

# CITY COUNCIL MEETING

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

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• 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 25<sup>th</sup> 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 COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 4, 2019

PORTSMOUTH, NH  
TIME: 6:15PM

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At 6:15 p.m. a Public Dialogue Session was held.

### **Public Dialogue Session – One Group**

**PRESENT:** Mayor Blalock, Assistant Mayor Lazenby, Councilors Pearson, Dwyer, Denton (6:35 p.m.), Perkins, Raynolds and Becksted.

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

Tim MacDonald requested to receive more information regarding the proposal to close some of the downtown streets in July.

Councilor Raynolds said we want to try a pedestrian only zone downtown on select weekends in July in conjunction with the Summer in the Streets program.

Mr. MacDonald asked what problem the City is trying to solve with this proposal.

Councilor Raynolds said the downtown during summer weekends is challenging and all three streets leading into the downtown are backed up with traffic. He stated the proposal would take the cars out of the downtown which will revitalize the area. He also stated foot traffic drives the economic engine of the downtown.

City Manager Bohenko said City staff will be working on this matter and will provide a report back. He said we will obtain information from the Economic Development Commission, Police, Fire and Public Works Departments relative to the cost and possible revenue loss. He indicated the staff would be reviewing traffic patterns and how they will be effected in the summer as well as take into consideration the COAST bus operations.

Maryse McConnell spoke regarding her concerns with the proposal of closing off a portion of the streets downtown in July. She indicated she would like the City to consider all possibilities when reporting back on this matter.

Councilor Pearson said the City will be looking at different ways of entering the downtown and the proposal is temporary. She spoke to not having thru-way traffic much like when a parade is held.

Bernie Mulligan said if you close the street how he would have access to a taxi. He stated it is important that he has access in and out of his home during the proposed closure of streets downtown.

Councilor Pearson said we don't have a final proposal or details for the event yet.

Mr. Mulligan said he would like to make sure he can have a taxi pick him up at his doorstep.

Councilor Raynolds said it would only be during the weekends in July.

Harold Whitehouse spoke regarding the Worth Lot Demonstration Project and working with the Music Hall on the event. He said this will attract a great deal of people and expressed concern in having a plan in place when you block off the lot. He suggested getting a performance bond for insurance. Mr. Whitehouse said he would like to know the cost involved as there will be a need for additional Police, Fire and Public Works Departments to be present at the event.

Councilor Dwyer said that local music groups would be participating and the event would not be as large as events at Prescott Park.

Councilor Perkins said meetings have been held with staff to look at issues and address them beforehand.

Mark Brighton asked the City Council to take a tour of the downtown loop at Noon during one of the weekends in July.

Mayor Blalock said he knows what the downtown looks like during the summer and this is a trial period for four weekends in July. He said many things will be impacted, traffic will be an issue and we need to look at the report back from City staff. He indicated he is doubtful of the idea and if it does not work the first weekend we would look at the issues and make a decision at that time.

Linda Mulligan expressed concern with the proposal for a pedestrian only downtown for the weekends in July. She spoke to parking issues that would need to be addressed prior to the event and expressed her opposition to the proposal.

Tim MacDonald said many people want to come downtown in the summer and asked if any of the businesses were invited to give their opinions relative to the proposal.

Councilor Reynolds said that businesses have not provided input as of yet but they have received an email from Rudi's Restaurant expressing concern regarding access to their parking lot.

Assistant Mayor Lazenby said we are waiting for a report back before the City Council makes comments regarding the proposal. He said he does like the idea of scaling the proposal back because of the many concerns expressed this evening.

Mr. MacDonald said it is a lot to ask the residents to be a subject of the process without knowing the plan, we need to have a voice.

Councilor Pearson said PS21 was contacted and asked if they could assist in the planning process and set up some communication meetings. She said we need to have things happening in the downtown that doesn't normally take place. She said this is a tactical urbanism project and that is why we contacted PS21 on the process.

Councilor Reynolds said we are not going to close all the streets in the downtown. He said we need to look at what streets will be left open and what other streets would be blocked.

Mr. Mulligan said he is concerned with the changes and feels they might need to move out of the City. He said he knows about closing streets and you need to have access for all people to their homes during these closures.

Councilor Pearson said all things are being considered.

Marty McEvoy said it sounds like the City is trying to close things off permanently and he is concerned.

Councilor Raynolds said it is not his goal to have the downtown permanently closed off.

Mayor Blalock said that this is just a trial period only and that you cannot have this permanently. He said we are not trying to close off the downtown. He stated that taxis, delivery trucks and emergency vehicles need to get through. He also indicated during the temporary closures there will be a police presence.

Ms. McConnell said she would like to know how many people are visiting, employees and owners that are in our downtown during weekends. She said the City needs to think of how to provide for people coming into the downtown.

Councilor Dwyer said the majority of people in the downtown are from surrounding communities and are not coming here to stay in a hotel, they are day trippers.

Ms. McConnell asked about the number of parking spaces hotels are required to provide.

Councilor Becksted said hotels are held to the highest standards in terms of parking requirements.

At 6:55 p.m., Mayor Blalock closed the Public Dialogue Session.

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## **I. CALL TO ORDER**

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

## **II. ROLL CALL**

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

## **III. INVOCATION**

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

## **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led the Pledge of Allegiance.

## **V. ACCEPTANCE OF MINUTES – FEBRUARY 19, 2019**

**Councilor Perkins moved to approve and accept the minutes of the February 19, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby.**

**On a unanimous roll call vote 9-0, motion passed.**

## **VI. PUBLIC DIALOGUE SUMMARY**

Assistant Mayor Lazenby gave a brief summary of the topics discussed during Public Dialogue which included the Downtown Pedestrian Zone – 4 Weekends in July Experiment and the Worth Lot Demonstration project.

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

### **A. Public Hearing – Service-Connected Total Disability Tax Credit Resolution**

- **PRESENTATION**

City Manager Bohenko reported that there are currently 46 Veterans taking advantage of this credit, for a total of \$92,000.00. He informed the Council an increase to \$3,200.00 for tax year 2019 would amount to a total reduction in revenue of \$147,200.00. He reported with current tax credits and exemptions we have a total of \$858,474.00 in reduced tax revenue.

- **CITY COUNCIL QUESTIONS**

Councilor Denton asked when individuals would need to apply for this credit. Finance Director Belanger stated April 15<sup>th</sup> is the deadline.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the legal notice and declared the public hearing open.

Harold Whitehouse spoke in support and would like the City Council to adopt the Resolution.

With no further speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Councilor Denton moved to adopt the Service-Connected Total Disability Tax Credit Resolution, as presented. Seconded by Councilor Perkins.**

Councilor Denton said it has been 12 years since the original Resolution was adopted. He reported we are approving \$1,200.00 upfront and spoke to the qualifications of the credit.

Councilor Becksted asked if you receive two exemptions do you have to choose one or the other. Finance Director Belanger said no, you can receive both exemptions. Councilor Becksted asked if we had individual numbers identifying those receiving the elderly exemption and this exemption.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said if we have Veterans in the City we need to provide them with a break on their taxes.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Becksted stated he supports the Resolution.

Councilor Dwyer would like to look at trends over time. She said this doesn't increase a great deal over time. City Manager Bohenko said we would look at the exemptions over the last five years.

RESOLUTION PURSUANT TO 72:27-a AND RSA 72:35, THE CITY OF PORTSMOUTH HEREBY MODIFIES THE OPTIONAL TAX CREDIT FOR SERVICE-CONNECTED TOTAL DISABILITY IN THE AMOUNT OF \$3,200.00 AS OF APRIL 1, 2019; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,300.00 AS OF APRIL 1, 2020; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,400.00 AS OF APRIL 1, 2021; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,500.00 AS OF APRIL 1, 2022; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,600.00 AS OF APRIL 1, 2023; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,700.00 AS OF APRIL 1, 2024; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,800.00 AS OF APRIL 1, 2025; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,900.00 AS OF APRIL 1, 2026; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$4,000.00 AS OF APRIL 1, 2027; ON THE TAXES DUE ON THE RESIDENTIAL PROPERTY OF ANY VETERAN WHO HAS BEEN HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM THE MILITARY SERVICE OF THE UNITED STATES AND WHO HAS TOTAL AND PERMANENT SERVICE-CONNECTED DISABILITY, OR WHO IS A DOUBLE AMPUTEE OR PARAPLEGIC BECAUSE OF SERVICE-CONNECTED INJURY, OR THE SURVIVING SPOUSE OF SUCH A PERSON WHO HAS NOT REMARRIED

**On a unanimous roll call vote 9-0, motion passed.**

- B. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance by Deleting Existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and Inserting in their place the new Sections 10.814 and 10.815 presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages” dated February 25, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

**Councilor Raynolds moved to suspend the rules to make revisions to the proposed amendments at third reading. Seconded by Councilor Pearson.**

**On a unanimous roll call vote 9-0, motion passed.**

**Assistant Mayor Lazenby moved to revise the proposed amendments as follows: Delete proposed Section 10.814.34 requiring that “Electric, gas, water and sewer utilities for accessory dwelling units shall be on the same meters as the principal dwelling unit and shall not be billed separately from the principal dwelling unit,”; and Delete proposed Section 10.815.35 requiring that “Electric, gas, water and sewer utilities for the garden cottages shall be on the same meters as the principal dwelling unit and shall not be billed separately from**



**the principal dwelling unit.” Seconded by Councilor Dwyer.**

Councilor Pearson said that this was not a State Statute but could look at the issue on a case by case basis. She asked if this makes the process longer and more cumbersome. Planning Director Walker said the Planning Department reviews each application and it is a process whereby the Public Works and Inspection Departments also reviews the application.

Councilor Raynolds said he appreciates the report back on the recommendations. He said he is concerned because there is a feeling when things are not codified they become at the will of the inspectors. He said we might end up with a requirement that was not codified.

Councilor Becksted said he pointed this out two meetings ago. He said some of the comments made by Councilor Raynolds are accurate. He said you need the separation and this will make it look complicated and cost more for residents.

Planning Director Walker said that Section 10.815.35 should be part of the motion as well.

Assistant Mayor Lazenby agreed to include Section 10.815.35 and Councilor Dwyer as the second to the motion that it is part of the motion.

**On a unanimous roll call vote 9-0, motion passed.**

**Assistant Mayor Lazenby moved to pass third and final reading to amend the Zoning Ordinance by deleting existing 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and inserting in their place the new Sections 10.814 and 10.815 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance; Section 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages” dated February 25, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability. Seconded by Councilor Pearson.**

**On a unanimous roll call vote 9-0, motion passed.**

## **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donations to the Coalition Fund
- Town of Sunapee - \$1,000.00
  - Town of Waterville Valley - \$1,500.00

**Councilor Pearson moved to approve and accept the donations, as listed to be placed in the Coalition Fund. Seconded by Assistant Mayor Lazenby.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock reported to the Council that he owns property in Waterville Valley and that is a donor community.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

**On a unanimous roll call vote 9-0, motion passed.**

- B. Acceptance of Donation to the Portsmouth Fire Department
- The Curington Family - \$300.00

**Assistant Mayor Lazenby moved to approve and accept the donation, as presented to the Portsmouth Fire Department. Seconded by Councilor Perkins.**

**On a unanimous roll call vote 9-0, motion passed.**

**Councilor Becksted moved to suspend the rules in order to take up Item XI. A.1. – Approval of Proposed Employment Agreement for Deputy Fire Chief Patrick Howe. Seconded by Councilor Pearson.**

**On a unanimous roll call vote 9-0, motion passed.**

XI. A.1. Approval of Proposed Employment Agreement for Deputy Fire Chief Patrick Howe

City Manager Bohenko reported that this is a straight forward contract that is being requested for approval this evening.

Councilor Becksted said that this is a three year term. City Manager Bohenko said he reviewed twenty contracts similar to this one and fifteen of those contracts were for five year terms and five were for three year terms.

**Assistant Mayor Lazenby moved to approve the Deputy Fire Chief Employment Agreement between the City and Patrick Howe. Seconded by Councilor Becksted.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock spoke in support of the contract.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

**On a unanimous roll call vote 9-0, motion passed.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

**Mayor Blalock moved to suspend the rules in order to take up Item XI. A.5. – Proposal from Friends of Prescott Park to donate sculpture in honor of Michael Warhurst. Seconded by Councilor Denton.**

**On a unanimous roll call vote 9-0, motion passed.**

City Manager Bohenko said the Friends of Michael Warhurst established a 501C3 entity called Friends of Prescott Park and raised \$100,000.00 from the community for the sculpture. He reported renown sculptor, Richard Erdman, created a piece to honor Mr. Warhurst. City Manager Bohenko stated the piece selected by Mr. Warhurst is called "Odyssey", and the group would now like to start the Public Art donation process whereby the City Council takes action according to City Council policy No. 2014.02, which states: "Whenever from any source, an issue related to Public Art should be brought to the attention of the City Council, that matter will be referred to Art-Speak for an advisory report."

**Councilor Becksted moved to refer the public art donation proposal to Art-Speak for a report back and recommendation. Seconded by Councilor Dwyer.**

Councilor Becksted said he has known Michael for many years and he is a wonderful person and it now takes two people to do the job Michael use to do.

Councilor Dwyer asked if the sculpture would be installed and then reinstalled after the work is completed at Prescott Park.

Charles Lassen of Friends of Michael Warhurst said the sculpture could be placed anywhere in the park and it is made to rotate on a pin that is flexible to move around.

**On a unanimous roll call vote 9-0, motion passed.**

## **IX. CONSENT AGENDA**

- A. Request for License to Install Projecting Sign for Joe Kelley owner of FUKI Fusion Kitchen for property located at 2 Bow Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

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

- ***The license shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Letter from Thomas W. Haslam, St. John's Lodge requesting permission to hold the Annual 5k Road Race on Saturday, April 13, 2019 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- C. Letter from Attorney Christopher Mulligan, Bosen & Associates, P.L.L.C. request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa (27 Thaxter Road / Tax Map 166, Lot 39) (***Anticipated action – moved to refer to the Planning Board for report back***)
- D. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival requesting permission to hold the 20<sup>th</sup> Annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 28<sup>th</sup> and 29<sup>th</sup>, 2019 (***Anticipated action – move to the City Manager with power***)
- E. Letter from Thomas W. Haslam, St. John's Lodge requesting to march to St. John's Church from the William Pitt Tavern on Sunday, June 23, 2019 (***Anticipated action – move to refer to the City Manager with power***)

**Councilor Pearson moved to adopt the Consent Agenda. Seconded by Councilor Perkins.**

**On a unanimous roll call vote 9-0, motion passed.**

## **X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS**

- A. Email Correspondence

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

**On a unanimous roll call vote 9-0, motion passed.**

## **XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

- 2. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2019 License Agreement

City Manager Bohenko said that Seacoast Growers' Association has requested renewal of their License Agreement for 2019. He stated he has attached copies of Seacoast Growers' Bylaws and the parking map for the Municipal Complex. He recommended that the City Council approve the License request, as submitted.

