

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 1, 2019 TIME: 6:15 PM

- 6:15PM – PUBLIC DIALOGUE SESSION

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

PROCLAMATIONS

- 1. Poet Laureate (*Proclamation will be handed out to City Council on Monday evening*)
- 2. Digital Fast

- V. ACCEPTANCE OF MINUTES – MARCH 18, 2019

- VI. PUBLIC DIALOGUE SUMMARY

- 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

(There are no Grants/Donations this evening)

- IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Crystal Paradis, Portsmouth PRIDE Coordinator, and Hershey Hirschkop, Executive Director, Seacoast Outright, requesting permission to hold the 5th Annual Portsmouth PRIDE event on Saturday, June 22, 2019 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for License to Install Projecting Sign for David Pettigrew owner of Strawberry Banke Antique and Vintage Shop for property located at 60 State Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- C. Letter from Portsmouth Professional Fire Fighters requesting permission to hold two boot drives collecting funds for the Muscular Dystrophy Association on Sunday, June 30, 2019 and Sunday, August 18, 2019 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Richard Mason, Seacoast Veteran’s Count requesting permission to hold the Pack & Boots 5K Road Race on Thursday, July 4, 2019 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Jennifer Gilbert, St. Charles Children’s Home requesting permission to hold the 23rd Annual St. Charles 5K on Monday, September 2, 2019 at 9:00 a.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 Retired Command Sergeant Robert Radcliffe, New Hampshire Army National Guard requesting permission to conduct the Regional Best Warrior Competition Ruck March on Wednesday, May 2, 2019 (***Sample motion – move to refer to the City Manager with power***)
- C. Letter from Edward Richards regarding Bethel Assembly of God property, 200 Chase Drive

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

1. Acceptance of Woodbury Avenue Signal Coordination Project
2. Easement Re: Chestnut Street Pedestrian Connector
3. License Extension for Bluestone Properties of Rye, LLC for property located at 135 Congress Street
4. Applications for Sidewalk Cafes providing Alcohol Service
 - Raleigh Wine Bar & Market
 - Popovers on the Square
 - Ri Ra Irish Pub
 - The District
 - Fezziwig’s Food & Fountain

Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk

- British Beer Company
- Row 34
- BRGR Bar

5. Request for First Reading – 15 Middle Street Re-Zoning Request
6. 861 Middle Road Acceptance of Easement

City Manager's Informational Items:

1. Water Bottles
2. Public Education Forum

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Carrie Mayo to the Blue Ribbon Committee on Sustainable Practices
2. *Appointments to be Voted:
 - Reappointment of Amy Schwartz to the Portsmouth Housing Authority
 - Reappointment of Todd Henley to the Recreation Board
3. City Manager's Retirement (*See attached*)

C. ASSISTANT MAYOR LAZENBY

1. Citizen's Initiative for Radiological Monitoring (*See attached*)

D. COUNCILORS ROBERTS, DWYER & PERKINS

1. *Update Re: McIntyre

E. COUNCILOR DENTON

1. *Floodplain Management Standards (***Sample motion – Move to produce amendments to the Zoning Ordinance to enhance the City's floodplain management standards for projected increases in coastal flooding and extend the Flood Hazard Overlay District***)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** The City of Portsmouth celebrates Digital Fast weekend, an annual event organized by Jeff Stern that calls for the community to forgo their various devices and screens for forty eight hours in order to gain insight on daily habits and overreliances; and
- Whereas:** this challenge to relinquish our digital tools allows for newfound perspective of how such tools can take our attention away from important events happening in front of us; and
- Whereas:** quickly individuals recognize that the uses of such devices often aren't associated with an actual need but used more as a crutch; and
- Whereas:** when we release this crutch, we find fresh opportunities to be fully focused on accomplishing one thing at a time and actually become more engaged and connected to the world; and
- Whereas:** this includes reinforcing our relationship with the natural and strengthening the desire to spend more time outside, as well as getting to know people on a deeper level over categorizing them after a quick glance online; and
- Whereas:** upon this detox, it is the hope that people ultimately find solace and power in gaining time back to dedicate to yourself and endeavors that exist outside of our digital landscape.

Now, therefore, I, Nancy Pearson, City Councilor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim the third of May through the fifth of May 2019 as

Digital Fast Weekend in Portsmouth

and encourage the community to step away from their screens and engage in other activities with the outdoors and one another.

Given with my hand and the
Seal of the City of Portsmouth,
on this first day of April 2019.

Nancy Pearson, City Councilor, Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 18, 2019

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:30 p.m. a Non Public Session was held in accordance with RSA 91-A:3 II (a) regarding Personnel Matters.

CALL TO ORDER

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

I. ROLL CALL

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

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

IV. ACCEPTANCE OF MINUTES – MARCH 4, 2019

Councilor Perkins moved to accept and place on file the minutes of March 4, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby and voted.

V. PUBLIC COMMENT SESSION

Mayor Blalock opened the Public Comment Session.

Paige Trace – spoke regarding the Pease Wastewater Treatment Facility and the nitrogen levels stating that currently there are no limits in place at Pease. She stated she is concerned with the expansion at Lonza and the new Brewery which both produce a lot of nitrogen as well as the fact that we share an outflow pipe with another community. She is concerned with how much it will cost Portsmouth residents to get to the level once it is imposed.

Lee Roberts – spoke in favor of the Global Effort to Prevent Nuclear War Resolution stating that this along with climate change are the 2 biggest threats to the planet. She urged the Council to support the resolution and asked the members of the audience to stand if they agreed, which they did.

Diane Stradling – also spoke in favor of Council support for the Resolution regarding preventing Nuclear War explaining its origins and endorsement by many groups.

Esther Kennedy – spoke regarding her concerns with the Wastewater Treatment Facility stating that she would have liked the presentation to have been earlier on the agenda to get some clarification for people who are also concerned.

Sandra Yarne – thanked Mayor Blalock for bringing the Resolution to Prevent Nuclear War forward stating it was crafted to bring the facts to people. She stated that the doomsday clock is at 2 minutes to midnight which is even closer than during wartime and affects the whole planet. She further explained the consequences of nuclear fallout including a new Ice Age. She concluded stating that we need to make the US Government live up to its commitment from the 2017 United Nations Treaty.

Christina Dubin – spoke in favor of the proposal of an ordinance regarding single-use bags stating that the City shouldn't wait for the State to pass legislation and that there is already enabling language in the 149 regulations.

Councilor Denton moved to suspend the rules to move up on the Agenda XI-B, Mayor Blalock Item 3. Seconded by Assistant Mayor Lazenby and voted.

3. Global Effort to Prevent Nuclear War Resolution

Mayor Blalock thanked Sandra Yarne for bringing this to their attention and stated they worked together to reflect the citizens of Portsmouth. He then read the resolution.

Councilor Pearson moved to adopt the resolution calling on the US Government to lead a global effort to prevent nuclear war and that copy of the resolution be sent to each member of New Hampshire's Congressional and Legislative Delegations. Seconded by Assistant Mayor Lazenby and voted unanimously.

Councilor Roberts moved to suspend the rules to move up Item XI-A, City Manager Information Item #2. Seconded by Councilor Denton and voted.

2. Presentation Re: Wastewater Permit Update

City Engineer, Terry Desmarais, and Deputy City Attorney, Suzanne Woodland, gave 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. They also provided 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.

Councilor Denton asked if they are seeking any Council action this evening.

City Manager Bohenko stated it may be helpful to have a vote of support of the proposed Council actions as outlined on slide 17 of the presentation.

Councilor Becksted asked if we will be increasing the volume at Pease due to Lonza expansion and the new brewery and if they will be measuring the nitrogen levels.

City Manager Bohenko stated that this is all part of the ongoing regulatory discussions and negotiations with the EPA.

Discussion ensued regarding the Total Nitrogen General Permit structure and that the City of Portsmouth is already equipped to deal with the requirement and other communities are not and may not be able to do so.

Councilor Denton moved to support the City's further engagement in the Total Nitrogen General Permit Concept for the Great Bay Estuary forgoing at this time legal action regarding nitrogen and reducing level of engagement with Dover and Rochester under the Great Bay Municipal Coalition, seconded by Councilor Perkins.

Councilor Becksted asked if there are any other communities that have more than one Wastewater Treatment facility. Mr. Desmarais stated no.

Councilor Becksted stated he doesn't want to lose leverage in negotiations with Lonza.

City Manager Bohenko stated we need to work through this process and then work with Lonza and clarified that they have already paid for some things.

Mr. Desmarais stated that Lonza has paid for four different studies that needed to be completed, 3 of which were highly scientific.

Councilor Reynolds thank the staff and stated he is glad that the EPA is taking an innovative approach and to bring all of the communities together to do their parts.

Councilor Roberts asked what is the downside.

Mr. Desmarais stated that if the EPA doesn't wait the 23 years to put this into effect then it will impact Portsmouth.

Deputy City Attorney Woodland stated that if they put all of the money into nitrogen levels and then find out that this may not have been the right issue, that would be a downside. She stated she wants to see a scientific panel as part of this process and an adaptive management plan and will be looking for that in the draft permit.

Mayor Blalock stated there is still a long way to go.

Motion passed.

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

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

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Fund
 - Town of Newbury - \$1,000.00

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

VIII. CONSENT AGENDA

Councilor Reynolds moved to adopt the Consent Agenda as presented. Seconded by Councilor Perkins and voted.

- A. Letter from Ken La Valley, American Foundation for Suicide Prevention requesting permission to hold the Out of the Darkness Walk on Saturday, September 14, 2019 from 10:00 a.m. to Noon ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Samantha Boland, National Multiple Sclerosis Society requesting permission to hold the 2019 Bike MS: New Hampshire Seacoast Escape on Saturday, August 24, 2019 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Abigail Wiggin, Portsmouth Halloween Parade Committee requesting permission to hold the 25th annual Portsmouth Halloween Parade on Thursday, October 31, 2019 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Richard Wagner, AIDS Response Seacoast requesting permission to hold the 22nd Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 5, 2019 from 10:00 a.m. to 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Assistant Mayor Lazenby moved to accept the e-mail correspondence and place on file. Seconded by Councilor Dwyer and voted.

- 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

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

- C. Letter from Judd Gregg regarding Redevelopment of the McIntyre Building Area

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. 25 Maplewood Avenue License Extension

Councilor Roberts moved that the City Manager be authorized to execute and accept the temporary construction license regarding 25 Maplewood Avenue as submitted. Seconded by Councilor Dwyer and voted.

2. 46-64 Maplewood Avenue License Extension

Councilor Raynolds moved that the City Manager be authorized to execute and accept the temporary construction license regarding 46-64 Maplewood Avenue as submitted, seconded by Councilor Roberts.

Councilor Raynolds stated the Fee Committee made changes to the fees to make the process more transparent and to give an initiative to limit the duration. He asked if this was expected revenue in the current budget or will it be a “windfall”.

City Manager Bohenko explained that because of the timing of the change, it will be unanticipated revenue and will go into the general fund.

Councilor Becksted stated that this is only 1/3 of what we were normally charging and these are investors and developers from outside of the city.

Motion passed.

3. Banfield Road/Conservation Drainage Improvements

Deputy City Attorney Woodland explained this is City-owned property located on the south side of Banfield Road which is currently a conservation property as defined and regulated by City Ordinance Chapter 8, Article V. She stated that the Conservation Commission has reviewed proposed drainage improvements to the conservation parcel and as the impacts are along the edge of the roadway only, the Conservation Commission has recommended that the City Council approve the drainage improvements.

City Manager Bohenko stated this will require a 2/3 vote for passage.

Assistant Mayor Lazenby moved 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. Seconded by Councilor Roberts and passed unanimously.

Mayor Blalock called a brief recess at 8:30 p.m. Meeting reconvened at 8:40 p.m.

City Manager's Informational Items:

1. Presentation Re: Traffic Model

Traffic Engineer Eby gave a power point presentation regarding the Downtown Portsmouth Traffic Microsimulation Model showing a 2-way traffic flow and potential impacts and costs which would be significant.

Discussion ensued regarding the safety of pedestrians of the current one-way traffic flow versus a 2-way traffic flow with both having various concerns.

Mayor Blalock asked if this model takes into account the double-parking of delivery trucks. Mr. Eby stated that this model is based on 5:00-6:00 p.m. and deliveries are not as common during this time-frame.

Councilor Becksted asked what is the proposed goal of this and wonders how much parking spaces and revenue would be lost. He stated the roads are one-way for a reason.

Councilor Roberts explained that the Fire Department wanted 2-way traffic because of an incident on Bow Street where they weren't able to get down the street because they were blocked by traffic when the bridge was up.

Assistant Mayor Lazenby asked if this information is kept up to date and are there limits as to who has access to the information as he is concerned with potential terrorism.

Mr. Eby explained that we do not own the model and RSG keeps the information updated but also stated that this is information gathered from public data already available.

2. Presentation Re: Wastewater Permit Update (action previously taken)

3. Update on Foundry Garage

Public Works Director Rice provided an update regarding Transient Collections at the Foundry Garage from November 2018 – February 2019.

City Manager Bohenko stated that there are 2 major projects that will have an impact on the number of monthly parking passes once they are finished as well as the upcoming summer tourist season.

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

The reappointments of Amy Schwartz to the Portsmouth Housing Authority and Todd Henley to the Recreation Board were considered and will be voted at the April 1, 2019 City Council meeting.

2. Work Session Re: Parking Principles Review & Discussion Reminder

Mayor Blalock explained that the Work Session being held March 25, 2019 at 6:30 p.m. at the Portsmouth Public Library, would be a discussion between the City Council and various Boards and Commissions regarding parking principles. He further stated that the meeting is open to the public but there will not be an opportunity for public input at this meeting. He concluded that no votes or decisions will be made and the public will have an opportunity to provide input if any proposals are brought forward.

Councilor Dwyer stated that the Parking and Planning staff have worked on detailed sheets to aid in a structured discussion based on what has happened over the last 15 years.

3. Global Effort to Prevent Nuclear War Resolution (action previously taken)

C. COUNCILOR ROBERTS

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

Councilor Roberts stated that with the acceptance of the March 7, 2019 Parking and Traffic Safety Committee minutes would be the approval of the Neighborhood Parking Program as amended previously by the City Council.

Councilor Roberts moved to approve and accept the action sheet and minutes of the March 7, 2019 Parking and Traffic Safety Committee meeting, seconded by Councilor Becksted.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated that he has been opposed to this parking program but will vote in favor this evening in the spirit of cooperation.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

D. COUNCILOR DENTON

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

Councilor Denton moved to refer the Distribution of Single-Use Disposables Ordinance to the City Attorney to report back for First Reading, seconded by Councilor Raynolds.

City Manager Bohenko suggested waiting on this as there is pending legislation.

Councilor Dwyer agreed and also feels that we should convene those who will be affected such as store and restaurant owners so it does not become divisive. She feels the implementers should help shape the idea and create a path of implementation.

Councilor Denton stated this is procedural to get the ball rolling and then amendments can be brought forward. He stated he first brought this to the Council 5 years ago and feels that the authority exists in State RSA Chapter 149. He stated that 4 years ago his favorite opposition was a statement from a previous Councilor that we should not get people to change their behavior, but he feels that we do need to change our behavior. He continued that he attended the recent "student strike" where the youth are understanding that this is the last generation that can make the necessary changes. He explained the difference between his last proposal and the current proposal (see draft ordinance). He stated that he drafted the ordinance himself and did utilize language from State of Maine because they already have this legislation in place for some issues.

Mayor Blalock asked what the purpose is of the record keeping mandate.

Councilor Denton stated it is meant to give an overall view to track if amounts go down.

Councilor Raynolds commended Councilor Denton for bringing this forward and then showed the reusable City of Portsmouth bag that was distributed at various locations which was made out of recyclable bottles stating that more should be ordered.

Councilor Pearson stated she supports this and is glad it is more comprehensive. She stated this will send a message to Concord and show that they need to make a decision.

Councilor Dwyer is concerned with passing something before the State has decided on a bill as the legislation has to be reviewed for legal interpretation and they don't feel that we do have the right to do this under Chapter 149. She stated that some of our own legislators are sponsoring this so we should support them in their efforts. Finally, she reiterated her concern of involving the implementers.

Councilor Denton stated he wants to include the businesses as well.

Councilor Becksted agrees with Councilor Dwyer and stated that we are not a "Home Rule" State. He stated there are restaurants and businesses that are already taking these types of actions on their own and feels that this should be a choice, not a mandate as this is the Live Free or Die State.

Councilor Denton stated he agrees that there are numerous businesses already taking steps and this will level the playing field.

Discussion ensued regarding the correct procedure for moving this forward with City Manager Bohenko explaining that the City Attorney will do a report back before a First Reading comes forward.

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

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pearson announced the upcoming Public Art opening at the Foundry Garage on March 24th followed by a reception at Liars Bench Brewery.

Mayor Blalock announced the Splash Reception will also be held on March 24th at the Library.

Councilor Pearson then announced that the City of Portsmouth is a finalist in the “Strong Towns” competition against Reading, California and urged people to vote on-line as it will be posted on the city website.

Councilor Roberts stated that the founder of Strong Towns, Chuck Marone, will be speaking at the Library on April 3rd which is being sponsored by PS21. He stated he is one of the top urbanists.

Councilor Becksted congratulated the Girls Varsity Basketball Team on a great season and reaching the Division finals.

XIII. ADJOURNMENT

Assistant Mayor Lazenby moved to adjourn at 9:42 p.m., seconded and passed unanimously.

Valerie A. French, CNHMC
Deputy City Clerk



P.O. Box 842 Portsmouth, NH 03802 (603) 552-5824 www.SeacoastOutright.org

March 12, 2019

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

Dear Mayor Blalock and Council Members:

On behalf of myself, Seacoast Outright's Executive Director and Board of Directors, the youth and residents of Portsmouth and its surrounding towns who support Seacoast Outright, I would like to extend deep and sincere gratitude for the City's time, support and dedication in making Portsmouth PRIDE a not-be-missed annual event for the Seacoast region. In our first four years, PRIDE has reached thousands of participants and has exceeded our measures of success each year.

Last year, in 2018, an estimated 4,000 people attended Portsmouth PRIDE, in spite of inclement weather, and it was again enthusiastically received by our City. We also heard from many business owners that they saw a surge of business from rainbow-clad people of all ages who came to town to celebrate and support our LGBTQ+ youth. Just as we had hoped, Portsmouth PRIDE has become the signature event needed to keep Seacoast Outright strong and well-recognized within a community that appreciates diversity and values its youth.

We would love to bring Portsmouth PRIDE back to the City of Portsmouth on **Saturday, June 22, 2019**, and be able to celebrate our 5th Annual Portsmouth PRIDE! Seacoast Outright is celebrating our 25th Anniversary, so this is a big year both for us as an organization and Portsmouth PRIDE as our flagship event!

Now more than ever, it's critical that we as a community come together to visibly show support for our LGBTQ+ youth. Portsmouth PRIDE will once again create a safe and joyful atmosphere while saying loud and proud that we celebrate and affirm all of our community's young people, regardless of sexual orientation, gender identity or gender expression.

We were proud to have hosted an event last year, alongside our partners in the City — you, our Mayor and City Council, City Manager, Portsmouth Police Department, Portsmouth Fire Department and other city stakeholders — that was safe, fun and family-friendly, and that is what we intend to do once again. Attached you'll find a rough timeline and description of our vision for 2019.

We are continuing our successful partnership with Strawberry Banke as an incredible host for our PRIDE program and marketplace. We also request once again to march as one rainbow down temporarily-closed streets on our route from the Portsmouth Public Library to our celebration site at Strawberry Banke.

Included in the proposal is a map with our proposed route, to maximize our visibility and affirm our commitment to showing up and demonstrating pride in our LGBTQ+ youth, our community, and our "City of the Open Door." We are excited to work together with you to establish the best plan for Portsmouth PRIDE 2019.

We look forward to answering your questions and meeting with the City to approve plans for our 5th annual event!

