

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 18, 2019 TIME: 7:00PM

• 6:30PM – NON-PUBLIC SESSION RE: RSA 91-A:3, II (a) – PERSONNEL MATTERS

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – MARCH 4, 2019

VI. PUBLIC COMMENT SESSION

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

(There are no Public Hearings, Ordinances and/or Resolutions this evening)

VIII. APPROVAL OF GRANTS/DONATIONS

A. *Acceptance of Donation to the Coalition Fund

- Town of Newbury - \$1,000.00

(Sample motion – move to approve and accept the donations, as listed to be placed in the Coalition Fund)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

A. Letter from Ken La Valley, American Foundation for Suicide Prevention requesting permission to hold the Out of the Darkness Walk on Saturday, September 14, 2019 from 10:00 a.m. to Noon ***(Anticipated action – move to refer to the City Manager with power)***

B. Letter from Samantha Boland, National Multiple Sclerosis Society requesting permission to hold the 2019 Bike MS: New Hampshire Seacoast Escape on Saturday, August 24, 2019 ***(Anticipated action – move to refer to the City Manager with power)***

C. Letter from Abigail Wiggin, Portsmouth Halloween Parade Committee requesting permission to hold the 25th annual Portsmouth Halloween Parade on Thursday, October 31, 2019 ***(Anticipated action – move to refer to the City Manager with power)***

D. Letter from Richard Wagner, AIDS Response Seacoast requesting permission to hold the 22nd Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 5, 2019 from 10:00 a.m. to 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (*Sample motion – move to accept and place on file*)
- B. Letter from Joshua Sheets in support of the current design and proposed plan for development of the McIntyre building site submitted by Redgate Kane Group (*Sample motion – move to accept and place on file*)
- C. Letter from Judd Gregg regarding Redevelopment of the McIntyre Building Area (*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. 25 Maplewood Avenue License Extension
- 2. 46-64 Maplewood Avenue License Extension
- 3. Banfield Road/Conservation Drainage Improvements

City Manager's Informational Items:

- 1. Presentation Re: Traffic Model
- 2. Presentation Re: Wastewater Permit Update
- 3. Update on Foundry Garage
- 4. Report Back Re: Veterans, Disabled and Elderly Exemptions
- 5. Taft Road North Drainage Evaluation

B. MAYOR BLALOCK

- 1. *Appointments to be Considered:
 - Reappointment of Amy Schwartz to the Portsmouth Housing Authority
 - Reappointment of Todd Henley to the Recreation Board
- 2. *Work Session Re: Parking Principles Review & Discussion Reminder
- 3. Global Effort to Prevent Nuclear War Resolution

C. COUNCILOR ROBERTS

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 7, 2019 meeting (*Sample motion – move to approve and accept the action sheet and minutes of the March 7, 2019 Parking and Traffic Safety Committee meeting*)

D. COUNCILOR DENTON

- 1. Motion to refer the Distribution of Single-Use Disposables Ordinance to the City Attorney to report back for First Reading

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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


** Indicates verbal report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 15, 2019

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on March 18, 2019 City Council Agenda

City Manager's Items Which Require Action:

1. **25 Maplewood Avenue License Extension** On October 19, 2017, the Planning Board granted site plan review approval to The Provident Bank for property located at 25 Maplewood Avenue to construct a 3-story, mixed use building.

The Construction Mitigation and Management Plan (CMMP) for this project identified temporary encumbrances of the public right-of-way for project related work at Maplewood Avenue, Hanover Street, and the entrance to the Worth Lot during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The License Areas are shown on the attached plan. The total license area is 3,900 square feet.

Previously, the City Council approved a temporary construction license for the project, which expired on February 19, 2019. The applicant has indicated that, due to construction delays, they now require a temporary construction license through June 1, 2019. The applicant was approved for a 30-day temporary encumbrance permit, but was advised that a new license would be required along with applicable fees. The proposed license would replace the temporary encumbrance permit and the effective term of the license would start on February 19, 2019 and end on June 1, 2019.

Per the City policy, the total fee for the temporary license is calculated at \$0.05 per square foot per day for a total of 102 days which comes to a total of \$19,890. The attached proposed license agreement provides that, if any of the license areas returned to the City prior to the end of the License Term, the City will refund the applicant the portion of the license fee already paid to the City. The proposed license also gives the City Manager the ability to extend the term of the license up to 6 months.

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

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

Move that the City Manager be authorized to execute and accept the temporary construction license regarding 25 Maplewood Avenue as submitted.

2. **46 – 64 Maplewood Avenue License Extension** – On May 17, 2018, the Planning Board granted site plan review approval to Steve Kelm (30 Maplewood, LLC) for property located at 46 – 64 Maplewood Avenue to construct a five-story, mixed use building.

The construction Mitigation and Management Plan (CMMP), signed in August, 2018, identified temporary encumbrances of the public right-of-way for project-related work along Bridge Street, Deer Street, and Maplewood Avenue for different periods of time during the project’s construction. Encumbrances for a duration of longer than 30 consecutive working days requires a license approved by the City Council. In addition, the licenses are subject to the “License Fee for Encumbrance of City Property” policy.