**Councilor Denton moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2019, as presented. Seconded by Councilor Perkins.**

**On a unanimous roll call vote 9-0, motion passed.**

3. Cate Street Land Swap

City Manager Bohenko reported that Cate Street Development, LLC is requesting discussion to determine if the City remains interested in a land swap that would facilitate the construction of the Cate Street connector road. He informed the Council that 136,919 square feet of land would be conveyed to the City in exchange for 47,470 square feet of land to be conveyed from the City to Cate Street Development, LLC.

**Councilor Perkins moved to refer request to Planning Board and City Staff for a report back. Seconded by Assistant Mayor Lazenby.**

**On a unanimous roll call vote 9-0, motion passed.**

4. Adoption of Proposed Capital Improvement Plan (CIP) FY2020-2025

City Manager Bohenko reported that the CIP must be approved before the submittal of the budget. He said this is a plan and the expenditures for the projects are approved in the budget process. He informed the Council revenue projections and the tax rate will all be provided during the budget process and they will look at Fund Balance as well. City Manager Bohenko outlined the expenditure process for projects which will require a public hearing and adoption of bonding resolutions.

Councilor Dwyer suggested moving the \$11,000,000.00 bonding for the Police New Facility to FY2022 or FY2023. She stated there has been no design work or property located for a new facility. City Manager Bohenko said he would not move that further out than FY2022.

**Assistant Mayor Lazenby moved to adopt the proposed Capital Improvement Plan for FY2020 through FY2025. Seconded by Councilor Perkins.**

**Councilor Dwyer moved to have the \$11,000,000.00 bonding for the Police New Facility moved out to FY2022. Seconded by Councilor Perkins.**

**On a unanimous roll call vote 9-0, motion passed.**

**Councilor Denton moved to add \$25,000.00 to Hodgson Brook in FY2025 to conduct a study. Seconded by Councilor Perkins.**

Councilor Denton said that this would be to see how much it would cost to remove the building on the property and daylight the area.

**On a unanimous roll call vote 9-0, motion passed.**

**Councilor Perkins moved the funding for the three Islington Street Phase 1B & 2 projects from FY2025 to FY2021. Seconded by Councilor Raynolds.**

Councilor Dwyer said she supports the motion but we should not repair the second part without the first part of the project being completed.

City Manager Bohenko said we need to make sure the bond rating won't exceed the 10%.

**On a unanimous roll call vote 9-0, motion passed.**

Councilor Perkins asked about the paving for the Pease roadways. City Manager Bohenko spoke to the process used for reviewing the roadways. He stated there were other issues facing us out at Pease. He spoke to the ground water and drainage issues as well as storm water. He said we are working in conjunction with the Pease Development Authority and looking at what their responsibilities are and where we are in the process.

Councilor Raynolds asked about the Sagamore Avenue sidewalks and identified a point at the top of the hill that is dangerous for bicyclists and asked if something could be done to address the issue. Public Works Director Rice spoke to the issue and how we line up the road. He stated in order to make the sidewalks wider we would need to get property from property owners and they are not interested in that process. He explained the process and said it may not be perfect but the area could not be made wider. Councilor Raynolds asked if spaces could be used on the side by Luster King and remove the curbing. Director Rice said they could revisit that issue.

Councilor Dwyer spoke regarding the records storage room and said that this is appropriate for long term expense given the documents we are restoring. She said she would like when it comes time, to use Fund Balance for the project and move it up much sooner. She stated it is the kind of thing to do now before we risk any more damage we should get done sooner than later. City Manager Bohenko said we can look at it prior to the budget process and see if it is feasible. He said we could talk and do that amendment at budget time.

Councilor Denton asked about the Elementary School Upgrades and the dishwasher for New Franklin School that will be used for washing food trays. He stated the dishwasher will cost \$60,000.00 - \$80,000.00 and asked if those funds will come from the CIP. City Manager Bohenko said as part of the purchase you could have that come under bond use.

Councilor Denton thanked City staff for the vehicle charging station for being part of the CIP.

Councilor Dwyer asked if we could get Department of Transportation to put up their share of funding for the sound barriers in neighborhoods along Route I-95. She stated it would exhilarate the funding and project. City Manager Bohenko said that we could bond it all coming from Fund Balance.

**On a unanimous roll call vote 9-0, main motion passed, as amended.**

*City Manager's Informational Items*

1. Work Session Re: Parking Principles Review and Discussion

City Manager Bohenko reminded the Council that a work session will be held on Monday, March 25<sup>th</sup> at 6:30 p.m. in the Levenson Room of the Library.

2. McIntyre Project

City Manager Bohenko informed the Council that a public meeting with the Redgate/Kane team will be held Tuesday, March 5<sup>th</sup> at 6:30 p.m. in the Chambers.

3. Zagster Bike Share 2018 Review and 2019 Update

City Manager Bohenko said an update on Zagster is in your packet for review by the Council.

Councilor Becksted asked what the expenditures and returns have been over the last three years. Planning Director Walker stated we never expected revenues would meet the costs of the program. She reported the agreement costs are \$54,000.00 per year and we have added two stations at no costs to the City this year.

Councilor Denton asked if it is too late for another sponsor to come forward. Director Walker said anyone interested should contact her directly.

**B. MAYOR BLALOCK**

1. Appointment to be Voted:
  - Jessica Blasko to the Conservation Commission as an Alternate

**Councilor Denton moved to appoint Jessica Blasko to the Conservation Commission as an Alternate until April 1, 2022. Seconded by Assistant Mayor Lazenby.**

Ms. Blasko is filling the expiring term of Ted Jankowski which expires on April 1, 2019.

**On a unanimous roll call vote 9-0, motion passed.**

2. Acceptance of Resignation from Lana Bluege from the Sustainability Committee

The City Council agreed to accept the resignation of Lana Bluege from the Sustainability Committee with regret.

3. Reactivation of the Peirce Island Committee

Mayor Blalock announced he is reactivating the Peirce Island Committee. Councilor Pearson asked where she was the Council Representative to the Committee prior to the deactivation would she remain as such. Mayor Blalock said Councilor Pearson will remain the City Council Representative to the Peirce Island Committee.

Councilor Becksted said he attended a joint meeting with Peirce Island Committee and the Recreation Board and they are ready and eager to get back to work.

**C. COUNCILOR ROBERTS**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 7, 2019 meeting

**Councilor Perkins moved to approve and accept the action sheet and minutes of the February 7, 2019 Parking and Traffic Safety Committee meeting. Seconded by Councilor Dwyer.**

Councilor Perkins said she would like to see the downtown traffic model and receive an update on the Foundry Garage.

**On a unanimous roll call vote 9-0, motion passed.**

City Manager Bohenko reported to the City Council that 400 cars used the Foundry Garage during the last snow storm which helps with traffic congestion in other areas. He stated that the fee for parking during a duration of a storm is \$3.00.

Mayor Blalock said having those cars off the street is a public benefit and the snow plowing is much easier for the Public Works Department.

**D. COUNCILOR PEARSON**

1. TEDx Portsmouth 2019

Councilor Pearson announced the 7<sup>th</sup> Annual TEDx Portsmouth will be held on Friday, September 13, 2019. She said they are looking for speakers and community auditions will be held on April 8, 2019 and April 14, 2019. She spoke to the expense of holding this event and said more sponsors are needed to lower the cost of the tickets.

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Becksted advised the city Council that on Thursday, March 7<sup>th</sup> the Portsmouth High School Girls basketball team will be playing for a spot in the semi-finals. He said if they win on Thursday they would play again on Saturday in the semi-finals.

**XIII. ADJOURNMENT**

**At 8:35 p.m., Assistant Mayor Lazenby moved to adjourn. Seconded by Councilor Becksted.**

**On a unanimous roll call vote 9-0, motion passed.**



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





American Foundation  
*for* Suicide Prevention

February 28, 2019

City of Portsmouth  
Mayor's Office  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Honorable Mayor Blalock and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 600 walkers annually. In fact, in 2018 we had 600 walkers and raised \$82,000 to support local and state suicide prevention education as well as national research programs. We would like to continue the tradition and success of this program and are asking for permission to again host the Out of the Darkness Community Walk in the City of Portsmouth.

**The proposed date and time is as follows;**

**Date: September 14, 2019 (Saturday)**

**Registration Begins: 8:30am**

**Walk Duration: 10am – Noon**

The walk will begin at the Little Harbor School, 50 Clough Dr, Portsmouth, NH 03801 (see included walk route).

We would like to thank you for your consideration and look forward to your decision.

Respectfully,

Ken La Valley, Chair  
OOTD Walk Committee  
66 Hunter Lane  
Barrington, NH 03825



# American Foundation for Suicide Prevention

## **Proposed Walk Route (2.3 Miles)**

Start: Little Harbor School, Clough Drive

To: Right on South St.

To: Left on Junkins Ave.

To: Left on Pleasant St.

To: Right on State St.

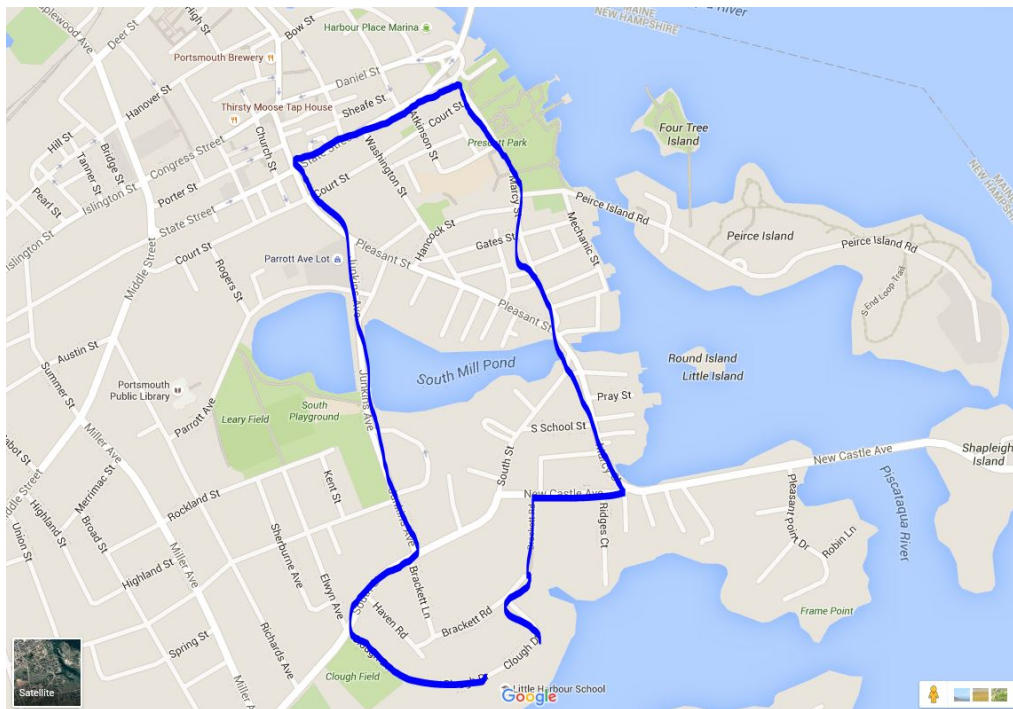
To: Right on Marcy St.

To: Right on New Castle Ave.

To: Left on Brackett Rd.

To: Left on Clough Drive

End: Little Harbor Middle School





February 22, 2019

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

RECEIVED

FEB 28 2019

CITY MANAGER  
PORTSMOUTH, NH

Dear Mr. Bohenko,

On behalf of the National Multiple Sclerosis Society, Greater New England Market, I would like to extend our heartfelt gratitude for the continuous support and cooperation the City of Portsmouth has shown for our annual Bike MS event. The funds raised from this charity bike ride will continue to be used to advance our support of national research and to support local programming for the more than 25,000 people within Greater New England who are affected by multiple sclerosis.

The 2019 Bike MS: New Hampshire Seacoast Escape event is scheduled to take place on Saturday, August 24. We anticipate that we will have approximately 200 participants for this event that will once again start and finish at Stratham Hill Park in Stratham, NH. Our cyclists will be passing through Portsmouth on Saturday between 8 a.m. and 4 p.m. I have included written riding directions for your review, and we will thoroughly mark the route and make arrangements to have police details where appropriate.

Our routes feature safety stops every 10-15 miles, so that our cyclists remain hydrated and nourished. All cyclists agree to follow the rules of the road and are directed to ride single file. We issue one warning to cyclists not following the rules of the road. On the next infraction, we pull them from the ride and require they ride to the finish in one of our safety vehicles.

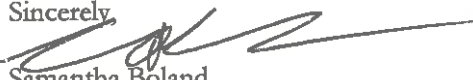
We mark our route with small cardboard signs attached to utility poles or stakes. We will begin marking the route on August 22. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

We operate a support team consisting of medical personnel, bicycle mechanics, and amateur (HAM) radio operators. Our lead HAM radio operator monitors all emergency radio frequencies, so that we can close or redirect our route should that become necessary.

We respectfully ask permission from the City of Portsmouth to use city roads for this event and to provide notice of the route through the city. If we can have your permission, please return one signed copy of this letter to me. Please let me know if there are additional steps, permits or permissions I must take to assure approval for this event.

I thank you in advance for your support and please feel free to contact me with any questions or concerns.

