in the area for non-residents, and they could still park in the neighborhood with a time limit.

Lisa Mauer spoke in support of the bike lane. She used to seek less direct routes to get downtown, but now uses the bike lane to get there.

Paige Trace encouraged the City to do more public relations to educate drivers on what the different elements of the bike lane mean. She thought it was important to have a safe bike lane, but acknowledged that Middle Street does not look the same from a historic perspective. She spoke in support of the NPP pilot and encouraged the Committee to move it forward.

Peter Loughlin thanked the City and Planning Director Walker for the work done on the bike path. He feels safer commuting on Middle Street.

Chairman Roberts noted that he had received email correspondence from Astrid Wielens, Kathleen Larney, Paul Novotny, Brent Bell, Keith Wilkinson, Elizabeth Bratter, William Kennedy and Terry Taylor.

City Councilor Ned Reynolds distributed a handout on Aldrich Road to the Committee before today's meeting.

VI. PRESENTATION:

A. Middle Street Bike Lane Project report back, by Planning Director Juliet Walker.

Planning Director Juliet Walker provided a presentation on the Middle Street Bike Lane Project. The presentation is available online. The intent of the presentation was to respond to feedback received and provide a project status update. She stated the purpose of the project was to provide a safe route to school and other destinations for cyclists and pedestrians, expand connectivity, and provide a bicycle route utilized by all ages. Project objectives included traffic calming, improving pedestrian crossings, maintaining on-street parking and emergency response routes, and separating bike lanes from traffic. The project received a total of \$223,764 from the Federal Safe Routes to School Grant and the City contributed \$86,902 from the General Fund.

Chairman Roberts stated the cost seemed like a lot for a bike lane project and asked about the most expensive items. Planning Director Walker responded that it was actually reasonable for a project that went all the way through from engineering and design to construction. Some of the higher ticket items included the pedestrian signals and raising some of the catch basins. She stated the bidding climate is not competitive and the construction costs increased from the initial estimate in 2013.

Planning Director Walker commented that this bike lane was designed for people who are uncomfortable biking on the roads and mixing with traffic. She stated it takes time for people to change their routines. The City is still doing bike and pedestrian counts, and will continue to do counts through the next year. Another goal of this project was to reduce speeds on the road. There have been mixed results, but any reduction in speed is an improvement. This project evolved from just a traditional bike lane to becoming a physically separated lane in some locations.

She stated there have been questions about why it ends at Cabot Street. Looking at the parking demand it was clear there would be a large impact if parking was eliminated north of Cabot Street. The bidding climate was not competitive, and they had to remove a lot of the pedestrian activated signs and the crosswalk at Cabot Street to get the project price within budget. She hoped to add that crosswalk back in at some point in the future. The Planning Department is working with the Police Department to create a public relations campaign and education around the bike lanes. The City has received feedback from the public and they welcome it. The project will not be totally redone, but the City is open to feedback that will help improve the area. They will continue to look at how to improve sight lines at intersections. A new flexible delineator or bollard arrangement will be considered for the spring. There were concerns about COAST bus access and that is being looked into. There were also concerns about trash collection, emergency vehicles and delivery truck access. The City will work on guidance for those actions. The City will continue to look into other public concerns, which include maintenance, overall aesthetic issues, width of travel lanes, and parking needs. The City will review all comments and options internally, hold a public meeting and then bring it back to PTS for input.

Harold Whitehouse questioned if the City had considered reducing the speed on US Route 1 near where Middle Street and Middle Road come together because it's very

narrow with the bollards. Planning Director Walker responded that they would look into it and clarified that it is a City road at that location.

VII. NEW BUSINESS:

A. Neighborhood Parking Program, review of General Parameters, by Parking Director Ben Fletcher. Parking Director Fletcher presented an overview of the Neighborhood Parking Program (NPP). He stated the purpose of the presentation was to discuss the program's history and the two different proposed pilot programs: South End Neighborhood Parking Pilot and Islington Creek Neighborhood Parking Pilot.

This has been a grass roots effort by neighborhoods. They have been reaching out to City Representatives seeking relief from parking issues, particularly in these two neighborhoods. After Parking Director Fletcher was hired, the Parking Division was directed, from City Council, to develop a program outline. The Parking Division performed extensive research, culminating in a public discussion of NPP concepts in February 2018.