Crystal Paradis, Portsmouth PRIDE Coordinator

Hershey Hirschkop, Executive Director, Seacoast Outright

Seacoast Outright Board:
Joyce Kemp, Chair
Christine Stilwell, Treasurer
Sarah Buckley, Secretary
Gonzalo Cedeño
James Costigan, Youth Member

Linda Fishbaugh
Mark Leinenbach
Ericka Moore



PRIDE 2019 Event Proposal

We are requesting your approval to host the 5th Annual community-based and family-friendly Portsmouth PRIDE event on **Saturday June 22, 2019**.

Event Overview

Walkers will gather at the Portsmouth Public Library. We are seeking your permission to temporarily block off the Portsmouth PRIDE march route [proposed in attached map to the entrance of Strawberry Banke] for approximately 25 minutes from 12:55pm to 1:20pm in order for marchers to proceed from the Portsmouth Public Library lawn to the main gathering site at Strawberry Banke. There will be no floats, only individuals marching in celebration of our LGBTQ+ youth, with some banners and signage for each color of the rainbow. Portsmouth PRIDE will take place from 1 – 5pm on Saturday, June 22nd, with two after parties (one for youth/under 21, and one 21+). We're also planning festivities for PRIDE week in the lead-up to the big day.

We are hoping that after four successful years of marching, and two years going down Court Street to accommodate bridge closures, now that the Sarah Mildred Long/Middle Bridge is open once again, that we can bring the march closer to Market Square by proceeding down State Street in 2019.

Event Details

Portsmouth PRIDE March

Our rainbow-forming color teams have become an anticipated trademark of the Portsmouth PRIDE march. Our marchers will gather at the Portsmouth Public Library on Parrott Ave starting at 12:15pm, and organize themselves by color of attire to make our rainbow. At 1pm marchers will march as a rainbow, first Red, then Orange and so on, through the streets of Downtown Portsmouth to the PRIDE Program and Marketplace site at Strawberry Banke, route to be determined with city input (see attached map routes). There will not be any floats or motorized vehicles in the march (possible exception for a van to assist senior citizens, as RiverWoods provided last year), only individuals proceeding through town with color co-captains carrying the banner for each color of the rainbow, as in prior events.

Portsmouth PRIDE Program at Strawberry Banke

The stage program at Strawberry Banke will begin around 1:20 pm, after all marchers have arrived and assembled, and will include 30-40 minutes of brief remarks from community leaders and youth speakers to commemorate our 5th annual PRIDE event. After the official speaking program concludes at 2pm, there will be additional entertainment from the stage while people visit the PRIDE Marketplace, through 5pm. We will work with the City and Strawberry Banke to ensure and enforce volume that does not unduly disturb our neighbors in the South End.

Portsmouth PRIDE Marketplace

The PRIDE Marketplace will be similar to our previous two years at Strawberry Banke. The Marketplace will be open from 1pm – 5pm, and will feature Seacoast Outright merchandise and information booths, booths for local non-profit organizations and family-friendly vendors, local LGBTQ+ or LGBTQ+-friendly artisans and community groups, along with activities such as face-painting and hands-on community art projects. There will be a few local food and beverage vendors in booths and potentially (City permit-pending) a couple of food trucks.

PRIDE Youth Post-Party and 21+ After Party

There will be two parties after the main event and the Marketplace ends. The Youth Post-Party, for those under 21, will take place at a location TBD (likely at a local church as last year) and will feature alcohol-free dancing and celebration. The 21+ after party will return to 3S Artspace from 8pm-midnight, most likely reprising our popular Bunny and the Fox PRIDE edition, sold-out show from last year.

PRIDE Week and Out & About

Out & About is growing to cover the weekend before PRIDE, the entire week leading up to PRIDE and wrapping up on the day after (June 14-23). Through social media, our website, press releases, and email blasts attendees will be encouraged to visit participating stores and restaurants throughout the area, discoverable on a directory listing on our website in the weeks leading up until PRIDE, and in the PRIDE program Out & About map distributed during PRIDE.

PRIDE Week will feature nightly events and fundraisers around town (such as PRIDE-related film screenings done in partnership with The Music Hall, our annual fundraiser night at Flatbread Pizza, etc.) with the locations highlighted of businesses and organizations that have actively partnered with Portsmouth PRIDE to offer discounts and specials in celebration of PRIDE.

Since another big community event will be happening the same day — Fill the Hall at The Music Hall — we intend to work with The Music Hall to cross-promote our events. Fill the Hall co-founder Denise has called this Saturday in June, “**the day Portsmouth wears its heart on its sleeve,**” and we fully embrace this collaborative spirit!

2019 Portsmouth PRIDE Timeline

PRIDE Week: June 14 – 23

All Week **Out & About: Promoting patronage of local restaurants and businesses**

Some specific PRIDE Week festivities in the works:

Friday, June 14	Film screening of “Before Stonewall” at The Music Hall, kicking off PRIDE week
Tuesday, June 18	Fundraiser night at Flatbread Pizza
Thursday, June 20	Film at The Music Hall

**We hope to identify & cross-promote at least one public PRIDE-themed community event each day of PRIDE week. Anyone with ideas for partnerships should email PRIDE Coordinator Crystal Paradis at pride@seacoastoutright.org*

Portsmouth PRIDE — Saturday, June 22, 2019

12:15 pm – 12:45 pm	Marchers gather at Portsmouth Public Library lawn
1:00 pm	Portsmouth PRIDE marketplace + food booths open (Strawbery Banke site)
1:00 pm – 1:15 pm	Portsmouth PRIDE March (Portsmouth Public Library lawn to Strawbery Banke)
1:20 pm – 2:00 pm	Speaking program, followed by entertainment (On Stage at Strawbery Banke)
2:00 pm – 5:00 pm	Entertainment/music (On Stage at Strawbery Banke) Portsmouth PRIDE marketplace + food booths ongoing (Strawbery Banke site)
5:00 pm	Portsmouth PRIDE marketplace + food booths close (Strawbery Banke site)
5:00 pm – 8:00 pm	<i>Out & About — encouraging folks to patronize local businesses who support PRIDE</i>
7:00 pm – 10:00 pm	Youth PRIDE Post-Party (site TBD)
8:00 pm – 11:59 pm	Portsmouth PRIDE 21+ After Party (likely 3S Artspace)

Proposed Portsmouth PRIDE 2019 March Route — Maps

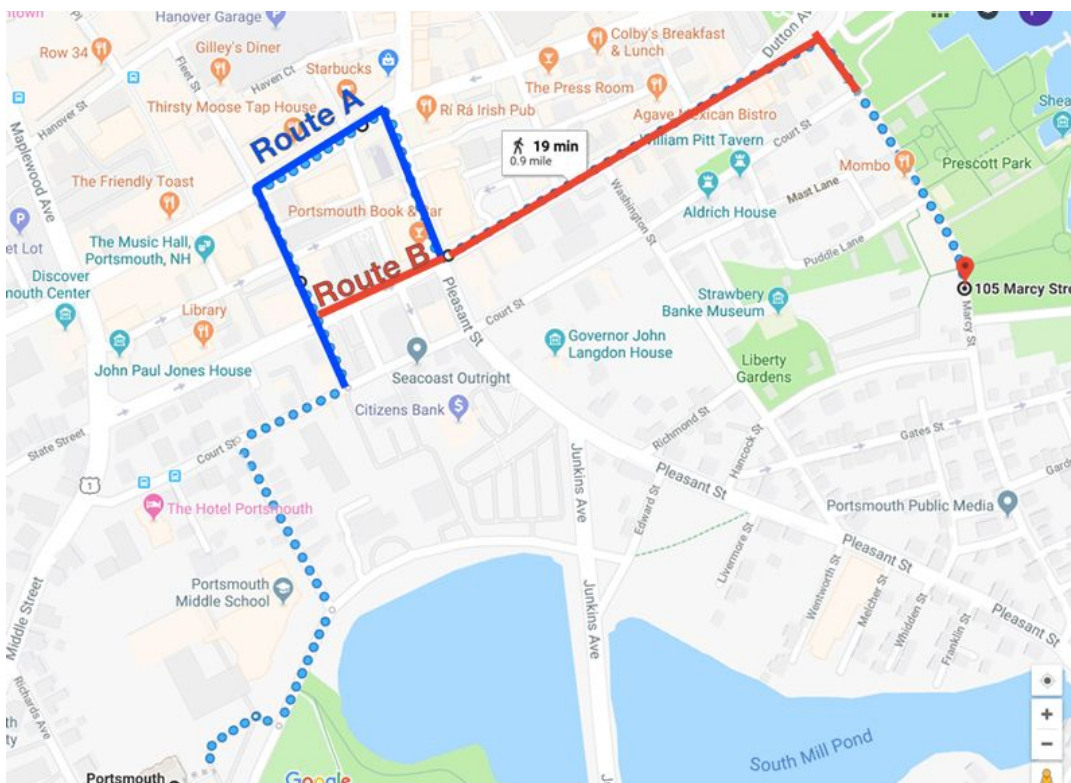
We look forward to working together to find a route that makes the most sense for the city. Here are our proposed routes — we've marked our preferred option and included various considerations behind each option:

Starting Point (Portsmouth Library/Middle School Lot)

This lot was used as our main gathering and starting point last year and it was very successful. It's a well-known spot with nearby parking options and plenty of room for our marchers to gather and celebrate.

Ending Point (Marcy Street entrance to Strawberry Banke's main event field)

We will be entering Prescott Park from the entrance point on Marcy Street. This access point to our main event site gives plenty of room for our marchers to enter.



Market Square

Route A — (Parrott > Rogers > Court > Fleet > Congress > Pleasant > State > Marcy) ****Preferred Route****

This .9-mile route is our preferred march route. It contains great visibility by looping through Market Square, as we did in the first years of PRIDE, and then proceeding via Pleasant Street to the main stretch down State Street. It avoids affecting traffic on Middle Street, and avoids going in front of the fire station on Court Street

State Street

Route B — (Parrott > Rogers > Court > Fleet > State > Marcy)

This .8-mile route is our proposed alternate march route. It maintains some visibility by proceeding the main stretch down State Street, still avoids affecting traffic on Middle Street and avoids the fire station on Court Street.

Since the Sarah Mildred Long bridge is now open and operational (meaning that we have three functioning bridges over the Piscataqua between Portsmouth and Kittery) and given the advance notice for traffic pattern notice, etc., we believe that temporarily closing Market Square and State Street, as several road races do, is an achievable request given the profile that this event has earned through four successful years as a fun, family-friendly event.

MEMORANDUM

TO: John Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: March 20, 2019

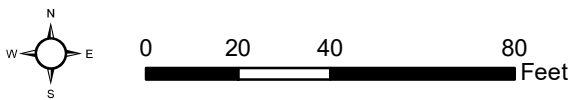
RE: City Council Referral – Projecting Sign
Address: 60 State Street
Business Name: Strawberry Banke Antique & Vintage Shop
Business Owner: David Pettigrew

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 35" x 44.5"
Sign area: 10.8 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the 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.



**Request for license
60 State Street**



44.5" x 35"
painted extira
2 sided hanging sign

LADY PICKERICK'S



60

Hours
Mon 12:00-5:00
Tue Closed
Wed Closed
Thu 12:00-5:00
Fri 12:00-5:00
Sat 12:00-5:00
Sun 12:00-5:00



RECEIVED

MAR 11 2019

CITY MANAGER
PORTSMOUTH, NH



PORTSMOUTH PROFESSIONAL FIRE FIGHTERS

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
LOCAL 1313

P.O. BOX 207 • PORTSMOUTH, NH 03802-0207

March 13, 2019

Mayor Jack Blalock and City Council
Portsmouth City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Honorable Mayor Blalock and members of the City Council:

The International Association of Firefighters (IAFF) is the largest contributor to the Muscular Dystrophy Association (MDA) nationwide. The Portsmouth Professional Firefighters and Local 1313 membership are proud members of the IAFF and have annually supported the MDA with their fundraising efforts for many years. Last year the members of Local 1313 raised over \$12,000 through our Fill-the-Boot campaign.

The Fill-the-Boot Drive is a voluntary "toll booth", which has been traditionally located at Market Square. During the event, firefighters collect donations for the MDA from passing motorists and pedestrians. Our Fill-the-Boot campaign has been so successful in the past because of the support of the City Council.

Once again, we are asking for the City Council to support our efforts in assisting the MDA. We respectfully request permission to hold two boot drives this year, the first on Sunday, June 30th, and the second on Sunday, August 18th. We would collect donations between the hours of 8am to 4 pm. We would like to continue to utilize the Market Square location as it has been very successful for us in the past.

The Portsmouth Professional Firefighters began its fundraising efforts for MDA over 15 years ago. Each year the money collected has benefited afflicted children from Portsmouth, the surrounding seacoast, and across the State of New Hampshire. This year our goal is to raise \$12,000 again for this worthy cause, and with the City Council's support we believe we can achieve this.

The Portsmouth Professional Firefighters look forward to working with you on this and would like to thank you for your continued support in our efforts to help the MDA. If there are any questions or concerns, please feel free to contact Firefighter Ezekiel Tappin at 603-315-9187.

Sincerely,


Allan Scholtz, Secretary
Portsmouth Professional Firefighters Local 1313



Richard A. Mason, Logistic Chair
2019 Veterans Count 5K Road Race
3 Suzanne Drive, Portsmouth, New Hampshire 03801
Rmason55@comcast.net cell: 603-396-8604

March 19, 2019

Mr. John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Mr. Bohenko:

Veterans Count is seeking the appropriate approvals for our Pack & Boots 5K Road Race sponsored by the Seacoast Veterans Count, an affiliate of Easter Seals-NH. We offer the following information, just as we have for the past several years...hard to believe this is our 7th annual road race!

DATE/TIME: July 4, 2018 with an 8:00 am start with the 1-mile Pack & Boots race restricted to the immediate area of Strawberry Banke followed at 8:30 am with the 5K road race (times may be earlier).

LOCATION: The 5k portion's location will be the same as the Seacoast Rotary's Turkey Trot (Thanksgiving Day) which begins at Pierce Island, Marcy Street, South Street, Lafayette Road, Middle Street, Court Street and ending on Marcy Street near the Mombo Restaurant parking lot. The Seacoast Rotary has volunteered to assist us with the logistics as they have utilized this race route and venue for all our previous years.

ATTENDEES: We are hoping for about 400 runners in the 5K and possibly 50 in the Pack & Boots race.

TIMEFRAME: We anticipate being cleaned and off premises at 11:00 am.

FOOD: As in the past we will have donated off-site prepared food, we will seek the appropriate permits and information. There will be no alcohol at this event.

SANITATION: We will have the appropriate number of porta-potties on site, working with the Portsmouth Health Officials.

POLICE: We will work with the Portsmouth Police Department to have details as required as we have previously.

PHOTOGRAPHY: We are looking into a photographer that has capability of photographing from a drone. Are there rule pertaining to this use of a drone?

Once again much of the information listed is a repeat of both previous years so we will be working again with the City to make this as seamless as possible.

I am available at the above contact information for further questions or if you wish me to attend a logistics meeting with the City Officials.

Thanks!

Richard Mason

CC: Greg Whalen
David Hampson



Run with the Cause

ST. CHARLES CHILDREN'S HOME 5K

RECEIVED

MAR 21 2019

CITY MANAGER
PORTSMOUTH, NH

March 18, 2019

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

Dear Mr. Bohenko,

The 23rd Annual St. Charles 5K held on Labor Day at the Pease International Tradeport, would like to ask your permission once again to hold the St. Charles 5K Road Race at Pease International Tradeport on September 2, 2019 at 9:00 a.m.

As in the past, we will communicate and obtain the required insurance for the City of Portsmouth, as well as Martin's Point Healthcare and the Pease Development Authority. We also will be hiring the Portsmouth Police department to provide coverage and secure an EMT or on site ambulance to cover medical needs. Our large pool of volunteers will make sure the event runs smoothly and that the area is left spotlessly clean by 1:00 PM.

Please note that our mailing address has changed to:

St. Charles 5K
19 Grant Street
Rochester, NH 03867

Thank you for your time and attention toward making this a safe and successful event.

Sincerely,

Jennifer Gilbert
Office Manager/Race Coordinator

CITY COUNCIL E-MAILS

March 19, 2019 – March 28, 2019 (9:00 a.m.)

APRIL 1, 2019 CITY COUNCIL MEETING

UPDATED 04/01/2019 THROUGH 3:00 PM

New content begins Page 5

Below is the result of your feedback form. It was submitted by Bill St Laurent (billstl60@aol.com) on Monday, March 18, 2019 at 17:00:14

address: 253 Colonial Dr

comments: I wish councilor Denton would as much time and energy helping the taxpayer as he does with his condemnation of plastics use in our city. Mr. Denton I am wondering if you realize what it takes with the use of paper bags, if you don't I will tell you, trees create paper products so you have us hurt the atmosphere for the sake of stopping plastic bag usage.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jude Blake (jude@judeblake.com) on Tuesday, March 19, 2019 at 20:47:39

address: 18 Congress St. Ste 503, Portsmouth, NH 03801

comments: Dear City Council Members,
My name is Jude Blake and I live at 18 Congress Street, in the heart of Market Square. I am also the President of the 18 Congress Street HOA. I am perplexed by your proposal to 'test' the closing of the entire downtown to vehicle traffic during the busiest session of the year, weekends in July. I have yet to meet anyone who lives or works in this neighborhood who supports this endeavor. We have asked our owners to reach out to the city council and I understand at least a few of them have done so. I must say that many in my building are upset that this is moving so fast with little input from the people who actually live and work in downtown. The Councilors who have proposed this plan do not live or work in the heart of downtown, as is true for most/all of the city council. Last I checked, the city council is elected by the people to represent the people of Portsmouth...not the tourists. We pay significant taxes. This proposal will cost the city and the taxpayers and likely reduce the property values of those who live in this district. Who wants to buy a place with such limited access? Who wants to pay to close and reopen streets with little benefit for the residents of the city? We continue to be perplexed about 'what is the problem is this proposal trying to solve?'

As far as I am concerned, this proposal will limit the accessibility to our building and our garage, for residents, employees and guests; it will limit handicap accessibility for the entire downtown; It will make it difficult for police/fire/EMTs to respond; it will restrict delivery of mail and packages; and it will restrict parking, which is already at a premium in this town. Our business owners are very concerned that it will limit access to their businesses, both in terms of revenue and ease of delivery and trash haul. Further, the confusion of closing streets at only certain times and on weekends will likely create other issues. I already see tourists turning the wrong way on our one way streets. This will not help that situation.

I am aware that the council voted to put this proposal into a feasibility study. You did so with almost no input from those of us who live and work here. I do know that Councilor Raynolds met with one of my neighbors and colleagues on our HOA board. I was informed that Councilor Raynolds listened, but his mind is already

made up to move ahead. Councilor Pearson has not made herself available for a meeting and none of the city councilors have solicited input from our residents. I keep hearing this is a 'done deal'. I am very disappointed in what I hoped would be some kind of democratic process. Instead, we have study underway that could likely determine the fate and accessibility of those of us who live here, work here and own businesses here. I question your motives and your process. It is clearly not 'by the people, for the people'. It sounds more like 'by the councilors, for the tourists'. Please let those who live/work/own here have a voice in this process. And ask yourselves, 'what problem are we trying to solve?'

Thank you for listening.

Jude Blake

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Mike Casino (casinom@comcast.net) on Wednesday, March 20, 2019 at 11:51:42

address: Bow St, Portsmouth

comments: To all City Councilors

I am writing to provide some thoughts regarding the on-going redevelopment of the McIntyre building site. First, I would like to thank those councilors who attended the Revisit McIntyre meeting last night – your effort and consideration is greatly appreciated.