Sincerely,

  
Samantha Boland  
Logistics Specialist  
781.693.5125



National  
Multiple Sclerosis  
Society  
Greater  
New England  
Chapter

The National Multiple Sclerosis Society of Greater New England has informed the City of Portsmouth, City Manager of its intent to hold a charity bicycle ride on city roads through Portsmouth on Saturday, August 24, 2019. The City of Portsmouth grants the National MS Society approval:

Sign: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this form to Samantha Boland at the National MS Society:

- **Mail:** 101A First Ave, Suite 6, Waltham, MA 02451
- **Email:** [samantha.boland@nmss.org](mailto:samantha.boland@nmss.org)
- **Fax:** 781.890.2089

**2019 Bike MS NH Seacoast Escape - 60 mile route (8/24/2019)**

| Miles | Direction | Description  | Go   | Town:         |
|-------|-----------|--|------|---------------|
| 0.00  | L         | out of Stratham Hill Park onto Route 33                          | 0.60 |               |
| 0.60  | R         | onto Squamscott Road   | 1.10 |               |
| 1.70  | R         | onto Route 108   | 1.00 | Newfields     |
| 2.70  | R         | onto New Road @ Ship to Shore Restaurant                         | 0.10 | Newmarket     |
| 2.80  |           | Caution: Narrow wooden bridge                                    | 2.30 |               |
| 5.10  | R         | stop sign onto Route 108 (use caution entering town center)      | 0.60 |               |
| 5.70  | Sharp R   | onto Bay Road  | 0.40 |               |
| 6.10  | BL        | to stay on Bay Road  | 7.00 | Durham        |
| 13.10 | BR        | onto Route 108   | 0.30 |               |
| 13.40 |           | REST STOP -- Durham Town Offices --Route 108 (on left)           |      |               |
| 13.40 | BL        | out of rest stop ROUTE SPLITS                                    | 0.10 |               |
| 13.50 | R         | at traffic light to continue on Route 108                        | 0.60 |               |
| 14.10 |           | pass under Route 4   | 2.30 | Madbury       |
| 16.40 | S         | through light  | 1.00 | Dover         |
| 17.40 | S         | through light on Route 108 Caution: busy area                    | 0.10 |               |
| 17.50 | S         | through 2 lights, passing under Spaulding Turnpike               | 0.30 |               |
| 17.80 | BL        | to stay on Route 108   | 0.40 |               |
| 18.20 | S         | through light, continue on Route 108                             | 0.30 |               |
| 18.50 | BR        | at traffic light, following signs for Routes 4,9 and 108         | 0.10 |               |
| 18.60 | BL        | staying on path for Routes 4,9 and 108                           | 0.10 |               |
| 18.70 | R         | onto Portland Avenue   | 0.10 |               |
| 18.80 | BR        | onto unmarked Cocheco Street (towards water)                     | 0.30 |               |
| 19.10 | S         | through stop sign  | 0.40 |               |
| 19.50 | BR        | at yield sign onto Gulf Road                                     | 1.80 |               |
| 21.30 | X         | bridge over water  | 1.20 | Eliot, ME     |
| 22.50 | R         | at light onto Route 236 South                                    | 0.40 |               |
| 22.90 | R         | onto Route 103 East  | 1.50 |               |
| 24.40 | R         | onto River Road  | 2.90 |               |
| 27.30 | BR        | at onto Old Road   | 0.70 |               |
| 28.00 | R         | after stop sign onto Route 103 East                              | 0.30 |               |
| 28.30 |           | REST STOP -- Eliot Elementary School - 1298 State Road (on left) |      |               |
| 28.30 | L         | out of rest stop, staying on Route 103                           | 0.10 |               |
| 29.35 | R         | staying on Route 103 East  | 0.90 |               |
| 30.25 | S         | through yellow blinking light                                    | 1.70 | Kittery, ME   |
| 31.95 |           | Pass under I-95  | 0.30 |               |
| 32.25 | R         | staying on Route 103 East  | 0.40 |               |
| 32.65 | L         | onto Bridge Street   | 0.10 |               |
| 32.75 | BR        | up hill on Government Street                                     | 0.20 |               |
| 32.95 | R         | onto Route 1 South/Newmarket Street                              | 0.10 |               |
| 33.05 |           | Cross bridge back to New Hampshire (stay on sidewalk)            | 0.50 | Portsmouth    |
| 33.55 | SR        | onto Harbour Place which becomes State Street                    | 0.10 |               |
| 33.65 |           | *Follow signs for Strawberry Banke*                              |      |               |
| 33.45 | L         | onto Marcy Street  | 0.30 |               |
| 33.75 | L         | onto Route 1B South  | 1.50 |               |
| 35.25 |           | Caution: crossing bridge   |      |               |
| 35.25 |           | Caution: crossing bridge   |      | Newcastle     |
| 35.25 | BL        | to stay on Route 1B South/Cranfield Street                       | 1.80 | Rye           |
| 36.85 |           | Walk bike over bridge on wooden walkway                          | 1.10 | Portsmouth    |
| 37.95 | L         | at stop sign onto Route 1A South                                 | 0.50 |               |
| 38.45 | L         | at rotary to stay on Route 1A South                              | 1.80 |               |
| 40.25 |           | REST STOP - Odiorne State Park -- Route 1A (on left)             |      |               |
| 40.25 | L         | out of rest stop, pass Rye Harbor St.Park                        | 7.50 | North Hampton |
| 47.75 | R         | onto Route 111/Atlantic Ave.                                     | 3.20 |               |
| 51.85 | S         | thru traffic light, continue onto Route 111                      | 0.50 |               |
| 52.35 | L         | at stop sign   | 0.10 |               |
| 52.45 | R         | at stop sign onto Route 151N                                     | 0.10 |               |
| 52.55 | L         | onto Walnut Ave.   | 1.70 |               |
| 54.25 | R         | onto Lovering Road   | 1.40 |               |
| 55.85 | L         | onto Post Road   | 0.10 |               |
| 55.75 | L         | onto Winnicut Road   | 1.70 |               |
| 57.45 | X         | Union Road   | 2.20 | Stratham      |
| 59.65 | R         | Onto Route 33/Portsmouth Ave.                                    | 1.00 |               |
| 60.65 | S         | through stop light   | 0.30 |               |
| 60.95 | R         | into Stratham Hill Park  | 0.00 |               |
|       | FINISH    | Finish Line - Congratulations! You made it!                      |      |               |

Route closes at 3:00PM

March 7, 2019

Greetings,

On behalf of the Portsmouth Halloween Parade Committee I would like to request a permit to hold our 25th annual parade this year on Thursday, October 31<sup>st</sup>. We wanted to initiate this early this year, as there are a few things from last year to discuss, and the possibility of new changes for this year.

As always, members of the committee will be happy to meet with your team to discuss particulars of the event, and we appreciate your continued support!

Thank you for your consideration.

Best,

Abby

Abigail Wiggin  
Farm Manager  
Wake Robin Farm  
52 Union RD  
Stratham NH 03885  
[Follow us on Instagram!](#)  
[Find us on Facebook!](#)



RECEIVED

MAR 8 2019

CITY MANAGER  
PORTSMOUTH, NH

COMPASSION | CARE | PREVENTION

March 7, 2019

John P. Bohenko, City Manager  
Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801




Dear Mr. Bohenko:

The purpose of this letter is to seek permission from the Portsmouth City Council to conduct our 22<sup>nd</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 5, 2019 from 10:00 AM to 5:00 PM. The walk will begin at 2PM and end around 5PM in the lower parking lot at the Portsmouth Municipal Complex. Approximately 100 persons will be in attendance. In addition, we would like permission to place 5 temporary 2' by 4' a-frame signs to mark the route. The route will be the same as last year – a map has been enclosed for your review.

AIDS Response Seacoast greatly appreciates the City of Portsmouth's support in past years. The Annual Seacoast AIDS Walk has become an increasingly popular and successful event for ARS and we rely upon it to increase awareness about HIV/AIDS and our mission in the Seacoast communities we serve.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

  
Richard B. Wagner  
Executive Director





CITY COUNCIL E-MAILS

March 5, 2019 – March 14, 2019 (9:00 a.m.)

MARCH 18, 2019 CITY COUNCIL MEETING

UPDATED 03/18/2019 THROUGH 3:00 PM

New content begins Page 7

Below is the result of your feedback form. It was submitted by Timothy MacDonald ([w.t.macdonald.nh@gmail.com](mailto:w.t.macdonald.nh@gmail.com)) on Monday, March 4, 2019 at 19:27:50

-----  
address: 18 Congress Street, Suite 501

comments: Dear City Councilors,

Thank you for providing me and several others the opportunity to speak with you regarding proposals to create a pedestrian only zone in downtown Portsmouth. As you heard, the residents, businesses and property owners of 18 Congress Street have some very serious concerns with any proposal that would close Congress Street. However, what we are most worried about is the potential for this process to move far along without formally seeking the input and views of those of us who will be most impacted.

Tonight was a good start and we will be sure to attend and engage at each opportunity. Still, the level of engagement already afforded various city staff and departments as well as outside consultants (I believe Councilor Pearson referenced some outside resources she had interacted with but I could have heard incorrectly) suggests that these groups have a head start and their opinion carries more weight than those of us who actually live in the very heart of Market Square. We hope that the Council will hear these concerns and recognize us as material and influential stakeholders in your decision.

Very Best Regards,  
Tim MacDonald

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Patricia Lynch ([plynch@themusichall.org](mailto:plynch@themusichall.org)) on Tuesday, March 5, 2019 at 09:28:15

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address: 61 Crockett Neck Rd. Kittery Point, ME

comments: In advance of tonight's public input session, I would like to speak to this public-private partnership.

Arts and culture thrive on a lively downtown. The Music Hall thinks the McIntyre Project will contribute to a forward-looking Portsmouth on the eve of its 400th Anniversary.

Further, it has been our observation that the cycle of endless delays and litigation can lead to lost opportunities and stagnation.

Sincerely,

Patricia Lynch  
Executive Director  
The Music Hall

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Ryan Costa ([ryancosta89@gmail.com](mailto:ryancosta89@gmail.com)) on Tuesday, March 5, 2019 at 11:25:45

-----  
address: 126 Hill Street

comments: Hello!

I just wanted to express my support for the current iteration of the McIntyre Project. I feel that the City Council has done a wonderful job of hearing everyone out, and selecting an appropriate plan.

I think a lot of people who silently support the project (like myself) need to come forward to make sure the project does not become privatized.

Thank you all for your hard work! It is truly appreciated, even if a vocal group make it seem otherwise.

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Jason Walls ([jason@msgmedia.com](mailto:jason@msgmedia.com)) on Tuesday, March 5, 2019 at 13:02:03

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address: 1113 Maplewood Ave

comments: Hi all,

In lieu of being unable to actively engage tonight, I wanted to make sure you heard from people who wholeheartedly support the McIntyre Redgate/Kane plan as it stands and has stood through the rigorous, active public process it has already been through. We need a space that can be used year-round, and it has already met the design approval for "good city planning" by professional architects.

We can't afford to waste any more time on this.

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Paige Trace ([jtraceantiques@mac.com](mailto:jtraceantiques@mac.com)) on Tuesday, March 5, 2019 at 13:21:20

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address: 27 Hancock Street

comments: To the Members of City Council;

I write to express my concerns with the present proposal by Redgate/Kane for the development of the McIntyre Federal Building and it's surrounding property. I write to suggest that for the obvious reasons of partial demolition of a Contributing Building and/or site listed on the National Park Service's Historic District, that this project as proposed will likely be in violation of Section 106 of the National Historic Preservation Act and should trigger a review with possible remediation.

I would also suggest that 40 U.S.C. 550 (h) states clearly that the transference of Federal Real Property to a municipality must be of Public Benefit. And Public Benefit may not be transferred from a different project independent of McIntyre to fulfill the Federal (G.S.A.) requirement of Public Benefit. Public Benefit must come from this project itself for the property to be considered for transference to the City of Portsmouth by

the Federal Government. The current development proposal, in fact decreases the Public Benefit with regards to the Post Office, Public Parking, and the Historic Preservation of the McIntyre Federal Building site. The large increase in new massing would minimize the original intended imposing mass and projected Power that the McIntyre Federal Building was intended to have.

I am against the current proposal for the above reasons. I believe that there must be another proposal or solution providing greater Public Benefit to the Residents of Portsmouth. I applaud you all for your hard work with this project, but ask that you consider other possibilities for the development the McIntyre Federal Building and its site.

Sincerely,  
Paige Trace

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Patty ONeil ([peoneil@me.com](mailto:peoneil@me.com)) on Wednesday, March 6, 2019 at 17:05:23

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address: 98 Dennett St

comments: reading the article in the paper, I would like to know if anyone is truly surprised that bike rental demand is so anemic. I would love to ride my bike around town, down to Rye, over to Kittery, but quite frankly given the state of the road disrepair (have you seen Dennett / Maplewood lately?) and the usual state of drivers not caring you are on on bike, you take your life in your hands to ride a bike around here, so not sure why tourists or others would bother to rent a bike? I am pretty sure that \$49K could be put to better use filling potholes.

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Justin Richardson ([jclaw@gmail.com](mailto:jclaw@gmail.com)) on Friday, March 8, 2019 at 08:11:52

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address: 586 Woodbury Avenue

comments: Mayor Blalock and City Councillors:

I attended the city council's information session on Tuesday March 5, 2019 and I appreciated the opportunity to see and comment on the plans being proposed. However, I was very disappointed by how the individual sessions were managed and summarized.

In my session, I felt that criticisms of the project were downplayed and not fairly recorded while individual comments in favor of the plan were presented as consensus when that was not the case. For example, when we discussed how the plan "resonated" I expressed my view that this appeared to be a private development without a significant public purpose. I was told that was really a comment, so I should make the remark again at the end. This happened to several other comments that were critical.

During the question portion, I asked if the post office and community space were the only two public areas, as opposed to places like cafes and coffee shops that would be open to the public but privately rented. Mr. Kane indicated that was correct and that the only 2 public areas were the post office and community space.

Everything else would be rented out at market rates. During the conclusion session, I commented that I did not support this plan because it really lacked a public purpose. Several other similar comments were made.

I was disappointed that when the summary of our group was presented at the end of the meeting. My initial reaction on how the plan "resonated" and other similar comments were not reported. My question and Mr. Kane's answer were not reported. My overall comment and others that were critical were not reported. However, every favorable comment was described in detail.

I am not suggesting that this was done intentionally. I think the city staff has worked very hard on this Project and wants it to be successful. Unfortunately, the result is a project represents intense commercial development without a significant public benefit or public purpose. I do not think this project is something that the residents want or need.

I would much rather see the City let this go rather than have city staff act as the proponents of a project that is really just another private development. The City should either make public space and use a primary component or let the property go to the market.

Thank you for considering my comments. If you have any questions, please feel free to contact me.

Justin Richardson  
586 Woodbury Avenue  
(603) 591-1241

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Mike Morgan ([morganm00@hotmail.com](mailto:morganm00@hotmail.com)) on Sunday, March 10, 2019 at 15:39:45

-----  
address: 306 Jennie Ln, Eliot, Maine

comments: Hello,

I am writing to express my pleasure in reading that there are discussions of trialing a pedestrian zone on selected streets within downtown Portsmouth. While my wife and I are residents of Eliot, Maine, we consider Portsmouth "our city" as we make it a regular destination for shopping, passing time at the many coffee shops, dinner at some of the best restaurants in the area, and entertainment for music and theatre. We also do volunteer work for the Seacoast Rep helping to enrich the area with the experience of live theatre.

The idea of creating a pedestrian zone in Portsmouth is long overdue. My wife and I have traveled extensively throughout Europe enjoying the pedestrian-only squares found throughout cities in Western Europe and have always wondered why Portsmouth couldn't create a similar experience in the Market Square area. We also recently traveled to Burlington, Vermont and discovered the Church Street Marketplace and were thrilled to see that pedestrian spaces in this country really are doable. Talking to the local residents there, they told us how the store and restaurant owners were vehemently against the idea of turning that space into pedestrian-only when it was first proposed but now that they have had it for some decades, it's highly popular and has done so much to improve the experience of living in and visiting the city.

Specifically thinking about the improvements that Market Square could enjoy, I'm reminded of several evenings sitting outside Breaking New Grounds on warm summer evenings. While the experience was pleasant to sit and drink a coffee while visiting with friends, we were struck by how noisy it was with all of the cars trying to merge into Congress street. It really detracted from the experience and I wondered why someone hadn't apparently considered making the whole area pedestrian only.

There will certainly be those who are resistant to any change and who will quickly identify every possible problem that can be conceived (loss of parking revenue, handicapped access, delivery access, presumed unwillingness of people to walk, someone even questioned what to do if it rains...). These problems obviously have been handled in other places where pedestrian zones have been created. Portsmouth is not venturing into unconquered territory here. Perhaps while collecting the initial research data, it would be useful to have responses to identified challenges based on other cities' solutions for handling these types of issues.

In looking at other cities, I notice that the city of Montreal has done a gradual expansion of its pedestrian zone. They added, on a trial basis, another street or two each year, determined the problems, and resolved them. In reading the initial plans for weekends during this summer, my only concern is trying to create a too-large pedestrian zone at one time. I am thinking specifically about the goals of "discouraging Memorial Bridge traffic". I'm not sure what that would entail, but if that "discouragement" is not effective, and based on the current description of the pedestrian zone, it seems like all inbound traffic would come down Bow Street, which is quite narrow. I might suggest testing an initial pedestrian zone starting in Market Square extending down Daniel to Penhallow, Congress to Fleet, Market to Bow, and Pleasant to State. In that way, there are still enough streets to absorb inbound Memorial Bridge traffic. Using this area, it would serve to test the concept and ideally encourage bordering streets to want to be included as the experiment proves successful.