From that meeting, an online survey was conducted in the spring for public feedback. The results from the survey were utilized to create the initial program parameters.

The Parking Division reached out to the two neighborhoods with the largest number of survey responses. Representatives from each neighborhood, Islington Creek and South End, provided extremely valuable feedback, resulting in the current version(s) of the program.

One of the main issues was defining the neighborhood areas. The Parking Division researched each neighborhood regarding the number of single-family dwellings, on-street and off-street inventories, signage needs and current inventory usage at different times during the day. During feedback sessions, each neighborhood assisted in further defining specific needs. Each neighborhood has slightly different needs. Input from the neighborhoods resulted in the current iterations of the neighborhood maps.

Parking Director Fletcher introduced the program's general guidelines for the South End Neighborhood. The borders outlined on slide 7 of the presentation were the original borders. They have been modified. The pilot program's borders, noted at the bottom of slide 8, are current. They include: Hancock, Gates, Howard, Manning, Meeting House Hill, Marcy (south of Hancock), Walton Alley, Gardner, Hunking and Pickering.

The common general guidelines that are identical between the two pilot programs are: both owners and renters are eligible to sign the petition. The program is neighborhood specific. Properties with driveways are eligible for permits. Violators are ticketed and towed on the third offense. Fees will be determined by City Council. Residents are allotted four (4) 1-day event passes each month. Participation is not mandatory. Permits should be considered a 'hunting license' and not a guarantee

The program will be assessed and possibly changed at the six-month point of a one-year pilot program. Parking Director Fletcher stated \$100,000 was set aside by a previous City Council for the pilot program. Therefore, no fees will be collected during the pilot program. The City Manager has been authorized to make changes during the pilot program.

Parking Director Fletcher provided an example of a possible change recently proposed to the Islington Creek pilot program. Salem Street has been proposed as an addition to the pilot program due to the parking demand shifting to the area. The residents would be required to follow the 75 percent signature rule to participate in the pilot.

There are slight differences between the two neighborhood programs. The South End pilot program, as recommended by the neighborhood, would allow two (2) permits per household, one (1) guest permit per household. Enforcement would be effective from 8 a.m. to 10 p.m. daily. The Islington Creek pilot program, as recommended by the neighborhood, would allow four (4) permits per household, two (2) guest permits per household. Enforcement would be effective from 10 a.m. to 8 p.m. daily.

Parking Director Fletcher briefly reviewed the sample handouts provided in the PTS packet. His presentation and copies of the sample handouts are available online. There is a web page dedicated to the NPP.

<https://www.cityofportsmouth.com/publicworks/parkportsmouth/neighborhood-parking-program-npp>

Steve Pesci asked for clarification on the term 'household' as it relates to the number of permits. Parking Director Fletcher stated it means a single-family dwelling. A duplex would have two (2) single-family dwellings. The number of permits issued would be based on the number of single-family dwellings. He stated his original assessment for Islington Creek was two (2) permits per household and one (1) guest permit per household, like the South End. The neighborhood wanted additional permits. Staff went with their recommendations at this time.

Ralph DiBernardo thanked staff for their efforts to meet the needs of the neighborhoods, and specifically, the time invested in developing this program. He stated he has a number of questions about the NPP that are giving him doubt, whether it can work without hurting a large segment of the community.

He stated it is an unfair burden to businesses in the mixed-use neighborhoods, like Wentworth Senior Living. It disenfranchises the rest of the residents by creating private parking on public streets. It is unworkable without continual enforcement. If two hours is the limit without a permit, then enforcement would be required on a continuous cycle.

The costs will be underwritten by fees, taxes or expenditures from the Parking Fund, which has a huge financial commitment on the bonding of the new garage. Should the affected neighbors pay a fee or should all taxpayers in the City bear the burden? A fee is a rental increase. No fee is a tax increase.

The search for free parking will move to the next street outside the NPP. The request for additional streets to be included will soon follow implementation. Downtown service workers will find new free parking spaces. He spoke to workforce parking. He spoke to contractors working on weekends and evenings due to an emergency, and how there are no provisions for these situations due to the permitting offices being closed. It was suggested to exempt contractors. The fees associated with this program will be passed to the homeowner. He spoke to a contractor who suggested doing online permitting.

Public Works Director Rice moved to recommend approval of Neighborhood Parking Program General Parameters to the City Council for discussion purposes. Seconded by Police Captain Warchol.

