

CITY COUNCIL MEETING

PUBLIC PARTICIPATION TO BE CONDUCTED VIA ZOOM ONLY.

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: https://zoom.us/webinar/register/WN_KtUpP9oATGabomCdlksAfA

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site:

<https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

THE CITY COUNCIL, CITY MANAGER, CITY ATTORNEY & CITY CLERK WILL BE MEETING IN PERSON

DATE: MONDAY, JUNE 7, 2021

TIME: 7:00PM

AGENDA

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - **POSTPONED**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – MAY 17, 2021; JUNE 1, 2021; AUGUST 18, 2020; SEPTEMBER 14, 2020 & SEPTEMBER 22, 2020 (*Sample motion – move to accept and approve the minutes of the May 17, 2021; June 1, 2021; August 18, 2020; September 14, 2020 and September 22, 2020 City Council meetings*)
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. *Recognition of Fire Department and Health Department Staff for COVID-19 Vaccination Efforts
 - B. Sustainable Practices Committee Presentation: Community Power – Councilor Lazenby & Portsmouth High School Eco Club – Darla Mahoney and Maya McKinnon
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

Public Hearings/Second Reading of Ordinances:

 - A. *RECOGNIZING INDIGENOUS PEOPLES' DAY EACH YEAR INSTEAD OF WHAT HAS BEEN TYPICALLY DESIGNATED BY THE STATE OF NEW HAMPSHIRE AS COLUMBUS DAY (*Continued from the May 17, 2021 City Council meeting*)

(Sample motion – move to recognize Indigenous Peoples’ Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day)

B. *REOPENING OF PUBLIC HEARING REGARDING FY22 BUDGET (*Continuation of Budget Public Hearing held on May 10, 2021*)

C. PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 3, ARTICLE XI, FACE COVERINGS DURING THE COVID-19 PANDEMIC IS HEREBY REPEALED IN ITS ENTIRETY

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

(Sample motions – 1) move to pass second reading. 2) move to suspend the rules to take up third and final reading of the ordinance this evening. Please Note: A Two-Thirds vote is required for passage, 3) move to adopt third and final reading of the ordinance as presented)

D. PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED

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

(Sample motion – move to pass second reading and schedule third and final reading at the June 21, 2021 City Council meeting)

Adoption of Proposed Budget Resolutions:

E. Adoption of Budget Resolutions for Fiscal Year July 1, 2021 through June 30, 2022 (FY22)

- Resolution No. 7-2021 – Municipal Fees (*Sample motion – move to adopt Resolution #7-2021 – Municipal Fees*)
- Resolution No. 8-2021 – General Fund Expenditures (*Sample motion – move to adopt Resolution #8-2021 – General Fund Expenditures*)
- Resolution No. 9-2021 – Sewer Fund Expenditures (*Sample motion – move to adopt Resolution #9-2021 – Sewer Fund Expenditures*)
- Resolution No. 10-2021 – Water Fund Expenditures (*Sample motion – move to adopt Resolution #10-2021 – Water Fund Expenditures*)
- Resolution No. 11-2021 – Special Revenues, Debt Service, Fund and Committed Fund Balances for Necessary Expenditures (*Sample motion – move to adopt Resolution #11-2021 – Special Revenues, Debt Service, Fund and Committed Fund Balance for Necessary Expenditures*)
- Resolution No. 12-2021 – Investment Policy (*Sample motion – move to adopt Resolution #12-2021 – Investment Policy*)

XII. MAYOR BECKSTED

1. Resignation of John Formella from the Zoning Board of Adjustment
2. Appointments to be Considered:
 - Appointment of Henry Mellynchuck to the Conservation Commission
 - Appointment of Beth Margeson to the Zoning Board of Adjustment
3. *Appointments to be Voted:
 - Richard Adams Reappointment to the Trees & Public Greenery Committee
 - Michael J. Griffin Reappointment to the Trees & Public Greenery Committee
 - Peter J. Loughlin Reappointment to the Trees & Public Greenery Committee
 - Dennis Souto Reappointment to the Trees & Public Greenery Committee

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Allowing for 60 days instead of 30 days for the payment of parking fees before they are increased due to non-payment
2. PFAS / Playing Fields (***Sample motion – move to refer to the City Manager for response back to the City Council within thirty days***)