Thank you for the opportunity to provide my input. I hope that Portsmouth will move forward with this experiment and that is as successful as in other great cities around the world.

Mike Morgan  
Eliot, ME

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Ellen Schlefer ([eschlefermd@aol.com](mailto:eschlefermd@aol.com)) on Monday, March 11, 2019 at 08:12:02

-----  
address: 20 LADD ST

comments: Dear Council Members:

I am writing to you ask you to support Back from the Brink, a resolution to diminish the ever present threat of nuclear war.

It is a relatively simple common sense step to creating a safer nation and world. The five point resolution was drafted by the Physicians for Social Responsibility and the Union of Concerned Scientists. As a child psychiatrist who has spent the last 30 years supporting the lives children, I heartily endorse the resolution.

Sincerely,

Ellen Schlefer, MD

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Rick Downes ([freedom639@hotmail.com](mailto:freedom639@hotmail.com)) on Monday, March 11, 2019 at 20:39:53

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address: Portsmouth

comments: McIntyre Project.

Here are some thoughts regarding the McIntyre development project. They come after attending the March 5th meeting at Town Hall.

\* Central Plaza - This plaza is hoping that people will want to gather in a smallish place, surrounded by new buildings, without access visually or aesthetically to the historic nature of the city. Contrary to its designation as a historical site, the back of the McIntyre building hardly captures the history folks are looking for. It is difficult to manufacture a thriving social setting, where people want to go aesthetically and naturally. That is what appears to be happening here, and doing so in competition with other areas around the city that are much more suited to the aesthetics people associate with Portsmouth. Retail-wise, the central plaza has all the warnings of continuous "retail space available" window signs in its future.

\* Bow Street - On the flip-side, the Bow street side already attracts folks (as mentioned). Consider doing away with the interior central plaza concept, move the buildings back (leaving an alleyway for deliveries, etal), and devote the commercial/restaurant space to an area already ripe for success; include a sizeable greenspace, where even more folks can gather and enjoy the open, historical, waterfront personality.

\* Size and Density - Consider reducing the size and density of the buildings, allowing more of the historical surrounding buildings to be in the view from more areas surrounding the development.

In short, consider developing the area to its strength rather than trying to create something out of nothing.

Thank you.

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Rodney Rodriguez ([mopscleaning@comcast.net](mailto:mopscleaning@comcast.net)) on Tuesday, March 12, 2019 at 04:03:13

---

address: 94 Lois Street

comments: As a 40 year resident and business owner in this city, that operates dierectly in the effected area, I am against the idea and or even trial period of a downtown street closure for the reason of this community action to allow for non vehicle traffic only. Regardless of the reason for this or the length of this proposal, the impact on business such as mine would be immensely adverse. And as one that frequents establishments in town daily, I would find it very inconvenient to plan that trip around this frivolous recommendation. These business would find that my patronage would fall off due to this alone. For my families and business part we are 100% against this idea being presented.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Michele Scott ([Scottfamilyof4@comcast.net](mailto:Scottfamilyof4@comcast.net)) on Tuesday, March 12, 2019 at 07:53:36

---

address: 476 Sherburne Td

comments: Greetings I hope the City Council will join the grassroots movement of passing the resolution to prevent nuclear war. We need our cities and towns in this country to stand up to protect the citizens by supporting a nuclear free future. In these turbulent times, we need to end the sole, unchecked authority of any president to launch a nuclear attack. I hope the City Council will renounce the nuclear option and to support pursuing verifiable agreements among nuclear armed States. Please carefully consider supporting this resolution to do your part. Thank you for efforts to make Portsmouth such great city.

includeInRecords: on

Engage: Submit

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**New content begins:**

Below is the result of your feedback form. It was submitted by Susan Kanor ([susankanor@gmail.com](mailto:susankanor@gmail.com)) on Sunday, March 17, 2019 at 19:07:50

---

address: 77 Elwyn Ave.

comments: I am writing to ask all of you to endorse Back from the Brink: Call to Prevent Nuclear War. The threat of nuclear war is increasing. The call is to 1) renounce the option of using nuclear weapons first, 2) end the sole, unchecked authority of any president to launch a nuclear attack, 3) take US nuclear weapons off hair trigger alert, 4) cancel the plan to replace the entire arsenal with enhanced weapons, 5) actively pursue a verifiable agreement among nuclear armed states to eliminate their nuclear arsenal. Thank you.

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Cheri Bach ([cheribach@comcast.net](mailto:cheribach@comcast.net)) on Sunday, March 17, 2019 at 23:12:20

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address: 15 Wibird Street

comments: I am in Arizona right now, but wanted to express my support of a proposal from Josh Denton to reduce plastic use city wide. It is critically important that the city endorse these efforts as we are burying ourselves in plastic and endangering marine and wildlife. There are easy alternatives and we all have to do our part. SO important! The proliferation of plastic products in the last 70 years or so has been extraordinary.. and we can change our ways easily, and live without them. We are now producing nearly 300 million tons of plastic every year, half of which is for single use. More than 8 million tons of plastic is dumped into our oceans every year. Please support his proposal at the March 18 meeting. Thank you.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by karin Barndollar ([karin.bdollars@gmail.com](mailto:karin.bdollars@gmail.com)) on Monday, March 18, 2019 at 08:29:18

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address: 120 Ridges Ct, Portsmouth

comments: Good morning, I am writing to urge you to consider the ban proposed by Counselor Denton. Climate change is indeed here, and our communities, and we as individuals, must be proactive. In light of the fact that less and less plastic is actually recycled, Portsmouth should join other cities that have already enacted such bans.

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Scott Theurer ([srt8722@yahoo.com](mailto:srt8722@yahoo.com)) on Monday, March 18, 2019 at 09:39:49

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address: 30 chauncey st

comments: Councilors,

I respectfully submit my sincere opposition to a proposed ban on selected plastics that you will be considering. Although I am as committed to a clean environment as anyone, legislating this type of behavior is the wrong way to go. Please allow people the freedom to make up their own minds on how best to drink their coffee and carry their groceries. Thanks for listening.

Scott

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Manuel Garganta ([souzagar@aol.com](mailto:souzagar@aol.com)) on Monday, March 18, 2019 at 12:40:55

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address: 471 Colonial Drive

comments: Dear Councilors,  
I am unable to attend tonight's meeting.  
I am against eliminating single use plastic bags. These have a variety of uses besides bagged groceries.. There are plastic used in the Produce & Deli Departments, plus numerous other uses.  
If I am not mistaken, Paper Bags come from trees and their by products.  
Is there a cost difference between the manufacturing of plastic verses paper?

We have been down this road before. I feel that there are more important things that need to be resolved in Portsmouth than the plastic bag issue..

Sincerely,

Manuel S. Garganta  
471 Colonial Drive  
Portsmouth, NH 03801

includeInRecords: on  
Engage: Submit



Joshua Sheets  
77 Daniel Street  
Portsmouth NH

Dear members

I am writing in support of the current design and proposed plan for the development of the McIntyre building site submitted by Redgate Kane group.

Having reviewed the most recent materials submitted to the City, I feel strongly that the current plan takes into account the points that are important to me as a business owner and direct neighbor of the site.

I specifically appreciate the attention that this design pays to the public outdoor spaces, the throughways that connect pedestrians to the adjacent blocks and the sense of modernity that is embedded in historically appropriate materials throughout the current plan. This is a great example of the respectful evolution that will shape Portsmouth and elevate it as a New England destination for decades to come.

I'm excited to see this project get underway formally very soon and know that the other business owners on Daniel St welcome the affect that this space will have on the foot traffic to our block and the much needed draw for residents and visitors alike.

Sincerely

Joshua Sheets  
603.828.3610

March 8, 2019

To: Members of the Portsmouth City Council,

From: Judd Gregg

RE: Redevelopment of the McIntyre Building Area

As you may recall, in 2004 I obtained a commitment for \$23 million in funding for the McIntyre site. This was based on a letter of agreement with the City of Portsmouth to demolish the McIntyre building and reconstruct the project from the ground up.

Our collective vision included federal style buildings and significant open space. Fifteen years later, the city is inheriting the site with the stipulation that the building - constructed in 1967 with what I consider to be unfortunate architecture - is preserved. It is not an ideal condition but it is the current reality to which the project must adhere. The time to finally get this important project moving is now and the development plans require an open mind.

Given the restrictions accompanying the redevelopment of this site (specifically preserving the existing structure while ensuring no development costs are borne by the city), I think the City of Portsmouth and its development partner have done an excellent job.

Portsmouth is the hub of the Seacoast with a tremendous urban environment. I believe the amount and quality of the open/public space in the current program supports the growing lifestyle of downtown Portsmouth.

The fact that all funds collected beyond a reasonable profit will go to the City to support historic preservation as well as new and existing parks is encouraging. The indoor year-round community space is outstanding and will be a strong addition for those who want to enjoy free and open access to public space in inclement weather.

I understand the desire of some for a park in this location. Indeed, my initial vision for the site included a park running down to the Bow Street/Ceres Street area. However, the advent of new parks at the Worth Lot, Bridge Street and Vaughn Mall, coupled with existing open space such as Prescott Park, give the city open green space. Moreover, the style of this plan provides badly needed passage through this part of town and connects the active areas of Market Square and Bow Street to Strawberry Banke and Prescott Park. More open space would be nice but is not practical given the expense of developing a high quality alternative for the site and the requirement that the original McIntyre building be kept.

Portsmouth has always been an exciting, progressive community. In my opinion, the current program lives up to this history. The McIntyre plan you have presented is a project that Portsmouth residents of all ages can experience and enjoy. I commend you on your efforts and look forward to watching this historic part of New Hampshire evolve and once again become an active and fully utilized space.

Thanks your for your consideration.


A handwritten signature in blue ink, appearing to read "Judd Gregg". The signature is written in a cursive, flowing style.

**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

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***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:**

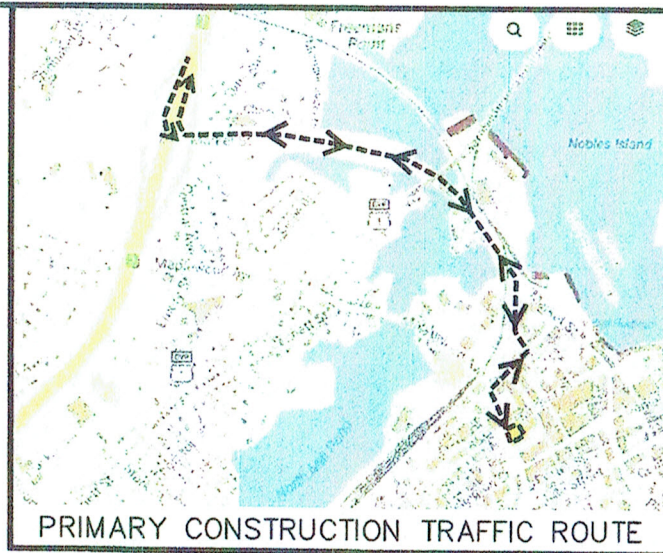
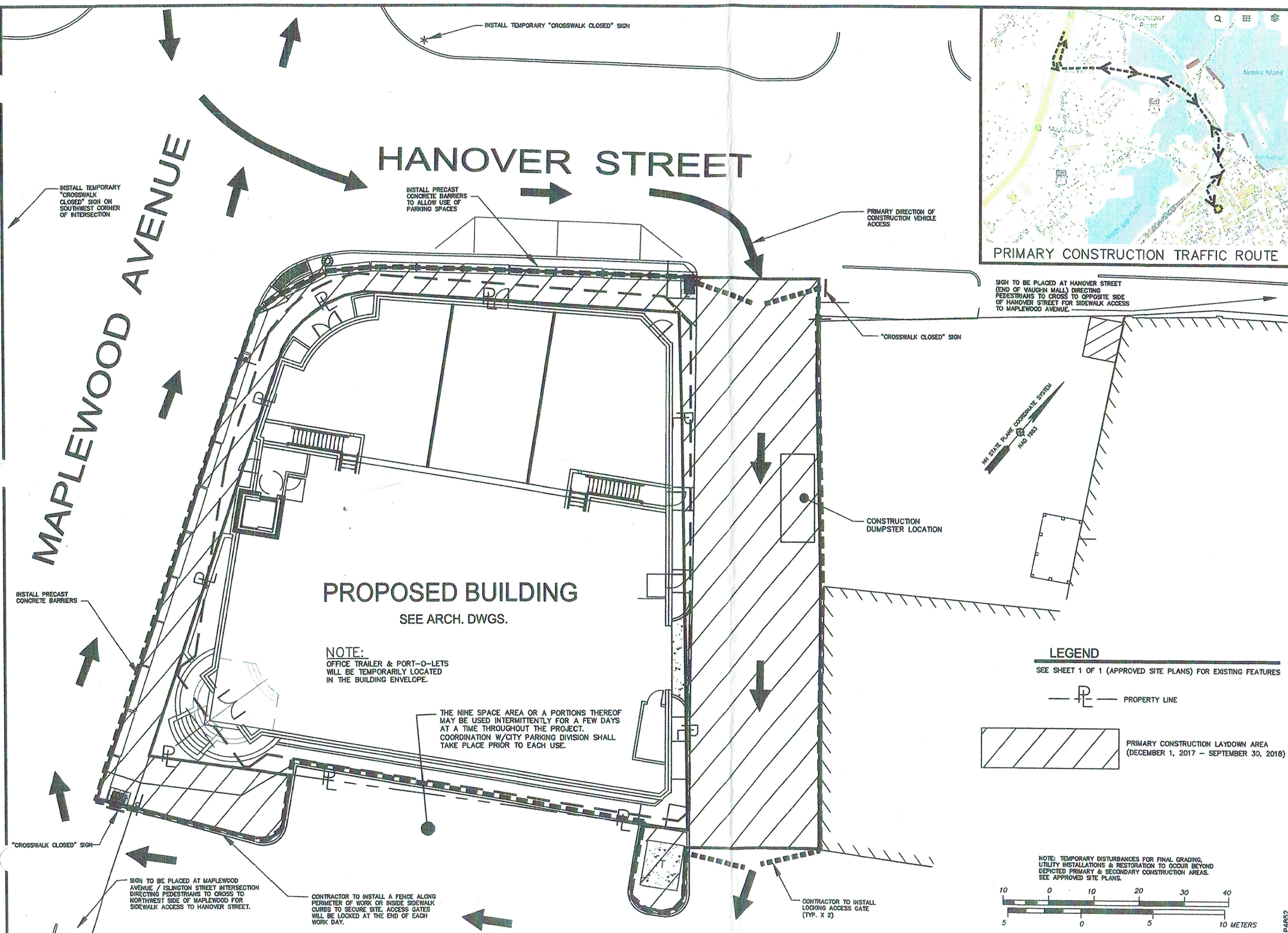
1. **Presentation Re: Traffic Model** On Monday evening, Eric Eby, the City's Traffic Engineer, will review the City's traffic model, similar to the presentation that was presented to the Parking, Traffic and Safety Committee.
2. **Presentation Re: Wastewater Permit Update** On Monday evening, City Engineer, 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.