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

On October 1, 2018, the City Council approved a temporary construction license for the project. The original license will expire on March 20, 2019. Mr. Kelm has indicated that, due to construction delays, he now requires a temporary construction license ([attached](#)) through mid-November of this year.

Per the City policy, the total fee for the temporary license is calculated at \$0.05 per square foot per day for a total of 244 days, which comes to a total of \$25,522.40. The proposed license agreement provides that, if any of the license areas returned to the City prior to the end of the License Term, the City will refund the applicant the portion of the license fee already paid to the City. The [proposed license \(attached\)](#) also gives the City Manager the ability to extend the term of the license up to 6 months.

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

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

Move that the City Manager be authorized to execute and accept the temporary construction license regarding 46 – 64 Maplewood Avenue as submitted.

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

Among the parcels impacted by the project is a City-owned property located on the south side of Banfield Road identified as parcel 0294-0009. [See attached figure](#). That parcel is currently a conservation property as defined and regulated by City Ordinance Chapter 8, Article V,

Conservation Ordinance. Pursuant to §8.501 of that Ordinance, any use other than for the purposes of passive recreation must be approved by the City Council by two-thirds (2/3) vote.

By vote of the City Council on November 19, 2018, this request was forwarded to the Conservation Commission for its recommendation as to whether or not to authorize the drainage improvements on the conservation land.

The Conservation Commission has reviewed proposed drainage improvements to the conservation parcel. The impacts are along the edge of the roadway only. The Conservation Commission has recommended that the City Council approve the drainage improvements. [See attached communication from the Conservation Commission.](#)

This motion requires 2/3 vote to pass. If the City Council is in agreement, an appropriate motion would be:

I recommend the City Council vote to authorize the construction of drainage improvements to conservation property identified as parcel 0294-0009-0000 to facilitate and implement the Banfield Road Improvement Project.

Informational Items:

1. **Presentation Re: Traffic Model** On Monday evening, Eric Eby, the City's Traffic Engineer, will review the City's traffic model, similar to the presentation that was presented to the Parking, Traffic and Safety Committee.
2. **Presentation Re: Wastewater Permit Update** On Monday evening, City Engineer, Terry Desmarais, and Deputy City Attorney, Suzanne Woodland, will be making a presentation regarding a change in the permitting structure being introduced by the Environmental Protection Agency and the New Hampshire Department of Environmental Services relative to the Great Bay Estuary. Within that context, they will also provide an update to the wastewater permitting and expanded treatment needs of the Pease Wastewater Treatment Facility, as well as a brief update on the Peirce Island Wastewater Treatment Facility.

At the end of the presentation, staff will be making recommendations on next steps within the new permitting structure and will be seeking the City Council's concurrence to move forward with continued planning and engineering efforts; there is no funding request at this time.
3. **Update on Foundry Garage** – On Monday evening, Public Works Director, Peter Rice, will give an update on the Foundry Garage usage and revenue.
4. **Report Back Re: Veterans, Disabled and Elderly Exemptions** As requested at the last city council meeting, [attached is a five \(5\) year review of Veterans, disabled and elderly exemptions.](#) In addition, [attached as requested, is a breakdown of individuals that have both a Veterans exemption and elderly exemption.](#)

5. **Taft Road North Drainage Evaluation** As follow-up to drainage and basement flooding concerns raised by residents along the North End of Taft Road, staff met with Assistant Mayor Lazenby, the Deputy City Manager, Nancy Colbert Puff, and a resident, Mr. Ryan, to review steps taken to date and additional efforts that could be pursued.

Based on our staffs' investigation, we believe the basement flooding at the Ryan property was caused by a combination of things, including high ground water, under-sized drainage pipes, and a failing basement perimeter drain. Staff believes the perimeter drain is acting as a conduit for storm water when the system is surcharged, causing water to back up into Mr. Ryan's basement. In addition, the paving job completed last summer likely contributed to at least one of the incidents, but is believed to have been corrected since then.

We explained that funds were included in the FY 20 CIP to evaluate the Elwyn Park drainage system as part of the planned sidewalk expansion. Assistant Mayor Lazenby conveyed the timeline for that approach was too long and that he would like to see it move forward more quickly. It was agreed that as a short-term measure, the City would install a silt sock to divert storm water from Mr. Ryan's property, followed by disconnecting the failed perimeter drain pipe in the spring. Further, we agreed to look at the CIP and other possible funds to see if the project could be accelerated.

Following the meeting we reviewed possible funding and identified unspent money in the purchase order for the recently completed Long Term Control Plan Post Construction Monitoring project. Since these monies were anticipated to be used for additional tasks related to storm water, we believe it is appropriate to reprogram them for this purpose. With your concurrence, we will reprogram these funds to complete an evaluation of the North Taft Road drainage area.