Public Works Director Rice stated City Council directed staff to present a NPP. Residents brought the issue to the City Council. He stated he would support the motion.

Harold Whitehouse asked if the motion included both neighborhoods. Chairman Roberts confirmed it did.

Chairman Roberts stated the Committee could provide suggestions on all aspects of the NPP to the City Council.

Ralph DiBernardo questioned the provision regarding a contractor having a contract with the homeowner in order to get a permit. He stated he has never had a contract with his plumber, and by not having one, his contractor would be ineligible for a permit.

He spoke to parking in the South End by Prescott Park visitors and questioned where they would park if the NPP was implemented. Sign pollution will become a necessity throughout the NPP areas. Police dispatch will be burdened with calls. The different enforcement times between the two pilot programs does not make sense to him and an agreed upon time for both should be made due to additional expense for enforcement and signage. Enforcement times should be the same citywide. He stated the NPP program is not the answer to the City parking problem. This is not a reflection on the City staff. They have done what they were directed to do. It will come with expenses, aggravation and enforcement problems. He referred to the Hanover Street parking program that allowed any Portsmouth resident to park in the area. He questioned if it worked. He stated he would not support the motion to recommend the program to the City Council.

Shari Donnermeyer concurred with Ralph DiBernardo's concerns and comments. She thanked staff for their work, but believes that more work needs to be done to refine the program. She questioned why businesses weren't considered, as they also need parking. She stated if it does move forward, she is glad that changes can be made at the six-month point. She questioned why the enforcement hours and number of permits per household were different between the two pilot programs. These differences would make the program more expensive and difficult to enforce. She stated she would not support the motion.

Harold Whitehouse moved to amend the motion. He moved to remove the South End program completely from the original motion and to support the Islington Creek project as the NPP pilot. He supports starting off small.
Seconded by Public Works Director Rice, for discussion purposes.

Chairman Roberts stated he would not support the amended motion because 75 percent of the residents must sign a petition for the NPP. The enforcement hours are different for the South End because of the summer demand for parking at Prescott Park. He stated he perceives a greater need in the South End, except for Hanover Street.

Harold Whitehouse proposed the amended motion because it is such a drastic change in the neighborhood. He wants to start the pilot program off small and slowly. That is why he is only proposing the Islington Creek pilot. He has heard a lot of people are upset about the issue. That is why he offered the amendment.

Steve Pesci agreed that doing both neighborhoods at once would be a challenge. He thanked staff for their work and time on the issue. He liked the concept of doing one neighborhood at a time.

Deputy City Manager Nancy Colbert Puff stated that both neighborhoods had requested this program be developed. It won't move forward unless 75 percent of the residents want to participate in it. It has been a long journey to develop a program that seems to meet with neighborhood approval. We won't know if the neighborhoods approve until petitions are signed to enact the program. She supports moving forward with two neighborhoods at one time. It is designed as a pilot program.

She asked if staff received public input on the weekend contractor issue. Parking Director Fletcher said that many parts of the program came from researching other programs. He stated the issue could be addressed. The big idea was to keep folks from absorbing the parking and impacting the neighbors. There are permits in place now for contractors working on projects for extended periods.

Police Captain Warchol thanked staff for their work on the NPP. He supported Harold Whitehouse's motion to do one pilot program at a time. By doing one pilot program, there will be an opportunity to see the unintended consequences. Where will the people currently parking in the area be relocating? Will demand be pushed into another area? What will it look like? Dealing with two neighborhood programs could become taxing. He would not be surprised to see neighbors coming to PTS who have been negatively impacted by the pilot programs.

Chairman Roberts called for a vote on the amended motion. **Vote 3-5, the amended motion failed to pass.** Harold Whitehouse, Shari Donnermeyer, and Police Captain Warchol voted in support. Chairman Roberts, Deputy City Manager Nancy Colbert Puff, Public Works Director Rice, Ralph DiBernardo, and Steve Pesci voted opposed.

Chairman Roberts spoke to item #3 on the NPP general parameters handout regarding NPP Steering Committees. He would recommend it be deleted when recommending approval to the City Council. He stated the committee formation needs to be defined. It was done informally this time. There isn't an official body to form the NPP Steering Committee.