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

**ISSUED FOR:** CITY REVIEW  
**ISSUE DATE:** NOVEMBER 6, 2017

**REVISIONS**

| NO. | DESCRIPTION        | BY  | DATE     |
|-----|--------------------|-----|----------|
| 0   | INITIAL SUBMISSION | EDW | 11/06/17 |

**DRAWN BY:** RLH  
**APPROVED BY:** EDW  
**DRAWING FILE:** 4852EC.DWG

**SCALE:**  
 22" x 34" - 1" = 10'  
 11" x 17" - 1" = 20'

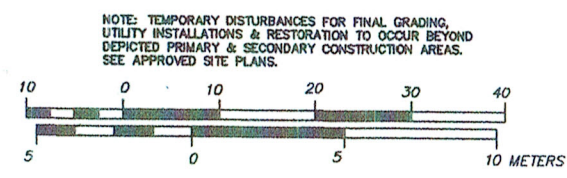
**OWNER:**  
 THE PROVIDENT BANK  
 5 MARKET STREET  
 AMESBURY, MA  
 01915

**APPLICANT:**  
 25 MAPLEWOOD AVENUE, LLC  
 C/O STEVEN WILSON  
 41 INDUSTRIAL DRIVE  
 EXETER, N.H.  
 03833

**PROJECT:**  
**PROPOSED SITE DEVELOPMENT PLANS**  
 25 MAPLEWOOD AVENUE  
 PORTSMOUTH, N.H.  
 ASSESSOR'S PARCEL MAP 126-Lot 2

**TITLE:**  
**CONSTRUCTION MANAGEMENT & MITIGATION PLAN**

**SHEET NUMBER:**  
 1 OF 1



P-4852

**LICENSE AGREEMENT  
FOR 25 MAPLEWOOD AVENUE**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein and as approved by the City Council on December 18, 2017, hereby grants this Revocable License to 25 Maplewood Avenue LLC (hereinafter "Licensee") with a principal place of business at 41 Industrial Drive, Unit 20, Exeter, NH 03833 pursuant to the following terms and conditions:

1. **Areas of License and Use:** The City authorizes Licensee to use the travel way and the public sidewalks as shown in Exhibit A attached hereto and as described below:

Licensed Area 1, travel way from Hanover Street to the Worth Lot, use permitted as a work and laydown area.

Licensed Area 2, public sidewalks along Hanover Street and Maplewood Avenue, use permitted as a staging and a public safety buffer.

Licensee will comply with all terms and conditions of the Construction Management and Mitigation Plan from which this License Agreement arises.

2. **Use:** Licensee shall make use of the Licensed Area for the purpose of facilitating the Licensee's construction activities only and in accordance with the terms and conditions set forth herein and consistent with a Construction Management and Mitigation Plan ("CMMP") entered into between the City and Licensee attached hereto as Exhibit B.
3. **Term:** This license shall be for 41 days, commencing on February 19, 2019 and concluding on June 1, 2019. Licensee may make application to the City Manager for an extension of this term, not to exceed an additional 6 months, should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project. Owner shall be responsible for applicable license fees associated with any extension of the term.

Licensee may terminate this License prior to the end of the term by returning the License Area or any portion thereof to safe and effective use



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

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City's control and use.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property" (the "License Fee Policy"). The License Fee Policy provides that Owner will be charged \$0.05 per square foot per day for use of City property. The total square footage of License Area as shown on Exhibit A is 3,900 square feet.

The total License Fees for the License Term of the 102 days for the License Areas is \$19,890.

The total License Fee shall be paid to the City in advance of the commencement of the Term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if License Area is returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance.
8. **Maintenance of Area:** During the course of this Agreement, Licensee shall maintain the Licensed Areas in a safe, neat and orderly fashion. The Licensee shall secure the perimeter of the Licensed Areas and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.

9. **Damage:** Licensee agrees to remedy any damage to the Licensed Areas caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or the Construction Management and Mitigation Plan. Failure to abide by any local, state or federal laws or regulations or any condition or plan may, at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination.
12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**City of Portsmouth**

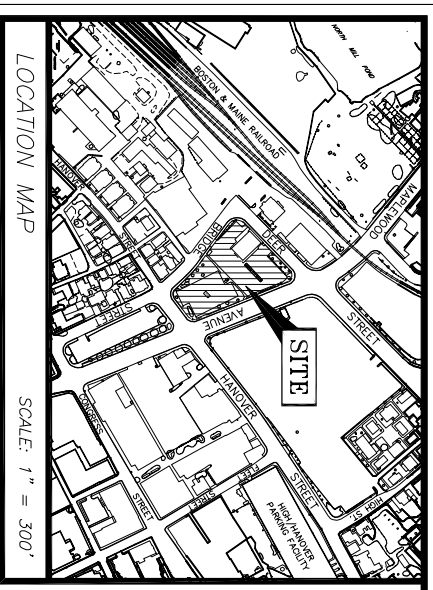
By: \_\_\_\_\_  
John P. Bohenko  
City Manager

Pursuant to vote of the City Council  
of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**25 Maplewood Avenue, LLC**

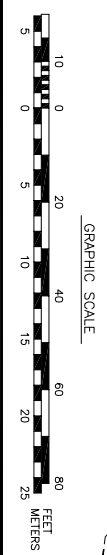
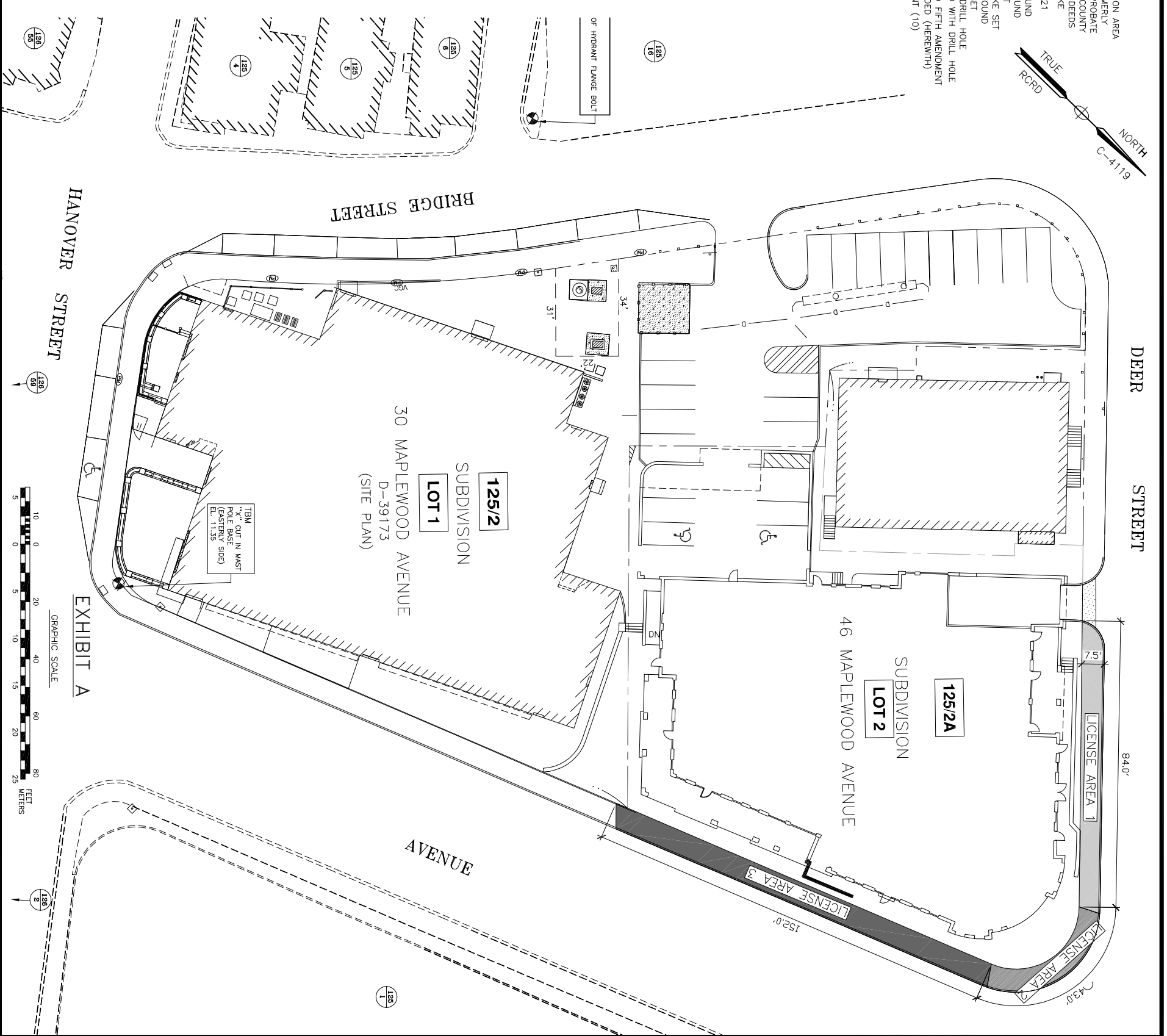
By: \_\_\_\_\_  
Stephen P. Wilson



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

**ABUTTERS LIST:**

- 128 N/F PARADE OFFICE 4/4 CATARGES PRIVATE INVESTMENTS 262 WASHINGTON STREET, SUITE 302 BOSTON, MA 02108 3786 / 2701
- 128 N/F EMERSON HONEY POST 168 238 DEER STREET PORTSMOUTH, NH, 03801
- 128 N/F SHANG TI, GUEN & JUNE LI 60 NORFOLK ROAD QUINCY, MA 02189 3280 / 0843
- 128 N/E GINDY LEE CARROLL 3103 / 0287
- 128 N/F G AND N REALTY, LLC 3044 ELLIOTT ST. #217 WYOMING, NH 03093 3957 / 2586
- 128 N/F JOHN GRAY REVOC. TRUST BRADFORD A GRAY REVOC. TRUST RYE, NH, 03870 3895 / 0843
- 128 N/F DEER STREET ASSOCIATES 2 BOX 103911 YORK, MICHIGAN, MI 49391
- 128 N/F SHANNES AND MCKICHERN CO (PORTSMOUTH) LLC 282 CORPORATE DRIVE PORTSMOUTH, NH, 03801 4496 / 0556
- 128 N/F STEPHEN & CHRISTINE WAVEUX 64 BRIDGE STREET PORTSMOUTH, NH, 03801 2899 / 0847
- 128 N/F CITY OF PORTSMOUTH P. O. BOX 628 PORTSMOUTH, NH, 03802 80-4125



**AMBT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3114  
 Portsmouth, NH 03801  
 Tel: (603) 450-0882  
 Fax: (603) 450-2315

**NOTES:**

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

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

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

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

APPROVED BY THE PORTSMOUTH PLANNING BOARD  
 CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

LICENSE AGREEMENT FOR 30 MAPLEWOOD LLC

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

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

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

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

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

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

2. Use: Licensee shall make use of the Licensed Area for the purpose of facilitating the Licensee's construction activities only and in accordance with the terms and conditions set forth herein and consistent with a Construction Management and Mitigation Plan ("CMMP") entered into between the City and Licensee attached hereto as Exhibit B.

3. **Term:** The license for all three License Areas shall be for 244 days, commencing on March 21, 2019 and concluding on November 20, 2019. Licensee may make application to the City Manager for an extension of this term, not to exceed an additional 6 months, should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project. Owner shall be responsible for applicable license fees associated with any extension of the term.
4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City's control and use.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property" (the "License Fee Policy"). The License Fee Policy provides that Owner will be charged \$0.05 per square foot per day for use of City property. The total square footage of License Areas 1 through 3 as shown on Exhibit A is 2,092 square feet.

The total License Fees for the License Term of the 244 days for the three License Areas is \$25,522.40.

The total License Fee shall be paid to the City in advance of the commencement of the Term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if License Areas 1, 2 or 3 or all Licensed Areas are returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

Licensee may terminate this License prior to the end of the term by returning License Area 1, 2 or 3 or all Licensed Areas or any portion of the sidewalk, parking spaces, City right of way or City land to safe and effective use by the public prior to the expiration of the term of this License. Licensee shall contact the Director of Public works for a determination that License Area 1, 2 or 3 or all Licensed Areas have been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the Licensed Areas or Area to the City in the manner prescribed under this License by the end of the term may result in enforcement action by the City.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence.

Licensee will provide proof of insurance to the City during the term of this Agreement.

8. Maintenance of Area: During the term of this Agreement, Licensee shall maintain the Licensed Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety in accordance with the CMMP. The Licensee shall secure the perimeter of the Licensed Areas and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
9. Damage: Licensee agrees to remedy any damage to the Licensed Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. Compliance with Other Laws: This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or the Construction Mitigation and Management Plan (CMMP). Failure to abide by any local, state or federal laws or regulations or any condition of site plan and CMMP may, at the City's discretion, result in revocation.
11. Revocation: The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
12. Contractor and Subcontractor Parking: Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

City of Portsmouth

By: \_\_\_\_\_

John P. Bohenko  
City Manager

Pursuant to vote of the City Council  
of \_\_\_\_\_.