B. COUNCILOR McEACHERN

1. *Request to Update Housing Needs Assessment

C. COUNCILOR LAZENBY

1. *Work Session Regarding Community Power (***Sample motion – move to schedule a City Council Work Session regarding Community Power during the summer 2021***)

D. COUNCILOR KENNEDY

1. *Portsmouth Skateboard Park Fund (***Sample motion – move to set up a designated city fund for the Portsmouth Skateboard Park. This fund will allow individuals and businesses to donate to the city on behalf of the new Portsmouth Skateboard Park***)
2. *Greenleaf Skateboard Park Event (***Sample motion – move to grant permission for the Mayor’s Blue Ribbon Committee to hold a celebration at the Greenleaf Skateboard Park. The event will occur on National Skateboard Day Monday, June 21, 2021 from 2:00 p.m. to 4:00 p.m. We would like to invite everyone for Pizza, Skateboard Tricks, Prizes and Fun***)

E. COUNCILOR HUDA

1. Creation of Ordinance Re: Independent Audit Committee (***Sample motion – move to create an ordinance that the City of Portsmouth permanently create and maintain and Independent Audit Committee. This Audit Committee will be composed of 5 members, one of whom will be a City Councilor, for the purpose of annually selecting & engaging an independent Certified Public Accounting Firm reporting directly to the City Council in compliance with the City Charter Section 7.4 – Independent Audit and the applicable laws of the State of New Hampshire***)
2. Discussion on City Manager & Staff responding to questions from the Council

F. COUNCILOR TABOR

1. Masks

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Community Development Block Fund Grants (***Sample motion – move to accept and expend a Community Development Block Grant in the amount of \$531,393 from the U.S. Department of Housing and Urban Development***)
- B. Acceptance of Memorial Bench Donation in Memory of Joe Iudice (***Sample motion – move to approve and accept the donation for a bench in memory of Joe Iudice, as presented***)
- C. Acceptance of Memorial Bench Donation in Memory of Rus Wilson (***Sample motion – move to approve and accept the donation for a bench in memory of Rus Wilson, as presented***)
- D. Acceptance of Grant from the NH Department of Safety to the Portsmouth Police Department for Night Vision Equipment (***Sample motion – move to accept and approve the grant for the Police Department from the NH Department of Safety in the amount of \$7,801.75 for night vision equipment***)
- E. Acceptance of Amended Grant from the NH Office of Highway Safety to the Portsmouth Police Department for FY21 Highway Safety (***Sample motion – move to accept and approve the amended grant for the Police Department from the NH Office of Highway Safety as presented***)
- F. Acceptance of a Donation of a Baby Gate from Port City Veterinary Referral Hospital to the Portsmouth Police Department's Animal Control Officer (***Sample motion – moved to accept and approve the donation of a baby gate from Port City Veterinary Referral Hospital as presented***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Proposed Art Donation by Dan Rawling
2. Acceptance of American Rescue Plan Act Funds and Request for Related Work Session
3. Report Back on 900 Middle Road Request for Unmerger of Involuntarily Merged Lots

XVI. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 16th Annual Seacoast Half Marathon on Sunday, October 31, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- B. Letter from Lilia Potter-Schwartz, Race to Educate, requesting permission to hold the 6th Annual Race to Educate on Saturday, July 31, 2021 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 13th Annual Seacoast Rotary Turkey Trot 5k on Thursday, November 25, 2021 **(Anticipated action – move to the City Manager with Authority to Act)**
- D. Letter from Michelle Bitterli requesting permission to hold free yoga classes at Prescott Park beginning June 7, 2021 through August 30, 2021 on Monday's and Wednesday's at 12:00 p.m. – 12:45 p.m. **(Anticipated action – move to the City Manager with Authority to Act)**

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence **(Sample motion – move to accept and place on file)**
- B. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closures of Chestnut Street, 1 lane of Hanover Street between Fleet Street and the Portwalk Garage entrance, and the southern half of Portwalk Place to present a multi-stage outdoor Music Festival on Saturday, September 25, 2021 to benefit the community's first responders and frontline essential workers **(Sample motion – move to refer to the City Manager with Authority to Act)**
- C. Letter from Tricia Donohue, Beth Hartnett and Tamara Henderson, Portsmouth Community Garden Steering Committee, requesting permission for the creation of a Portsmouth Community Garden partnership with the City of Portsmouth and require the following support:
 - Space at the Route 33 city-owned NH Rideshare Lot which has unused, open space with parking, sun exposure and flat topography
 - Extension of the water line to create two water stations at either end of the garden area
 - Any additional liability rider to existing city insurance policy to cover this Portsmouth Community Garden**(Sample motion – move to refer to the Legal Department for report back)**
- D. Letter from James Petersen and Mark Stebbins of the BRC to Reopen Portsmouth, and Kathryn Lynch of the BRC on Health, requesting the continuation of the indoor mask mandate when physical distancing cannot be maintained from persons outside one's household/cohort