I attended all of the public meetings that were held once the Redgate/Kane development team was selected. The first few meetings left me feeling relatively optimistic that we might achieve some good results from this process for what we all know is an incredibly important site in the heart of our community. There was good give and take in these first meetings and the designers/facilitators listened considerately and were responsive in trying to incorporate the participants suggestions into the site's reuse and design. However, as the meetings progressed the public input process had a feeling of becoming much less productive and much more constricted. By the end, we were required to submit comments and questions on note cards which I found to be very unsatisfactory and did not further the goal of incorporating public sentiment into the final design, in my opinion.

The result of the public process was a fully-formed design concept from Redgate/Kane with no opportunity for meaningful comment from residents as to whether or not the development team had been successful in producing something that reflected our comments or a concept the community really wanted. I participated in the meeting where the 3D model was presented and discussed in groups afterwards but that felt very disorganized leaving us uncertain as to how our comments would be addressed. It felt more like a meeting to appease rather than to further the public's input into the design. This design gives the appearance that creating the public realm/space on the site was an afterthought that was shoehorned in after the desired amount of building square footage was established by the developer to support their bottom line. In my opinion, the approach should have been reversed with the public space created first and the buildings incorporated afterwards in a complimentary way. If, at that point, changes needed to be made to address cost and financing issues they could be discussed with the public and city council.

The final design presented by Redgate/Kane leaves me very disappointed and feeling as though I wasted my time in attending the public meetings. If this design had been proposed for the Portwalk site I might feel a little less disappointed. However, the bar for the McIntyre site needs to be set much, much higher and we have not come close to achieving that height at this point. This site deserves an ICONIC public space that is on par with Prescott Park or Market Square and we are not close to those standards with the current proposal.

The question was raised at the Revisit McIntyre meeting last night regarding whether or not we have any legal obligation to the current developer. The answer to this question was left uncertain at the meeting but to this point I would say it really doesn't matter because if we are obligated in some way to the developer they have an equal obligation to us, the city, to provide an acceptable design that achieves our physical and financial requirements, especially since they were invited to participate in the process without have to purchase the property as would normally have been the case. If they can't make it work then we should move on. I would respectfully ask that you require this developer, or a subsequent developer if necessary, to re-engage in a design process that provides alternative concepts that the public can give meaningful critique on which I believe is more likely to provide the type of reuse of this site that we can all be proud of for many years to come.

Let me leave you with one final and tangent consideration. I have heard rumblings, and I'm not sure how real it is, that there's consideration being given to converting the Worth parking lot into a public park. While I'd love to see another park in town this leaves me scratching my head. That we would consider diminishing our already insufficient supply of convenient parking while, at the same time, consider redeveloping the McIntyre site with building space that will have insufficient parking for all the proposed uses. That doesn't seem like good planning when we might create that open space on the McIntyre site without any loss of parking.

Thank you for your consideration.

Mike Casino
Portsmouth, NH

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Russ Payne (19riderlee36@comcast.net) on Wednesday, March 20, 2019 at 14:44:05

address: 45 Coventry Ct

comments: Open Letter to Portsmouth City Counselor, Josh Denton & to Portsmouth Citizens:

I applaud your deep concern for the people you serve as City Counselor in Portsmouth. Sincerity is not in question. However, I do question that your expertise on this subject is limited. What is popular often opposes what is true. Especially when intelligent evaluation of all the facts from both sides is not adhered to. Citizens should be suspect if "climate change" is the reason behind the proposal to ban all plastic bags, straws and containers. Both leaders and citizens need to consider that most concerns for the environment are not based on exact science. And as chance would have it, headlines that expose the truth behind climate change are as rare as polar bears in the Sahara Desert.

Why do headlines and nightly news programs seem to have an allergic reaction to any opinion that opposes radical concern about climate change? Consider that 100,000 protesters outraged over carbon taxes imposed by the UN Paris Agreement were mostly ignored in our media. Apparently, this groundswell of true grassroots reaction from French citizens crushed by high taxes on fuel and energy did not fit the popular mindset of climate change. Unfortunately, Americans have not been immunized with the anti-fraud vaccine called truth to see through this global con-game. Concern for the environment is an honorable cause only when it is controlled by local citizens impacting their town governments.

The price of liberty we have been warned is eternal vigilance. That includes such radical concerns about plastic bags that have been disproven. I urge you to consider these facts from Camp Constitution, Director, Hal Shurleff that recently helped in the war against the plastic bag ban in Boston:

<http://campconstitution.net/wp-content/uploads/2019/01/Plastic-bag-ban.pdf>

I fear Mr. Denton that your concern marches to a tune that has circumvented the U.S. Constitution, State of New Hampshire Law and local law. Many of your citizens perhaps are unaware that your city is one of 4 cities in our state that have joined as members of the International Council for Local Environmental Initiatives (ICLEI). Thomas Jefferson's words describe our nations vulnerability to this International law:

"If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

The enemies of the liberty our Constitution has provided never sleep. The severe lack of knowledge existing about the threat of international law to our liberty has many allies in the Federal government ,our State leaders and the establishment media. This leaves the man on the street with to few friends at all levels of government. Informing your self is not an easy task. I suggest you start by contacting Hal Shurtleff , Director of Camp constitution.

Sincerely & Respectfully
Russell Payne

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by John Hugo (john@hugobooksinc.com) on Thursday, March 21, 2019 at 11:53:12

address: 20 Congress Street
comments: Dear City Council Members,

My name is John Hugo and I own the retail condo occupied by Kilwins on Market Street. I want to express my strong objection to closing the streets during our busiest season of the year. This will hurt revenue and impact deliveries for my tenant and keep dollars out of the register. I own 4 bookstores and a clothing store in Massachusetts and when this has been tried we lose exactly half of our normal sales and all of our customers "loudly" voice that if they cannot get to us they will not come downtown to shop.

In an era where the internet and Amazon are toppling retail bricks and mortar store from the national level to the mom and pops, if Portsmouth values having a vibrant, successful, and tax paying retail community they should table this idea and keep the streets of Portsmouth open.

Regards
John Hugo

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Sean (seansieper@gmail.com) on Sunday, March 24, 2019 at 07:11:38

address: 2 Nixon Park

comments: Hello,
I wanted to first thank each of the city counselors for your time and dedication to the city. I have been following McIntrye project passively for a couple years now and wanted to state my opinion regarding the comments I'm reading about the site needing more opening space in the form of a park. I firmly believe that using this site as a park would be a huge mistake. I also question the value of the city entering in a public/private partnership. It's seems like the time this is pulling from other activities when it could just flow through the private process like other developments should be considered as an option to move forward.

Thanks Sean
includeInRecords: on

Below is the result of your feedback form. It was submitted by Elizabeth Dinan (dinanroom@gmail.com) on Sunday, March 24, 2019 at 18:13:31

address: 639 maplewood ave

comments: Councilors,
There is an enormous of roadside litter throughout the city (outside of downtown). The Rockingham County Dept. of Corrections will provide inmate crews to clean it up for the cost of their lunch. It's not forced labor, it's a volunteer inmate program. Please look into this offer. Thank you.

<https://www.seacoastonline.com/news/20170827/rockingham-jail-inmates-available-for-hire>

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Lillian Seitz (liliem@comcast.net) on Tuesday, March 26, 2019 at 16:32:34

address: 20 Taylor Ln

comments: What is wrong with Josh Denton? We are so tired of hearing about his plastic bag ban! Please reference Charles Griffin's op-ed piece on March 21 and Christina Lusky's letter to the editor on March 26 in the Portsmouth Herald. They are voices of reason. Plastic bags take up a minuscule amount of space in the landfills according to a waste management professional who also had a previous article in the Portsmouth Herald. Plastic bags are essential for so many uses; picking up dog poop, lining wastebaskets, transporting items, wrapping residential medical waste, and the list goes on and on. If we didn't have these wonderful reusable grocery bags to serve a double duty, we would be buying packaged plastic bags anyway from the grocery store. I'm sure the grocers would love this! This ban is nothing but a regressive tax on citizens and will hurt seniors and poor people. Then there is also the bacterial risk factor from using reusable bags over and over again and not cleaning them on a weekly basis as is suggested. Just more waste of our precious water. PLEASE don't let this crazy ban pass!!!

Lillian and Ken Seitz

includeInRecords: on
Engage: Submit

New Content Begins:

Below is the result of your feedback form. It was submitted by Jonathan Sandberg (Jfsandberg@yahoo.com) on Saturday, March 30, 2019 at 11:44:34

address: 160 Bartlett Street

comments: Dear City Councilors,

I am writing to express support for Coucilor Denton's recently proposed plastic bag ban. I am an avid jogger and cyclist and seeing the city at that pace I am always shocked by how much plastic bag litter is strewn in the shrubs and trees that line the streets of our city.

I am also aware of the growing costs to the city involved with disposal of solid waste. As a taxpayer I'm interested in reducing this cost and I believe it's all of our responsibilities to aid in that.

Some argue that forcing shoppers to provide or pay for their own bags is an undo financial burden that will hurt the poorest of us most. But the fact of the matter is that the cost of those bags are borne by all of us and built into the price of products we buy at the stores. It's unfair that even though I always bring a reusable bag when I shop I have to pay for the plastic bags of others through higher prices. To me, that's patently unfair. So I for those reasons and others I applaud your efforts. Please continue in that direction.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Charles Bickford (cgbick@hotmail.com) on Saturday, March 30, 2019 at 14:05:36

address: 45 Gardner St

comments: I am strongly in favor of banning single use plastic bags. It is a small step to help clean up our environment. I'm not moved by the rhetoric of the people who oppose such a change. However, I suggest that a grant be secured to help the public, particularly those with very limited funds, to make the adjustment over a period of time. I think we will all find that we can get used to this change more easily than we anticipate. Let's try to be as positive and helpful as we can be with this possible change.

Thank you for your time.

Sincerely,
Charles G. Bickford

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Zelita Morgan (Zelita.morgan@gmail.com) on Sunday, March 31, 2019 at 06:29:45

address: 39 Richards Ave

comments: Good morning Councilors,

What is the lifespan of the new Pierce Island WW Treatment Plant?

Sincerely,
Zelita Morgan

includeInRecords: on
Engage: Submit



DEPARTMENT OF THE ARMY
RECRUITING AND RETENTION BATTALION
1 MINUTEMAN WAY
CONCORD, NEW HAMPSHIRE 03301-5607

NGNH-RR

12 March 2019

MEMORANDUM FOR The Honorable Mayor Jack Blaylock and Portsmouth City Council Members

SUBJECT: Event Permit Request to Conduct the Regional Best Warrior Competition Ruck March on 2 May 2019

1. The New Hampshire Army National Guard would like to conduct our Regional Best Warrior Competition 12 mile Ruck March on 2 May 2019 beginning at 10:30 AM. The planned route for this event starts at the Portsmouth Naval Ship Yards Wyman Ave gate to US Route 1 across the bridge to Marcy St then onto NH 1B with the turnaround point at the Odiorne Boat Launch on NH 1A and finishing at Ft Constitution. See attached map.
2. The event will involve approximately 14 Soldiers carrying a 35lb ruck sack, wearing military gear to include carrying a replica of an M16 rifle. The weapon is plastic and has no firing capabilities or bolt mechanism. There will also be approximately 14 sponsors accompanying the Soldiers on the ruck March. We will have support personnel at the junction of US Route 1, State St & Marcy St and markers roughly every two miles. The support personnel will have on reflective vests.
3. Respectfully request written authorization for the use of roads within Portsmouth limits from the approving agency.
4. Points of contact are the undersigned at robert.b.radcliffe.mil@mail.mil or 603-225-1214 or 1SG Erik Hansen at erik.r.hansen.mil@mail.mil or 603-717-5678.

A handwritten signature in black ink, appearing to read "Robert B. Radcliffe".

ROBERT B. RADCLIFFE
CSM, NHARNG
Rec & Ret Command Sergeant Major

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Unnamed Route

LOCATE MAP Search map

AUTO PLOT OFF BY ROAD ON FOOT BY BIKE

ROAD MODE OFF ON

MAP TYPE OSM STREET MAP

Start

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plotaroute.com Create Routes Forums How To Search plotaroute.com

Unnamed Route

LOCATE MAP Search map

AUTO PLOT OFF BY ROAD ON FOOT BY BIKE

DRAG MODE OFF ON

MAP TYPE DSM STREET MAP

US 1

Portsmouth - Star Island

Four Tree Island

John Paul Jones Street

Stair Avenue

Meadow Avenue

Chapel Street

Prior Street

Seawing Street

Pierce Island Road

Rock County Maine 04571

Piscataquis River

Portsmouth - Star Island

South Middle

Shaws Hill

River Road

Portsmouth Avenue

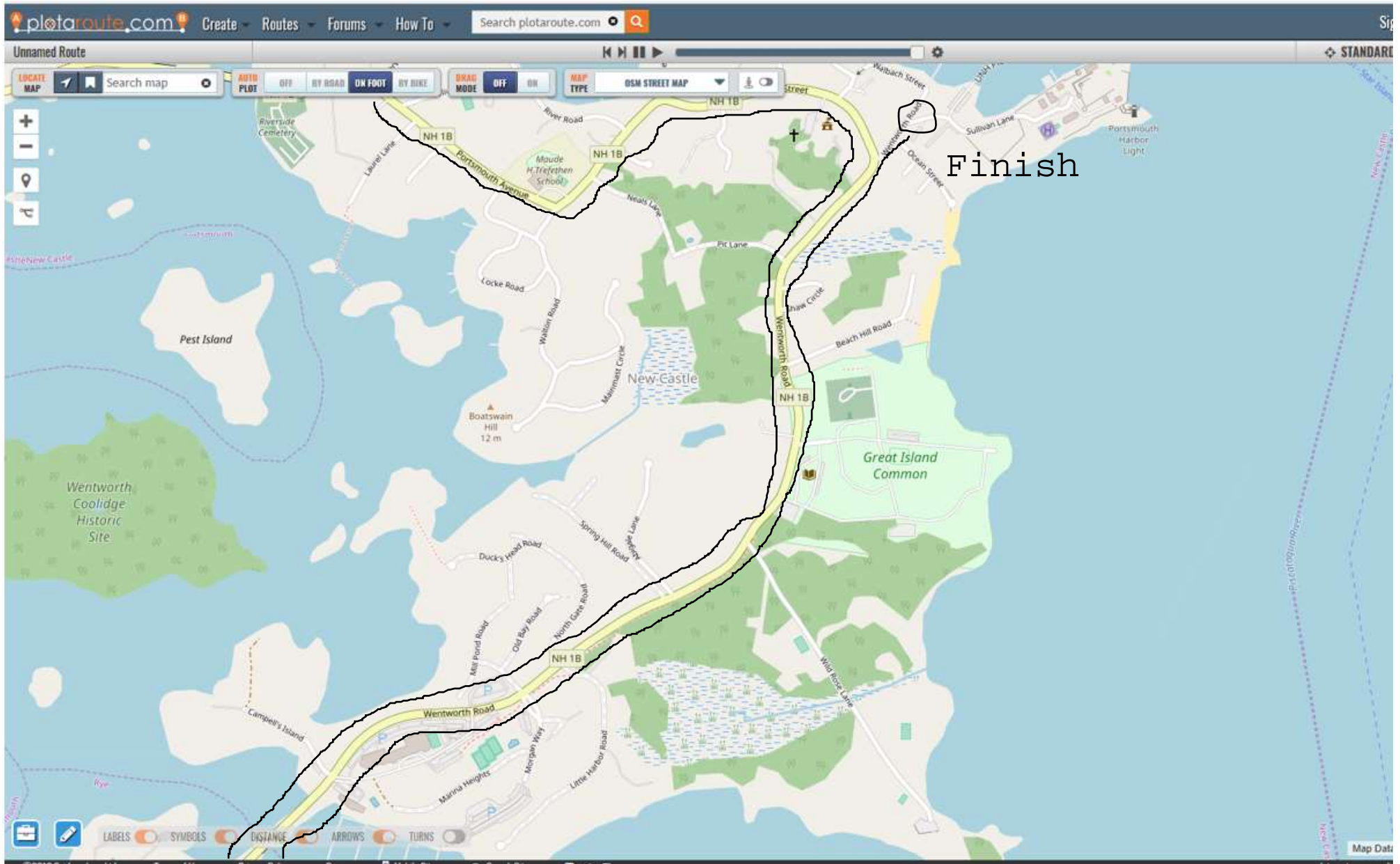
Locke Road

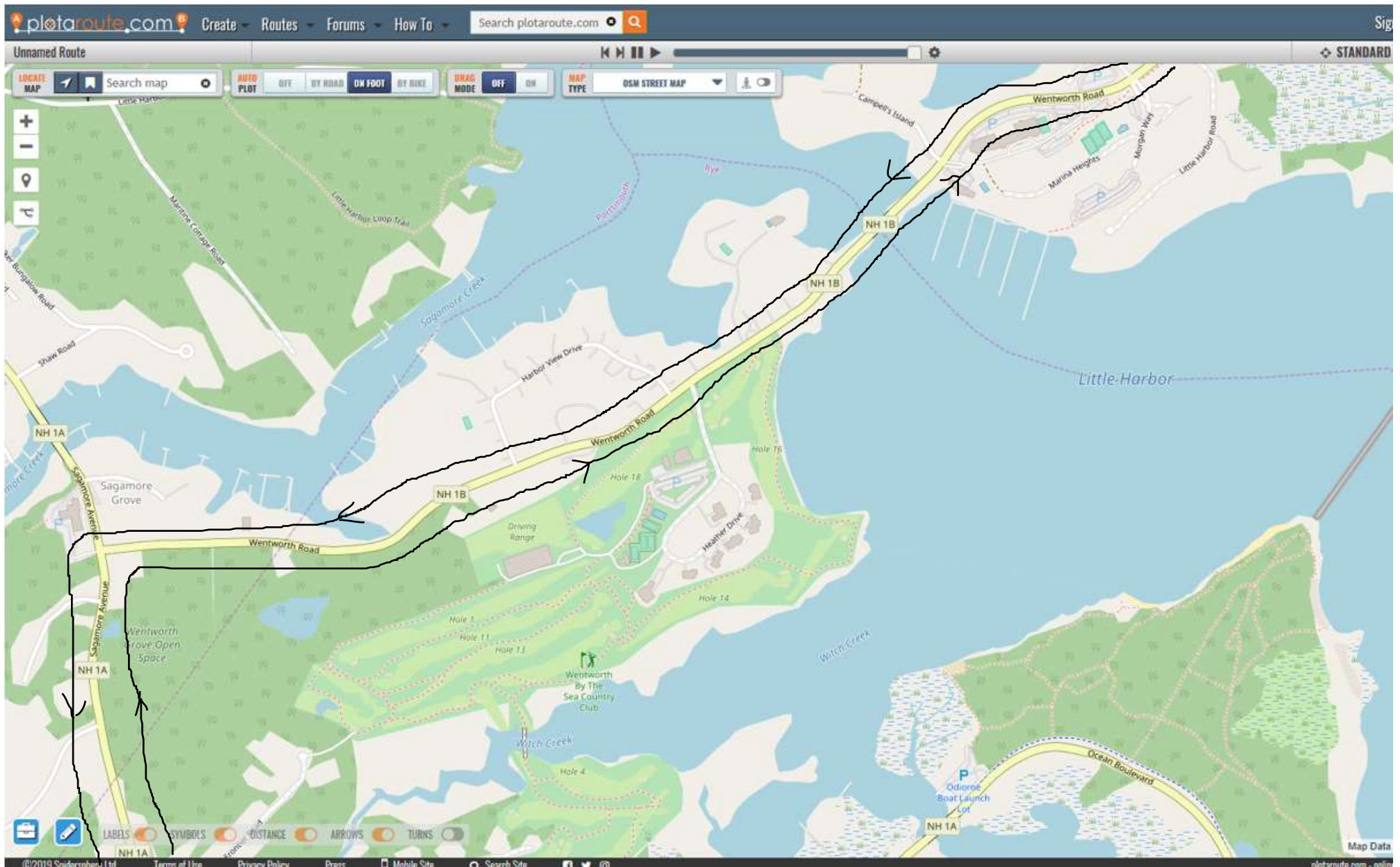
Wallow Road

Pest Island

Map Data

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Unnamed Route STANDARD Route Planner