Ralph DiBernardo asked who would be responsible for contacting the neighborhood residents, circulating the petition, and obtaining signatures if the Steering Committee was removed from the general parameters. Chairman Roberts stated the neighborhoods already have informal committees in place to perform these tasks.

Harold Whitehouse asked what role the PTS Committee has regarding the NPP. Chairman Roberts stated the Committee can recommend changes to the program to the City Council. The City Council has the authority to approve or deny the program.

Steve Pesci stated that the Committee should tell the Council if the program is ready or if it needs more work. He said that the program is possible. The City is evolving. Traffic, parking, and demand are why a NPP is needed. City staff have done their best to put together a program.

He spoke to the unintended consequences of not dealing with the demand side of the equation. There is a fixed supply of parking in the neighborhoods. The program, as presented, causes an open-ended demand. There is no limit on the demand with no penalties or cost. He stated the program is a supply management effort with no incentives to reduce demand. The problem is parking demand. There is no disincentive to apply for the maximum number of permits offered. He spoke to concerns about the pilot program being free.

Parking Director Fletcher spoke to the number of permits per household. He stated he proposed both programs be the same, but the Islington Creek Neighborhood requested additional permits. He stated that in the opinion of the group, they do not anticipate that everyone will request the maximum number of permits.

Steve Pesci reiterated the importance of recommending a practical and purposeful program to the City Council. He expressed concern over the number of permits allowed in the Islington Creek Neighborhood pilot. He questioned what type of program is being created if the number of permits exceed the actual available parking spaces, and the problematic issue of it being free.

Ralph DiBernardo spoke to the requirement of vehicle registration to get a permit. Homeowners and renters without a vehicle would not be eligible for a permit. Parking Director Fletcher concurred. The Committee discussed that households with more vehicles than permits, would not be eligible to get additional permits.

Shari Donnermeyer supported Steve Pesci's comments. She asked if the City Council would make changes to the NPP if the Committee sent it forward as presented. Chairman Roberts stated this is the time to recommend changes to the Council. They can definitely make changes to the program.

Shari Donnermeyer asked if businesses were included in the permit system. The plan allows for one (1) permit for each business. The Committee discussed the number of permits allotted to businesses as it relates to employee parking. There is no allotment for employee or customer parking. Non-permitted users will have two hours before they are subject to enforcement.

Deputy City Manager Nancy Colbert Puff explained that the PTS meeting minutes are reviewed and approved by the City Council. The Council gets the same copy of the meeting minutes as the PTS Committee Members. They have a record of the meeting when they consider their vote. This Committee can make recommendations or record its concerns moving forward. The City Council has the ability to amend the pilot program when it comes before them. The Fee Committee will determine the fees associated with the NPP in the future after the pilot program.

Chairman Roberts asked for clarification on guest permits. Parking Director Fletcher confirmed that a person must be a participant in the program to obtain guest permits. Up to four (4) one-day guest permits may be granted by request to all participants in the program.

Ralph DiBernardo asked how private parking is being determined. Parking Director Fletcher stated he did an inventory, house by house, to determine off-street parking. Homeowners and renters will have an opportunity to meet with staff regarding any concerns about the inventory.

Ralph DiBernardo moved to table the action item for 60 days for further input and review. Seconded by Shari Donnermeyer.

The motion to table takes precedence over the original motion.

On a roll call vote, the vote was tied (4-4). The motion failed due to a tie. Police Captain Warchol, Shari Donnermeyer, Ralph DiBernardo, and Steve Pesci voted in support. Chairman Roberts, Deputy City Manager Nancy Colbert Puff, Public Works Director Rice, and Harold Whitehouse voted opposed.

Deputy City Manager Nancy Colbert Puff stated that she voted in opposition to the motion to table it for 60 days because there are only a couple of things to discuss. The program has gone through several months of consideration by the neighborhoods. Sixty days seemed too long to table the action item.

Chairman Roberts moved to table the item for 30 days to address specific concerns presented. Seconded by Ralph DiBernardo. Vote 6-1, to table action item for 30 days. **Motion passed 6-1.** Public Works Director Rice voted opposed.