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on Various Budget Questions Posed by Councilors Kennedy and Huda

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

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

**Indicates verbal report*



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: June 3, 2021

To: Honorable Mayor Rick Becksted and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of June 7, 2021

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. **Public Hearing Regarding Recognizing Indigenous Peoples' Day Each Year Instead of What Has Been Typically Designated by the State of New Hampshire As Columbus Day:**

At the April 17, 2021 City Council meeting, the City Council unanimously voted to hold a public hearing for the City of Portsmouth to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day. This public hearing was a request of WE Speak NH Listens, a student group at Portsmouth High School.

This is a continuation of the public hearing that was held on May 17, 2021.

As requested by Councilor Lazenby, a proposed motion would be that the City Council move to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day.

B. **Reopening of Public Hearing Regarding FY22 Budget:**

This is a continuation of the public hearing that was held on May 10, 2021.

C. **Public Hearing and Second Reading Regarding Ordinance Amending Chapter 3, Article XI, Face Coverings During the COVID-19 Pandemic:**

At a Special City Council meeting on June 1, 2021, the Council voted to hold a public hearing and second reading regarding this ordinance at this evening's meeting.

D. Public Hearing and Second Reading Regarding Ordinance Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited:

At its April 8, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted to unanimously recommend to the City Council that truck traffic be prohibited on Bartlett Street as soon as Hodgdon Way (Cate Street Connector) is open to traffic. The Committee considered this recommendation as part of modifications to truck traffic in the Bartlett Street area in response to residents' concerns to calm traffic and create a more pedestrian friendly environment. For many years, Bartlett Street has been the designated truck route through the area, primarily for deliveries to Ricci Lumber. Prohibiting truck traffic on Bartlett Street could cause trucks to use a portion of Dennett Street from Woodbury Avenue to Bartlett Street that currently permits truck traffic. In order to encourage trucks to use the revised truck route proposed by this amendment and to lessen the impact on that section of Dennett Street, it is recommended that the ordinance be amended to include a prohibition of truck traffic on Dennett Street between Woodbury Avenue and Bartlett Street. The other minor amendment to create the new truck route includes removing the truck restriction on the portion of Cate Street between Bartlett Street and the new Hodgdon Way.

On May 17, 2021, the City Council held the first reading of an ordinance that would prohibit truck traffic on Bartlett Street as soon as practicable. The [attached ordinance](#) amends Chapter 7, Article VII, Section 7.702, TRUCK TRAFFIC PROHIBITED, to restrict truck traffic on Bartlett Street once Hodgdon Way is open for public travel and makes other minor amendments to the ordinance to effectuate the implementation of the revised truck route. A map of this area is also [attached](#).

Jane Ferrini, Assistant City Attorney, is available to answer questions at this evening's meeting.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the June 21, 2021 City Council meeting.

Adoption of Proposed Budget Resolutions:

E. Adoption of Budget Resolutions for Fiscal Year July 1, 2021 through June 30, 2022 (FY22): At this evening's meeting, I am requesting that the City Council adopt the proposed FY22 Budget (July 1, 2021 through June 30, 2022). For your review and action, there are six proposed Resolutions relative to the annual budget adoption:

- **Resolution No. 7-2021 - Municipal Fees** adopts Municipal Fees that have been recommended by the Fee Committee. The total revenue generated from these fees is estimated at \$1,807,600 or 1% of the total FY22 General Fund Revenues.
- **Resolution No. 8-2021 – General Fund Expenditures** for both the Operating and Non-Operating appropriations for a total of \$123,204,033.