LOCATE MAP Search map AUTO PLOT OFF BY ROAD ON FOOT BY BIKE DRAG MODE OFF ON MAP TYPE DSM STREET MAP

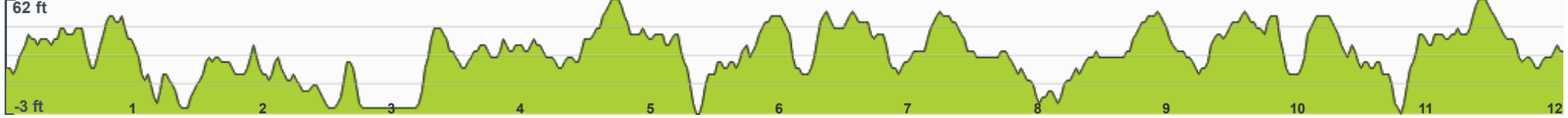
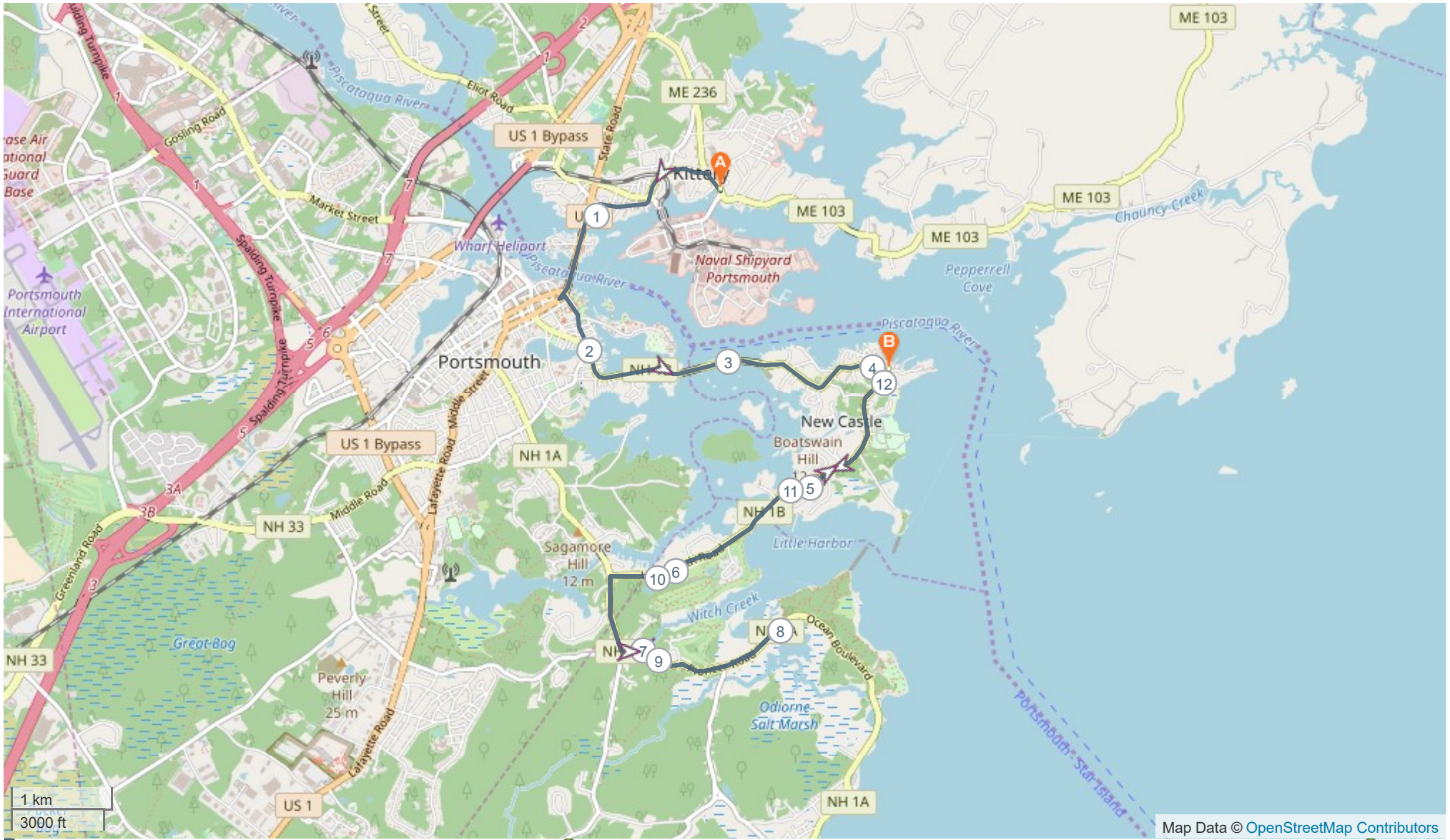
POINTS PLOT 0.000

Turn Around Point

Map Data © OpenStreetMap

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Unnamed Route

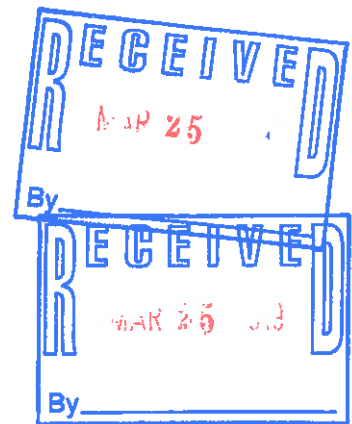


ROUTE DIRECTIONS

No	Miles	Turn	Directions
1	0.000		Start on Whipple Road, ME 103
2	0.128	↙	Turn left onto Whipple Road, ME 103
3	0.165		Turn slight left onto Whipple Road, ME 103
4	0.293	↙	Turn left onto Wentworth Street, ME 103
5	0.918	←	Turn left onto Commercial Street
6	0.938	→	Turn right onto Water Street
7	1.048	←	Turn left onto US 1
8	1.513		Keep left onto Memorial Bridge, US 1
9	1.593	↓	Turn sharp left onto State Street
10	1.601	→	Turn right onto Marcy Street
11	1.971	↙	Turn slight left onto Marcy Street, NH 1B
12	3.194		Keep left onto Portsmouth Avenue, NH 1B
13	3.325	↗	Keep right onto Portsmouth Avenue, NH 1B
14	3.618	↙	Turn left onto Cranfield Street, NH 1B
15	6.332	←	Turn left onto Sagamore Avenue, NH 1A
16	6.796	↙	Keep left onto Sagamore Road, NH 1A
17	6.862	↙	At roundabout, take exit 1 onto Pioneer Road, NH 1A
18	7.896		Keep left
19	7.993	↗	Keep left
20	8.002		Keep left
21	8.040	↓	Turn left
22	8.072	→	Turn right
23	9.177		Keep right onto Pioneer Road, NH 1A
24	9.232	↗	At roundabout, take exit 1 onto Sagamore Road, NH 1A

No	Miles	Turn	Directions
25	9.680	→	Turn right onto Wentworth Road, NH 1B
26	12.001	↗	Turn right onto Wentworth Road
27	12.057		Keep right onto Sullivan Lane
28	12.069		

SMR
pls CC City
Monter
R/S
3/25



435 Cutts Avenue
Portsmouth NH 03801
March 21, 2019

Mayor Jack Blalock
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Robert P. Sullivan, Esquire
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Community Development Department
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

RE: Bethel Assembly of God property, 200 Chase Drive, Portsmouth

Dear Mayor Blalock, Attorney Sullivan and Community Development Department:

My name is Edward W. Richards and I reside at 435 Cutts Avenue in Portsmouth. My property abuts the Bethel Assembly of God property located at 200 Chase Drive.

It has come to my attention that the church has entered into a Purchase and Sale Agreement to sell the parking lot portion of its property to a developer. This property has been leased by the City for a number of years for overflow parking. The City has run a transit bus service to downtown Portsmouth and many visitors who wish to walk downtown have utilized this parking area as it will be used as needed parking for the new Gateway Park being constructed on the north side of Market Street.

This recent development in the church's desire to terminate their ownership in this property, I believe, creates a once-in-a lifetime opportunity for the City of Portsmouth to purchase this lot and still service the needs of the church by granting the church an easement for times of its religious services/activities. Alternatively, the City could purchase the development rights for the property and enter into a long-term lease to continue to utilize the lot as the City has done over the last number of years.

The property is presently going through the variance application, subdivision and planning process. In my opinion it is a prime time for the City to become involved, approach the church and make an effort to secure this site for parking for the long-term benefit of the City and visitors to the City. To me it is pretty clear that the spaces available would come at a significant discount to the cost of constructing more parking garage space in the downtown area.

Please do not hesitate to call me at 566-7546 or my office 882-3344 if you would like to discuss this further. Thank you for your consideration.

Sincerely,




Edward W. Richards

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 29, 2019

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on April 1, 2019 City Council Agenda

City Manager's Items Which Require Action:

1. **Acceptance of Woodbury Avenue Signal Coordination Project** The City reconstructed all of the traffic signals from Portsmouth Boulevard to Gosling Road, and also at the Woodbury Avenue and Granite Street intersection. The City also replaced all deficient handicapped ramps and markings in these areas to make the entire area handicapped accessible. Of the \$1,413,582.90 required to complete the project, \$533,741.60 was paid for under CMAQ (Congestion Mitigation and Air Quality) Federal funds administered through NHDOT.

As part of the State's close out procedure on the project, the City is required to formally accept the project. *Attached is a Certificate of Final Completion of Work.* The Public Works Department and their consulting engineers, TEC, Inc., have reviewed the entire project in depth and find no fault with the work that was performed.

I recommend the City Council vote to formally accept the Woodbury Avenue Signal Coordination Project.

2. **Easement Re: Chestnut Street Pedestrian Connector** The final detail to complete the Chestnut Street Pedestrian Connector Project is the execution and recording of an Easement Agreement under which the City would accept an easement from TD Bank, N.A. The easement is made necessary by the fact that the pedestrian connector is located on approximately three (3) feet of TD Bank, N.A. land.

Attached is a proposed easement which has been the subject of significant negotiation between TD Bank N.A., David Moore and the City Legal Department. The essential purpose of the easement is to allow the public to use and the City to maintain the pedestrian connector TD Bank, N.A. land.

I recommend the City Council move to authorize the City Manager to accept and record the easement agreement for the Chestnut Street pedestrian connector from TD Bank, N.A. as presented.

3. **License Extension for Bluestone Properties of Rye, LLC for property located at 135 Congress Street**
Previously, the City Council approved a temporary construction license for Bluestone Properties of Rye, LLC to encumber a portion of the City's sidewalk at 135 Congress Street which expires on March 26, 2019. The applicant has indicated that due to construction delays associated with the construction of the three-story building, they now require a temporary construction license through April 30, 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 March 27, 2019 and end on April 30, 2019.

The License Area is shown on the attached plan. The total license area is 563 square feet. Per the City's policy for "License Fee for Encumbrance of City Property", the total fee for the temporary license is calculated at \$0.05 per square foot per day for a total of 35 days, which comes to a total fee of \$985.25. The attached proposed license agreement provides that if the license area is returned to the City prior to the end of the License Term, the City will refund to 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.

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

I recommend the City Council move to authorize the City Manager to negotiate and enter into a temporary construction license with Bluestone Properties of Rye, LLC as submitted to facilitate construction activities at 135 Congress Street.

4. **Applications for Sidewalk Cafes providing Alcohol Service.** In 2012, the City Council adopted City Council Policy 2012-02 titled "**Policy Regarding Use of City Property for Sidewalk Café's providing Alcohol Service**", a copy of which is attached. That policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. The policy outlines the criteria for both the application and the operations of the sidewalk cafés and calls for a 6 month term, typically running from mid-April through mid-October.

Last year, four Area Service Agreements were issued for public Sidewalk occupancy. To date we have received five applications, including Raleigh Wine Bar and Market, Popovers on the Square, Ri-Ra Irish Pub, Fezziwig's Food & Fountain, and The District. City staff representatives from Police, Fire, Public Works, Building Inspection, Health, and Code Enforcement have reviewed those applications, found the applications complete and recommend issuance of the Area Service Agreements in accordance with City Council Policy 2012-02.

The fee for the use of the public "Area" subject to the Area Service Agreement is \$10.00 per square foot, with a minimum season's fee of \$2,000 and no proration of the fee. The Agreements may be suspended at the sole discretion of the City on an administrative basis and revoked in their entirety by vote of the City Council. Hours of operation are until 10:30 p.m. Monday through Saturday, and until 10:00 p.m. on Sunday, with no smoking allowed in the "Area" at any time. Use of the "Area" may be precluded, modified or made subject to special conditions to accommodate municipal events. The sidewalk café Area will be separated from the public pedestrian space by black decorative metal fencing. (See attached sidewalk café layouts.)

The table below includes applications (this year we asked applicants to submit their request online, via our ViewPoint portal) received to date along with the areas and associated fees:

Record #	Establishment	Location	Area	Fee	Tables	# of Chairs
19-1	Raleigh Wine Bar & Market	67 State Street	258	\$2,580	9	30
19-2	Popovers on the Square	8 Congress St	723	\$7,230	11	42
19-4	Ri Ra Irish Pub	22 Market Square	508	\$5,080	7	48
19-6	The District	103 Congress	500	\$5,000	16	32
19-7	Fezziwig's Food & Fountain	112 State Street	120	\$1,200	3	6

City staff have reviewed all applications and are recommending approval as presented.

I recommend the City Council move to authorize the City Manager to enter into Area Service Agreements with Raleigh Wine Bar and Market, Popovers on the Square, RiRa Irish Pub, The District, and Fezziwig Food and Fountain for outdoor alcohol service on City land for the 2019 season subject to City Council Policy No. 2012-02.

Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk. The City has received three applications for sidewalk cafes that are proposed for private sidewalk that runs along Portwalk Way. While these proposed locations are completely contained on private property, they are adjacent to the sidewalk area that the City has an easement over. (See attached sidewalk café layouts.) The operation of these areas requires review for health and life-safety compliance and it was therefore determined that the City should review and issue a license for the operation. Because the operation occurs on private property and not on City property, as the other Sidewalk Café licenses, there is no associated fee with this action.

Record #	Establishment	Location	Area	Tables	# of Chairs
19-3	British Beer Company	2 Portwalk Place*	350	9	24
19-5	Row 34	5 Portwalk Place*	290	6	18
19-8	BRGR Bar	34 Portwalk Place	480	9	30

City staff have reviewed all applications and are recommending approval as presented.

I recommend the City Council move to authorize the City Manager to enter into Area Service Agreements with British Beer Company, Row 34, and The BRGR Bar for outdoor alcohol service on private land for the 2019 season subject to City Council Policy No. 2012-02.

5. **Request for First Reading Re: 15 Middle Street Re-Zoning Request**

On February 4, 2019, Attorney Phoenix submitted a letter to the City Council on behalf of his client, James McSharry, requesting that the property located at 15 Middle Street be re-zoned from CIVIC to Character District 4 (CD-4). At the February 19, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

The property is currently zoned Civic District (see attached Zoning Map). Portsmouth has six main Character Districts in the Zoning Ordinance. Except for the “Civic District”, all the Districts pertain to private properties and uses in the Downtown, North End, and West End. In contrast, Civic Districts contain properties that are designated to preserve the existing buildings and uses, which are open to and primarily serve the general public (i.e. religious facilities, historical societies and other non-profit establishments). Properties in the Civic District are generally open to the general public and are dedicated to the arts, culture, education, religion, or other public uses. Properties in the Civic District may be converted to other civic uses permitted under the ordinance; however, new structures or alterations or expansions of the existing structures that propose non-civic uses require a change to the Regulating Plan (or Zoning Map) as set forth in Section 10.5A22 of the Zoning Ordinance.

Being a religious use for more than a century, the structure at 15 Middle Street was designated as Civic Use upon adoption of the Character-Based Zoning in 2013. Since that time, the current property owner (the Salvation Army) has marketed the property for other uses and recently signed a purchase and sale agreement to convert the use of the building to a non-civic use -- hotel. Thus, the conversion of the use requires a change in the Regulating Plan as well as land use approvals from the Historic District Commission and the Planning Board.

This property abuts both the higher-density CD5 District along Congress Street – the heart of the downtown commercial district – and the medium-density CD4 District located along Porter Street. Due to the orientation, setback, and the fact that the primary entrance to the building is located along Porter Street, City Planning Department staff recommended re-zoning to CD4. Note that the permitted land uses are exactly the same for CD4 and CD5. The only discernible difference between the districts are the building’s placement characteristics and its occupation on the lot. Understanding the current reuse proposal is to make relatively minor alterations to the existing structure, the CD4 District will permit such changes without the need for additional zoning relief.

In addition to the base zoning districts, the Character District properties are also subject to separate requirements for building height standards. These are regulated by Zoning Maps 10.5A21B. These standards follow street frontages and not property lines (e.g. a property that fronts on more than one street may be subject to different height standards on each street). The height standards for each of the abutting street frontages are 2 to 3 stories or 40 feet maximum. Planning Department staff recommends amending the standards for this property to match the standards as listed above.

Properties in the Civic District are exempt from dimensional standards. A comparison of the primary dimensional standards for the CD4 and CD5 zoning districts is provided below:

Dimensional Standards	CD4	CD5
Principal front yard (max)	10 ft	5 ft
Secondary front yard (max)	15 ft	5 ft
Side yard	NR	NR
Rear yard (min)	5 ft	5 ft
Front lot line buildout (min)	50%	80%
Building block length (max)	200 ft	225 ft
Façade modulation length (max)	80 ft	100 ft
Entrance spacing (max)	50 ft	50 ft
Building coverage (max)	90%	95%
Building footprint (max)	15,000 sf	20,000 sf
Lot area (min)	NR	NR
Lot area per dwelling unit (min)	NR	NR
Open Space (min)	10%	5%
Ground floor gross floor area per use (max)	15,000 sf	15,000 sf
Building height (max)	see Map 10.5A21B	see Map 10.5A21B
Finished floor surface of ground floor above sidewalk grade (max)	36"	36"
Ground story height (min)	12 ft	12 ft
Second story height (min)	10 ft	10 ft
Façade glazing	70% min for shopfront façade	70% min for shopfront façade

Permitted uses in the Civic District are open to the general public and are dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly, or meeting. The primary land uses allowed in CD4 and CD5 are provided below.

Land Uses	CD4/CD5
Single family dwelling	P
Attached ADU	CU
Garden Cottage	CU
Two-family dwelling	P
Townhouse	P
Multifamily dwelling	P
Live/Work unit	P
Assisted Living Center	P
Residential Care Facility	P
Place of Assembly	S
School	P
Museum	P
Performance Facility	P/S (depending on size)
Club / fraternal organization	P
Indoor amusement facility	P
Health club, etc	P/S (depending on size)
Office	P
Financial institution	P
Group daycare	P
Personal and consumer services	P
Convenience stores	P
Retail sales	P
Restaurant / bar	P/S (depending on size)
Bed and breakfast	P
Inn	P
Hotel or motel	P
Conference center	P

Planning Board Action

At the March 21, 2019 meeting, the Planning Board voted 6 to 1 to recommend to the City Council that this property be re-zoned as follows:

- 1) From CIVIC District to Character District 4 (CD4)
- 2) From no height standard to 2-3 stories (40')

If the City Council is in agreement, I recommend the City Council vote to schedule first reading for the April 15, 2019 City Council meeting.

6. **861 Middle Road Acceptance of Easement** On May 21, 2015, the Planning Board approved an application from Northern NE Conference of Seventh Day Adventists, Inc. for property located at 861 Middle Road to build an addition on an existing church with related site improvements. (See attached Drainage and Utility Easement Deed.)

As approved, the [Site Plan \(attached\)](#) includes a drainage and utility easement to provide municipal access to the City to construct, reconstruct, maintain, repair, and operate drainage and utility infrastructure, along a portion of the northerly rear property line of the grantor's property.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

I recommend the City Council move to accept an access easement to 861 Middle Road as presented.