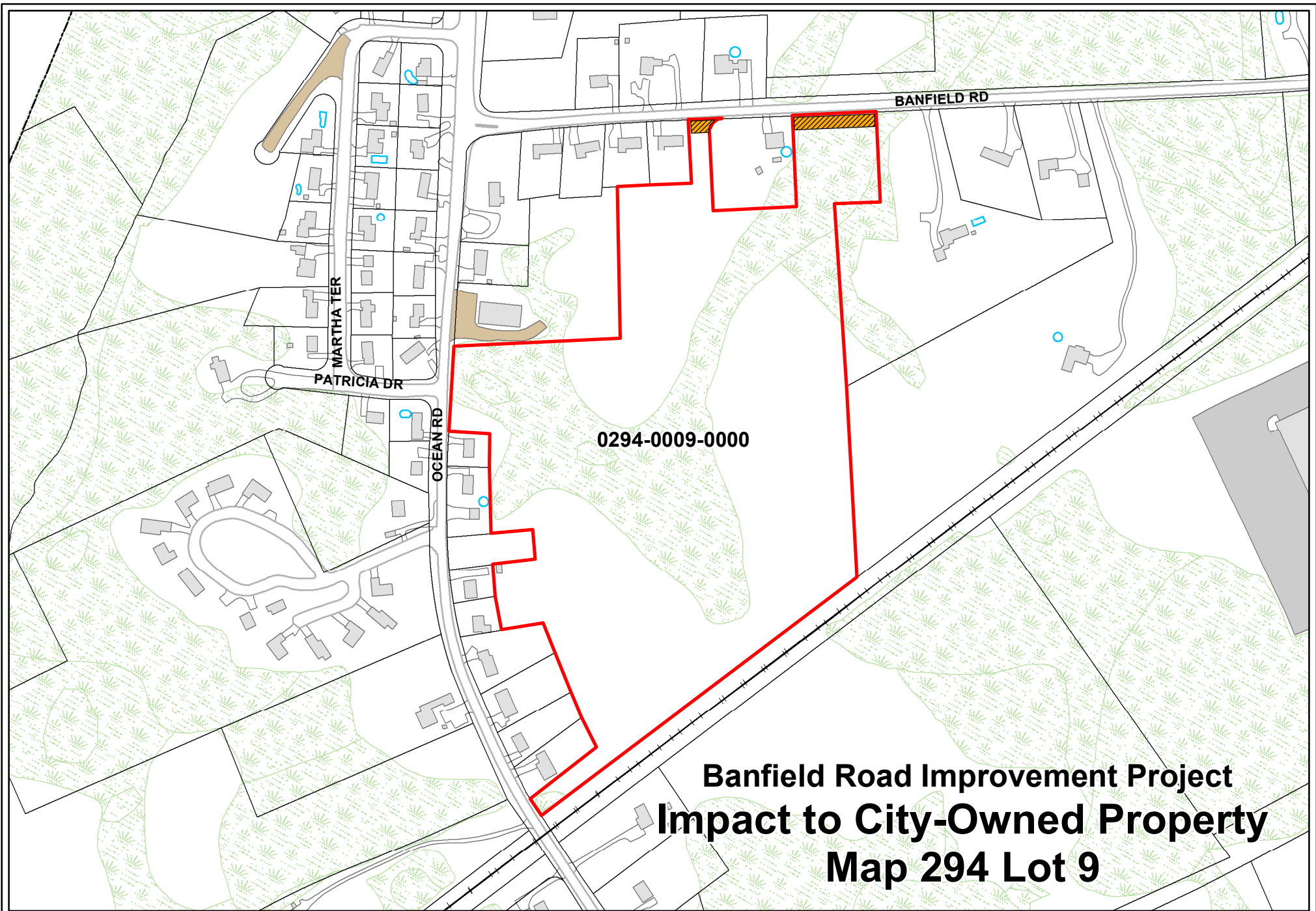
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Licensee

By: \_\_\_\_\_

Stephen Kelm  
Manager  
30 Maplewood LLC.



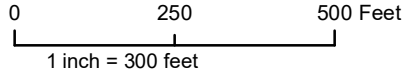


# Banfield Road Improvement Project Impact to City-Owned Property Map 294 Lot 9

The City of Portsmouth provides these Geographic Information System maps and data as a public information service. Every reasonable effort has been made to assure the accuracy of these maps and associated data. The maps and data being provided herein are intended for informational purposes only. No guarantee is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.

**LEGEND**

- Map 294 Lot 9 (City of Portsmouth)
- Location of Impacts (Not to Scale)



Printed: 3/7/19

Map prepared by Portsmouth Department of Public Works



# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7281

Planning Department  
(603) 610-7216

## CONSERVATION COMMISSION

January 16, 2019

City of Portsmouth  
Attn: City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: Banfield Road Improvements &  
Culvert Construction**

Dear Mayor Blalock,

The Conservation Commission, at its regularly scheduled meeting on January 9, 2019, voted unanimously (7-0) to **approve** the request with the following recommendation to the City Council:

The Conservation Commission has reviewed the request to conduct drainage improvements on parcel 0294-0009-0000 as described and recommends the City proceed with the drainage project for the reasons identified during the Conversation Commission meeting.

The minutes and audio recording of this meeting are available through the Planning Department.

FOR THE COMMISSION:

Sincerely,

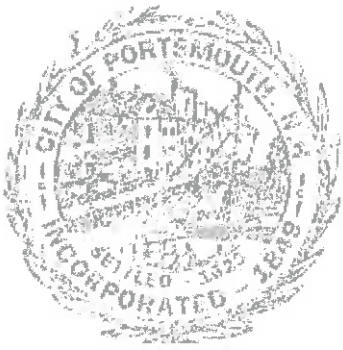
Steven Miller, Chairman  
Conservation Commission

cc: Suzanne Woodland, Deputy City Attorney  
Dave Desfosses, Project Manager  
Ryan Flynn, Construction Project Coordinator  
Peter Britz, Environmental Planner/Sustainability Coordinator

|                                    | 2018       |                      | 2017       |                      | 2016       |                      | 2015       |                      | 2014       |                      |
|------------------------------------|------------|----------------------|------------|----------------------|------------|----------------------|------------|----------------------|------------|----------------------|
|                                    | #          | TOTAL                | #          | TOTAL                | #          | TOTAL                | #          | TOTAL                | #          | TOTAL                |
| Blind                              | 11         | \$ 275,000           | 9          | \$ 275,000           | 12         | \$ 300,000           | 11         | \$ 266,300           | 11         | \$ 275,000           |
| Elderly                            | 110        | \$ 17,581,400        | 109        | \$ 17,314,300        | 129        | \$ 18,788,500        | 124        | \$ 19,434,400        | 136        | \$ 21,315,800        |
| Disabled                           | 7          | \$ 700,000           | 8          | \$ 800,000           | 5          | \$ 500,000           | 6          | \$ 600,000           | 10         | \$ 980,000           |
| Certain Disabled Veterans 72:36-a  | 0          | \$ -                 | 0          | \$ -                 | 0          | \$ -                 | 0          | \$ -                 | 0          | \$ -                 |
| <b>Total Exemptions</b>            | <b>128</b> | <b>\$ 18,556,400</b> | <b>126</b> | <b>\$ 18,389,300</b> | <b>146</b> | <b>\$ 19,588,500</b> | <b>141</b> | <b>\$ 20,300,700</b> | <b>157</b> | <b>\$ 22,570,800</b> |
| Veterans' 72:28                    | 776        | \$ 381,333           | 774        | \$ 379,133           | 789        | \$ 394,500           | 848        | \$ 424,000           | 863        | \$ 431,500           |
| Surviving Spouse 72:29-a           | 1          | \$ 2,000             | 1          | \$ 2,000             | 0          | \$ -                 | 0          | \$ -                 | 0          | \$ -                 |
| Service-Connected Perm & Total Dis | 46         | \$ 92,000            | 44         | \$ 88,000            | 43         | \$ 86,000            | 49         | \$ 98,000            | 50         | \$ 100,000           |
| All Veterans' 72:28-b              | 61         | \$ 30,000            | 29         | \$ 14,000            | 0          | \$ -                 | 0          | \$ -                 | 0          | \$ -                 |
| <b>Total Tax Credits</b>           | <b>884</b> | <b>\$ 505,333</b>    | <b>848</b> | <b>\$ 483,133</b>    | <b>832</b> | <b>\$ 480,500</b>    | <b>897</b> | <b>\$ 522,000</b>    | <b>913</b> | <b>\$ 531,500</b>    |

| <u>Ex/Cr Combination</u>                              | <u># of households</u> | <u>Notes</u>  |
|---|------------------------|---|
| 2 Veterans  | 17                     |   |
| Veteran & All Veteran                                 | 2                      |   |
| Veteran & Disabled Veteran                            | 43                     |   |
| <b>Veteran, Disabled Veteran, Elderly</b>             | <b>1</b>               | <b>This couple has opted to not apply for 2019 elderly exemption b/c the credits cover their bill</b> |
| Veteran & Elderly                                     | 37                     |   |
| All Veteran & Elderly                                 | 2                      |   |
| Veteran & Blind                                       | 3                      |   |
| Elderly & Blind                                       | 0                      |   |
| Elderly & Disabled Ex.                                | 1                      |   |
| Elderly & Elderly                                     | 1                      |   |
| Veteran & Surviving Spouse                            | 1                      |   |
| Veteran, All Veteran & Surviving Spouse               | 1                      |   |
| <b><u>Simplified:</u></b>                             |                        |   |
| Any combination of 2 different Veterans, not disabled | 21                     |   |
| Any combination of Vet & Dis Vet                      | 44                     |   |
| Any combination of Vet & Elderly Ex.                  | 40                     |   |
| Any combination of Vet & Disabled Ex.                 | 0                      |   |
| Any combination of Vet & Blind Ex.                    | 3                      |   |
| Veteran & Surviving Spouse                            | 2                      |   |

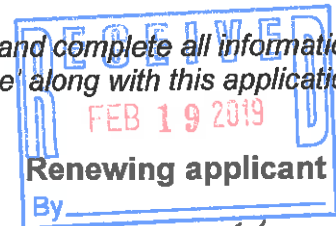
In some cases the exemption & credit or the credit & credit are for the same person. In other cases, they are for 2 different people.



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: Housing Authority

Name: Amy Schwartz Telephone: 603-502-4126

Could you be contacted at work? YES/NO  If so, telephone# \_\_\_\_\_

Street address: 55 Sunset Rd.

Mailing address (if different): \_\_\_\_\_

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

How long have you been a resident of Portsmouth? 20 yrs.

Occupational background:

university / academic administrator

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

Reasons for wishing to continue serving: \_\_\_\_\_

I enjoy leading an organization who serves the needs of so many low income residents in my community.



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

Foundation for Seacoast Health, board member, immediate past chair

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

- 1) John Lyons 603-770-6103  
Name, address, telephone number
- 2) Tom Ferrini 603-812-1029  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 2/15/19

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09-01-2029  
 Annual Number of Meetings: 12 (2018) Number of Meetings Absent: 3  
 Date of Original Appointment: 09/20/2010

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume along with this application



Committee: RECREATION

Name: TODD HENLEY Telephone: 603.498.4358

Could you be contacted at work?  YES  NO - If so, telephone# 207.439.3800

Street address: 255 BUCKMINSTER WAY

Mailing address (if different): \_\_\_\_\_

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

How long have you been a resident of Portsmouth? 17 years

Occupational background:

I am the Assistant Director of the Kittery Community Center (Kittery Recreation) and have over 20 years of recreation experience including 10 years with Portsmouth Recreation (98-'08).

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

Reasons for wishing to continue serving: I have a passion for all things recreation and want to use my expertise and history with Portsmouth Rec to help further recreation in my town. I also have two young boys that will be utilizing Portsmouth Recreation soon and I want to help in any way OVER  
➔

6/27/2012 I can.

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

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

1) ADRIANA GOFF, 31 STAYSAIL WAY, 603.969.7576  
Name, address, telephone number

2) JESSICA DOLAN, 635 MAPLEWOOD AVE, 603.674.8848  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 2/2/19

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04-01-2022

Annual Number of Meetings: 4 Number of Meetings Absent: 1  
(2018)

Date of Original Appointment: 11-22-2010

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



**A resolution of Portsmouth, NH calling on the US government to lead  
a global effort to prevent nuclear war**

**WHEREAS**, global arsenals have over 14,000 nuclear weapons, and most are far more destructive than those that killed hundreds of thousands of people in Hiroshima and Nagasaki, Japan, in 1945;

**WHEREAS**, the detonation of even a small number of these weapons anywhere in the world could have catastrophic human, environmental, and economic consequences that could affect everyone on the planet including in **Portsmouth, New Hampshire**;

**WHEREAS**, a large-scale nuclear war could kill hundreds of millions of people directly and cause unimaginable environmental damage, producing conditions wherein billions of people could die from starvation or disease;

**WHEREAS**, the United States maintains nuclear missiles in prompt launch status, capable of being launched within minutes, which greatly increases the risk of an accidental, mistaken or unauthorized launch;

**WHEREAS**, the United States, as well as Britain, China, France and Russia, are obligated under the Nuclear Non-Proliferation Treaty (NPT) to take concrete steps toward eliminating their nuclear arsenals;

**WHEREAS**, in July 2017, 122 nations approved the Treaty on the Prohibition of Nuclear Weapons which makes it illegal under international law to develop, test, produce, manufacture, or otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

**NOW, THEREFORE, BE IT RESOLVED**, that the **City of Portsmouth, New Hampshire** calls on the United States government to lead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the sole, unchecked authority of any president to launch a nuclear attack;
- taking U.S. nuclear weapons off of their prompt launch status;
- cancelling the plan to replace its entire arsenal with enhanced weapons; and
- actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

**AND BE IT FURTHER RESOLVED** that a copy of this resolution be sent to each member of New Hampshire's Congressional Delegation.

## ACTIONS

### **PARKING and TRAFFIC SAFETY COMMITTEE**

8:00 A.M. – March 7, 2019  
City Hall – Conference Room A

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MEMBERS PRESENT: Chairman, Doug Roberts  
Public Works Director, Peter Rice  
Police Captain, Frank Warchol  
Fire Chief, Steven Achilles

Members: Harold Whitehouse, Mary Lou McElwain and  
Ralph DiBernardo

MEMBERS ABSENT: Deputy City Manager, Nancy Colbert Puff  
Members: Shari Donnermeyer and Steve Pesci

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

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**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 February 7, 2019.
2. Accepted and placed on file financial report dated January 31, 2019.
3. Public Comment Session: two speakers: Elizabeth Bratter (Zagster, NPP, Four-way stop at intersection of Brewery Ln and Albany St, and Middle School traffic) and Charles Griffin (bollards).
4. Implement four-way stop at intersection of Brewery Lane and Albany Street – **Voted** to approve a four-way stop at the intersection of Brewery Lane and Albany Street.
5. Report back on Middle School traffic pattern and potential one-way flow on Parrott Avenue – **Voted** to have staff continue monitoring traffic operations and report back.
6. Neighborhood Parking Program, referral from City Council for vote on amended program – **Voted** to approve the Neighborhood Parking Program as amended.
7. Islington Street project status – No action required by Committee.
8. Zagster bike share program second year update – No action required by Committee.

9. Cate Street connector public meeting – No action required by Committee.
10. Letter from Elizabeth Bratter regarding Neighborhood Parking Program – No action required by Committee.
11. PTS Open Action Items – No action required by Committee.
12. City Council Work Session Re: Parking Principles Review and Discussion – March 25, 2019 – No action required by Committee.

Adjournment – At 8:50 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. – March 7, 2019  
City Hall – Conference Room A

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#### **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  
Public Works Director, Peter Rice  
Police Captain, Frank Warchol  
Fire Chief, Steven Achilles  
Member, Ralph DiBernardo  
Member, Mary Lou McElwain  
Member, Harold Whitehouse

##### Members Absent:

Deputy City Manager, Nancy Colbert Puff  
Member, Shari Donnermeyer  
Alternate Member, Steve Pesci

##### Staff Advisors Present:

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

#### **III. ACCEPTANCE OF THE MINUTES:**

Mary Lou McElwain moved to accept the meeting minutes of the February 7, 2019 meeting, seconded by Harold Whitehouse. **Motion passed 7-0.**

#### **IV. FINANCIAL REPORT:**

Mary Lou McElwain questioned which line item on the report shows fees from people parking on the street during a snow ban. She read in the newspaper that the fee is \$250. Public Works Director Peter Rice responded that the charge is closer to \$150 plus a \$25 ticket. The ticket fee goes to the City and the \$150 goes to the towing company. She questioned if meter space rentals were for construction vehicles. Parking Director Ben Fletcher confirmed that was correct. She asked if the immobilization administration fee was for booting cars. Public Works Director Peter Rice confirmed that was correct.

Mary Lou McElwain questioned if garage passes were being transferred from High Hanover to Foundry Place or if the passes for Foundry Place were new passes listed on the report. Parking Director Ben Fletcher responded that it was a combination of both. About 100 people transferred from High Hanover and about 100 passes are new.