- **Resolution No. 9-2021 – Sewer Fund Expenditures** establishes the annual appropriation, cash requirements and user rates for the Sewer Fund. This resolution reflects a 4% increase in Sewer user rates. Sewer charges are based on water consumption. The adoption of this resolution includes a two-step, inclining block rate structure.
- **Resolution No. 10-2021 – Water Fund Expenditures** establishes the annual appropriation, cash requirements and user rates for the Water Fund. Similar to Sewer, the adoption of this resolution will include a two-step, inclining block rate structure for water usage. Also included is a three step, inclining block rate structure for metered irrigation water usage. This resolution reflects a 2% increase in water user rates. The irrigation water usage is not subject to sewer charges.
- **Resolution No. 11-2021 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures** allows for the expenditure of Special Revenues, Debt Service Fund, and Committed Fund Balance. This allows the City to expend from donations, State and Federal Grants as they are accepted and received, pay principal and interest associated with Betterment Assessments from a Debt Service Fund, and expend from committed Fund Balance.
- **Resolution No. 12-2021 – Investment Policy** deals with the adoption of an annual investment policy. State law requires the annual adoption of such a policy by every city and town.

I am requesting that the City Council vote to adopt each Resolution separately.

XIV. Approval of Grants/Donations:

A. Acceptance of Community Development Block Fund Grants:

The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$531,393 will be made available to Portsmouth for FY 2022. This amount represents a decrease of \$1,660 from the current fiscal year, due to an overall decrease of the federal CDBG budget. These grant funds are awarded annually and are used to carry out a variety of social services, public facility/infrastructure improvements, ADA accessibility, and other CDBG-eligible projects targeted to benefit low-income populations in the City. As a point of information, these FY22 CDBG funds do not include any CARES Act CDBG monies.

I recommend that the City Council move to accept and expend a Community Development Block Grant in the amount of \$531,393 from the U.S. Department of Housing and Urban Development.

B. Acceptance of Memorial Bench Donation in Memory of Joe Iudice:

The City received a donation in the amount of \$2,300 from Portsmouth Little League to support the purchase and installation of a bench at the Plains Ball Field with a memorial plaque for Joe Iudice.

I recommend that the City Council move to approve and accept the donation for a bench in memory of Joe Iudice, as presented.

C. Acceptance of Memorial Bench Donation in Memory of Rus Wilson:

The City received a donation in the amount of \$2,300 from Portsmouth Girls Softball, Seacoast Lacrosse, Portsmouth Youth Football, Portsmouth Youth Wrestling and Portsmouth City Soccer to support the purchase and installation of a bench at the City's new athletic field off of Campus Drive with a memorial plaque for Rus Wilson.

I recommend that the City Council move to approve and accept the donation for a bench in memory of Rus Wilson, as presented.

D. Acceptance of Grant from the NH Department of Safety to the Portsmouth Police Department for Night Vision Equipment:

On May 25, 2021, the Board of Police Commissioners approved and accepted a second grant from the NH Department of Safety in the amount of \$7,801.75 to be utilized by the Police Department for night vision equipment.

I recommend that the City Council move to accept and approve the grant for the Police Department from the NH Department of Safety in the amount of \$7,801.75 for night vision equipment.

E. Acceptance of Amended Grant from the NH Office of Highway Safety to the Portsmouth Police Department for FY21 Highway Safety:

The NH Office of Highway Safety has amended Portsmouth's original FY21 Highway Safety grant award from \$17,641 to \$20,541. The total adjustment amounts to \$2,900. On May 25, 2021, the Board of Police Commissioners approved and accepted the amended grant.

I recommend that the City Council move to accept and approve the amended grant for the Police Department from the NH Office of Highway Safety as presented.

F. Acceptance of a Donation of a Baby Gate from Port City Veterinary Referral Hospital to the Portsmouth Police Department's Animal Control Officer:

On May 25, 2021, the Board of Police Commissioners approved and accepted a donation of a baby gate from Port City Veterinary Referral Hospital to be utilized by the Police Department's Animal Control Officer.

I recommend that the City Council move to accept and approve the donation of a baby gate from Port City Veterinary Referral Hospital as presented.

XV. City Manager's Items which Require Action:

1. **Proposed Art Donation by Dan Rawling:**

At its February 8, 2021 meeting, the City Council referred an offer from resident Dan Rawling to donate a painting entitled, "Victory of Peace Kimono," by local artist Dustan Knight to an interim Ad Hoc Advisory Group for evaluation and a recommendation back to the City Council. The Ad Hoc Group included the President of the Japan America Society of New Hampshire and local resident, Charles Doleac, local resident, artist and former President of the NH Art Association, Robert Thoreson, and Public Works Director Peter Rice.