Informational Items:

1. **Water Bottles** As requested, re-usable, dishwasher safe drinking bottles have been ordered and distributed to City Council members and City employees who would like to use them.
2. **Public Education Forum** In reply to a [letter received from the Save Our Schools Project \(attached\)](#), the Mayor and School Department have established a date and time of April 16, 2019 from 6:00 p.m. to 8:00 p.m. to hold the Ed Funding 101 Forum presentation in the Nichinan Room at Portsmouth High School. The public is invited to attend.

CERTIFICATE OF FINAL COMPLETION OF WORK

(page 2 of 2)

FINAL ACCEPTANCE OF OWNER

I, as representative of the Owner, accept the above Final Certifications and authorize Final Payment in the amount of \$21,287.50 and direct the Contractor's attention to the General Conditions. The guaranty for all work completed subsequent to the date of Substantial Completion, expires one year from the date of this Final Acceptance.

At a meeting of the Portsmouth City Council on _____, the Owner, the City of Portsmouth accepted the constructed project.

City of Portsmouth, NH
OWNER

Date

Authorized Representative's Signature

Name & Title

END OF SECTION

Please return to:
City of Portsmouth
Legal Department
1 Junkins Avenue
Portsmouth, NH 03801

EASEMENT AGREEMENT

This Easement Agreement ("**Agreement**") is made this 29th day of January, 2019, by and between the City of Portsmouth, New Hampshire, an incorporated municipality with an address of 1 Junkins Avenue, Portsmouth, NH 03801 (hereinafter referred to as the "**City**") and TD Bank, N.A., a national banking association, successor-in-interest to Portsmouth Savings Bank/Bank of New Hampshire, with a mailing address of: TD Bank, N.A., Attn: Enterprise Real Estate, 17000 Horizon Way, Mt. Laurel, NJ 08054 (hereinafter referred to as the "**Grantor**").

WITNESSETH

WHEREAS, City has completed the "Chestnut Street Pedestrian Connector" project (the "**Project**") as shown on the plans titled "Chestnut Street Streetscape Project, Bid #61-17, Change Order #4, Chestnut Street Connector, State Street to Porter Street" dated April 10, 2018 and prepared by Altus Engineering, Inc. (the "**Plans**"); and

WHEREAS, the Grantor is the owner of that certain real property commonly known as 333 State Street, Portsmouth, NH (the "**Property**") upon which a part of the Project is located (the "**Easement Area**") as more fully described below; and

WHEREAS, the Easement Area contains four (4) signs (the "**Signs**") belonging to Grantor; and

WHEREAS, Grantor has agreed to grant the City a permanent easement for the maintenance of the Easement Area.

NOW THEREFORE, know all men by these presents, Grantor, for and in consideration set forth in this Agreement, the sufficiency whereof is acknowledged does hereby grant to City,

its successors and assigns, a perpetual, non-exclusive permanent easement to use, maintain, and repair over, and across the Easement Area (hereinafter also called "Permanent Easement") subject to the following terms:

1. The Easement Area is as follows:

A certain easement on the easterly side of and adjacent to Chestnut Street in Portsmouth, County of Rockingham, State of New Hampshire, over land of Grantor bounded and described as follows:

Beginning at the southwest corner of land of Grantor at the northeast corner of the intersection of Chestnut Street and State Street;

thence North 26° 01' 12" West a distance of 151.91 feet by said Chestnut Street to Porter Street;

thence by said Porter Street North 64° 58' 01" East a distance of 3 feet, more or less to the northerly extension of reset granite curbing on land of said Grantor;

thence southerly by the northerly extension of said curbing, said curbing and the southerly extension of said curbing to the northerly side of said State Street;

thence by said State Street South 64° 24' 02" West 2.5 feet, more or less to the point of beginning. Said easement contains 418 feet, more or less.

Reference is made to plans entitled "Chestnut Street Pedestrian Connector, State Street to Porter Street, Existing Conditions Plan" prepared by James Verra and Associates, Inc. dated September 19, 2016 and "Chestnut Street Streetscape Project, Bid #61-17 Change Order # 4, Chestnut Street Pedestrian Connector, State Street To Porter Street, Site Plan" dated April 10, 2018 by Altus Engineering, Inc. Both plans are on file with the City of Portsmouth.

2. This Permanent Easement is conveyed subject to all other easements, licenses, and conveyances of record.
3. City shall repair and maintain the Easement Area at its sole cost and expense so that it is at all times kept in a clean, safe condition and free of debris. Such maintenance shall include landscape maintenance, tree trimming, fertilization, safety and security, seeding, irrigation, lighting maintenance, grass trimming, snow and ice removal, trash removal, leaf removal, and pest control. City shall also repair any damage to the Signs caused by the exercise of its rights herein. In no event shall Grantor be obligated to maintain the Easement Area; provided, however, if City fails to cure a default of its obligations to maintain the Easement Area upon thirty (30) days' prior written notice from Grantor, Grantor shall have the right to perform such maintenance obligations of the Easement Area on behalf of the City and be reimbursed by City upon demand for the reasonable costs thereof. Notwithstanding the foregoing, in the event of an emergency or blockage

or material impairment of the Property, the Grantor may immediately cure same and be reimbursed by City upon demand for the reasonable cost thereof.

4. To the extent permitted by law, City shall defend, indemnify and hold harmless Grantor from any and all claims, losses, damages, settlements, costs, and any other expense or liability which it may incur arising out of any negligent action by the City, its agents, contractors, or employees pursuant to this Agreement.
5. City's repair and maintenance obligations for the Easement Area shall not interfere with Grantor's use and enjoyment of its Property or the Signs located in the Easement Area.
6. City represents and warrants to Grantor that Grantor shall pay any transfer tax or similar tax to the State of New Hampshire, the County of Rockingham, or the City of Portsmouth in connection with this Agreement and the Permanent Easement.
7. City further hereby represents and warrants to the Grantor that the granting of the within Permanent Easement by Grantor to City will not affect "set back" lines, use requirements, or any other land use ordinances under the City's jurisdiction or will put Grantor's Property out of compliance with any land use approvals previously obtained by Grantor and/or its predecessors.
8. The parties each represent and warrant to the other: (i) that the execution and delivery of this Agreement has been fully authorized by all necessary municipal or corporate action; (ii) that the persons signing this Agreement have the requisite authority to do so and the authority and power to bind the entity on whose behalf they have signed; and (iii) that to the best of their knowledge and belief, this document is valid, binding and legally enforceable in accordance with its terms.
9. This Agreement may not be assigned by City without the prior written consent of Grantor, which shall not be unreasonably withheld. This Agreement and all of the provisions of this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective mortgagees, successors, heirs, and permitted assigns.
10. This Agreement shall be governed by and construed in accordance with the internal laws of the State of New Hampshire.
11. This Agreement may be executed in any number of counterparts with the same effect as if both parties had signed the same document. All counterparts must be construed together and constitute one instrument.
12. The parties have negotiated and are both responsible for the terms and conditions set forth in this Agreement. Therefore, in any construction of this Agreement, it shall not be construed against any party.
13. This Agreement sets forth all covenants, promises, agreements, and conditions

WITNESSES:

Grantor:

TD Bank, N.A., successor-in-interest to
Portsmouth Savings Bank/Bank of New
Hampshire

Watters
(Signature of Witness #1)

By: Stephanie B

Sylvie R. Chartre Paul
(Signature of Notary Public)

Its: Head of Retail Real Estate

STATE OF New Jersey)
)
COUNTY OF Burlington)

I, the undersigned Notary Public do hereby certify that Stephanie Groves Brown personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of TD Bank, N.A., successor-in-interest to Portsmouth Savings Bank/Bank of New Hampshire.

Sworn to and Subscribed before me on this 30th day of January 2019.

Sylvie R. Chartre Paul
Notary Public for New Jersey
My Commission Expires: 2023

SYLVIE R. CHARTRE PAUL
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50094883
My Commission Expires 11/28/2023

SURVEYOR:
James Verra and Associates, Inc.
LAND SURVEYORS
101 STATUTE WAY - SUITE 8
NEWINGTON, N.H. 03801 - 7676
603-456-3357
20388-A

ENGINEER:
ALTUS ENGINEERING, INC.
135 CONGRESS STREET
PORTSMOUTH, NH 03801
(603) 433-3345
WWW.ALTUS-ENG.COM

ISSUED FOR: ENGINEERING DESIGN
ISSUE DATE: 9-16-2017

REVISIONS:
1. DATE: 3-16-2017
2. DATE: 9-15-2017

DRAWN BY: HRM
APPROVED BY: JMV
DRAWING FILE: 20033-A1

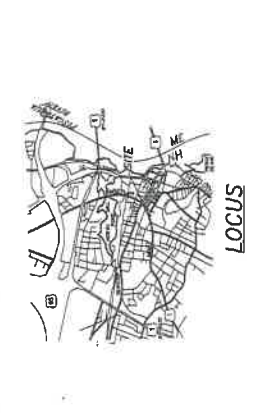
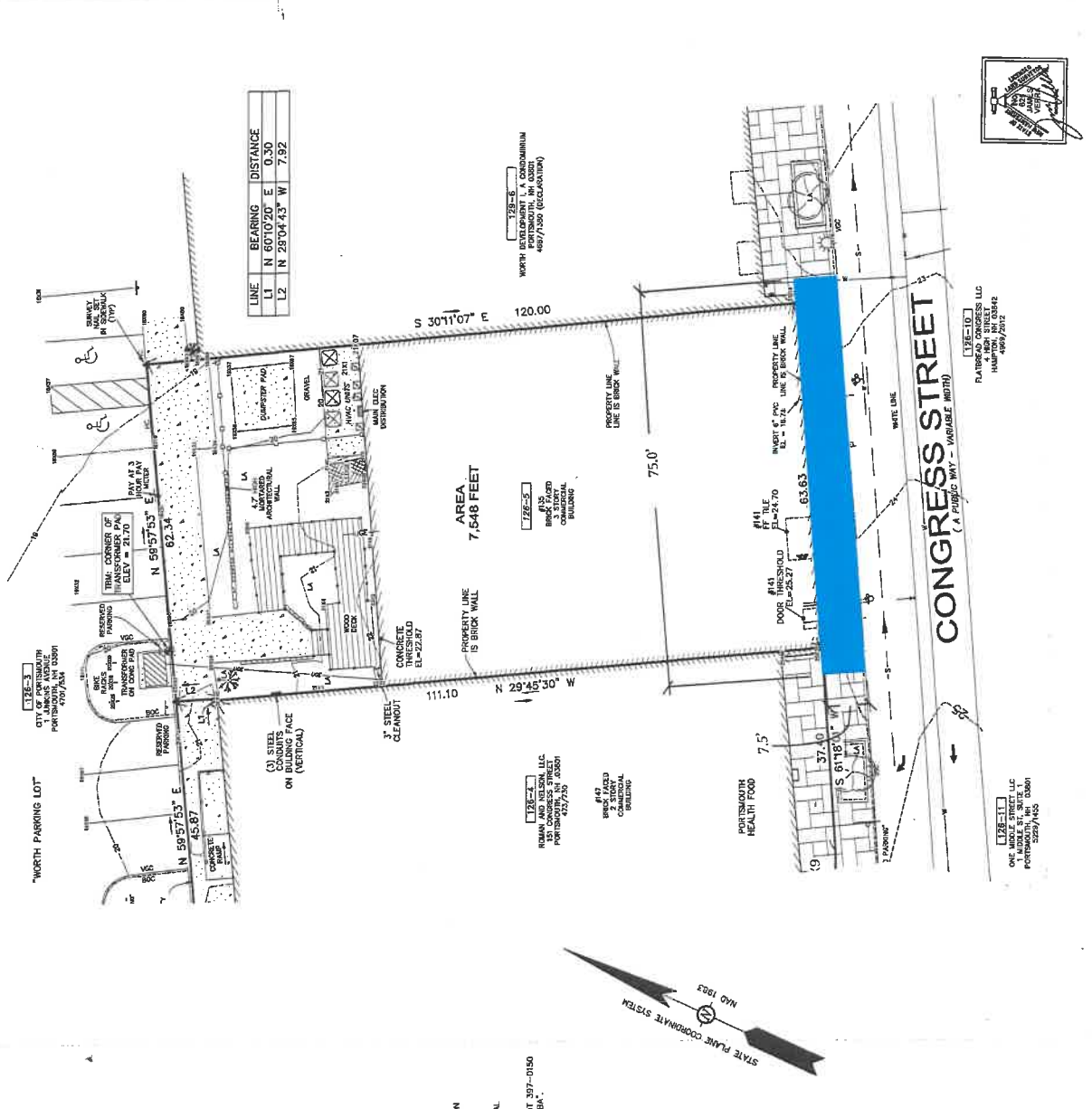
SCALE:
22' x 34' - 1" = 10'
11' x 17' - 1" = 20'

OWNER/APPLICANT:
BLUESTONE PROPERTIES OF RYE, LLC
PO BOX 4780
PORTSMOUTH, NH
ASSESSOR'S PARCEL 126-5

OWNER:
BLUESTONE PROPERTIES OF RYE, LLC
PO BOX 4780
PORTSMOUTH, NH
ASSESSOR'S PARCEL 126-5

PROJECT:
EXISTING CONDITIONS PLAN
135 CONGRESS STREET
PORTSMOUTH, NH
ASSESSOR'S PARCELS 126-5

TITLE: EXISTING CONDITIONS PLAN
SHEET NUMBER: 1 OF 1



- NOTES:**
- OWNER OF RECORD: BLUESTONE PROPERTIES OF RYE, LLC
ADDRESS: PO BOX 4780, PORTSMOUTH, NH 03802
TAX SHEET / LOT: 126-5
 - ZONED: (DOWNTOWN OVERLAY DISTRICT)
DISTRICT DISTRICT 5)
MINIMUM OPEN SPACE REQUIRED: 3%
PROPOSED: 1031 SF OPEN / 7548 = 13.7 % OPEN SPACE
 - THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
 - THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE UTILITIES. THE LOCATION OF ALL VISIBLE UTILITIES, WATER MAINS, GAS LINES, AND CABLES SHOULD BE CHECKED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-800-255-4877. PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-800-255-4877. CHANCE FLOODING PER MAP 3202000000, DATED MAY 17, 2005 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 - HORIZONTAL DATUM: NAD 1983 (885 ADJUSTMENT). PRIMARY BENCH MARK: NHDOT 397-0150. ELEVATION DATUM: NAD 1983. PRIMARY BENCH MARK: CITY CONTROL POINT 'AUBA'.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND BENCHMARKS PRIOR TO THE SETTING OR ESTABLISHMENT OF ANY GRADES/ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOC., INC.

- REFERENCE PLANS:**
- LOT LINE REVISION 135 & 147 CONGRESS STREET, PORTSMOUTH, NH. OWNERS: BLUESTONE PROPERTIES OF RYE, LLC & ROMAN AND NELSON, LLC. REVISION 6-30-2017, ROAD #1-40317.
- LEGEND:**
- ROUND AS DESCRIBED
 - SENSER MANDHOLE
 - CONCRETE PAD
 - ELECTRICAL BOX
 - TELEPHONE RISER
 - TRANSFORMER & PAD
 - SENSER MANDHOLE
 - SENSER MANDHOLE
 - VERTICAL FACED GRANITE CURB
 - HANDICAP SPACE
 - NORTHAMPTON COUNTY REGISTRY OF BEES
 - CONTIGUOUS TREE
 - ACQUOUS TREE
 - BRICK WALK
 - LANDSCAPED AREA
 - TRAFFIC SIGNAL POLE
 - BACK OF CURB
 - HANDICAP ACCESSIBLE
 - UNDERGROUND COMMUNICATIONS
 - SENSE CONNECTION
- SCALE:**
0 10 20 30 40 FEET
0 5 10 METERS

Crimson Engineering Associates, Inc.

 1000 Mountain Road
 Portsmouth, NH 03801
 Tel: 603.431.1111
 www.crimsoneng.com

PRELIMINARY
 NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION

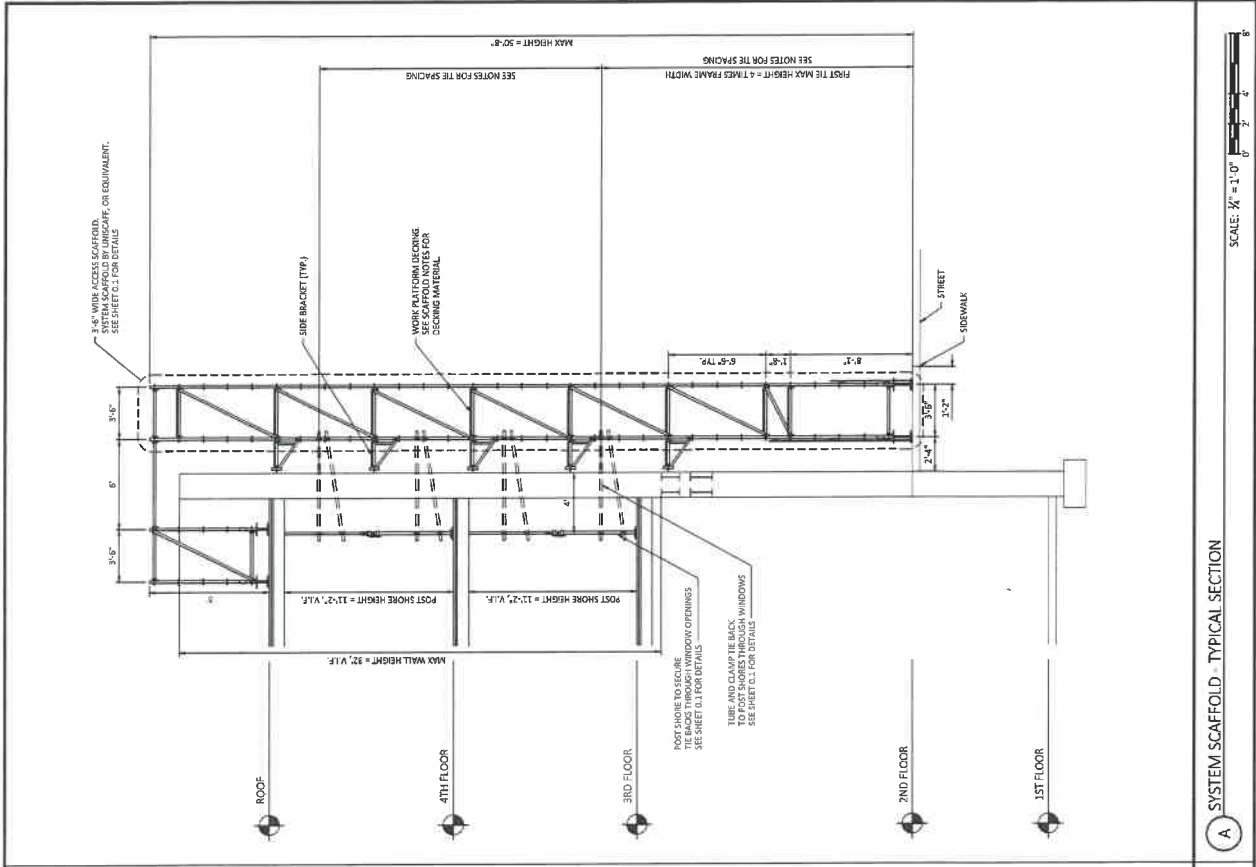
CLIENT:
SEACOAST SCAFFOLD & EQUIPMENT CORP.
135 CONGRESS STREET
PORTSMOUTH, NH 03801

GENERAL CONTRACTOR:

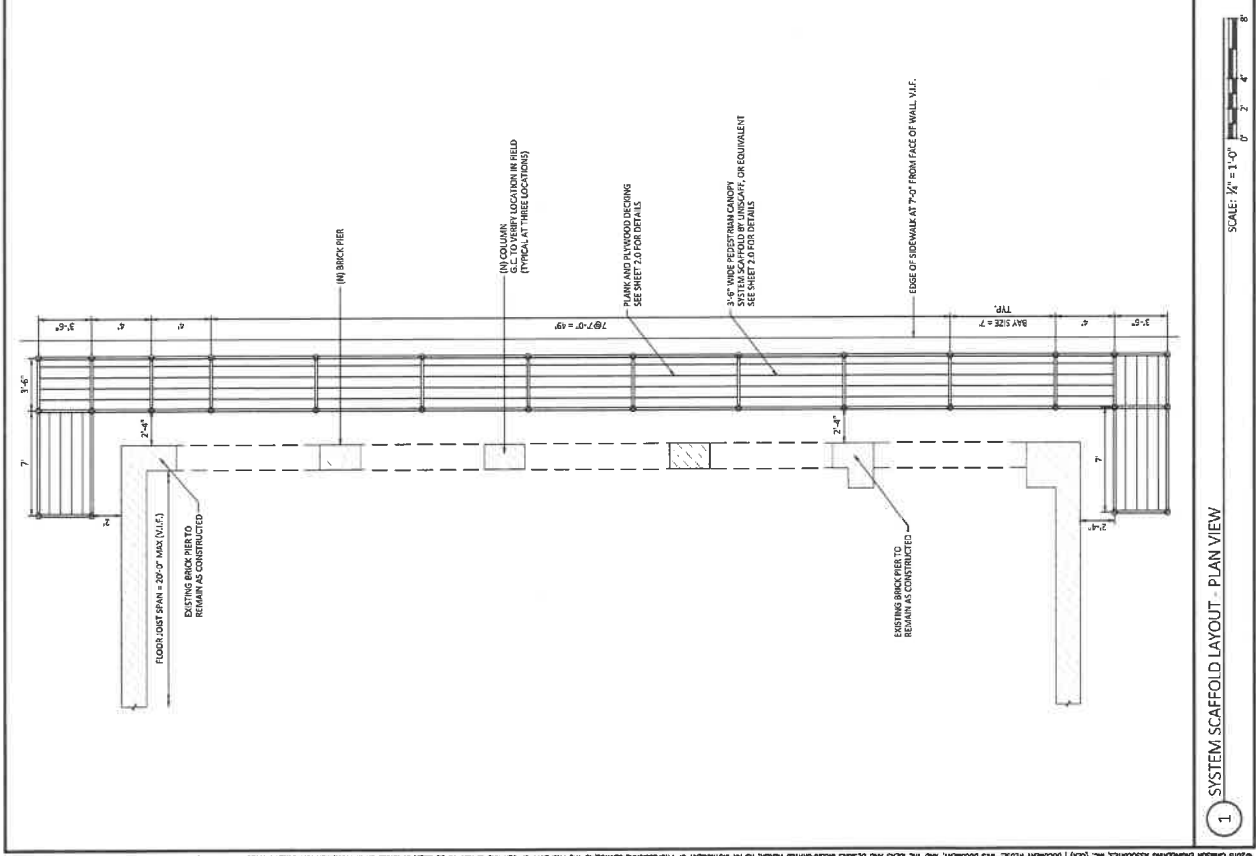
PROJECT:
135 CONGRESS STREET
PORTSMOUTH, NH

SHEET TITLE:
ACCESS SCAFFOLD LAYOUT AND SECTION

PROJECT #: 181121
DRAWN BY: TK
CHECKED BY: BS
DATE: 11/5/2018
SHEET: 1.0
SCALE: 1" = 1'



1 SYSTEM SCAFFOLD - TYPICAL SECTION
 SCALE: 1/4" = 1'-0"



1 SYSTEM SCAFFOLD LAYOUT - PLAN VIEW
 SCALE: 1/4" = 1'-0"

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LICENSE AGREEMENT
FOR BLUESTONE PROPERTIES OF RYE, 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 and as approved by the City Council on November 20, 2018, hereby grants this Revocable License to Bluestone Properties of Rye, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at PO Box 4780, Portsmouth, NH 03802 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 135 Congress Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0126-0005-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5761 Page 1289

The City authorizes Licensee to temporarily use 563 square feet of City sidewalk and right of way located along Congress Street, more particularly described in the attached Exhibit A, as follows:

License Area 1: 563 square feet depicted and described as License Area 1 in Exhibit A: metal staging on sidewalk

2. **Use:** Licensee shall make use of the Licensed Area for the purpose of facilitating the Licensee's construction of a three story building.
3. **Term:** The license for all License Areas shall be for 35 days, commencing on March 27, 2019 and concluding on April 30, 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 License Area 1 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 has 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.

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 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 and as described below is 563 square feet.

License Area 1: License Area 1 is 563 square feet multiplied by \$0.05 per square foot equals \$28.15 per day.

The total License Fees for the License Term of the 35 days for the License Area is \$ 985.25.

The total License Fee shall be paid in full 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 1 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 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. 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. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and 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.

Bluestone Properties of Rye, LLC

By: _____

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2012-02

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S
PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

WHEREAS, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS, the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.
6. Use of the Area subject to the Area Service Agreement (the "Area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.

7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafe's shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe's may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. 7 days a week with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe's shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of sight for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

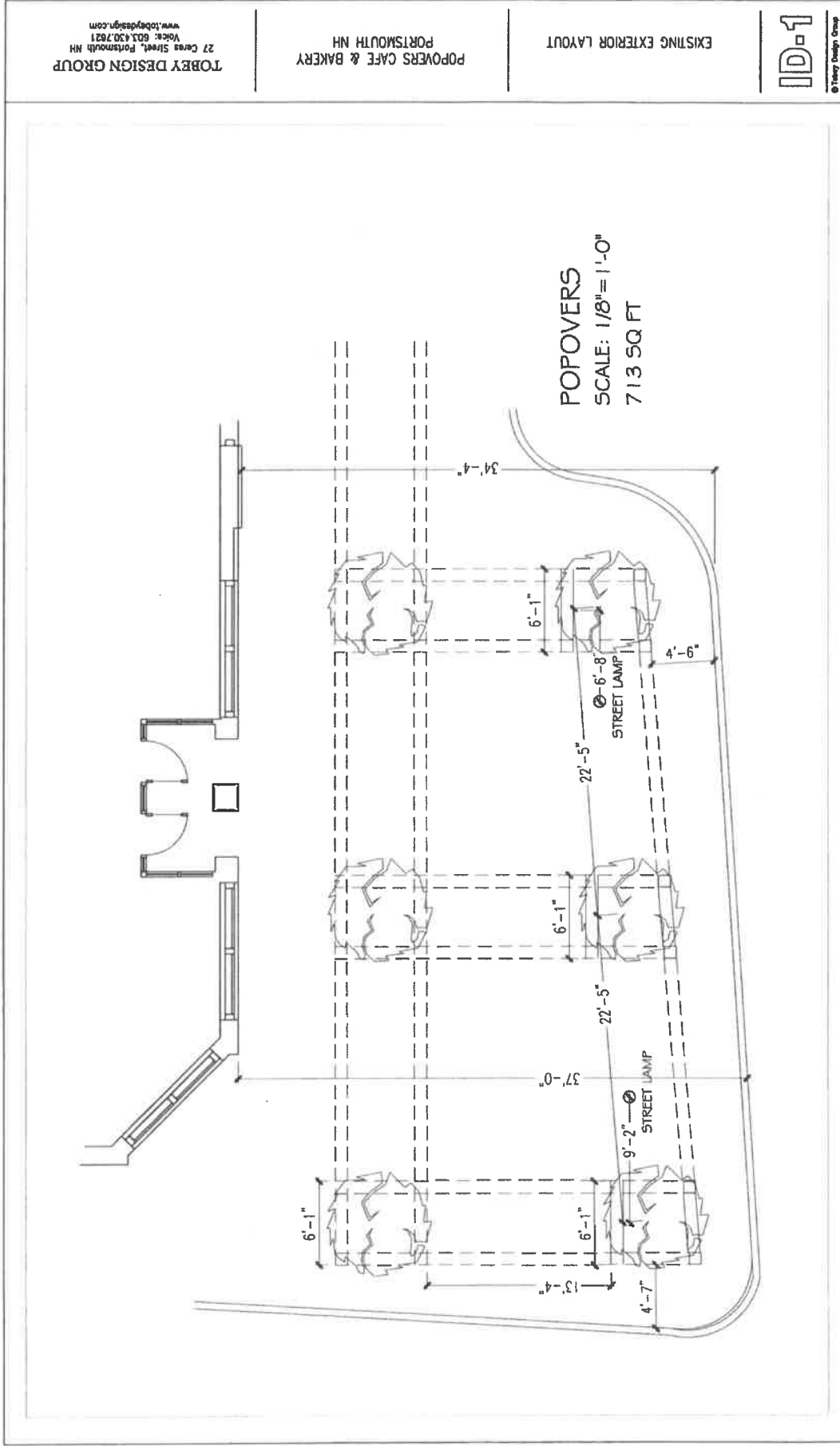
18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules, regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
 - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
 - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **March 19, 2012**.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.
Amended by the Portsmouth City Council on February 21, 2017.
Ratified by the Portsmouth City Council on January 16, 2018.


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

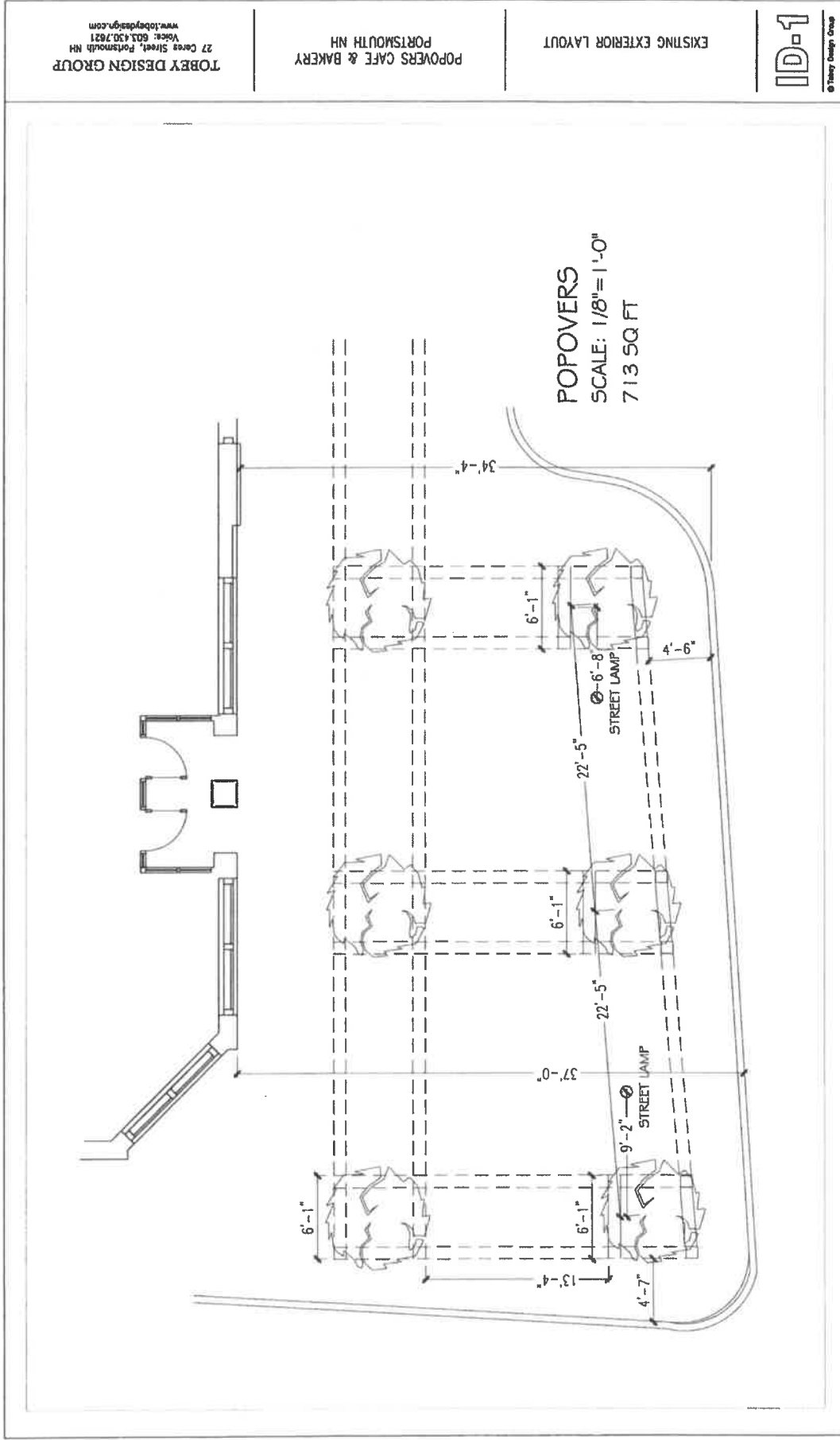


TOBEY DESIGN GROUP
27 Ceres Street, Portsmouth NH
Voice: 603.430.7621
www.tobeydesign.com

POPOVERS CAFE & BAKERY
PORTSMOUTH NH

EXISTING EXTERIOR LAYOUT

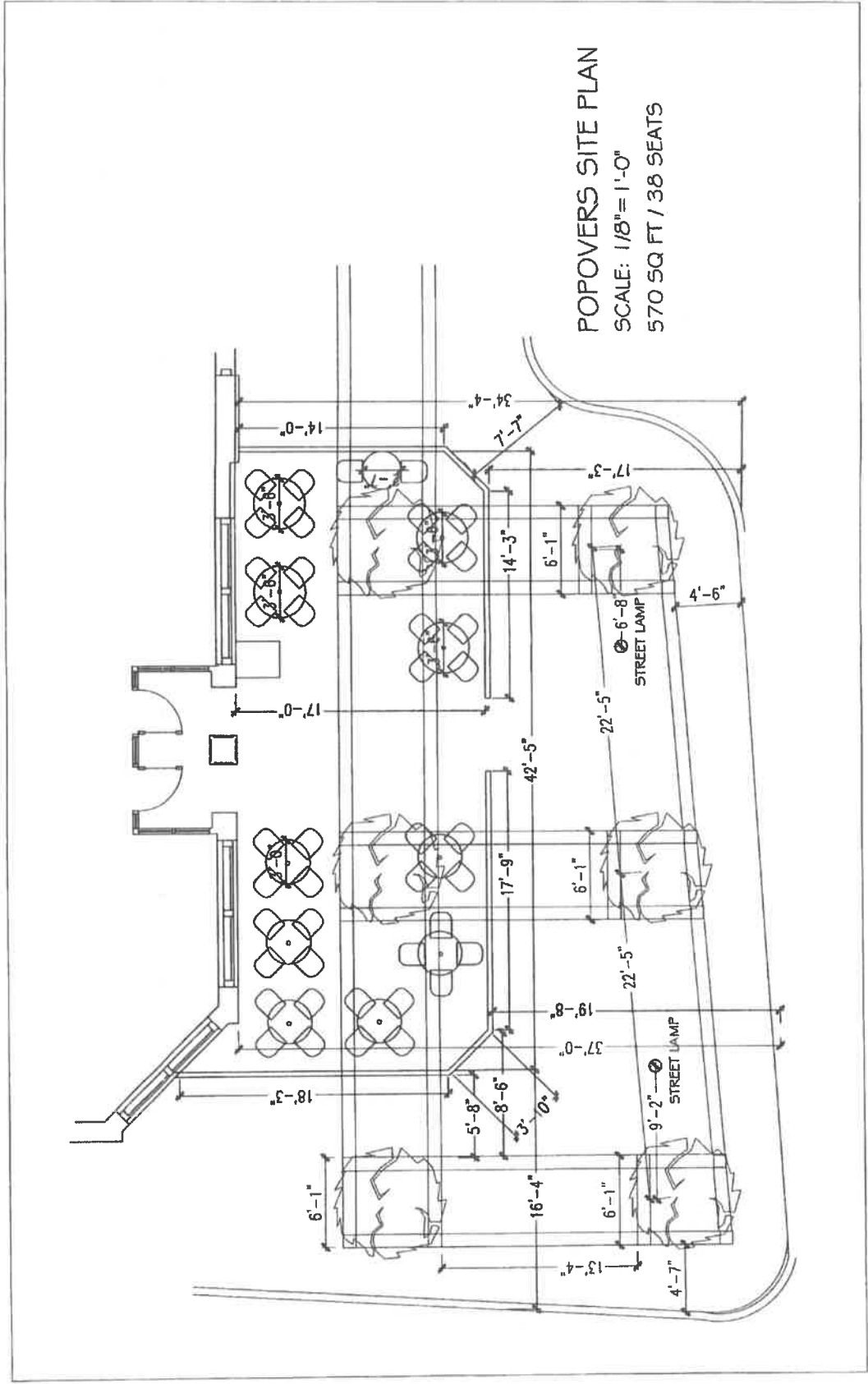


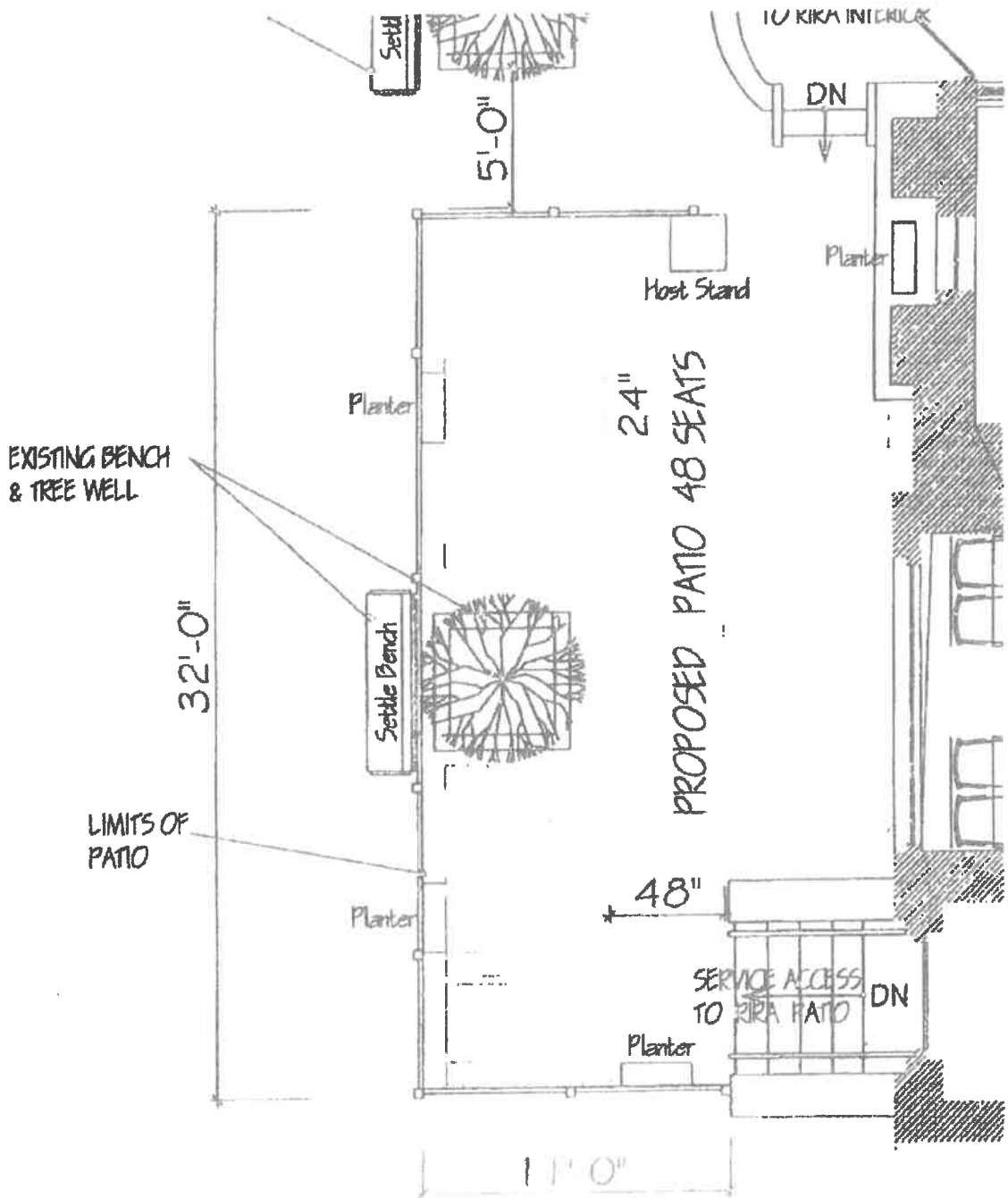


TOBBY DESIGN GROUP
27 Canal Street, Portsmouth NH
Voice: 603.430.7821
www.tobbydesign.com

POPOVERS CAFE & BAKERY
PORTSMOUTH NH

EXTERIOR TABLE LAYOUT





RIRA SEASONAL PATIO 2019

CONGRESS ST.