Harold Whitehouse requested clarification on the summons administration fee. Parking Director Ben Fletcher responded that it's an administrative fee that the Parking Clerk's Office charges when somebody challenges a ticket to the point that it goes to court.

Public Works Director Peter Rice moved to accept the financial report dated January 31, 2019, seconded by Ralph DiBernardo. **Motion passed 7-0.**

#### **V. PUBLIC COMMENT:**

Elizabeth Bratter expressed concern about the Zagster program. She did not think that the City should be paying so much to support it. Local businesses pay for it, but it is not a good advertisement model for them. Developers go for it because they can get a reduction in their parking. Ms. Bratter thought that the City should be working with local bike shops to do their own cooperative bike program. She was in support of the Neighborhood Parking Program, but had concerns about inventory and commercial buildings that received parking reductions, being granted permits. She submitted a letter to the Committee regarding this issue that was provided in the packet.

Ms. Bratter also expressed support for the four-way stop sign at Brewery Lane and Albany Street. She submitted an email to the Committee supporting the Portsmouth Middle School traffic pattern action item.

Charles Griffin commented that the bollards that were installed last fall were unattractive and daunting. The mild winter has given motorists time to adjust to driving on the roads with the bike lanes without the bollards. Mr. Griffin suggested a 60-day grace period in the spring before the bollards were reinstalled to see if they were really needed.

#### **VI. PRESENTATION:**

No presentation.

#### **VII. NEW BUSINESS:**

A. Implement four-way stop at intersection of Brewery Lane and Albany Street.  
Eric Eby noted that they observed the poor sight lines at the intersection on Wednesday at the site visit. The traffic on Brewery Lane does travel quickly. The traffic on the side streets is slightly less in volume than Brewery Lane. However, given the limited sight lines, he stated a four-way stop was warranted. He recommended moving forward with the four-way stop.

Ralph DiBernardo moved to approve a four-way stop at the intersection of Brewery Lane and Albany Street, seconded by Harold Whitehouse. **Motion passed 7-0.**

Ralph DiBernardo commented that this is one of the few times that a four-way stop proposal absolutely meets the criteria to put it in. Public Works Director Peter Rice agreed.

Mary Lou McElwain questioned if the sidewalks in that area were going to be installed by the private developer. Public Works Director Pete Rice responded that the developer has contributed more than \$50,000 to install sidewalks in that area. They will be put in on Jewel Court and around the new development. The City will be working

with the Malt House Exchange to put in sidewalks there. The long-term goal is to make a network of sidewalks in that area.

### VIII. OLD BUSINESS:

A. Report back on Middle School traffic pattern and potential one-way flow on Parrott Avenue. Eric Eby commented that he has monitored the area in the mornings and afternoons as well as put in traffic counters on Parrot Avenue and Richards Avenue. There is traffic going in both directions, but most of it is exiting out onto Richards Avenue. There is a queue of traffic waiting to exit. The school has also implemented a new pattern to exit. The buses now go around the back of the school, so passenger cars can pick up in the front. A barricade now directs students along the front of the school on the sidewalk. Eric Eby noted that the new flow shows a great deal of promise, and they should continue to monitor that before the City implemented any new measures. Two-way traffic on Parrot Avenue would be the best with this flow, and it is hard to implement a one-way for a limited time in the day.

Mary Lou McElwain recommended adding another crosswalk that went to the bike racks because bike traffic will increase in the warmer months. She commented that it was a good start to make it a safer area around the school.

Harold Whitehouse questioned if the report had gone to the School Board. He commented that they should be informed about what the PTS Committee is doing. Public Works Director Peter Rice responded that Eric Eby has been working closely with school administration.

Ralph DiBernardo thought that the comment Ms. Bratter made about training the students to cross at the school and stay on the ball field side of Parrot Avenue would relieve congestion. Public Works Director Peter Rice responded that there is school staff outside to direct students and pedestrians. Eric Eby can continue to work with them and make that suggestion.

Chairman Doug Roberts noted that it makes sense to promote safe routes that people would naturally take.

Harold Whitehouse commented that a member of the public noted that there are limited sight lines when exiting the library driveway and taking a left turn. They suggested removing one on-street parking space to make the sight lines better. Chairman Doug Roberts noted that it could be included in the report back.

Harold Whitehouse moved to have staff continue monitoring traffic operations and report back, seconded by Ralph DiBernardo. **Motion Passed 7-0.**

B. Neighborhood Parking Program, referral from City Council for vote on amended program. Public Works Director Peter Rice moved to approve the Neighborhood Parking Program as amended, seconded by Fire Chief Steven Achilles.

Parking Director Ben Fletcher stated that all of the proposed amendments made by the City Councilors were highlighted in yellow on the handout included in the packet. The first one is that the NPP would first be available on a pilot basis for a period of six (6)

months instead of a year. The second is that the neighborhood would have forty-five (45) days from City Council approval to collect and submit a petition to the Parking Division in order for their streets to be subject to NPP rules. The third is that it is not required for a household to participate in the NPP to be eligible for a Guest Permit. The final amendment is that a business located within an NPP Neighborhood is eligible for the same number of passes as a single-family household.

Chairman Doug Roberts clarified that the net of off-street provision was removed. Parking Director Ben Fletcher confirmed that was correct.

Chairman Doug Roberts stated that if the NPP was approved today, it would move to City Council. They would approve today's meeting minutes and the program would become active. If any changes were made by PTS today, then it would go back to City Council for review and approval. The action item would then come back to PTS for another vote.

Harold Whitehouse clarified that if the NPP was approved as proposed, then the South End was out of the program. Chairman Doug Roberts confirmed that was correct.

Mary Lou McElwain commented that she was going to vote against the program because it does not have a plan to move the current employee parking elsewhere. There is a micro-transit system coming, but this will cause an issue in the six (6) month pilot program. She stated the West End Business Association is opposed to the program.

Ralph DiBernardo commented that he was going to support the program because it would prove some of the issues that have been brought up. The main issue will be people moving to park on streets outside of the program.

Chairman Doug Roberts noted that Ms. Bratter made a good comment about monitoring the program for businesses that received a variance on parking and having the City Manager make a change if necessary. **Motion passed 6-1.** Mary Lou McElwain voted opposed.

## **IX. INFORMATIONAL:**

B. Zagster bike share program second year update, by Planning Director Juliet Walker. Mary Lou McElwain questioned if a Zagster station could be placed near the Portsmouth Indoor Pool. She stated riders could use the bike path to come into town and bypass the bike station at the City Hall Parking Lot. She stated the bike station at City Hall interferes with the farmer's market and the limited parking. Planning Director Juliet Walker responded that any changes to the station locations would cost the City money. Other locations were considered, but these were chosen because they were the best and safest options. It would be better to look at other locations when the City is ready to revisit this next time.

Harold Whitehouse commented that in other cities when the contracts expire people start to use the racks to store battery-operated scooters. He hoped that the Ordinance would protect that from happening in Portsmouth. Planning Director Juliet Walker responded that scooters were not part of the shared program. The City recently passed

an Ordinance that limits a vendor from implementing a shared program with scooters on public sidewalks.

Ralph DiBernardo clarified that if the City got a scooter program, then they would not be allowed to use the Zagster racks to park the scooters. Planning Director Juliet Walker confirmed that was correct.

Harold Whitehouse questioned if helmets were required with the program. Planning Director Juliet Walker responded that they continue to have discussions on this topic. There are a number of options to try, but they can be hard to implement. Police Captain Frank Warchol commented that people under the age of 16 were required to wear bike helmets.

Chairman Doug Roberts commented that they would wait to hear back from staff on their recommendation about the bollards on Middle Street. Ralph DiBernardo asked if any proposed changes would come back to PTS. Planning Director Juliet Walker responded that would be their intention. Public Works Director Peter Rice added that they would continue to make adjustments as needed.

Mary Lou McElwain commented that Ms. Bratter had made some good comments about working with local bike shops. She stated that when the Zagster contracts expire, working with local bike shops should be considered. She stated that Zagster is an expensive program. Public Works Director Peter Rice pointed out that the COAST bus program was subsidized and the trolley from the church lot was also an expense. They are all part of a comprehensive parking/transportation program. There may be a better way to spend those resources, but the City does not operate the same as a for-profit business. He stated it is a good point, but not everything has to make a profit or break even. Planning Director Juliet Walker appreciated Mary Lou McElwain's comments, but the bike share program is a form of public transit. As they move forward with the next bid the City will be clear on what the objectives are. The businesses that have engaged in the Zagster sponsorship so far have not been driven by a development request. They have seen the benefits in the advertisement. The goal is to see the sponsorship program grow.

C. Cate Street connector public meeting, by Planning Director Juliet Walker. Neighborhood meeting scheduled on March 11, 2019 at 6:30 p.m. at the New Franklin School Library.

D. Letter from Elizabeth Bratter regarding Neighborhood Parking Program. No action required by the Committee.

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

F. City Council Work Session Re: Parking Principles Review and Discussion – March 25, 2019. No action required by the Committee.

A. Islington Street project status. Eric Eby provided an update on the Islington Street Project. The City opened the bids for the project. The base bid project will go from Albany Street in front of the White Heron down to the Spinney Road intersection.



The goal is to start construction this year. They are looking at ways to handle traffic through the area. One idea that is being considered is to have one-way traffic through the work zone during construction hours. Islington Street would be one-way traffic down to Spinney Road. Inbound traffic would be able to come up to Spinney Road, and then go right down on Spinney Road. There would be detour signs to direct traffic. The main flow of traffic on Islington Street is outbound traffic. This route will be presented to the West End Business Association.

Chairman Doug Roberts clarified that the road would switch from one-way to two-way at the Bartlett Street intersection. Eric Eby confirmed that was correct. There would never be construction on both sides of the Bartlett Street intersection. A small portion of the project would cause some traffic on Bartlett Street to detour.

Public Works Director Peter Rice noted that there were a number of drivers for this approach. One of them is that the utilities are buried deep in that area. In order to operate safely, the contractor has requested this detour approach. This is the start of a dialogue. There has been a public meeting already. Throughout the project there will be monthly meetings and website updates. The project team will coordinate closely with the businesses. The areas will be clean and passable on the weekends. The whole Islington Street corridor project from the Route 1 Bypass to Maplewood Avenue, is estimated at \$20 million.

Chairman Doug Roberts questioned how long they expected the project to last. Public Works Director Peter Rice responded it is estimated to last at least two construction seasons.

Chairman Doug Roberts noted that there may be additional monitoring required on Spinney Road during construction. Public Works Director Peter Rice commented that traffic would be impacted on Spinney Road, Aldrich Road and Cass Street. It will mostly be local traffic.

Ralph DiBernardo questioned if the Spinney Road sidewalk installation would include making a T-intersection at Spinney Road and Islington Street. Public Works Director Peter Rice responded that would be part of the Islington Street project. The City must work with some private property owners at the end of Spinney Road on the issue.

Mary Lou McElwain commented that the Cate Street Apartments will open in the fall and questioned if there would be a crosswalk at Cate Street and Bartlett Street. Eric Eby confirmed that would be part of the Cate Street development. Planning Director Juliet Walker noted that she would report back. Mary Lou McElwain commented that it was a complicated area.

#### **X. INFORMATIONAL:**

Mary Lou McElwain noted that the City Council had a work session scheduled on March 25, 2019 to discuss parking, and questioned if there were other meetings that the Committee should know about. Public Works Director Peter Rice encouraged the members to look at the City website for scheduled meetings.

Ralph DiBernardo questioned if the Committee would see the research and results that come out of the suggestions to close streets to create pedestrian ways. Chairman Doug Roberts responded that it would be up to the City Council. They would refer it to the Committee.

ADJOURNMENT – at 8:50 a.m., **VOTED** to adjourn.  
Respectfully submitted by:

Becky Frey  
PTS Recording Secretary

1 **CHAPTER 3**

2 **PUBLIC HEALTH**

3 **ARTICLE X: DISTRIBUTION OF SINGLE-USE DISPOSABLES**

4 **3.X01: PURPOSE**

5 The City of Portsmouth recognizes that limiting the distribution of  
6 single-use disposables is necessary for the protection of both the  
7 environment of the municipality and the public health, safety, and  
8 welfare of its citizens.

9 **3.X02: DEFINITIONS**

10 For the purpose of this ordinance, the following definitions apply:

11 *Composting Facility*: a solid waste compost facility pursuant to the  
12 Maine Solid Waste Management Rules: Composting Facilities, 06-096  
13 CMR 410 or equivalent; the Maine Hazardous Waste, Septage and Solid  
14 Waste Management Act, 38 M.R.S.A. §§ 1301 to 1319-Y or equivalent,  
15 and Maine's other Solid Waste Management Rules or equivalents.

16 *Cost Pass-Through*: the cost which must be collected by retailers from  
17 their Customers when providing a Recycled Paper Bag or a Single-Use  
18 Cup.

19 *Customer*: any Person obtaining goods from a Store.

20 *Food Service Establishment*: any restaurant, take-out food establishment,  
21 or any other business that is required to obtain a valid food service  
22 license from the Public Health Department of the City of Portsmouth.  
23 Food Service Establishments do not include Nonprofit Food  
24 Establishments.

25 *Nonprofit Charitable Reuser*: a charitable organization or a distinct  
26 operating unit or division of the charitable organization, that reuses and

1 recycles donated goods or materials and receives more than fifty percent  
2 (50%) of its revenues from the handling and sale of those donated goods  
3 or materials. To be considered a Nonprofit Charitable Reuser, the entity  
4 must meet the terms of section 501(c)(3) of the U.S. Internal Revenue  
5 Code (26 U.S.C. 501(c)(3)).

6 *Nonprofit Food Establishment:* a charitable entity that prepares or serves  
7 food directly to the Customer or otherwise provides food or meals for  
8 consumption by humans. The term includes central food banks, soup  
9 kitchens, and nonprofit food delivery services. To be considered a  
10 Nonprofit Food Establishment, the entity must meet the terms of section  
11 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

12 *Operator:* the person in control of, or having the responsibility for, the  
13 operation of a Store, which may include, but not be limited to, the owner  
14 of the Store.

15 *Person:* any natural person, firm, corporation, partnership, or other  
16 organization or group however organized.

17 *Pharmacy:* any Store where prescriptions, medications, controlled or  
18 over the counter drugs, personal care products or health supplement  
19 goods, or vitamins are sold.

20 *Prepared Food:* foods or beverages which are prepared on the premises  
21 by cooking, chopping, slicing, mixing, freezing, or squeezing, and which  
22 require no further preparation to be consumed. Prepared Food does not  
23 include any raw, uncooked meat product or fruits or vegetables which  
24 are chopped, squeezed, or mixed.

25 *Produce Bag:* any bag without handles used exclusively to carry  
26 produce, meats, or other food items to the point of sale inside a store or  
27 to prevent such food items from coming into direct contact with other  
28 purchased items. A Produce Bag is not a form of Single-Use Carryout  
29 Plastic Bag.