B. Request to lower speed limit on Edmond Avenue from 30 mph to 25 mph, by Marc Stettner. Ralph DiBernardo moved to have staff work with NHDOT and report back, seconded by Harold Whitehouse. **Motion passed 7-0.**

C. Request for handicap parking space at 462 Lincoln Avenue, by Pam Katz. Steve Pesci moved to approve handicap parking space at 462 Lincoln Avenue, seconded by Harold Whitehouse. **Motion passed 7-0.**

D. Request for parking space in bike lane buffer at 60 Lafayette Road. Ralph DiBernardo moved to refer to staff for report back, seconded by Harold Whitehouse. **Motion passed 7-0.**

E. Request to address loss of handicap parking space in front of 504 Middle Street, by Grazier Chiropractic. Shari Donnermeyer moved to refer to staff for report back, seconded by Ralph DiBernardo. **Motion Passed 7-0.**

F. Request for illuminated crosswalk on Middle Road at Riverbrook Condos, by Rich Taussig. Shari Donnermeyer moved to refer to staff for report back, seconded by Deputy City Manager Nancy Colbert Puff. **Motion passed 7-0.**

VIII. OLD BUSINESS:

A. Report back on Neighborhood Traffic Calming requests:

1. Aldrich Road
2. Brackett Road
3. Brackett Lane

Chairman Roberts moved to report back next meeting, seconded by Deputy City Manager Nancy Colbert Puff. **Motion passed 7-0.**

B. Report back on request for crosswalk on State Street at Madison Street.

Chairman Roberts noted that Eric Eby's report suggested that it was not appropriate considering the amount of traffic and the difficulty of putting it on the corner.

Ralph DiBernardo moved to accept the report and place it on file, seconded by Deputy City Manager Nancy Colbert Puff. **Motion passed 7-0.**

C. Edward Street closure, report back on meeting with abutter. Eric Eby met with the abutter, and she thought closing the end of Edward Street was a good idea that made a lot of sense.

D. PTS Open Action Items. No action required by the Committee.

IX. INFORMATIONAL:

A. Foundry Place Parking Garage usage update, by Parking Director Ben Fletcher.

Staff will report back at the next meeting.

X. MISCELLANEOUS:

A. Proposal to move the January meeting from 01/03 to 01/10.

The Committee agreed to move the January meeting to January 10, 2019. Steve Pesci moved to move Committee on-site visits from Tuesdays to Wednesdays starting at 8:00 a.m., seconded by Deputy City Manager Nancy Colbert Puff. **Motion passed 7-0.**

Steve Pesci requested a staff report some time in the future on the Islington Street and Bartlett Street intersection. The pedestrian signals are in poor condition. Steve Pesci questioned how that would be handled in the short-term. Steve Pesci also requested that the report look at the long-term and how it fits into the CIP. Ralph DiBernardo added that there was a problem in that area with cars parked at the service station. There is no sight distance for pedestrians because of those parked cars.

Steve Pesci thanked the staff for the amount of work they have been putting into projects like the Middle Street Bike Lane Project.

XI. ADJOURNMENT – at 10:13 a.m., VOTED to adjourn.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

HB 102 - AS INTRODUCED

2019 SESSION

19-0009

06/04

HOUSE BILL **102**

AN ACT relative to municipal ordinances regarding the use of plastics.

SPONSORS: Rep. Bartlett, Merr. 19; Rep. Spang, Straf. 6; Rep. Martin, Hills. 23; Rep. Von
Plinsky, Ches. 7; Rep. J. Schmidt, Hills. 28

COMMITTEE: Municipal and County Government

ANALYSIS

This bill permits towns to adopt bylaws to regulate the distribution of single-use plastics.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to municipal ordinances regarding the use of plastics.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Powers and Duties of Towns; Power to Make Bylaws. Amend RSA 31:39, I(m)-(p) to read as
2 follows:

3 (m) Issuing permits for tattooing facilities and charging a fee for the permit; ~~and~~

4 (n) Regulating noise[-];

5 (o) Requiring the reporting of contributions to, and expenditures by, any candidate or
6 political committee made for the purpose of influencing the election of any candidate for local
7 elective office, or any person or committee for the purpose of influencing the vote on any local ballot
8 or referendum question[-];

9 (p) Regulating the retail display and accessibility of martial arts weapons including
10 throwing stars, throwing darts, nunchaku, blow guns, or any other objects designed for use in the
11 martial arts that are capable of being used as lethal or dangerous weapons[-]; **and**

12 ***(q) Regulating the distribution of single-use plastics to consumers.***

13 2 Effective Date. This act shall take effect 60 days after its passage.