4 1/2" = 11"

chair
x = chair
[] = table

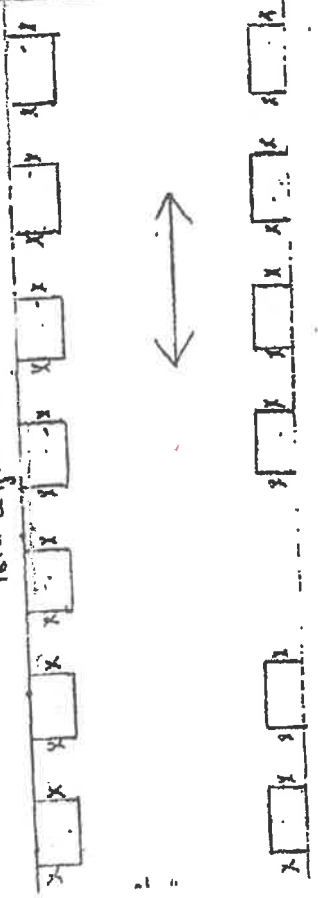
AGE 2

↑ CURB CUT STRIPS

↑ CURB CUT STRIPS

VAUGHAN MALL

Total Length of U. Hill Patio is 50'



CLOSING OPEN ↓ ↑ MEET STAND

DISTRICT EXISTING PATIO

Interior of Building

Interior of Building

DOOR

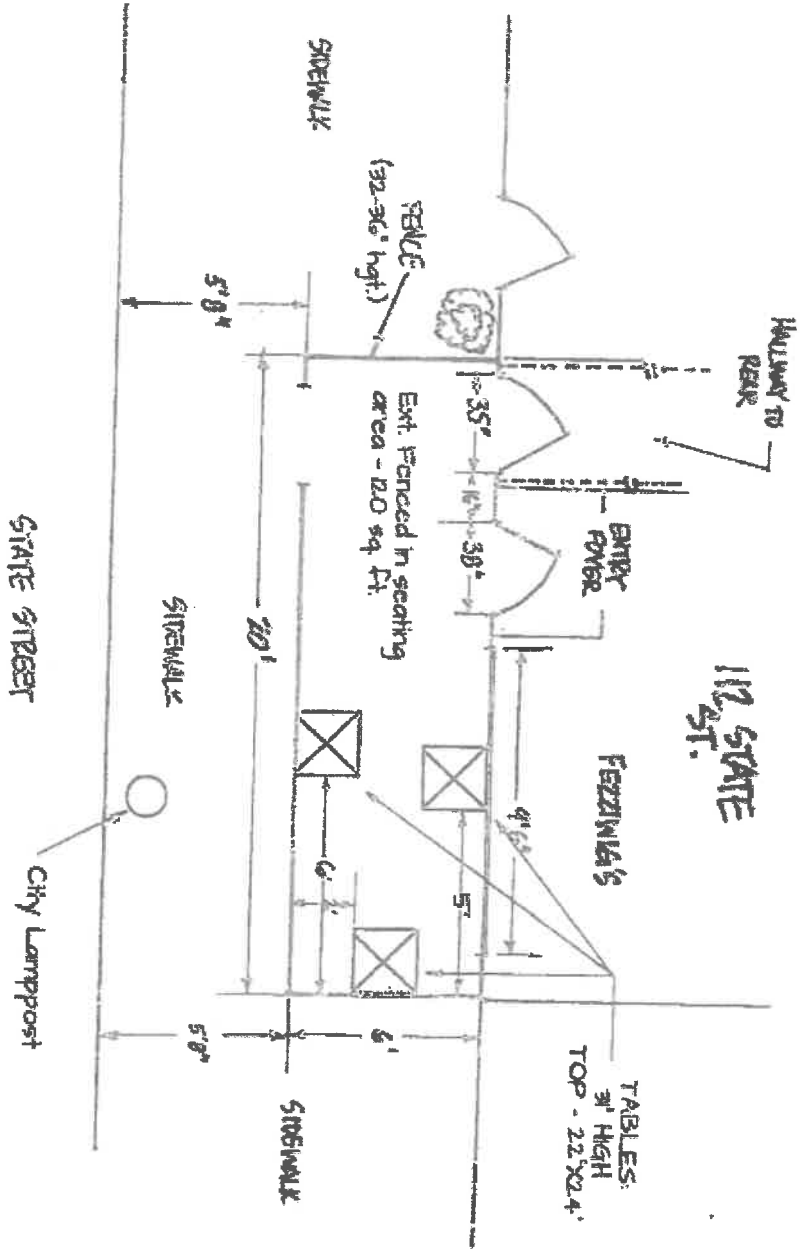
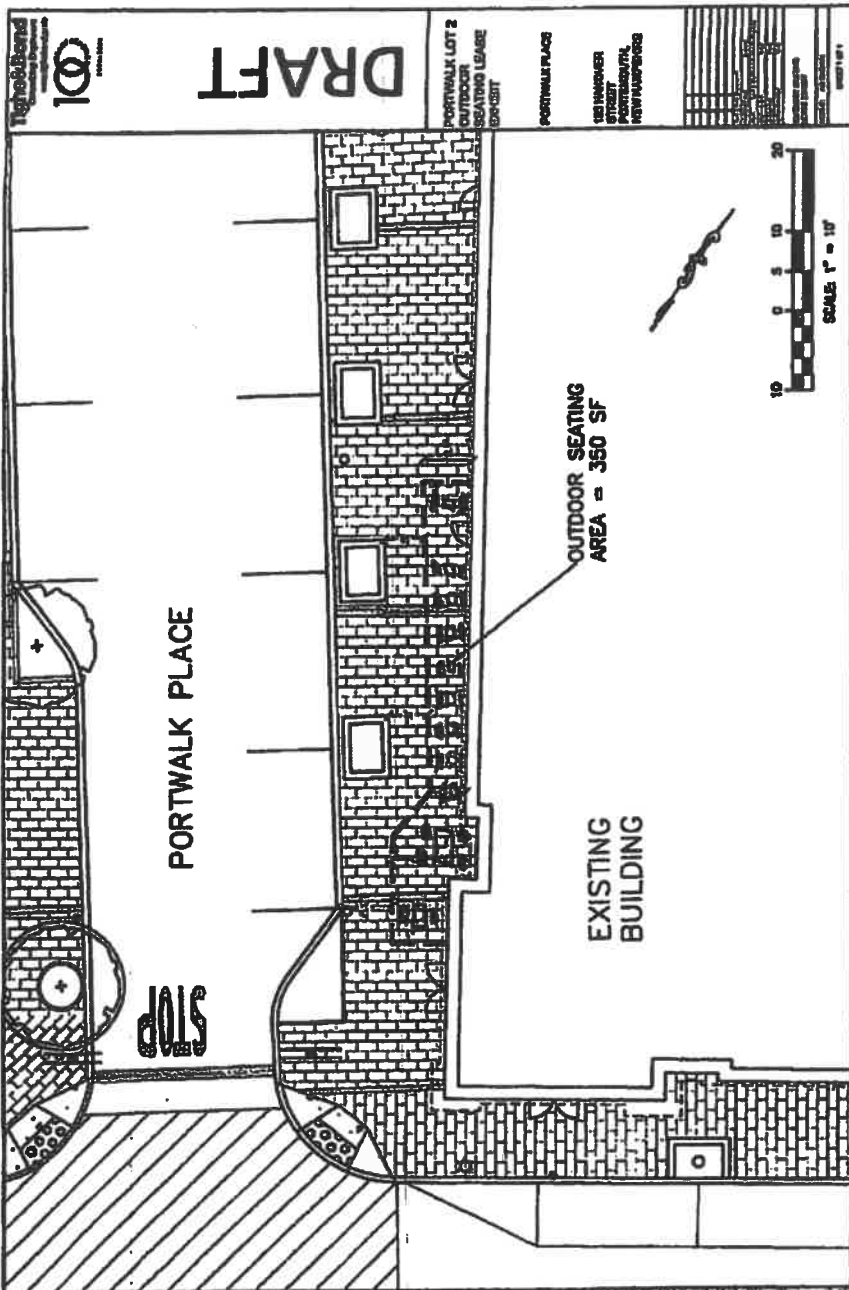


EXHIBIT A



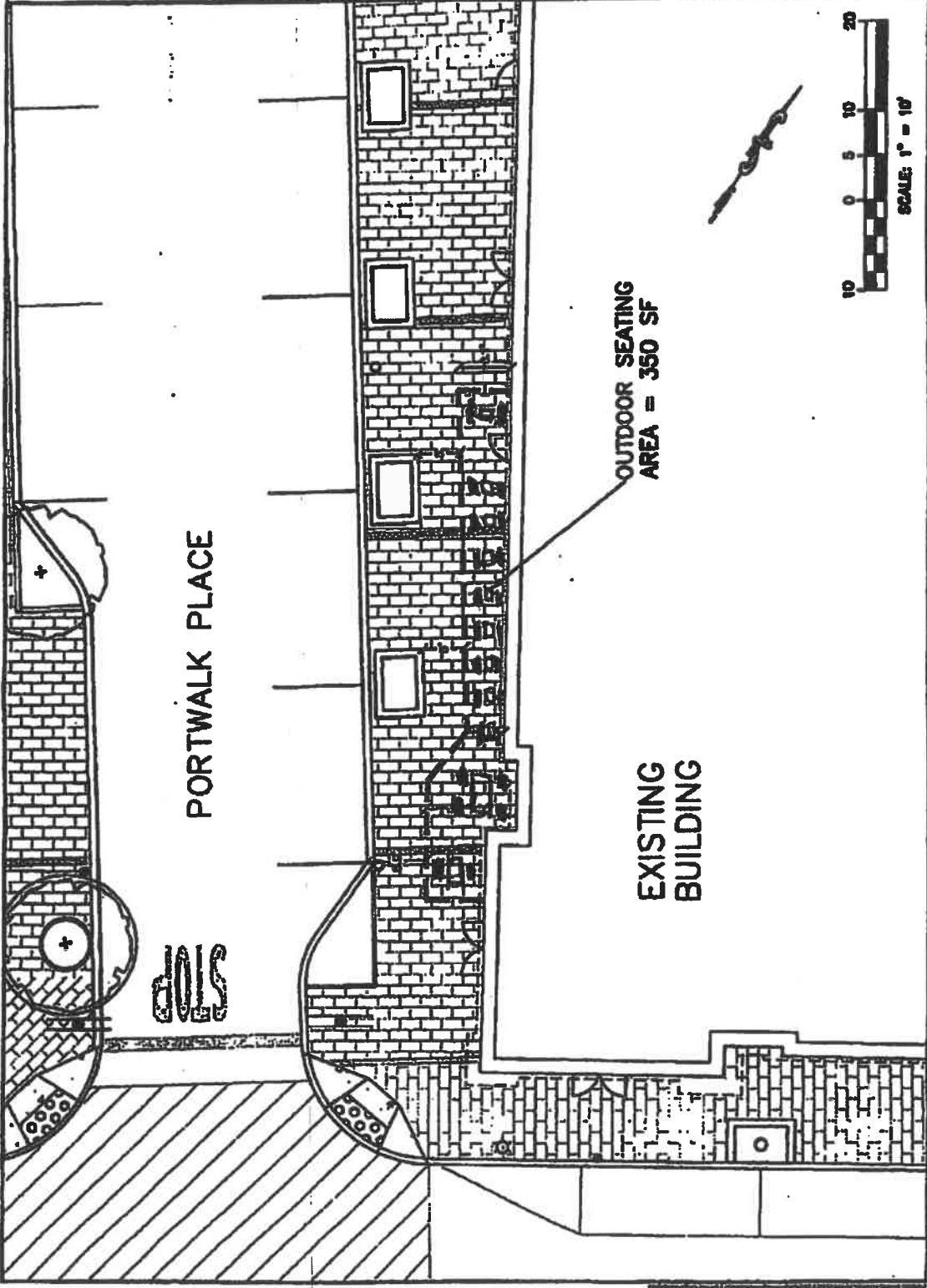
DRAFT

PORTWALK LOT 2
OUTDOOR
SEATING LEASE
CONCEPT

PORTWALK PLACE
JOB NUMBER
DATE
PROJECT/SUBJECT
REV NUMBER/DESCRIPTION

101
Architectural
Site Plan

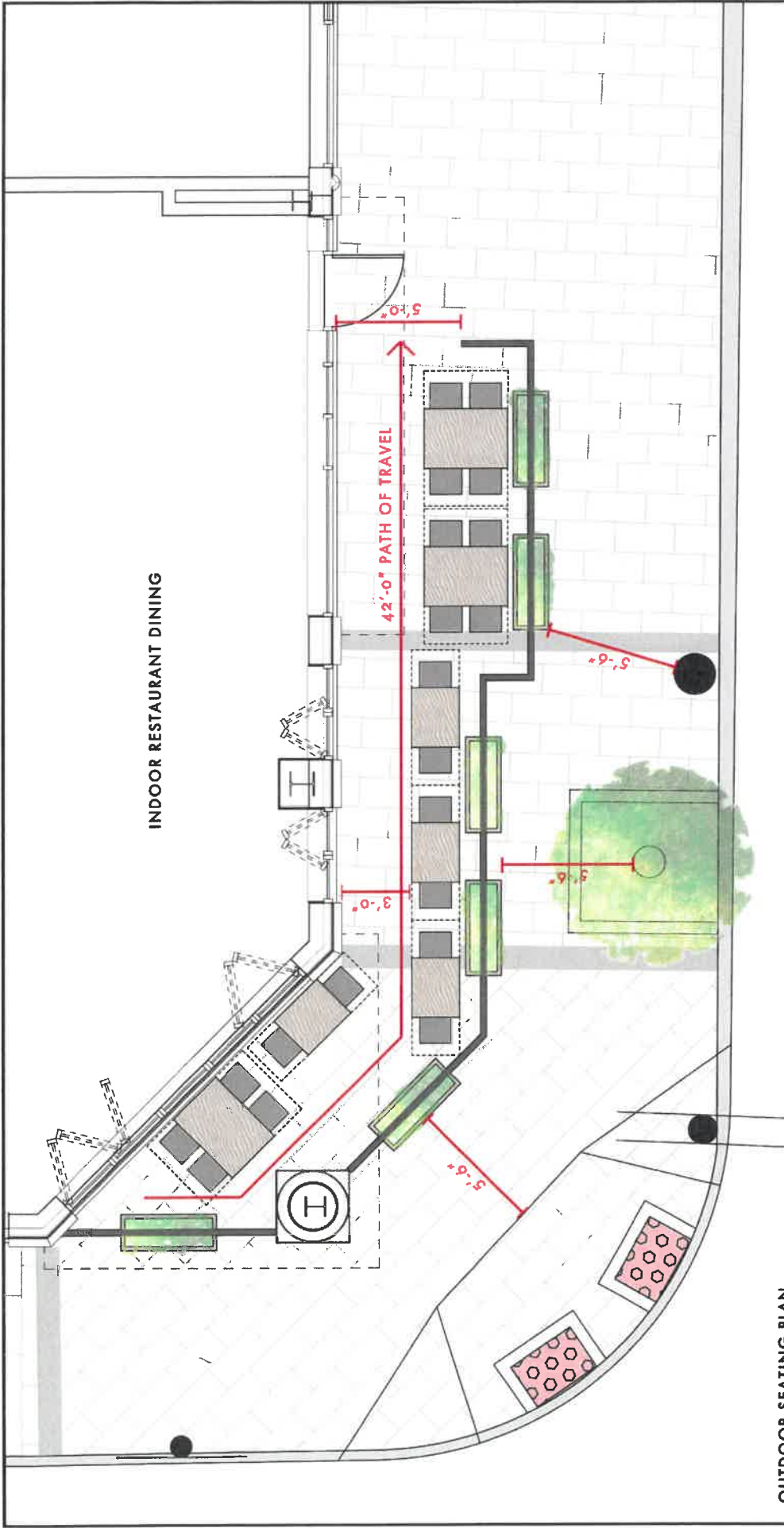
DATE	10/15/2010
PROJECT	PORTWALK LOT 2
CLIENT	PORTSMOUTH
SCALE	1" = 10'
DRAWN BY	...
CHECKED BY	...
DATE	...