1 *Recycled Paper Bag*: a paper bag provided at the check stand, cash  
2 register, point of sale, or other point of departure for the purpose of  
3 transporting food or merchandise out of the establishment that contains  
4 no old growth fiber and a minimum of forty percent (40%) post-  
5 consumer recycled content; is one hundred percent (100%) recyclable;  
6 and has printed in a highly visible manner on the outside of the bag the  
7 word “Recyclable,” the name and location of the manufacturer, and the  
8 percentage of post-consumer recycled content. The Recycled Paper Bag  
9 is capable of composting, consistent with the timeline and specifications  
10 of the American Society of Testing and Material (ASTM) Standard  
11 Specification for Compostable Plastics D6400, as published in  
12 September 2004.

13 *Retail Establishment*: any commercial establishment that sells perishable  
14 and nonperishable goods including but not limited to, clothing, food, and  
15 personal items directly to the Customer and is located within or doing  
16 business within the City. Retail Establishments do not include Food  
17 Service Establishments, Nonprofit Charitable Reusers, or Pharmacies.

18 *Reusable Bag*: a bag that has handles that is specifically designed and  
19 manufactured for multiple reuse and meets all of the following  
20 requirements:

- 21 • is machine washable or is made of material that can be cleaned or  
22 disinfected;
- 23 • has a minimum lifetime of one hundred twenty-five (125) uses,  
24 which for purposes of this subsection, means the capability of  
25 carrying a minimum of twenty-two (22) pounds one hundred  
26 twenty-five (125) times over a distance of at least one hundred  
27 seventy-five (175) feet;
- 28 • if made of a plastic, it must be at least two and one-quarter (2.25)  
29 mil thick; and
- 30 • does not contain lead, cadmium, or any other heavy metal in toxic  
31 amounts, as defined by applicable State and Federal standards and  
32 regulations for packaging or reusable bags

1 *Single-Use Carryout Plastic Bag*: a bag other than a Reusable Bag  
2 provided at the check stand, cash register, point of sale or other point of  
3 departure for the purpose of transporting food or merchandise out of the  
4 Store. Single-Use Carryout Plastic Bags do not include bags without  
5 handles provided to the Customer:

- 6 • to transport produce, bulk food, or meat from a produce, bulk food,  
7 or meat department within a Store to the point of sale; or
- 8 • to hold prescription medication dispensed from a Pharmacy; or
- 9 • to segregate food or merchandise that could damage or  
10 contaminate other food or merchandise when placed together in a  
11 Reusable Bag or Recycled Paper Bag.

12 *Single-Use Compostable Plastic Container*: a container that is composed  
13 of one hundred percent (100%) Polylactic Acid and distributed for the  
14 purpose of transporting Prepared Food on a single occasion inside or  
15 outside of a Store. A Single-Use Compostable Plastic Container is a  
16 form of a Single-Use Plastic Container.

17 *Single-Use Compostable Plastic Cup*: a cup is composed of one hundred  
18 percent (100%) Polylactic Acid and is distributed for the purpose of  
19 transporting a beverage on a single occasion inside or outside of a Store.  
20 A Single-Use Compostable Plastic Cup is a form of a Single-Use Plastic  
21 Cup.

22 *Single-Use Compostable Plastic Straw*: a disposable tube that is  
23 composed of one hundred percent (100%) Polylactic Acid and is  
24 distributed to transfer a beverage from a cup or container to the mouth of  
25 a person drinking the beverage on a single occasion. A Single-Use  
26 Compostable Plastic Straw is a form of a Single-Use Plastic Straw.

27 *Single-Use Cup*: a cup that is distributed for the purpose of transporting  
28 a beverage on a single occasion inside or outside of a Store.

29 *Single-Use Plastic Container*: a container that is made predominantly of  
30 plastic derived from either petroleum or a biologically based polymer,

1 such as corn or other plant sources, and is distributed for the purpose of  
2 transporting Prepared Food on a single occasion inside or outside of a  
3 Store. A Single-Use Plastic Container is a form of a Single-Use  
4 Container.

5 *Single-Use Plastic Cup:* a cup that is made predominantly of plastic  
6 derived from either petroleum or a biologically based polymer, such as  
7 corn or other plant sources, and is distributed for the purpose of  
8 transporting a beverage on a single occasion inside or outside of a Store.  
9 A Single-Use Plastic Cup is a form of a Single-Use Cup.

10 *Single-Use Polystyrene Container:* a container composed of synthetic  
11 aromatic hydrocarbon polymers that is made from the monomer styrene  
12 and distributed for the purpose of transporting Prepared Food on a single  
13 occasion inside or outside of a Store. A Single-Use Polystyrene  
14 Container is a form of a Single-Use Container.

15 *Single-Use Polystyrene Cup:* a cup composed of synthetic aromatic  
16 hydrocarbon polymers that is made from the monomer styrene and  
17 distributed for the purpose of transporting a beverage on a single  
18 occasion inside or outside of a Store. A Single-Use Polystyrene Cup is a  
19 form of a Single-Use Cup.

20 *Single-Use Plastic Straw:* a disposable tube made predominantly of  
21 plastic derived from either petroleum or a biologically based polymer,  
22 such as corn or other plant sources, that is distributed to transfer a  
23 beverage from a cup or container to the mouth of a person drinking the  
24 beverage. A Single-Use Plastic Straw is a form of a Single-Use Straw.

25 *Single-Use Straw:* a disposable tube that is distributed to transfer a  
26 beverage from a cup or container to the mouth of a person drinking the  
27 beverage on a single occasion. Single-Use Straws include a straw made  
28 from both plastic materials and non-plastic materials such as paper,  
29 pasta, sugar cane, wood, or bamboo.

1 *Store*: any Food Service Establishment, Pharmacy, or Retail  
2 Establishment located within the City.

3 **3.X03 CARRYOUT BAGS**

4 A. Prohibited Carryout Bags:

- 5 1. No Store shall provide a Single-Use Carryout Plastic Bag to a  
6 Customer, at the check stand, cash register, point of sale, or other  
7 point of departure for the purpose of transporting food or  
8 merchandise out of the Store except as provided in this ordinance.  
9 2. No Person shall distribute a Single-Use Carryout Plastic Bag at any  
10 City facility, City-managed concession, City-sponsored event, or  
11 City-permitted event unless a Store is also otherwise allowed to in  
12 this Section.

13 B. Permitted Carryout Bags:

- 14 1. Stores are allowed to distribute only Recycled Paper Bags or  
15 Reusable Bags to Customers for the purpose of carrying away  
16 goods or other materials from the point of sale, subject to the terms  
17 of this Chapter.  
18 2. A Customer shall be charged a minimum of a ten cents (\$.10) Cost  
19 Pass-Through for each Recycled Paper Bag provided by the Store.  
20 The sale of each bag shall be separately itemized on the sale  
21 receipt. The Cost Pass-Through will remain with the Operator of  
22 the Store.  
23 3. All Stores must keep records of the total number of Recycled  
24 Paper Bags provided, and the total amount of monies collected for  
25 providing Recycled Paper Bags. Such records must be made  
26 available for the City Manager, or his/her designee, to review  
27 within a reasonable period of time upon request. These records  
28 may be kept at the retailer's corporate office.  
29 4. All Stores may distribute their remaining 2019 Single-Use  
30 Carryout Plastic Bag inventory.



1 5. Nothing in this Chapter prohibits Customers from using bags of  
2 any type that they bring to the Store themselves or from carrying  
3 away goods that are not placed in a bag, in lieu of using bags  
4 provided by the Store.

5 C. Exemptions:

- 6 1. A Store may provide a Customer participating in *Special*  
7 *Supplement Nutrition Program for Women, Infants, and Children*  
8 *(WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with  
9 one (1) or more Recycled Paper Bags or Reusable Bags at no cost.  
10 2. Single-Use Carryout Plastic Bags may be distributed to Customers  
11 by food providers for the purpose of safeguarding health and safety  
12 during the transportation of Prepared Foods, including take-out  
13 foods and liquids intended for consumption away from the food  
14 provider's premises.

15 **3.X04 DISPOSABLE CUPS**

16 A. Prohibited Disposable Cups:

- 17 1. No Store shall provide a Single-Use Plastic Cup to a Customer, at  
18 the check stand, cash register, point of sale, or any other location  
19 for the purpose of transporting a beverage that will be drank inside  
20 or outside of the Store except as provided in this Chapter.  
21 2. No Store shall provide a Single-Use Polystyrene Cup at the check  
22 stand, cash register, point of sale, or any other location for the  
23 purpose of transporting a beverage that will be drank inside or  
24 outside of the Store.  
25 3. No Person shall distribute a Single-Use Plastic Cup or Single-Use  
26 Polystyrene Cup at any City facility, City-managed concession,  
27 City-sponsored event, or City-permitted event unless a Store is also  
28 otherwise allowed to in this Section.

29 B. Permitted Disposable Cups:

- 1 1. Stores are allowed to distribute Single-Use Cups to Customers for  
2 the purpose of transporting a beverage that will be drank inside or  
3 outside of the Store, subject to the terms of this Chapter.
- 4 2. A Customer shall be charged a minimum of a ten cents (\$.10) Cost  
5 Pass-Through for each Single-Use Cup provided by the Store. The  
6 sale of each Single-Use Cup shall be separately itemized on the  
7 sale receipt. The Cost Pass-Through will remain with the Operator  
8 of the Store.
- 9 3. All Stores must keep records of the total number of Single-Use  
10 Cups provided, and the total amount of monies collected for  
11 providing Single-Use Cups. Such records must be made available  
12 for the City Manager, or his/her designee, to review within a  
13 reasonable period of time upon request. These records may be kept  
14 at the retailer's corporate office.
- 15 4. All Stores may distribute their remaining 2019 Single-Use Cup  
16 inventory.
- 17 5. Nothing in this Chapter prohibits Customers from using cups of  
18 any type that they bring to the Store themselves in lieu of using  
19 cups provided by the Store.

20 C. Exemptions:

- 21 1. The only Single-Use Plastic Cups that Stores are allowed to  
22 distribute are Single-Use Plastic Compostable Cups if the Store  
23 provides customers the option to dispose of the Single-Use  
24 Compostable Plastic Cups in a specifically designated composting  
25 receptacle that is both on the premise and its contents will be  
26 transported to a Composting Facility to be composted.
- 27 2. A Store may provide a Customer participating in the Special  
28 Supplement Nutrition Program for Women, Infants, and Children  
29 (WIC) or the Supplemental Nutrition Assistance Program (SNAP)  
30 with one (1) or more Single-Use Cup at no cost.

31 **3.X05 DISPOSABLE CONTAINERS**

32 A. Prohibited Disposable Containers:

- 1 1. No Store shall provide a Single-Use Plastic Container to a  
2 Customer, at the check stand, cash register, point of sale, or any  
3 other location for the purpose of transporting Prepared Food that  
4 will be consumed inside or outside of the Store except as provided  
5 in this Chapter.
- 6 2. No Store shall provide a Single-Use Polystyrene Container at the  
7 check stand, cash register, point of sale, or any other location for  
8 the purpose of transporting Prepared Food that will be eaten inside  
9 or outside of the Store.
- 10 3. No Person shall distribute a Single-Use Plastic Container or a  
11 Single-Use Polystyrene Container at any City facility, City-  
12 managed concession, City-sponsored event, or City-permitted  
13 event unless a Store is also otherwise allowed to in this Section.

14 B. Permitted Disposable Containers:

- 15 1. Stores are allowed to distribute Single-Use Containers to  
16 Customers for the purpose of transporting Prepared Food that will  
17 be eaten inside or outside of the Store, subject to the terms of this  
18 Chapter.
- 19 2. All Stores must keep records of the total number of Single-Use  
20 Containers provided. Such records must be made available for the  
21 City Manager, or his/her designee, to review within a reasonable  
22 period of time upon request. These records may be kept at the  
23 retailer's corporate office. All Stores may distribute their  
24 remaining 2019 Single-Use Container inventory.
- 25 3. Nothing in this Chapter prohibits Customers from using containers  
26 of any type that they would otherwise be allowed to bring under  
27 the Ordinances of the City of Portsmouth to the Store themselves  
28 in lieu of using containers provided by the Store.

29 C. Exemptions:

- 30 1. The only Single-Use Plastic Containers that Stores are allowed to  
31 distribute are Single-Use Plastic Compostable Containers if the  
32 Store provides customers the option to dispose of the Single-Use

1 Compostable Plastic Containers in a specifically designated  
2 composting receptacle that is both on the premise and its contents  
3 will be transported to a Composting Facility to be composted.

### 4 **3.X06 DISPOSABLE STRAWS**

#### 5 A. Prohibited Disposable Straws:

- 6 1. No Store shall provide a Single-Use Plastic Straw to a customer for  
7 the purpose of transferring a beverage from a cup or container to  
8 the mouth of a person drinking the beverage on a single occasion  
9 inside or outside of the Store, except as provided in this ordinance.
- 10 2. No Person shall distribute a Single-Use Plastic Straw at any City  
11 facility, City-managed concession, City-sponsored event, or City-  
12 permitted event unless a Store is also otherwise allowed to in this  
13 Section.

#### 14 B. Permitted Disposable Straws:

- 15 1. Stores are allowed to distribute Single-Use Straws to Customers  
16 for the purpose of transferring a beverage from a cup or container  
17 to the mouth of a person drinking the beverage on a single  
18 occasion inside or outside of the Store, subject to the terms of this  
19 Chapter.
- 20 2. All Stores must keep records of the total number of Single-Use  
21 Straws provided. Such records must be made available for the City  
22 Manager, or his/her designee, to review within a reasonable period  
23 of time upon request. These records may be kept at the retailer's  
24 corporate office. All Stores may distribute their remaining 2019  
25 Single-Use Straw inventory.
- 26 3. Nothing in this Chapter prohibits Customers from using straws of  
27 any type that they bring to the Store themselves in lieu of using  
28 containers provided by the Store.

#### 29 C. Exemptions:

- 1 1. Stores are only allowed to distribute Single-Use Straws at the  
2 explicit request of the customer for the purpose of transferring a  
3 beverage from a cup or container to the mouth of a person drinking  
4 the beverage on a single occasion inside or outside of the Store.
- 5 2. The only Single-Use Plastic Straws that Stores are allowed to  
6 distribute are Single-Use Plastic Compostable Straws if the Store  
7 provides customers the option to dispose of the Single-Use  
8 Compostable Plastic Straws in a specifically designated  
9 composting receptacle that is both on the premise and its contents  
10 will be transported to a Composting Facility to be composted.

### 11 **3.X07 PENALTIES AND REMEDIES**

12 In addition to any other penalty or remedy permissible by law for  
13 violation of this ordinance, the following shall apply:

- 14 1. If the City determines that a violation of this Chapter has occurred,  
15 he/she will issue a written warning notice to the Operator of a  
16 Store and the potential penalties that will apply for future  
17 violations
- 18 2. Upon a second or subsequent infraction of this ordinance, the City  
19 is authorized to issue citations to persons, firms, or corporations  
20 violating this ordinance in accordance with the ordinances of the  
21 City of Portsmouth. The amount of the fee that will accompany the  
22 citation will be determined by the Fee Schedule Study Committee  
23 of the City of Portsmouth.
- 24 3. The City Attorney is authorized to file any appropriate legal  
25 proceedings, including but not limited to requests for injunctive  
26 relief, necessary to prevent violation of this ordinance.

### 27 **EFFECTIVE DATE**

28 This ordinance shall take effect twelve (12) months after it passes third  
29 reading.