The Advisory Group met on May 4, 2021 to inspect the painting in accordance with the criteria for public art acquisitions as set forth in the Public Art Acquisition Policy 2009-06.

The Advisory Group unanimously agreed to recommend that the City Council accept the painting based the acquisition policy criteria, as well as the provenance of the painting that encompasses inclusion in the NH Art Association's 2005 "The Art of Peace" competition and exhibit which celebrated the 100th Anniversary of the Russo-Japanese Peace Treaty signing in Portsmouth on September 5, 1905. The Advisory Group suggests inclusion of an interpretive plaque detailing the provenance of the painting.

I recommend that the City Council move to accept the proposed Portsmouth Peace Treaty commemoration painting, "Victory of Peace Kimono," by Dustan Knight and display it in City Hall with an appropriate interpretive plaque.

2. **Acceptance of American Rescue Plan Act Funds and Request for Related Work Session:**

On March 11, 2021, the [American Rescue Plan Act of 2021 \(ARPA\)](#) was signed into law which established the Coronavirus State and Local Fiscal Recovery Fund to provide direct support for local governments to respond to COVID-19's impact on our community, residents and businesses. It is, in essence, an economic stimulus bill to help every city and town correct the harm caused by COVID-19.

Under the ARPA, Portsmouth has been classified as a Metropolitan City, one of five in NH (along with Dover, Rochester, Manchester, and Nashua). The City has received the first half of our funds in the amount of \$6,441,140. The money has been deposited in a special revenue fund. It is recommended that the Council vote to accept these funds at tonight's meeting.

Prior to scheduling a future vote to appropriate and expend these funds, the Interim Final Rules of the ARPA require each community to assess its needs, evaluate those needs and develop a plan on how to expend these funds within the parameters of the allowable and encouraged expenditures. We have recently learned that although Portsmouth has been identified as a Metropolitan City, it is not required to submit a formal Recovery Plan Performance Report to the Department of the Treasury. However, Portsmouth, like all recipients of these funds, will need to create a plan for how these funds can best serve our community.

In order to initiate the first of many conversations our community will have on these funds over the next several years, I would recommend that the City Council schedule a work session on Monday, June 14, 2021 at 7:00 p.m. Public participation will be encouraged and City Staff will be on hand to help identify community needs, help interpret the Interim Final Rules, and answer questions regarding permitted expenditures under the ARPA.

Jane Ferrini, Assistant City Attorney, is available to answer questions at this evening's meeting.

I recommend that the City Council move to authorize the City Manager to apply for and accept the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the amount of \$6,441,140, subject to the attached terms and conditions of the offer and the rules and regulations pertaining thereto; and

I recommend that the City Council schedule a work session on Monday, June 14, 2021 at 7:00 p.m. to assess our community's needs and to begin creating a plan to expend the Coronavirus State and Local Fiscal Recover Funds received through the American Rescue Plan Act of 2021.

3. Report Back on 900 Middle Road Request for Unmerger of Involuntarily Merged Lots:

At its meeting on February 8, 2021, the City Council considered [a request from Todd Buttrick, owner of property at 900 Middle Road](#), to consider returning the existing lot to its pre-merger status, which would result in the creation of four individual lots as shown in the [attached exhibits](#).

Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process nor is there any requirement for the City to hold a public hearing. However, in Portsmouth the City Council has historically referred such requests to the Planning Board to conduct a public hearing.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning.

The statute states that “the restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances” (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two pre-merger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

Assessing Department Review

The Assessing Department has reviewed the request and a [memo from the City Assessor is included in this packet](#).

Planning Board Recommendation

At the May 20, 2021 meeting, the Planning Board voted to recommend that the City Council deny this request as recommended by the City Assessor.

I recommend that the City Council vote to deny this request as recommended by the Planning Board and the City Assessor.

XVIII. City Manager’s Informational Items:

1. Report Back on Various Budget Questions Posed by Councilors Kennedy and Huda:

In response to various budget related questions posed by Councilors Kennedy and Huda via email on May 30, 2021 and May 31, 2021, please [find attached a memorandum](#) providing the requested information.