PORTWALK PLACE

OUTDOOR SEATING
AREA = 350 SF

EXISTING
BUILDING

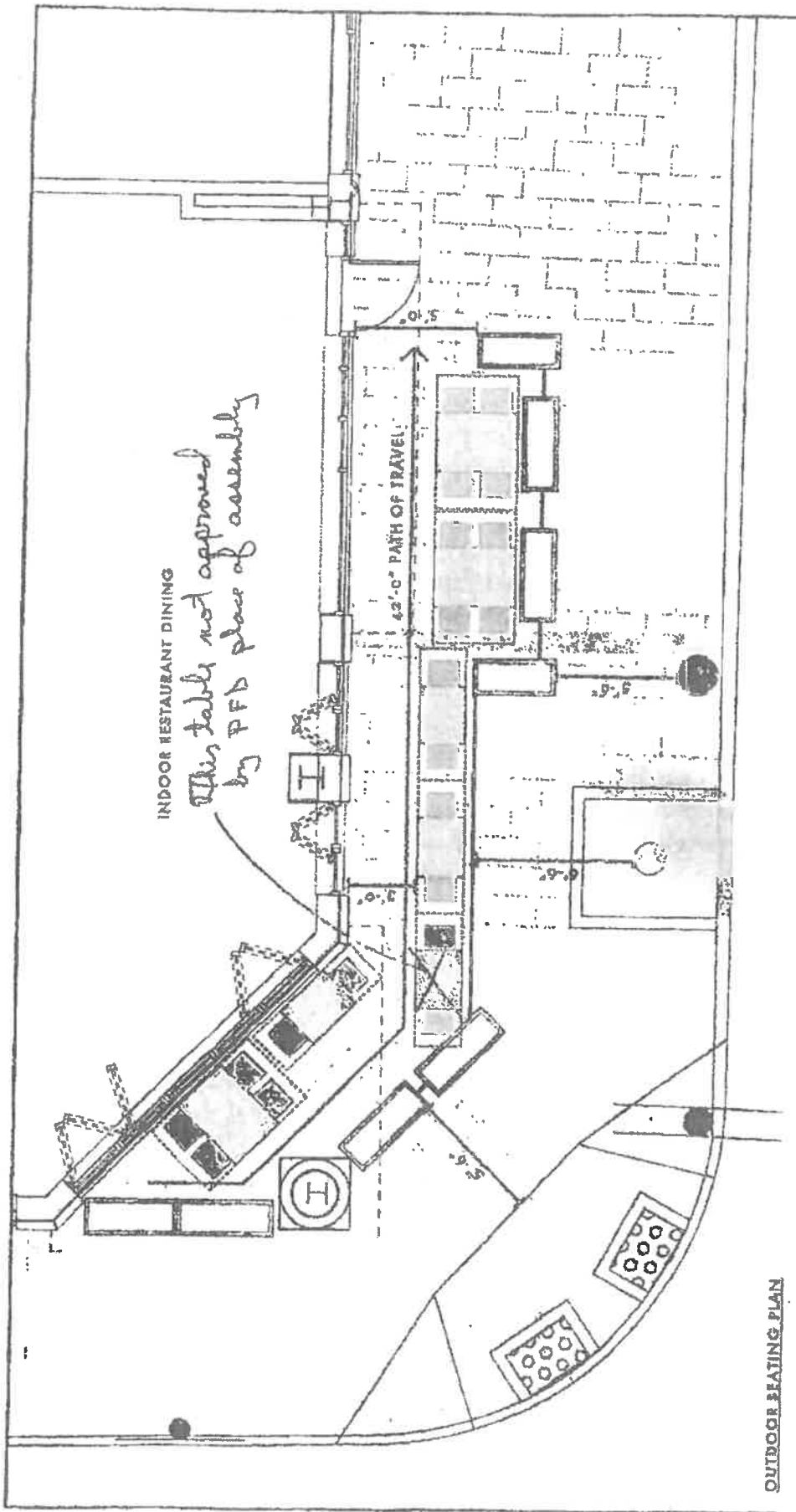


INDOOR RESTAURANT DINING

OUTDOOR SEATING PLAN

PROJECT NO. 3016030

Row 34 PORTSMOUTH
 5 PORTWALK PLACE, PORTSMOUTH, NH



INDOOR RESTAURANT DINING
*This table not approved
 by PFB place of assembly*

43'-0" PATH OF TRAVEL

OUTDOOR SEATING PLAN

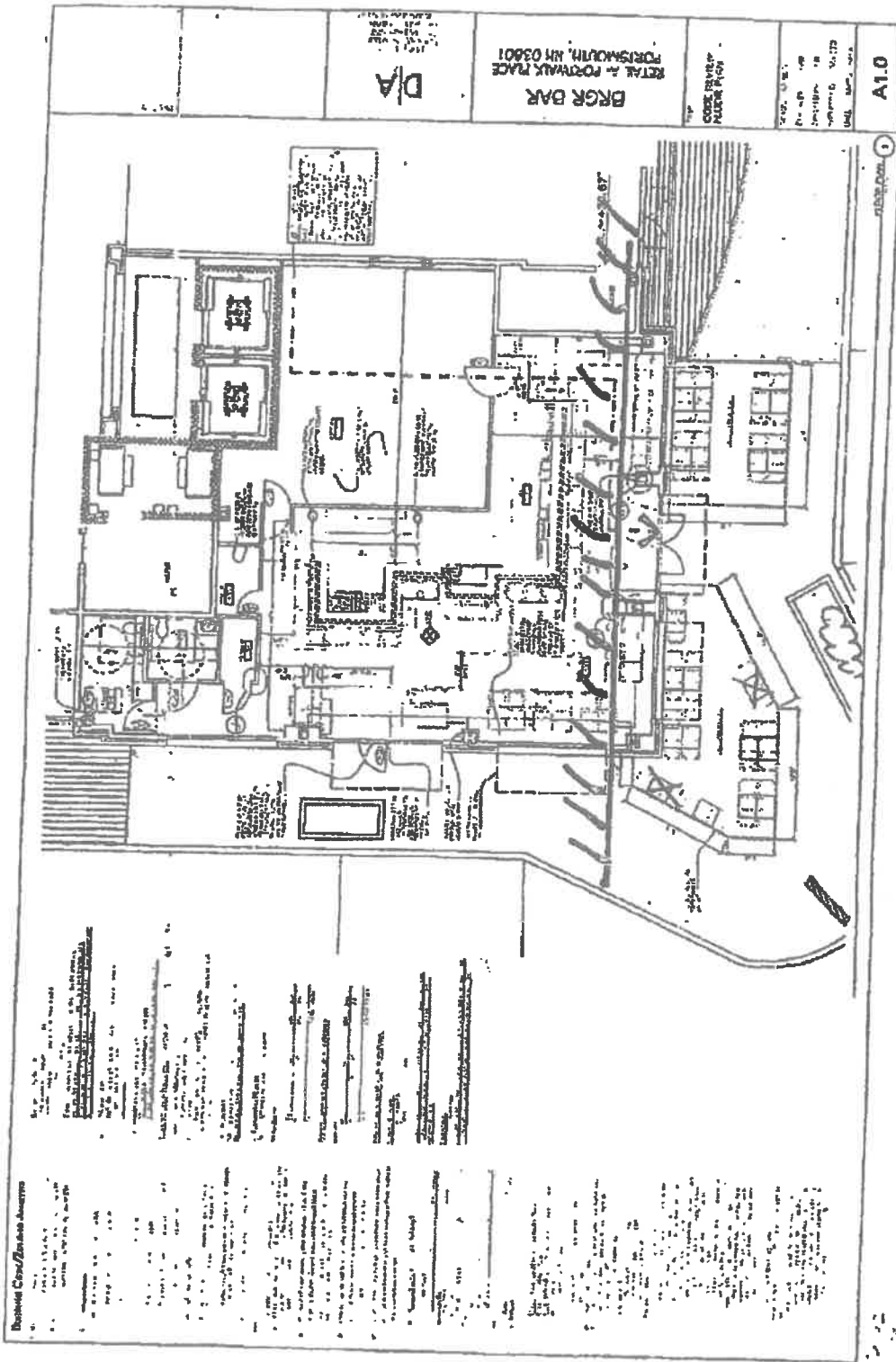
PROJECT NO. 2012010

ROW 34 PORTSMOUTH
 5 FORTWALK PLACE, PORTSMOUTH, NH

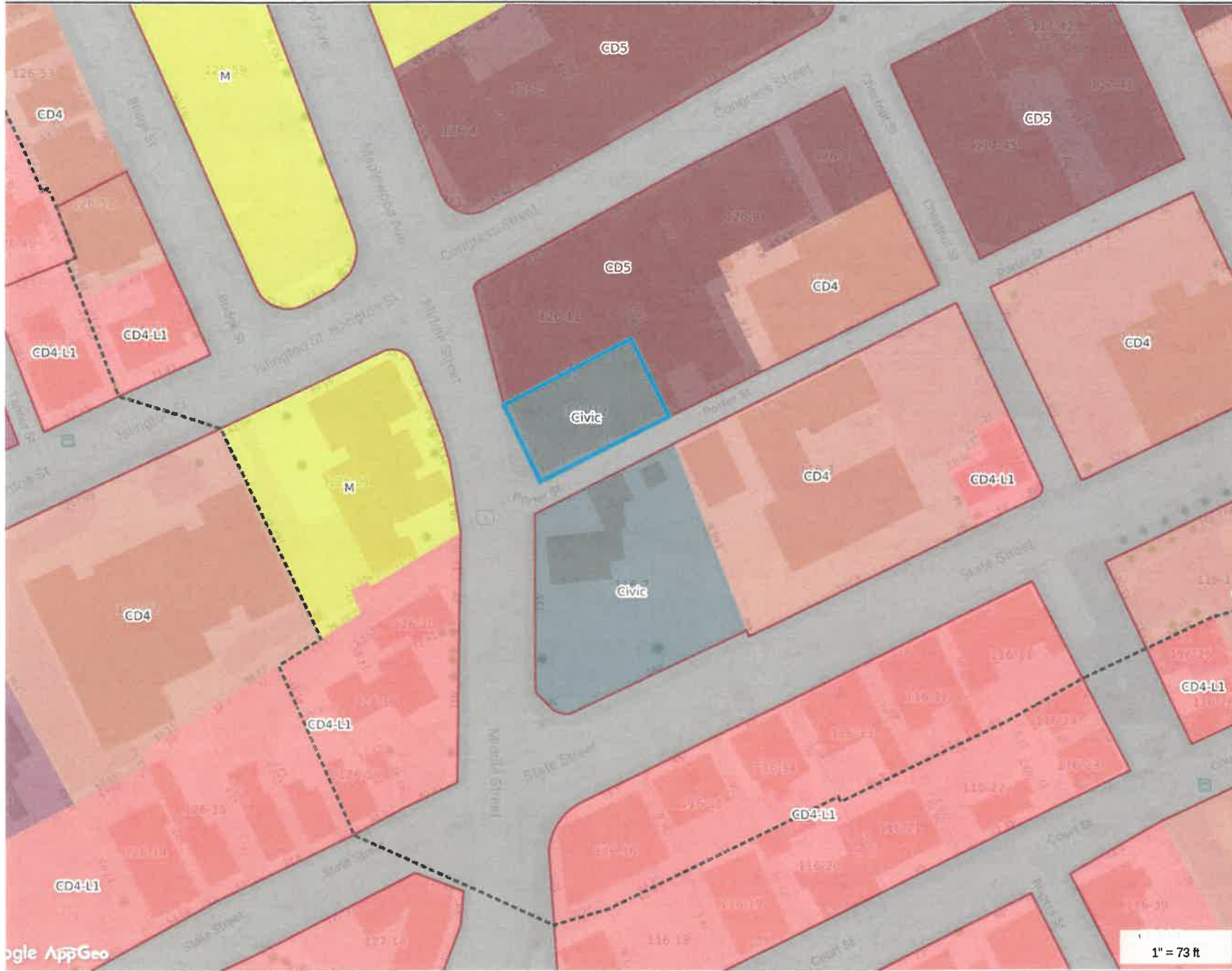
Page 1 of 1 AR

05 December 2016

ARCHITECTS
 OF CONSULTANTS



 - SIGN
 - TREE



Property Information
Property ID 0126-0012-0000
Location 15 MIDDLE ST
Owner SALVATION ARMY



MAP FOR REFERENCE OF
 NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims :
 warranties, expressed or implied, concern
 validity or accuracy of the GIS data prese
 map.

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

DRAINAGE & UTILITY EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that Northern New England Conference of Seventh Day Adventists, Inc. (hereinafter referred to as the Grantor), with a mailing address of 479 Main Street, Westbrook, Cumberland, Maine, 04092, for consideration paid, hereby grant to the City of Portsmouth New Hampshire, (hereinafter referred to as the Grantee), with a principal address of 1 Junkins Avenue, Portsmouth, Rockingham, New Hampshire 03801, the receipt of which I do hereby acknowledge, have granted, bargained, and sold, and by these presents do give, grant, bargain, sell, alien, convey, and confirm unto the Grantee, it and its successors and assigns forever:

The permanent right and easement to construct, reconstruct, maintain, repair, and operate drainage and utility infrastructure, said easement consisting of 3,487 square feet along a portion of the northerly rear property line of the grantors property located at 861 Middle Road, Portsmouth Rockingham New Hampshire, said easement being shown on "Easement Plan; For Northern New England Conference of Seventh Day Adventists, Inc., Middle Road, Portsmouth, N.H., Tax Map 232, Lot 120" by Berry Surveying & Engineering, dated February 17, 2015 and revised through January 21, 2019 (hereinafter referred to as "the plan") and to be recorded at the Rockingham County Registry of Deeds.

Being more particularly described as follows:

Beginning at a point that is located South 63° 03' 59" West and a distance of eighty-nine and forty-seven hundredths (89.47') feet of a drill hole found at the northerly corner of the herein described parcel;

Thence running South 35°00'00" East for a distance of twenty-six and four hundredths (26.04') feet to a point;

Thence turning and running South 59°50'06" West for a distance of one-hundred thirty-two and twenty-two hundredths (132.22') feet to a point on the sideline of the Grantor at land now or formerly of Richard and Katherine Wentworth and Pearson Street;

Thence turning and running North 35°00'00" West for a distance of twenty-six and four hundredths (26.04') feet to a point on the end of Pearson Street and the westerly most corner of the herein described lot;

Thence turning and running North 59°50'06" East for a distance of ten and one hundredths (10.01') feet along the rear property line of the said Grantor and land now or formerly of Avi Magidoff to a point at the end of a stonewall;

Thence running along said stonewall and land of said Magidoff North 59°50'06" East for a distance of one-hundred twenty-four and forty hundredths (124.40') feet to the point begun at.

Said easement having an area of 3,487 Sq. Ft., 0.08 Ac. and is shown on the plan as Easement to be granted to the City of Portsmouth.

Meaning and intending to convey an easement over a portion of the property conveyed to the Grantors via deed dated May 18, 1966 and recorded at the Rockingham County Registry of Deeds in Book 1820, Page 543.

Executed this _____ day of _____, 2019.

(Name)

(Name)

STATE OF NEW HAMPSHIRE,

SS

A. D. 2019

Personally appeared before me the above named, _____, and acknowledged the foregoing instrument to be their voluntary act and deed.

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

received
2/13/19

Save Our Schools Project
c/o Andru Volinsky
PO Box 1181
Concord, NH 03302

February 11, 2019

Jack Blalock, Mayor
Patrick Ellis, School Board Chair
Members of Portsmouth City Council
Members of Portsmouth School Board
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Dear Portsmouth Community Leaders:

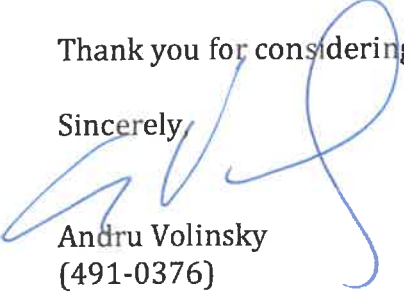
We write in the hope that you will invite us to present our Ed Funding 101 Forum in in March. The Forum provides an explanation of how our school funding system works and how it disserves the vast majority of students, taxpayers and residents of our state. Our state's school funding system contributes to the aging of our population, is responsible for the dearth of well-trained graduates who may fill complex jobs and contributes to our workforce housing shortage. There are no winners and losers in a small state so heavily reliant on the local property tax and so unwilling to build a school system based upon fairness.


At the invitation of school districts across the state, we have conducted 12 Forums that have been attended by well in excess of 1000 people. Our presentation, with Q&A, lasts about two hours. Most communities record and broadcast the presentation on their local community television station. We require a basic venue that can accommodate 100-150 people with a projector and a couple of microphones. Presentations are usually scheduled for 6-8 p.m.


Please contact Andru Volinsky to arrange a time and date or if you have questions.

Thank you for considering this request.

Sincerely,


Andru Volinsky
(491-0376)


Doug Hall


John Tobin, Jr.


Mary Wilke



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: Mayors Sustainable Committee **Renewing applicant**

Name: Carrie Mayo Telephone: 603-817-1575

Could you be contacted at work? **YES** - If so, telephone# 603-817-1575

Street address: 201 Mountain Rd Cape Neddick Maine

Mailing address (if different): _____

Email address (for clerk's office communication): carrie@mayodesigns.com

How long have you been a resident of Portsmouth?

Occupational background: I have owned and operated MAYO designs for 19 years, We partner with social & environmental sustainability companies helping them to promote and bring awareness to their products and services online in order to increase their profits and market share

Would you be able to commit to attending all meetings? **YES**

Reasons for wishing to continue serving: _____

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

Pachamama

Maine Center for Entrepreneurs

Ugurus - Digital Agency Training / Mentorship

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

1) Peter Estes 57 Green Street Portsmouth Nh 866-735-2532

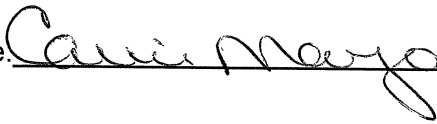
Name, address, telephone number

2) Fred Weston
8 Hickory Lane York Maine 207-502-6377
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: _____

12-27-18

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: _____

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



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
jpb@cityofportsmouth.com
(603) 610-7201

John P. Bohenko
City Manager

April 1, 2019

The Honorable Jack Blalock and City Council Members
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Blalock and City Council Members:

After forty-two years in local government and twenty-two years as City Manager for the City of Portsmouth, I have decided to retire from the City effective January 3, 2020.

We have moved the community forward in a very positive way both from a financial and quality of life standpoint over the past twenty-two years while I have served as your City Manager. I will retire from the City knowing that we achieved a AAA bond rating; worked with the EPA to implement a citywide sewer replacement program; started the Peirce Island Wastewater Treatment Facility upgrade project – the largest project the City has ever undertaken; constructed the new Foundry Place Garage; instituted numerous sustainability initiatives including Silver LEED certification for the new library, fire station, and water treatment plant; implemented many technology improvements; updated a master plan, and completed many other improvements that are too numerous to mention.

I want to take this opportunity to thank the Mayors and City Councils that I have worked for over the past twenty-two years for their support, as well as the dedicated City staff who assisted me with providing excellent service to the City. I wish the City of Portsmouth continued success on the positive efforts to make this a beautiful City to live and work in.

Sincerely,

John P. Bohenko
City Manager

c.: Kelli Barnaby, City Clerk

Citizens' Initiative to Expand Radiological Safety Monitoring in New Hampshire's 10-Mile Seabrook Emergency Planning Zone (EPZ)

Oct. 2018

Why Monitor: The Seabrook Station nuclear power plant in coastal New Hampshire is aging, and faces an array of safety concerns relative to degraded concrete in key structures and storage of nuclear waste onsite. Given these concerns, real-time radiological monitoring in the communities surrounding Seabrook is now more important than ever.

History of Radiological Monitoring in Mass.: The C-10 Research and Education Foundation, Inc. (C-10) is a non-profit organization whose mission is to protect public health and the environment surrounding the Seabrook Station nuclear power plant. C-10's core service is to operate a field monitoring network to measure airborne radiological emissions surrounding the plant, which they have done under contract with the Commonwealth of Massachusetts since 1993. C-10 also advocates on safety concerns at Seabrook, is a partner to government agencies, and an educational resource for the public.

Need for Monitoring in New Hampshire: C-10 maintains three privately-funded sites in NH, since the state has never invested in real-time monitoring. Recently, House Bill 1179—which was narrowly defeated—called for funding to expand radiological monitoring in the 17 NH town/cities within the 10-mile EPZ.

Let's Not Wait for the NH Legislature to Act : Whether you support nuclear energy or you oppose it, we can all agree that having adequate and modern monitoring equipment in the EPZ provides a level of safety and security that we should demand. The current monitoring technology in use in the NH EPZ is inadequate, originating from the 1960s or earlier. NH towns should have 21st century real-time technology, providing the highest level of safety. The State of NH and the operators of the Seabrook plant should support efforts in that direction. However, while we wait for action on their part, a number of NH citizens have joined forces to raise funds in support of such an effort.

Old Versus New Radiological Monitoring: Currently, aside from C-10's sites, the only real-time monitoring on the seacoast occurs on the property of the Seabrook nuclear facility. Outside the fence, and within the 10-mile EPZ, passive data collectors located on utility poles are used to measure radiation. However, these film-strips are only removed and analyzed every 90 days to determine—after the fact—whether the area involved had been exposed to excessive radiation levels. This system and its associated costs are currently maintained and paid for by the Seabrook owner NextEra Energy in accordance with NH laws and regulations.

The C-10 monitoring system, on the other hand, provides real-time monitoring of beta and gamma (in coordination with Mass. public health and emergency agencies), and also collects data on wind speed and direction. This system provides almost-immediate detection of any excessive radiation levels; information that could help save lives in the event of an unplanned radiological release.

Citizens Fund-Raising Effort for C-10 Type Monitoring in New Hampshire: A group of NH residents has launched an effort to raise sufficient funds from individual donors, municipalities and non-profits to expand the C-10 system into New Hampshire. They are not waiting for the State of New Hampshire, or its legislature to act to increase safety for NH residents within the 10-mile EPZ. The estimated 2-year cost to launch such an effort is \$100,000, with a first-year requirement of \$60,000. This sum is small for NextEra Energy Seabrook, but not for regular NH residents. However, we are confident that we can raise this amount from the residents of the 17 NH towns and NH municipalities and organizations.

To learn more about C-10's monitoring network or to get involved, please contact:

State Rep. Peter Somssich, tel. 603-436-5221, or staterep27@myfairpoint.net, or visit www.C-10.org.